

MINERALS ACT, B.E. 2560 (2017)

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN;

Given on the 2nd Day of March B.E. 2560;

Being the 2nd Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on minerals and the law on mineral royalty rates;

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

Section 1. This Act is called the “Minerals Act, B.E. 2560 (2017)”.

Section 2.¹ This Act shall come into force after the expiration of one hundred eighty days as from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) the Minerals Act, B.E. 2510 (1967);
- (2) the Minerals Act (No. 2), B.E. 2516 (1973);
- (3) the Minerals Act (No. 3), B.E. 2522 (1979);
- (4) the Emergency Decree Amending the Minerals Act, B.E. 2510 (1967), B.E. 2526 (1983);
- (5) the Emergency Decree Amending the Minerals Act, B.E. 2510 (1967) (No. 2), B.E. 2528 (1985);

* Translated by Associate Professor Dr. Pinai Nanakorn 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 Government Gazette, Vol. 134, Part 26a, dated 2nd March 2017.

- (6) the Minerals Act (No. 4), B.E. 2534 (1991);
- (7) the Minerals Act (No. 5), B.E. 2545 (2002);
- (8) the Mineral Royalty Rates Act, B.E. 2509 (1966);
- (9) the Mineral Royalty Rates Act (No. 2), B.E. 2520 (1977);
- (10) the Mineral Royalty Rates Act (No. 3), B.E. 2522 (1979).

Section 4. In this Act:

“minerals” means geological resources which are inorganic matters having definite or slightly variable chemical components and physical properties, whether requiring smelting or tempering before being put to use or not, and includes coal, oil shale, marble, metal and slag derived from metallurgy, underground brine, stones as prescribed by the Ministerial Regulation to be ornamental stones or industrial stones, and clay or sand as prescribed by the Ministerial Regulation to be industrial clay or industrial sand, but does not include water or rock salt;

“underground brine” means brine naturally existing underground, with a higher concentration of salt than that prescribed in the Notification of the Minister;

“mineral management” means the management and conservation of naturally existing mineral resources, the mineral exploration, the mining, the underground mining, the small-scale mining, the mineral panning, the mineral business operation, the mineral dressing, the metallurgy operation and the control as well as supervision the operation of such matters;

“mineral exploration” means the drilling or pitting or action carried out by any method as prescribed in the Notification of the Minister, for the purpose of knowing whether, and to what extent, a given area has minerals;

“national safety and security area” means a safety zone under the law on safety zones in the military service, a restricted zone for the military service under the law on restrictions on waste land constituting the *domaine public* of the State, a royally preserved zone under the Royal Command, B.E. 2465 (1922) or border areas needed to be preserved for national security;

“mining” means an operation undertaken against an area, be it a land area or a water area, with a view to acquiring minerals by any method as prescribed in the Notification of the Minister, but does not include small-scale mining and mineral panning;

“underground mining” means the mining by way of shaft sinking or tunnelling vertically beneath the ground surface with a view to acquiring minerals beneath the ground surface;

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“small-scale mining” means an operation undertaken against an area, be it a land area or a water area, with a view to acquiring minerals by using human labour or machinery with the aggregate capacity not exceeding thirty-five horsepower, provided that the localities, area sizes, mining methods and types of minerals shall be as prescribed in the Notification of the Minister;

“mineral panning” means an operation undertaken against an area, be it a land area or a water area, with a view to acquiring minerals by using human labour of each individual person in accordance with the types of minerals, provided that the localities and panning methods shall be as prescribed in the Notification of the Minister;

“mineral business operation” means mineral purchasing, mineral selling, mineral possession, mineral storage, mineral transportation, import of minerals into the Kingdom or a continental shelf zone and export of minerals from the Kingdom;

“mineral purchasing” means a transfer, in any manner, of a mineral from another person other than by way of succession;

“mineral selling” means a transfer of minerals to another person in any manner other than by way of succession;

“mineral possession” means having, holding or taking a mineral in any manner for oneself or for others, whether the act of having the same is for sale, transportation, use or any other purpose and also includes the act of leaving a mineral or making the same appear in an area which is in possession unless such mineral appears naturally or its appearance is, by nature, incapable of being known by the possessor;

“mineral dressing” means any operation carried out for cleansing a mineral or a material containing contamination or for separating two or more mixed minerals or materials and also includes mineral crushing, mineral sizing or processing a mineral to the extent of obtaining a new type of material as prescribed in the Notification of the Minister;

“metallurgy” means the act of turning a mineral or a raw material having a metal as a component into a metal or a metal compound, by way of mineral smelting or any other method and also includes the act of purifying a metal, alloying a metal, producing a finished or semi-finished metallic products of a variety of types by melting, casting, rolling or any other method;

“mineral control area” means the area designated in the Notification of the Minister as a mineral control area;

“concession certificate area” means the area specified in a concession certificate;

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“mining area” means a concession certificate area and shall include an area in respect of which permission is granted for the mineral dressing or metallurgy operation or a place for dumping tailings, which is adjacent to a concession certificate area;

“mineral dressing area” means the area indicated in a mineral dressing licence;

“metallurgy area” means the area indicated in a metallurgy operation licence”

“mineral depository” means the place indicated in a licence for establishing a mineral depository;

“mineral exploration licence” means a certificate issued for preliminary exploration of minerals within the locality indicated therein without extending to exploration of offshore minerals;

“exclusive mineral exploration licence” means a certificate issued for exclusive exploration of minerals within the area indicated therein without extending to exploration of offshore minerals;

“special licence” means a certificate issued for exclusive exploration of minerals within the area indicated therein, whereby the applicant must propose the exploration commitment and must propose special benefits to the State;

“concession certificate” a certificate issued for mining within the area specified therein;

“permit” means a permit issued under this Act;

“continental shelf zone” means the continental shelf zone over which Thailand has sovereign rights in accordance with the principles of international law or under an agreement made with a foreign country;

“tailings” means soil crusts, sand, gravel or stones from the mining and shall also include highly cloudy water;

“slag” means a compound or any other byproduct material from metallurgy operation as prescribed by the Director-General by publication in the Government Gazette;

“concession certificate issuer” means:

- (1) the local mineral industry official, in respect of the mining in Class 1;
- (2) the Director-General, in respect of the mining in Class 2 and Class 3;

“Commission” means the National Mineral Management Policy Commission;

“local official” means the Mayor or President of a *Tambon* Administrative Organisation, within his responsible area;

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“local mineral industry official” means the person appointed by the Director-General for performing the duty as a local mineral industry official;

“State agency” means a Government agency, a State enterprise, a public organisation, a local administrative organisation and any other agency of the State established by the law;

“local administrative organisation” means a municipality or a *Tambon* Administrative Organisation;

“non-governmental organisation” means a non-governmental organisation in the area of environmental protection and natural resources conservation under the law on the promotion and conservation of the national environment quality or under other laws;

“community organisation” means a community organisation under the law on the community organisation assembly or under other laws;

“competent official” means the local mineral industry official and the person appointed by the Minister for performing activities under this Act;

“Director-General” means the Director-General of the Department of Primary Industries and Mines;

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

Section 5. The Minister of Natural Resources and Environment and the Minister of Industry shall have charge and control of the execution of this Act, insofar as it is concerned with their powers and duties.

The Minister of Natural Resources and Environment and the Minister of Industry shall have the power to issue Ministerial Regulations under section 8, section 23 and section 28.

The Minister of Natural Resources and Environment shall have the power to issue Notifications under section 20.

The Minister of Industry shall have the power to appoint competent officials and issue Ministerial Regulations prescribing fees not exceeding the rates annexed hereto, exempting or reducing fees, prescribing mineral royalty rates and prescribing other activities or issue Notifications and Rules in the execution of this Act.

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

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Section 6. This Act shall apply to mineral management throughout the Kingdom and continental shelf zones.

CHAPTER I
MINERAL MANAGEMENT POLICIES

Section 7. The State has the duty to undertake mineral management with a view to achieving optimal benefits of the nation and the people in a sustainable manner, having regard to the equilibrium in economic and social development as well as impacts on the environmental quality and public health in all aspects, including fair allocation of benefits amongst the State, operators and local communities in areas in which the mining is undertaken and neighbouring areas affected thereby.

Section 8. There shall be a commission called the “National Mineral Management Policy Commission”, consisting of:

- (1) the Prime Minister or the Deputy Prime Minister entrusted by the Prime Minister, as Chairperson;
- (2) the Minister of Natural Resources and Environment as the first Vice Chairperson, the Minister of Industry as the second Vice Chairperson, the Minister of Interior as the third Vice Chairperson and the Minister of Agriculture and Co-operatives as the fourth Vice Chairperson;
- (3) *ex officio* members, viz, the Permanent Secretary for Defence, Permanent Secretary for Natural Resources and Environment, Permanent Secretary for Interior, Permanent Secretary for Public Health, Permanent Secretary for Industry, Secretary-General of the National Economic and Social Development Board, Director-General of the Treasury Department, Director-General of the Fine Arts Department, Secretary-General of the Agricultural Land Reform Office, Secretary-General of the Office of Natural Resources and Environmental Policy and Planning, President of the Mining Industry Council and President of the Federation of Thai Industries;
- (4) not more than six qualified members appointed by the Chairperson from:
 - (a) one representative of local administrative organisations;
 - (b) one representative of non-governmental organisations;
 - (c) not more than four persons possessing knowledge, expertise or experience in geology, mining engineering, social science or environment.

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The Director-General of the Department of Mineral Resources shall be a member and secretary and the Director-General of the Department of Primary Industries and Mines shall be a member and co-secretary.

The Deputy Director-General of the Department of Mineral Resources entrusted by the Director-General of the Department of Mineral Resources shall be a member and assistant secretary and the Deputy Director-General of the Department of Primary Industries and Mines entrusted by the Director-General of the Department of Primary Industries and Mines shall be a member and co-assistant secretary.

The rules, procedures and conditions for the appointment of qualified members under paragraph one (4) shall be as prescribed in the Ministerial Regulation.

Section 9. A qualified member must possess the qualifications and must not be under the prohibitions, as follows:

a. Qualifications:

- (1) being of Thai nationality;
- (2) possessing knowledge, expertise or experience or working in the field for which the appointment is to be made for not less than ten years;

b. Prohibitions:

- (1) being an incompetent person or a quasi-incompetent person;
- (2) being a bankrupt;
- (3) having been imprisoned by a final judgment to imprisonment except for an offence committed through negligence or a petty offence;
- (4) being a member of the House of Representatives, a senator, a political official under the law on political officials organisation, a political parliamentary official under the law on parliamentary officials organisation, an executive member or a holder of any position responsible for the administration of a political party, an adviser to a political party or an official of a political party;
- (5) being a local administrator, a deputy local administrator, an assistant local administrator or a member of a local assembly of a local government organisation, except for the case of the qualified member under section 8 (4) (a);
- (6) being a Government official or an official in a State agency, except the post of a Government official or State official in a higher education institution;

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(7) being a director or an executive of, or a person having the authority to manage or having an interest in, a juristic person or an organisation which operates business or operates any undertaking related to mineral management;

(8) engaging in any other occupation or profession in which interests or benefits conflict with the performance of duties as a member.

Section 10. A qualified member shall hold office for a term of four years as from the date of appointment.

In the case where a qualified member vacates office before the expiration of the term or in the case where there is any appointment of an additional qualified member during the term of office of the members already appointed, the person appointed to fill the vacancy or to be an additional member shall be in office for the remaining term of the qualified members already appointed, except that where less than ninety days remain in the term of office of the qualified member the appointment of a qualified member may be omitted.

At the expiration of the term under paragraph one, if the appointment of new qualified members has not yet been made, the qualified members who vacate office upon the expiration of the term shall remain in office in the interest of the continuance of work until the qualified members newly appointed take office.

In the case where the appointment of qualified members under paragraph two has not yet been made, the Commission shall consist of existing members.

A qualified member who vacates office at the expiration of the term may be re-appointed but may not serve for more than two consecutive terms.

Section 11. In addition to the vacation of office upon the expiration of the term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Chairperson on the ground of neglect of duties, misbehaviour or lack of competence;
- (4) being disqualified or being under any of the prohibitions under section 9.

Section 12. The Commission shall have the powers and duties as follows:

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(1) to propose to the Council of Ministers the mineral management strategy, policy and master plan with a view to the achievement of optimal benefits from mineral management under the economic, social and environmental equilibrium;

(2) to propose directions or measures to enable agencies concerned to implement the mineral management strategy, policy and master plan in an appropriate and efficient manner;

(3) to exercise supervision over and undertake examination of State agencies to ensure their implementation of the mineral management strategy, policy and master plan;

(4) to strengthen co-operation and co-ordination amongst State agencies, the private sector and the public sector on matters in connection with mineral management of the nation;

(5) to promote communal participation and lay down rules on communal participation in the mineral management;

(6) to monitor and assess the operation of work to ensure the implementation of the mineral management strategy, policy and master plan and to recommend solutions to problems;

(7) to perform any other activities as provided in this Act or as entrusted by the Prime Minister or the Council of Ministers.

Section 13. At a meeting of the Commission, the presence of not less than one-half of the total number of members is required to constitute a quorum.

At a meeting of the Commission, if the Chairperson is not present or is unable to perform the duty, the Vice Chairman, in order of the respective seniority, shall preside over it. If the Chairperson and Vice Chairpersons are not present or are unable to perform the duty, members who are present shall elect one member amongst themselves to preside over the meeting.

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

At a meeting, if any matter in which any member is interested is to be considered, such member has no right to be present at the meeting.

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Section 14. The Commission shall have the power to appoint a sub-committee for considering or performing any matter on behalf of the Commission or as entrusted by the Commission.

The provisions of section 9, section 10, section 11 and section 13 shall apply to a sub-committee *mutatis mutandis*.

Section 15. In the performance of duties under this Act, the Commission or a sub-committee may invite any person to provide facts, explanations, opinions or advice or to furnish relevant documents to assist its consideration.

Section 16. The Department of Mineral Resources shall be a secretariat of the Commission and shall have the powers and duties as follows:

- (1) to be responsible for clerical work of the Commission and sub-committees;
- (2) to co-ordinate with the Commission under the law or State agencies concerned for the purpose of carrying out activities in line with the mineral management strategy, policy and master plan;
- (3) to perform any other activities as entrusted by the Commission.

The Department of Mineral Resources and the Department of Primary Industries and Mines shall jointly prepare databases on mining-potential areas of the country, economic and social evaluation of each area, evaluation of situations as well as consideration of limitations and also feasibility of the exploitation of such areas for overall mining purposes in line with the actual state of affairs, impacts on the environmental quality and public health, to be used as information for the preparation of the mineral management strategy, policy and master plan under section 12 (1).

Section 17. The Commission shall prepare a mineral management master plan, which must at least contain details as to mineral resources exploration, mineral reserves, classification of areas of mineral potential, areas or types of minerals for which restrictions or conservation should be introduced and areas of such rich mineral deposits of high economic value as to be designated as mineral deposit areas for mining purposes, to serve as guidance for the mineral management in a manner which is appropriate and conducive to optimal benefits under the economic, social, environmental and public health equilibrium, provided that the preparation thereof must be carried out on the basis of public participation and public disclosure

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of information at varying stages, except for information on minerals of the type threatening to affect national security, and the preparation or revision of a mineral management master plan shall be carried out every five years.

The Commission shall propose a mineral management master plan under paragraph one to the Council of Ministers for consideration and approval.

When the Council of Ministers has approved the mineral management master plan, agencies concerned shall perform activities within their powers and duties in the implementation of the requirements in the mineral management master plan.

The area to be designated as a mineral deposit area for mining purposes must not be an area within the territory of a national park under the law on national parks, a wildlife variety area under the law on wildlife conservation and protection, an area of an ancient monument registered under the law on ancient monuments, antiques, objects of art and national museums, an area exploitation of which is absolutely prohibited by law, a national safety and security area, or an area of a watershed or a spring forest.

Section 18. No mining shall be undertaken in the areas or in respect of the types of minerals specified to be reserved, restricted or conserved under the mineral management master plan.

Section 19. For the purpose of the mineral management, permission for mining may be granted only in respect of the areas which are designated by the mineral management master plan to be mineral deposit areas for mining purposes, economically worthy and consistent with the policy and strategy specified in the mineral management master plan. In the case where any particular mineral deposit has potential for development but the mining technology and measures for preventing impacts on the environment quality and protecting public health remain unsuitable, such mineral deposit shall be reserved until suitable technology and measures for preventing impacts on the environment quality and protecting public health are in place. In the case of the mining which may have high impacts on the environment quality and public health, permission may be granted upon requiring the preparation of a mining barrier area line and the preparation of fundamental data related to the environment and public health.

Subject to paragraph one, the Commission shall have the power to issue a Notification requiring that, in issuing a concession certificate for the purpose of mining in any area and in respect of any particular type of mineral, permission may be granted or any condition may

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be fixed upon prior approval of the Commission in the interest of considering economic worthiness, suitability of mining technology to be used, measures for preventing impacts on the environmental quality and protecting public health and accumulated impacts on the environment quality and public health.

Section 20. For the purposes of conducting explorations, experiments, studies or research in connection with minerals, the Minister of Natural Resources and Environment, with the approval of the Commission, shall have the power to issue Notifications designating any areas, with the exception of the areas designated under section 17 paragraph four, as the areas for explorations, experiments, studies or research in connection with minerals.

Within the areas designated under paragraph one, no person shall submit any application for a licence or a concession certificate.

The Notification under paragraph one shall be in force for a period not exceeding five years, provided that the period for which it is in force may be extended on two occasions for a period not exceeding two years each.

In the case where the necessity for the use of the areas for the purposes under paragraph one ceases to exist, the Minister of Natural Resources and Environment, with the approval of the Commission, shall repeal the Notification under paragraph one before the expiration of the period for which it is in force, by publication in the Government Gazette.

Section 21. The Minister of Natural Resources and Environment, with the approval of the Commission, shall have the power to issue a Notification to the effect that there shall be mineral-deposit bidding for the areas which have been designated by the master plan as the mineral deposit areas for mining purposes and revealed by a preliminary exploration as having rich mineral deposits and possessing high economic worthiness, in order for the successful bidder to acquire the right to undertake mineral explorations and the mining in such areas.

The rules, procedures and conditions for bidding, the cancellation of bidding and the offering of remuneration to the State shall be as prescribed in the Notification of the Minister of Industry with the approval of the Commission.

The Notification under paragraph two must at least prescribe bidding rules to ensure free and fair competition, the proportion of remuneration to or product sharing with the State and the proportion to be distributed to the local government organisation in whose territory the area to be mined is located as well as local government organisations whose territories are

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adjacent to the area to be mined and which may also be affected by the mining, provided that all these matters shall so appropriately be considered as to suit the type of the mineral deposit for which the bidding is to be conducted.

The successful bidder under paragraph one must apply for permission for, and undertake, the mineral exploration or the mining in accordance with the rules, procedures and conditions prescribed in this Act, Ministerial Regulations, Notifications or Rules issued under the provisions of this Act.

In the case where any application has been submitted for a licence or a concession certificate for the area under paragraph one, the application shall be deemed to be the application for which permission may not be granted and shall be struck out of the Application Register, except that in the case where such application involves a territorial overlap with the area under paragraph one in part, further proceedings may be taken for granting permission or refusing to grant permission in respect of the part of the area in which there is no territorial overlap.

Section 22. When there arises necessity for regulating the mining, mineral purchasing, mineral selling, mineral possession, mineral storage, mineral transportation mineral dressing or metallurgy operation for the purpose of preventing and suppressing the unauthorised mining or the smuggling of minerals out of the Kingdom or a continental shelf zone or for the purposes related to economic security, the preservation of the environmental quality and public health or national security or for any other public interest, the Minister of Industry, with the approval of the Commission, has the power to designate, by Notification, the area which is subject to mineral management under this Act to be a mineral control area with respect to any particular type of minerals.

The Notification under paragraph one may prescribe rules, procedures or measures to be observed by holders of licences, holders of concession certificates or mineral business operators and the period of time for the application of such rules, procedures or measures.

Extension of the period of time under paragraph two may be made upon approval of the Commission by publication in the Government Gazette.

When the necessity for retaining the mineral control area under paragraph one ceases to exist, the Minister, with the approval of the Commission, shall issue a Notification cancelling the same by publication in the Government Gazette.

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CHAPTER II
MINERALS COMMITTEE AND PROVINCIAL MINERALS COMMITTEE

PART I
MINERALS COMMITTEE

Section 23. There shall be a committee called the “Minerals Committee” consisting of the Permanent Secretary for Industry as Chairperson, Director-General of the Department of Provincial Administration, Director-General of the Pollution Control Department, Director-General of the Department of Disease Control, Director-General of the Marine Department, Director-General of the Department of Marine and Coastal Resources, Director-General of the Department of Mineral Resources, Director-General of the Department of Lands, Director-General of the Royal Forest Department, Director-General of the Fine Arts Department, Director-General of the Department of Local Administration, Director-General of the Department of Health, Secretary-General of the Agricultural Land Reform Office, Secretary-General of the Office of Natural Resources and Environmental Policy and Planning and President of the Mining Industry Council or the person entrusted as *ex officio* members, and not more than eight qualified persons appointed by the Minister of Industry as members.

The Director-General of the Department of Primary Industries and Mines shall be the secretary.

The qualified members under paragraph one shall be appointed from the following persons:

- (1) not more than two representatives of non-governmental organisations;
- (2) not more than two representatives of community organisations;
- (3) persons with the knowledge, expertise or experience in the fields of the exploration and mining, social science, environment and health, provided that one person shall be appointed from each field.

The rules, procedures and conditions for the appointment of qualified members under paragraph one shall be as prescribed in the Ministerial Regulation.

Section 24. The Minerals Committee shall have the powers and duties as follows:

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- (1) to give the Minister advice on the issuance of Notifications requiring mineral-deposit bidding;
- (2) to give the Minister advice on the issuance of Ministerial Regulations or Notifications under this Act;
- (3) to give approval to the granting of permission or the refusal to grant permission, the renewal, the transfer, the revocation and the fixing of any conditions in connection with concession certificates for the mining in Class 2 and Class 3;
- (4) to give approval to the granting of permission or the refusal to grant permission, the revocation and the fixing of any conditions in connection with special licences;
- (5) to consider complaints or impacts of the mining in Class 2 and Class 3 under section 69;
- (6) to propose opinions on amendment or revision of law relating to environmental impact assessment and public health in connection with the mining;
- (7) to perform any other activities as provided in this Act or as entrusted by the Commission or the Minister.

Section 25. The qualified member must possess the knowledge, expertise or experience or must have worked in the field to which the appointment relates for not less than five years and must have the qualifications and be under no other prohibitions as prescribed under section 9.

Section 26. The Minerals Committee has the power to appoint a sub-committee for considering any matter or performing any act as entrusted by the Minerals Committee.

The provisions of section 10, section 11, section 13 and section 25 shall apply to a sub-committee *mutatis mutandis*.

Section 27. The provisions of section 10, section 11, section 13 and section 15 shall apply to the Minerals Committee *mutatis mutandis*.

PART II
PROVINCIAL MINERALS COMMITTEE

Section 28. In a province in which concessional certificates are to be issued for the mining in Class 1, there shall be a Provincial Minerals Committee consisting of the *Changwat* Governor as Chairperson, Director of the Provincial Office of Natural Resources and Environment, Provincial Land Official, Provincial Public Health Medical Officer, Provincial Land Reform Official, a representative of the Marine Department, a representative of the Department of Mineral Resources, a representative of the Fine Arts Department, a representative of the Department of Primary Industries and Mines, *Nai Amphoe* and a representative of local government organisations in the locality in which applications for concessional certificates are made and a representative of the Mining Industry Council as *ex officio* members and not more than eight qualified persons appointed by the *Changwat* Governor as members.

The local mineral industry official shall be the secretary.

The qualified members under paragraph one shall be appointed from the following persons:

- (1) not more than two representatives of non-governmental organisations;
- (2) not more than two representatives of community organisations;
- (3) persons with the knowledge, expertise or experience in the fields of mining, social science, environment and health, provided that one person shall be appointed from each field.

The rules, procedures and conditions for the appointment of qualified members under paragraph one shall be as prescribed in the Ministerial Regulation.

Section 29. The Provincial Minerals Committee shall have the powers and duties as follows:

- (1) to give approval to the granting of permission or the refusal to grant permission, the renewal, the transfer, the revocation or the fixing of any conditions in connection with concession certificates for the mining in Class 1;
- (2) to consider complaints or impacts of the mining in Class 1 under section 69;
- (3) to give the *Changwat* Governor advice, recommendations and opinions on the mineral management in the respective province;

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(4) to perform any other activities as provided in this Act or as entrusted by the Minister or the *Changwat* Governor.

Section 30. The provisions of section 10, section 11, section 13, section 15, section 25 and section 26 shall apply to the Provincial Minerals Committee *mutatis mutandis*.

CHAPTER III GENERAL PROVISIONS

Section 31. Permission under this Act shall not apply to the Department of Primary Industries and Mines, the Department of Mineral Resources and the Department of Mineral Fuels in respect of activities for the purposes of explorations, experiments, studies or research in connection with minerals, provided that the operations shall comply with the rules prescribed in this Act, Ministerial Regulations, Notifications or Rules issued under this Act.

Section 32. For the purpose of regulating mining, mineral dressing and metallurgy operations, the Minister shall have the power to issue a Notification prescribing rules for the preparation of a mining barrier area line, the preparation of fundamental data related to the environment and public health and standards and methods for the controlling emission of pollution or any other thing which may affect the environment in consequence of mining, mineral dressing and metallurgy operations and rules or procedures for the protection of workers and the provision of safety to third persons.

The issuance of the Notification prescribing rules for the preparation of a mining barrier area line and the preparation of fundamental data related to the environment and public health shall be upon the approval of the Commission, provided that the rules for the preparation of fundamental data related to the environment and public health shall be prescribed by requiring a study of geological data regarding contamination of heavy metals or toxic substances and illnesses likely to be caused by chemicals or pollutions resulting from mining of local residents, before and after the mining.

Section 33. In a mining area, no person other than a holder of a concession certificate or a holder of a permit shall enter and hold or possess any part in such area unless such person has a lawful right.

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Any violation of the provisions of paragraph one, apart from constituting an offence under this Act or under any other law, shall also be deemed to be the violation of the right of the holder of a concession certificate or the holder of a permit, as the case may be.

Section 34. In the course of the mineral exploration or the mining, if there occurs a discovery of any antique, fossil, mineral or object which possesses a geological structure of special physical characters and which is of value for a study, research or conservation, the holder of a licence or the holder of a concession certificate shall, apart from complying with the law on ancient monuments, antiques, objects of art and national museums and the law on fossils protection, forthwith notify such discovery to the local mineral industry official.

Section 35. No person shall submit an application for an exclusive mineral exploration licence, an application for a special licence or an application for a concession certificate with an overlap of the same area and shall not submit such application in a manner causing an overlap with areas covered by an exclusive mineral exploration licence, a special licence or a concession certificate, unless:

(1) the applicant has the ownership or a possessory right under the Land Code in the area covered by an application for an exclusive mineral exploration licence or an application for a special licence, the area covered by an exclusive mineral exploration licence or the area covered by a special licence;

(2) the person has obtained written consent from the holder of an exclusive mineral exploration licence, the holder of a special licence or the holder of a concession certificate, in which case an application for a concession certificate may be submitted in respect of the area for which permission has been given.

Section 36. Service of any writing or order to any person in the execution of this Act shall be conducted in accordance with the law on administrative procedures, except that in the case where the recipient is not known or the recipient is known but his domicile is not known or there are more than one hundred recipients with known identities and domiciles, the notification may be made by publication in a newspaper widely circulated in such locality or by publication via an electronic network or other types of media. In such a case, the notification shall be deemed to have been received upon the lapse of the period of fifteen days as from the date of the notification by such method.

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Section 37. The procedures and period of time for considering and granting permission, the form of a licence, the form of a concession certificate, the form of a permit and any other form under this Act shall be as prescribed in the Notification of the Minister.

**CHAPTER IV
MINERAL EXPLORATION**

**PART I
GENERAL PROVISIONS**

Section 38. No person shall undertake a mineral exploration at any place, whether any person has any right in the place of such mineral exploration or not, except upon obtaining a mineral exploration licence, an exclusive mineral exploration licence or a special licence.

The application for and the issuance of a mineral exploration licence, an exclusive mineral exploration licence or a special licence and the qualifications of the applicant shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

Section 39. A mineral exploration licence, an exclusive mineral exploration licence and a special licence shall be personal to the holder thereof and shall also extend to employees of the holder.

**PART II
MINERAL EXPLORATION LICENCES**

Section 40. Any person who intends to apply for a mineral exploration licence in any locality shall submit an application to the local official in such locality.

In the case where any person has submitted an application for a mineral exploration licence in any particular locality, such submission has no effect of precluding any other person from submitting an application for a mineral exploration licence in the same locality, and when a mineral exploration licence has been issued to any person in any locality, a mineral exploration licence may be issued to any other applicant in the same locality.

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Section 41. The local official shall be the issuer of mineral exploration licences.

A mineral exploration licence shall be valid for one year as from the date of issuance thereof.

A holder of a mineral exploration licence must comply with such rules, procedures and conditions in connection with the mineral exploration as prescribed in the Notification of the Minister, including the conditions prescribed in the mineral exploration licence.

The local official, upon issuance of a mineral exploration licence to any person, shall notify it to the Department of Primary Industries and Mines within fifteen days as from the date of issuance thereof.

PART III

EXCLUSIVE MINERAL EXPLORATION LICENCES

Section 42. Any person who intends to apply for an exclusive mineral exploration licence in any locality shall submit an application to the local mineral industry official in such locality.

Each application for an exclusive mineral exploration licence may be for an area not exceeding two thousand five hundred *rai*.

Section 43. The Director-General shall be the issuer of exclusive mineral exploration licences.

An exclusive mineral exploration licence shall be valid for a period not exceeding two years as from the date of issuance thereof.

For the purpose of the protection of the environment and the safety of persons, animals, plants and property, the Director-General may prescribe any conditions as may be deemed appropriate in an exclusive mineral exploration licence.

A holder of an exclusive mineral exploration licence must comply with such rules, procedures and conditions in connection with the mineral exploration as prescribed in the Notification of the Minister, including the conditions prescribed in the exclusive mineral exploration licence.

Section 44. A holder of an exclusive mineral exploration licence must submit, to the local mineral industry official, a report on the operations and explorations undertaken over

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every period of one hundred eighty days as from the date of receipt of the exclusive mineral exploration licence within thirty days as from the date of the expiration of such period and must submit a report on the operations and explorations wholly undertaken to the local mineral industry official within thirty days before the exclusive mineral exploration licence expires, in accordance with the forms prescribed by the Director-General by publication in the Government Gazette.

Section 45. An exclusive mineral exploration licence shall expire before the expiry date specified therein where:

(1) the holder of the exclusive mineral exploration licence is dead or ceases to retain the status of a juristic person;

(2) the holder of the exclusive mineral exploration licence is a bankrupt;

(3) the holder of the exclusive mineral exploration licence lacks the qualifications as prescribed in the Ministerial Regulation;

(4) the holder of the exclusive mineral exploration licence fails to report the operations and explorations undertaken over every period of one hundred eighty days as specified in section 44;

(5) the holder of the exclusive mineral exploration licence applies for a cancellation thereof, provided that this shall be effective as from the date on which the application is submitted to the local mineral industry official;

(6) the Director-General gives an order revoking the exclusive mineral exploration licence, provided that this shall be effective as from the date on which the notification of such revocation order is received.

PART IV SPECIAL LICENCES

Section 46. Any person who intends to apply for a special licence in any locality shall submit an application to the local mineral industry official in such locality.

An application for a special licence may be made to cover an area in which explorations are capable of completion within five years, provided that each application may not

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cover an area exceeding ten thousand *rai*, except that an application for an offshore special licence may be made to cover an area not exceeding five hundred thousand *rai*.

An applicant for a special licence must propose the exploration commitment, with an indication of the amount of money to be expended on explorations in each year throughout the life of the special licence and must propose special benefits to the State in accordance with the rules prescribed in the Notification of the Minister, provided that such special benefits shall continue to be binding upon the holder of the special licence when such holder obtains a concession certificate for the mining in the area covered by the special licence so obtained.

In the case where the holder of a special licence has given written consent to submission by another person of an application for a concession certificate in an area covered by the special licence under section 35 (2), the special benefits to the State under paragraph three shall also be binding upon such applicant for a concession certificate.

The rules on the proposal of special benefits to the State under paragraph three shall also prescribe the procedures for allocating special benefits to the local government organisation in whose territory the area covered by the special licence is located.

The special benefits to the State as provided in paragraph three shall be applied to explorations, studies or research in connection with minerals or environmental rehabilitation.

Section 47. The Director-General, with the approval of the Minerals Commission, shall be the issuer of special licences.

A special licence shall be valid for a period not exceeding five years as from the date of issuance thereof.

For the purpose of the protection of the environment and safety of persons, animals, plants and property, any conditions may, in granting permission, be prescribed in a special licence as may be deemed appropriate.

A holder of a special licence must comply with such rules, procedures and conditions in connection with the mineral exploration as prescribed in the Notification of the Minister, including the conditions prescribed in the special licence.

Section 48. A holder of a special licence must comply with such exploration commitment for each year as prescribed therein.

In the case where a holder of a special licence has already complied with the Notification of the Minister or the conditions prescribed under section 47 and the commitment

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under paragraph one for each year and it appears that the exploration in the preceding year reveals that minerals of any particular type in respect of which the mining is intended to be undertaken in the area covered by the application for the special licence are commercially insufficient for the mining in whole or in part, the holder of the special licence may apply for cancellation thereof or for a relinquishment of part of the area, by submitting an application to the local mineral industry official, and such special licence shall expire or the relinquishment of part of the area shall take effect on the date of the submission of the application and the commitment for the remaining years or the commitment for the relinquished area, as the case may be, shall also cease to have effect accordingly.

Section 49. At the end of any year of commitment, if a holder of a special licence has not completely complied with the commitment under section 48 in respect of the exploration in that year, the holder of the special licence must make payment, in an amount equivalent to that not yet expended on the exploration in such year of commitment, to the Department of Primary Industries and Mines within thirty days as from the date of the end of such year of commitment.

In the exploration, if a holder of a special licence has expended money on the exploration in any year of commitment in an amount exceeding the commitment prescribed for such year of commitment, such holder shall have the right to deduct the excessive amount from the exploration commitment in the following year of commitment.

Section 50. A holder of a special licence must submit, to the local mineral industry official, a report on the operations and explorations undertaken over every period of one hundred eighty days as from the date of receipt of the special licence within thirty days as from the date of the expiration of such period and must submit a report on the operations and explorations wholly undertaken to the local mineral industry official within thirty days before the special licence expires, in accordance with the forms prescribed by the Director-General by publication in the Government Gazette.

Section 51. A special licence shall expire before the expiry date specified therein where:

(1) the holder of the special licence is dead or ceases to retain the status of a juristic person;

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- (2) the holder of the special licence is a bankrupt;
- (3) the holder of the special licence lacks the qualifications as prescribed in the Ministerial Regulation;
- (4) the holder of the special licence fails to report the operations and explorations undertaken over every period of one hundred eighty days as specified in section 50;
- (5) the holder of the special licence applies for a cancellation thereof under section 48;
- (6) the Director-General gives an order revoking the special licence, provided that this shall be effective as from the date on which the notification of such revocation order is received.

CHAPTER V MINING

PART I GENERAL PROVISIONS

Section 52. No person shall undertake the mining at any place, whether any person has any right in the place of such mining or not, except upon obtaining a concession certificate.

A concession certificate shall be personal to the holder thereof and shall also extend to employees of the holder.

The application for and the issuance of a concession certificate and the qualifications of the applicant shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

The Ministerial Regulation under paragraph three shall prescribe the rules for granting permission in line with the provisions of section 19. In this regard, there shall be prescribed the rules for the consideration of economic worthiness, suitability of mining technology and suitability of measures for preventing impacts on the environmental quality and public health and the consideration of plans on the rehabilitation, development, exploitation and surveillance of impacts on the environmental quality and public health in line with the requirements of the

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environmental impact assessment report under the law on promotion and preservation of national environmental quality.

Section 53. For the purpose of the mineral management and the decentralisation of the mineral management, the Minister shall have the power to issue Notifications for classifying mining into three Classes as follows:

(1) the mining in Class 1, which signifies the mining in an area not exceeding one hundred *rai*, as to which the local mineral industry official, with the approval of the Provincial Minerals Committee in the province in which the mining is intended to be undertaken shall be the concession certificate issuer;

(2) the mining in Class 2, which signifies the mining in an area not exceeding six hundred twenty-five *rai*, as to which the Director-General, with the approval of the Minerals Committee shall be the concession certificate issuer;

(3) the mining in Class 3, which signifies the mining which is not the mining in Class 1 or the mining in Class 2, the offshore mining and the underground mining, as to which the Director-General, with the approval of the Minerals Committee shall be the concession certificate issuer.

In issuing the Notification for the classification of the mining under paragraph one, regard shall be had to areas, types of minerals, geological natures of mineral deposits, mining methods and impacts on the environmental quality and public health likely to result from the mining.

In the case where any mining constitutes, in essence, a project in respect of which an environmental impact assessment report is required to be prepared under the law on promotion and preservation of the national environmental quality, such mining must be classified as the mining in Class 1 or Class 2, as the case may be.

PART II

APPLICATION FOR CONCESSION CERTIFICATES

Section 54. Any person who intends to apply for a concession certificate shall submit an application to the local mineral industry official.

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The applicant for a concession certificate must furnish the following documents or evidence together with the application:

(1) reliable evidence that minerals of the type in respect of which the mining is intended to be undertaken are found in the area to which the application relates, in accordance with the Rule prescribed by the Director-General by publication in the Government Gazette;

(2) plans on the rehabilitation, development, exploitation and surveillance of impacts on the environmental quality and public health during the mining and after the closure of the mine;

(3) proposals of special benefits to the State in accordance with the rule prescribed in the Notification of the Minister;

(4) documents or evidence indicating that the owner or occupier of the land in the area for which the application is submitted has given the applicant consent to the mining in such area to which the application relates, provided that, in the case of an area which is in possession of a State agency, the evidence indicating the State agency's permission for exploiting it for the mining purpose therein shall be submitted before permission can be granted;

(5) other documents or evidence as prescribed in the Ministerial Regulation under section 52.

The rules on the proposal of special benefits to the State under paragraph two (3) shall also prescribe procedures for allocating special benefits to the local government organisation in whose territory the area to be mined is located as well as local government organisations whose territories are adjacent to the area to be mined and which may also be affected by the mining.

The special benefits to the State under paragraph two (3) shall be applied to the explorations, studies or research in connection with minerals or to environmental rehabilitation.

Section 55. Each application for a concession certificate in each area may be made for no more than six hundred twenty-five *rai*, except that:

(1) each application for a concession certificate in a special licence area may be made for no more than two thousand five hundred *rai*;

(2) each application for a concession certificate for the purpose of the underground mining may be made for no more than ten thousand *rai*;

(3) each application for an offshore concession certificate may be made for no more than fifty thousand *rai*.

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Section 56. Upon receipt of an application for a concession certificate, the local mineral industry official shall determine the concession certificate area by a survey or any other method under section 119.

Upon the determination of the area under paragraph one, the local mineral industry official shall publish the applicant's application for a concession certificate by posting the same for a period of not less than thirty days at an open place at the Office of the local mineral industry official, *Amphoe* Office, *Kamnan* Office, *Poo Yai Ban* Office and the office of the local government organisation in whose territory the application for a concession certificate has been submitted. At the expiration of the time, the local mineral industry official shall hold a public hearing in the community in accordance with the rules and procedures prescribed in the Notification of the Minister.

In the case where residents in the community disagree with the mining and the concession certificate issuer is unable to make a final decision, the concession certificate issuer may order the local mineral industry official to hold a referendum amongst residents in the area for which the application for a concession certificate is made at the cost of the applicant for a concession certificate.

The rules, procedures and costs for the holding of a referendum shall be as prescribed in the Notification of the Minister.

PART III ISSUANCE OF CONCESSION CERTIFICATES

Section 57. For the purpose of safety, a concession certificate shall not be issued in a manner allowing mines to have overlapping areas at different levels of depth, whether in whole or in part.

Section 58. A concession certificate shall be valid for a period not exceeding thirty years as from the date of issuance thereof.

With respect to any concession certificate of which a period of validity is less than thirty years, the holder of the concession certificate shall, in the case of an intention to apply for a renewal, submit an application not less than one hundred eighty days prior to the expiry date

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thereof. In this regard, the concession certificate issuer may grant further renewals provided that the total period shall not exceed thirty years.

In the case where any concession certificate is renewed, the period of renewal shall begin to run as from the date on which the concession certificate issuer grants permission to such renewal.

The submission of an application for renewal of a concession certificate and permission thereto shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister, which must at least require assessment of the implementation of measures for the prevention of impacts on the environmental quality and public health for the purpose of assisting the consideration of applications for renewal of concession certificates.

PART IV

RIGHTS AND DUTIES OF HOLDERS OF CONCESSION CERTIFICATES

Section 59. A holder of a concession certificate has the rights to do the following in a mining area:

(1) to carry out preparations for the mining such as the construction of buildings or the construction or installation of labour-saving devices for the mining, to make waterways or dams or carry out any operation in the area covered by the concession certificate, for the mining purpose;

(2) to carry out mineral dressing or metallurgy operation or to dump tailings;

(3) to undertake the mining in the concession certificate area and sell minerals indicated in the concession certificate, including other minerals which are byproducts of such mining.

The provisions of (2) shall not apply to a holder of a concession certificate for the underground mining unless the action is carried out in the area in which the holder holds ownership or the possessory right.

The exercise of rights of the holder of a concession certificate under (1), (2) or (3) does not, at the expiry of the concession certificate, cause the holder of the concession certificate to acquire a possessory right in the land in question.

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Section 60. In the case where a holder holds several concession certificates with adjacent concession certificate areas, it shall be deemed that all concession certificates have the same mining area.

In the case where several holders of concession certificates have concession certificates covering adjacent concession certificate areas, such holders may jointly undertake a mining scheme as the same mining area. In this regard, an application must be submitted to, and a permit must be obtained from, the local mineral industry official in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

In the case where several holders of concession certificates have concession certificates covering adjacent concession certificate areas and covering the areas to be mined in a manner that the mining may not be safely undertaken by a single holder or that minerals from such areas may not be put into worthy use, the local mineral industry official, for the conservation and safety purposes, shall have the power to require several holders of concession certificates which cover adjacent concession certificate areas to jointly undertake a mining scheme as the same mining area in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

Section 61. In the case where a holder of a concession certificate has no unpaid debts and has rehabilitated the area as well as completely complied with other conditions specified at the time of the issuance of the concession certificate, the holder of the concession certificate may relinquish the rights thereunder in whole or in part, by submitting an application and surrendering the concession certificate to the local mineral industry official.

In the case of a surrender of a concession certificate in whole, the rights under such concession certificate shall terminate when the local mineral industry official, after an examination, considers that the holder of the concession certificate has complied with the rules prescribed in paragraph one and gives a written notification to the holder of the concession certificate.

In the case of a surrender of a concession certificate in part, the rights under such concession certificate shall terminate when the determination of the area has completely been carried out for striking the area not covered by the surrender out of the area covered by the surrender and the local mineral industry official has returned the residue concession certificate

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to the holder thereof in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

The local mineral industry official must complete the consideration of an application for a surrender of a concession certificate under paragraph one within one hundred eighty days as from the date of receipt of the application for a surrender thereof.

The holder of a concession certificate who intends to surrender the concession certificate in part must be responsible for the costs incurred in the determination of the area under paragraph three.

Section 62. The rights of a holder of a concession certificate shall terminate in the following cases:

(1) the holder of the concession certificate is dead or ceases to retain the status of a juristic person;

(2) the holder of the concession certificate is a bankrupt;

(3) the holder of the concession certificate lacks the qualifications as prescribed in the Ministerial Regulation;

(4) the concession certificate issuer gives an order revoking the concession certificate;

(5) the holder of the concession certificate, upon a final order or judgment of the Court, has not obtained consent to, or has not obtained permission for, any further use of part of land in the concession certificate area or the mining area, provided that this effect shall be limited to the part of the area in respect of which the landowner refuses to give consent or permission, and the provisions of section 61 paragraph three and paragraph four shall apply *mutatis mutandis*;

(6) the concession certificate expires upon the expiry date specified therein;

(7) the holder of the concession certificate fails to pay the mineral royalty or makes incorrect payment thereof within ninety days as from the expiration of the period of time under section 133 paragraph two.

Section 63. In the case where the rights of a holder of a concession certificate terminate, if there remain minerals in the mining area and the holder of the concession certificate or the heir fails to submit an application for possession thereof within ninety days as from the date on which the rights under such concession certificate terminate, such minerals shall vest in the State.

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The Director-General shall have the power to sell the minerals which vest in the State under paragraph one.

If it appears that the value of the mineral to be sold under paragraph one is too low, the Director-General has the power to order any action to be taken for improving, modifying or dressing such mineral for the purpose of attaining its elevated and worthy value prior to the sale, provided that the costs incurred in its improvement, modification or dressing shall be deducted from the proceeds of the sale of such mineral.

In the case where there is no purchaser of the mineral under paragraph two or the value of such mineral is not worth the costs incurred in the sale, the Director-General may give an order to the effect that such mineral shall be used for a study or research or for other official purposes or struck out of the official record.

The rules, procedures and conditions for the action under paragraph two, paragraph three and paragraph four shall be in accordance with the Rule prescribed by the Minister.

A purchaser of the mineral which vests in the State under paragraph one shall make an application for possession thereof as an individually exceptional case and shall, in the case of an intention to sell the same, make an application for transporting and selling it as an exceptional case only for such occasion in accordance with section 97 paragraph two.

Section 64. When any concession certificate expires, it shall be published in the Government Gazette except the case under section 75 or the case where a holder of the concession certificate has submitted an application for renewal and an order of the concession certificate issuer has not yet been given for refusing to grant permission therefor.

Section 65. Rights under a concession certificate shall not be subject to any legal execution.

Section 66. A holder of a concession certificate must commence the mining within one year as from the date of receipt of the concession certificate unless there occurs impediment thereto and permission has been obtained from the local mineral industry official.

The commencement of the mining under paragraph one shall also include preparations for the mining under section 59 (1).

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Prior to the commencement of the mining under paragraph one, a holder of a concession certificate must, not less than fifteen days in advance, give a written notification thereof to the local mineral industry official and must escort the competent official for the purpose of conducting an inspection and may undertake the mining upon obtaining written permission from the local mineral industry official.

The mining shall have the volume of work and the duration not less than those specified in the rules prescribed by the Director-General.

In the case of impediment, a holder of a concession certificate may make an application to the local mineral industry official for a cessation of the mining and may cease the mining upon obtaining written permission from the local mineral industry official.

When a holder of a concession certificate intends to resume the mining after having obtained permission for the cessation thereof under paragraph three, a notification shall be given to the local mineral industry official and the mining may be resumed when written permission has been obtained from the local mineral industry official.

The impediment to the commencement of the mining, the cessation of the mining, the duration, the examination, the application for permission for the cessation of the mining and the application for permission for the resumption of the mining shall be in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

Section 67. For the purpose of controlling and exercising surveillance over impacts from the mining, the Minister shall have the power to issue Notifications requiring that, with respect to the mining in any particular area or for any particular type of minerals, there be appointed a mining-impact surveillance committee, consisting of a representative of interested persons, a representative of holders of concession certificates, a representative of the Department of Primary Industries and Mines and qualified persons in the fields of the environment and health, for the purpose of examining, controlling and exercising surveillance over impacts from the mining. In this regard, the holder of a concession certificate must be responsible for costs incurred in the operation of the committee.

The rules and procedures for the appointment of the committee and costs incurred in the operation under paragraph one shall be as prescribed in the Notification of the Minister.

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Section 68. A holder of a concession certificate has the duties as follows:

(1) to undertake the mining in accordance with the mining method, plan, scheme and conditions specified at the time of issuance of the concession certificate;

(2) with respect to the mining in Class 1, to obtain written permission from the local mineral industry official in the case of any addition of types of minerals to be mined or any alteration of mining methods, plans, schemes and conditions for the mining, and, with respect to the mining in Class 2 and the mining in Class 3, to obtain written permission therefor from the Director-General;

(3) to refrain from the mining near highways registered under the law on highways or public waterways within the distance of one hundred metres therefrom with respect to the mining in Class 1 and within the distance of three hundred metres therefrom with respect to the mining in Class 2 and Class 3, unless the concession certificate allows such operations or permission has been obtained for alteration of the plan and scheme;

(4) to refrain from obstructing, destroying or otherwise acting to the effect of impairing the use of highways registered under the law on highways or public waterways except upon approval from the local mineral industry official and permission from officials who are, under the law, in charge of such highways or public waterways, provided that the holder of the concession certificate must be responsible for the costs incurred in the improvement, modification or rehabilitation of highways or waterways with a view to achieving no less usability than their original conditions;

(5) to refrain from diverting or drawing water from a public waterway, whether it is within or outside the mining area except upon approval from the local mineral industry official and permission from officials who are, under the law, in charge of such waterway;

(6) to refrain from dumping tailings, or allowing others to take tailings, out of the mining area except upon permission from the local mineral industry official in accordance with the rules prescribed by the Director-General by publication in the Government Gazette;

(7) with respect to the mining, mineral dressing or metallurgy operation within the mining area, to refrain from any act or omission likely to cause toxic minerals or any other toxic substances to pose hazards to persons, animals, plants, property or the environment;

(8) to rehabilitate the mined area, during the mining and subsequent to the closure of the mine, in accordance with the plans on the rehabilitation, development, exploitation and surveillance of impacts on the environmental quality and public health as approved by the Minerals Committee;

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(9) to place such security, for the purposes of rehabilitating the mined area and providing remedies to persons affected by the mining, as determined by the Minerals Committee, and, with respect to the mining in Class 2 and Class 3, to take an insurance against liability for loss of life, physical damage and property damage of third parties in such an amount as required by the Minerals Committee;

(10) to pay debts required to be paid under this Act;

(11) to notify the competent official forthwith in the case where boundary posts for the mining area or map posts established by the competent official are lost or destroyed, and to be responsible for costs incurred in a survey for the purpose of establishing new boundary posts for the mining area or new map posts under section 121 paragraph three;

(12) to report the mining in a factually correct manner, in accordance with the rules and procedures prescribed by the Director-General by publication in the Government Gazette.

In the case where, with respect to any particular mining, an environmental impact assessment report is required to be prepared under the law on promotion and preservation of the national environmental quality and the pursuit of activities under (2), (3), (4) or (5) affects the essence of the environmental impact assessment report already approved, permission under (2), (3), (4) or (5) also requires prior approval by the expert committee under the law on promotion and preservation of the national environmental quality.

In the case where environmental conditions have changed, the concession certificate issuer has the power to require revision of the plans on the rehabilitation, development, exploitation and surveillance of impacts on the environmental quality and public health under (8) and revision of the placement of the security under (9) in line with the revised plans.

Section 69. Subject to section 129 and section 130, when any person makes a complaint, or when it appears, that the mining by any holder of a concession certificate has unresolved impacts on the environmental quality or public health, the Director-General or the local mineral industry official shall refer the matter to the Minerals Committee or the Provincial Minerals Committee, as the case may be, for fact-finding and making a decision thereon in an expeditious and fair manner in accordance with the rules and procedures prescribed in the Notification of the Minister.

In the case where the fact-finding under paragraph one reveals that the impacts on the environmental quality or public health have resulted from the mining, the Minerals

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Committee or the Provincial Minerals Committee shall give an order in writing instructing the holder of a concession certificate to remedy the impacts within the specified period of time.

An appeal does not have any effect of staying the execution of the order of the Minerals Committee or the Provincial Minerals Committee under paragraph two.

Section 70. In the case where a holder of a concession certificate fails to comply with section 68 (8) or fails to provide remedies to persons affected by the mining, the Department of Primary Industries and Mines shall apply the money from the security or the compensation from the insurance under section 68 (9) to the payment of costs incurred in the action concerned and notify the holder of the concession certificate to place security or take an insurance to maintain the original amount within fifteen days as from the date of receipt of the notification.

In the case where the security or the compensation from the insurance is insufficient, the holder of a concession certificate must be responsible for deficient costs.

In the case where a holder of a concession certificate has completely complied with the conditions specified by the concession certificate issuer or has completely rehabilitated the mined area in accordance with the rehabilitation plan or has provided remedies to persons affected by the mining, the remaining security under section 68 (9) shall be returned to the holder of a concession certificate.

In the case where a holder of a concession certificate fails to place the security or take an insurance under section 69 (9) or fails to place the security or take an insurance to maintain the original amount within the time under paragraph one without any reasonable cause, the concession certificate issuer shall give an order revoking the concession certificate.

PART V

TAKE-OVER, TRANSFER AND SUBSTITUTION

Section 71. A holder of a concession certificate shall not allow any other person to take over the mining, whether for any particular part or the whole of the mining area, except upon obtaining permission from the concession certificate issuer.

The holder of a concession certificate who allows another person to take over the mining under paragraph one remains obligated and liable under the law and the person who

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takes over such mining shall, insofar as the take-over of the mining takes effect, have the same rights, duties and liability under the law as those of the holder of the concession certificate.

The submission of an application and permission for a take-over of the mining and the cessation of a take-over of the mining shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 72. In the case where a holder of a concession certificate intends to transfer the concession certificate, permission must be obtained from the concession certificate issuer.

In submitting an application for a transfer of a concession certificate under paragraph one, the holder of the concession certificate and the person intending to take a transfer shall submit to the local mineral industry official an application for permission therefor.

A transferee of a concession certificate must possess the same qualifications as those of the holder of the concession certificate and must take a transfer of rights and duties of the holder of the concession certificate as provided in this Act and must comply with the conditions specified in the concession certificate.

Permission for a transfer of a concession certificate may be granted when outstanding debts payable under this Act have fully been paid to the local mineral industry official.

The submission of an application for a transfer of a concession certificate and permission therefor shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 73. In a transfer of a concession certificate, the transferor must, in addition to payment of the transfer fee, be liable for payment of the fee on such remuneration for a transfer of the mining right as received by the transferor, in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

The fee on remuneration for a transfer of the mining right shall be charged only on the remuneration for a transfer of the mining right under the concession certificate, without covering the remuneration for a transfer of any other property.

A transfer of a concession certificate to the transferor's own parent, spouse or descendant shall not be subjected to payment of the fee on the remuneration for a transfer of the mining right.

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Section 74. In the case of the death of the holder of a concession certificate and an heir intends to continue the operation of the business, the heir or the administrator of the estate shall notify, in writing, the name of the heir who intends to continue the operation of the business in place of the deceased to the local mineral industry official within ninety days as from the date of the death of the holder of the concession certificate, for further referral to the concession certificate issuer for consideration. If such period of time elapses or the concession certificate issuer refuses to grant permission, it shall be deemed that the rights under the concession certificate terminate before the expiry date thereof.

In the case where the heir of the holder of the concession certificate or the administrator of the estate submits, within the period of time under paragraph one, an application for taking a transfer of the concession certificate by way of succession, the heir or the administrator of the estate may continue the mining as if he were the holder of the concession certificate until the concession certificate issuer gives an order refusing to grant permission for a transfer of such concession certificate.

Submission by any heir of an application for taking a transfer of a concession certificate by way of succession within the period of time under paragraph one does not preclude the right of any other heir or the administrator of the estate from submitting an application for taking a transfer of such concession certificate at any time before the concession certificate issuer grants permission for taking a transfer thereof.

In the case of a transfer of a concession certificate by way of succession, the transferee is not required to pay the fee on the remuneration for a transfer of the mining right.

In the case where the holder of a concession certificate is adjudged by the Court to be an incompetent person, the provisions of the four preceding paragraphs shall apply to the guardian *mutatis mutandis*.

Section 75. In the case where the rights of the holder of a concession certificate terminate before the concession certificate expires, the concession certificate issuer may cause bidding to be conducted in order for a successful bidder to substitute the original holder with respect to the mining right under such concession certificate, in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

The person permitted to substitute the original holder with respect to the mining right under paragraph one has the rights, duties and liabilities under this Act for the remaining

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period of validity of the original concession certificate and must comply with the conditions specified in such concession certificate.

CHAPTER VI
UNDERGROUND MINING

PART I
GENERAL PROVISIONS

Section 76. The provisions of other Chapters of this Act shall apply to the underground mining insofar as they are not contrary to or inconsistent with the provisions of this Chapter.

Section 77. The underground mining which does not encroach upon the extent of another person's ownership or possessory right under the Land Code or the underground mining within a mining area in a concession certificate issued in accordance with the provision of Chapter 5, Part 3, is not governed by the provisions of this Chapter. Such operation shall be governed by the rules provided in Chapter 5.

Section 78. The underground mining must be undertaken at a safe depth level, taking into consideration a geological structure and mining methods in accordance with mining engineering principles in each area and the safety of living things as well as property.

Section 79. In the case of the underground mining at the depth level not exceeding one hundred metres from the land surface, an applicant for a concession certificate must produce evidence to the competent official that the applicant has the right to undertake the mining in the area of such land.

Section 80. The concession certificate area for the underground mining must not encroach upon a national park area or a wildlife conservation area.

In the case where it is found that the underground mining in any part within a concession certificate area will materially affect the environmental quality beyond rectification or

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rehabilitation, the concession certificate issuer shall specify in the concession certificate a condition prohibiting any underground mining in such part.

PART II

ISSUANCE OF CONCESSION CERTIFICATES FOR THE UNDERGROUND MINING

Section 81. An application for a concession certificate for the underground mining must be supported by information in accordance with the rules prescribed in the Notification of the Minister, provided that at least the following information must be required:

- (1) concise information indicating the depth and technical measures under section 78;
- (2) a concise map indicating the mining area, together with information on assessment of impacts on the environmental quality in various areas, for assisting the consideration under section 80 paragraph two;
- (3) concise technical information on mining and mineral dressing methods and alternatives commonly available in mineral engineering as well as alternatives which the applicant deems appropriate to be used, together with reasons for such alternatives;
- (4) information, a plan, procedures and methods for the mining and the mineral dressing, indicating measures for reducing impacts on or for maintaining the related environmental quality, whether the impacts are on the existence of the nature or the community;
- (5) proposals for the participation by representatives of interested persons in the inspection of the underground mining under section 86 (2), with an indication of the amount of financial support, and rules for the inspection of the mining, which the applicant for a concession certificate intends to propose for the purpose of allowing the persons entitled to inspect the mining to participate in the inspection of the mining, as specified in section 88;
- (6) routes of transportation and sources of water to be used in the project, whether existing or to be developed, together with details as to the use thereof throughout the project, which are sufficient for conducting an assessment vindicating a conclusion that the underground mining under the project shall not affect the existence of the nature and the community;
- (7) a proposal to take a liability insurance under section 90, with a clear indication of an amount covered thereby and duration thereof;

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(8) plans on the rehabilitation, development, exploitation and surveillance of impacts on the environmental quality and public health during the mining and after the closure of the mine;

(9) the placement of the security for rehabilitating the mined areas and providing remedies to persons affected by the mining.

Section 82. When the environmental impact assessment report by the applicant for a concession certificate for the underground mining has been approved under the law on promotion and preservation of the national environmental quality, the Director-General shall put the following information into a process for hearing opinions of interested persons in accordance with the rules provided in relevant laws or rules, as the case may be, for assisting the determination of necessary conditions in a concession certificate:

(1) information on the project to be submitted in support of the application for a concession certificate under section 81;

(2) the environmental impact assessment report already approved under the law on promotion and preservation of the national environmental quality.

In the case of differences of information or opinions from the public hearing held under paragraph one, the Director-General shall give final decisions thereon. But, if it is found that any information is inadequate for making decisions or that the public hearing was held with substantial inaccuracies or errors, the Director-General shall order a new public hearing to be held for the purpose using the information or opinions therefrom in the proper determination of conditions in a concession certificate.

Section 83. Upon completion of the public hearing under section 82, the Director-General, with the approval of the committee under section 86, shall consider the environmental impact assessment report and opinions of the interested persons and use the same for determining conditions in a concession certificate in accordance with the rules as follows:

(1) the conditions in the concession certificate must cover the project, at least in all items as prescribed in the Notification of the Minister under section 81;

(2) the conditions in the concession certificate must cover all details in the project which the applicant for a concession certificate has proposed in the environmental impact assessment report and shall also include additional conditions or measures specified in the environmental impact assessment report.

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Section 84. The issuance of a concession certificate for the underground mining must be made under the following conditions:

- (1) the applicant for a concession certificate has made an application under the conditions in section 81;
- (2) a public hearing has been held under section 82;
- (3) conditions in the concession certificate have been determined under section 83.

Section 85. The provisions of this Part shall apply to the alteration of conditions in a concession certificate for the underground mining *mutatis mutandis*, provided that the hearing of opinions of persons entitled to inspect the mining under section 88 paragraph one shall be deemed to be the hearing of opinions of interested persons in general as specified in section 82.

PART III PARTICIPATION BY INTERESTED PERSONS

Section 86. The person intending to apply for a concession certificate for the underground mining shall have a preliminary consultation with interested persons for developing his underground mining project and shall, in this regard, submit an application to the Director-General for appointing a committee in charge of holding a consultation meeting, in accordance with the procedures prescribed in the Notification of the Minister, provided that the person intending to apply for a concession certificate shall bear the costs incurred.

The Notification prescribing procedures for the holding of the consultation meeting under paragraph one must at least indicate the rules and procedures as follows:

- (1) the completeness of the preliminary report to be put into the consultation meeting, provided that it must consist of necessary information and clear issues concerned;
- (2) the rules on the recognition of groups or bodies formed by an assembly of interested persons and the acquisition of representatives who shall participate in the consultation, provided that the representation must embrace groups of *Kamnan* and *Poo Yai Ban*, groups of administrators and members of local government organisations and groups of persons holding rights in land or residing in the mining area concerned;

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(3) the composition of the committee in charge of holding the preliminary consultation meeting, provided that it must also include representatives of agencies in the provincial administration concerned and State-owned higher educational institutions;

(4) procedures for the consultation meeting, including the general publication inviting interested persons to send representatives to participate in the meeting, the registration of persons participating in the meeting and a reasonable period of time given to the interested persons under (2) for studying the information in advance.

Section 87. In holding any public hearing under section 82 paragraph one, the applicant for a concession certificate shall provide subsidies to groups of interested persons under section 86 (2) for studying the environmental impact assessment report in accordance with the rules, procedures and conditions prescribed by the Director-General.

Section 88. Within sixty days as from the date of the issuance of any concession certificate for the underground mining, the Director-General shall summons a meeting of representatives of interested persons under section 86 (2) for agreeing on the person designated to be entitled to inspect the mining as specified in the condition fixed in the concession certificate.

The holder of a concession certificate shall place with the Department of Primary Industries and Mines the subsidy for employing experts who shall assist the person entitled to undertake the inspection under paragraph one at the rate specified in the conditions fixed in the concession certificate, within thirty days as from the date on which the person entitled to undertake the inspection under paragraph one is designated.

When the notification of the agreement and details as to the employment of experts has been received from the person entitled to undertake the inspection, the Director-General may pay remuneration to the experts only upon receipt of the certification of the work from the person entitled to undertake the inspection.

The qualifications and term of work of the person entitled to undertake the inspection, the conditions and procedures for removing, on the ground of misconduct, the person entitled to undertake the inspection by a meeting of representatives of interested persons under section 86 (2), the nature of the agreement for the employment of the person entitled to undertake the inspection and the rules for payment of remuneration shall be as prescribed in the Notification of the Minister.

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PART IV
PROTECTION OF RIGHTS IN IMMOVABLE PROPERTY

Section 89. The underground mining, in a concession certificate area, of the following description shall be deemed to prejudice rights in immovable property in such area. The injured person has the right to demand the holder of a concession certificate for the underground mining to suspend the operation and take remedial action as necessary for preventing damage likely to occur:

(1) the underground mining at the depth level, from the land surface, lower than that specified in the condition fixed in the concession certificate for the underground mining and at the depth level not exceeding one hundred metres from the land surface;

(2) the underground mining, at any depth level, for which the mining method in accordance with mining engineering principles for assuring the stability of the ground layer fails to comply with the requirements in the conditions fixed in the concession certificate for the underground mining.

Section 90. In the case where any part of the land in a concession certificate area for the underground mining collapses in a manner causing damage, the following liability principles shall apply to all the ensuing damage:

(1) it shall, *prima facie*, be presumed that the collapse of such land has resulted from the underground mining;

(2) if the Department of Primary Industries and Mines considers that the underground mining is the cause of the collapse of such land, the Department of Primary Industries and Mines shall apply the security under section 81 (9) or the compensation from the insurance under section 81 (7) to the payment of damages for the injured person and notify the holder of the concession certificate for the underground mining to place the security or take an insurance to maintain the original amount within fifteen days as from the date of receipt of the notification and shall make a recommendation to the concession certificate issuer for imposing, as a condition in the concession certificate, a prohibition of the underground mining in such part of land as specified in section 80 paragraph two.

In the case where the holder of the concession certificate fails to place the security or take an insurance to maintain the original amount within the time under paragraph one without

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any justifiable reason, the concession certificate issuer shall give an order revoking the concession certificate.

PART V
DETERMINATION OF COMPENSATION

Section 91. In the case of the underground mining at the depth level exceeding one hundred metres from the land surface in any land, the person holding ownership or having a possessory right in such land under the Land Code or the person having the right of exploitation in such land under any other law is entitled to compensation from the holder of the concession certificate for the underground mining in such part of land, in the amount of money determined by the compensation determination committee.

Section 92. Within one hundred twenty days as from the date of submission of an application for a concession certificate for the underground mining at the depth level exceeding one hundred metres from the land surface in any locality, there shall be a compensation determination committee to be in charge of determining the amount of compensation, consisting of the *Changwat* Governor in the locality in which a major part of the underground mining area is situated as Chairperson, a representative of the Department of Primary Industries and Mines, the local treasury official, the land official in the locality in which the underground mining area is situated and representatives of local government organisations in the locality in which the underground mining area is situated, provided that one representative shall be from each local government organisation, as *ex officio* members, and three qualified persons appointed by Permanent Secretary for Industry, who possess the knowledge and expertise in geology, engineering and economics, as members.

The local mineral industry official shall be a member and secretary.

In determining the amount of compensation, regard shall be had to impacts from the underground mining which may impair the use of the land of persons having ownership or possessory rights or persons having the right of exploitation therein. In this regard, the compensation determination committee may require the holder of a concession certificate for the underground mining to pay compensation on a single occasion or in instalments throughout the period of validity of the concession certificate.

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The determination of the amount of compensation and processes for receiving and paying compensation shall be in accordance with the rules, duration and procedures prescribed in the Notification of the Minister.

Section 93. Upon the determination of the amount of compensation by the compensation determination committee, the local mineral industry official shall notify it to the applicant for a concession certificate for the underground mining and address an enquiry as to whether the applicant agrees to pay the determined compensation. If the applicant for a concession certificate for the underground mining does not agree to pay compensation within thirty days as from the date of the notification in writing, the concession certificate issuer shall give an order dismissing such application for a concession certificate.

In the case where a concession certificate for the underground mining has been issued and the holder of the concession certificate does not agree to pay compensation in accordance with the condition fixed in the concession certificate, the concession certificate issuer shall give an order revoking the concession certificate.

PART VII

SMALL-SCALE MINING, MINERAL PANNING

Section 94. No person shall undertake the small-scale mining except upon obtaining a small-scale mining permit from the local official in the locality in which the small-scale mining is intended to be undertaken.

For the purpose of preventing environmental impacts from the small-scale mining, the local official may also prescribe conditions to be observed by the permit holder.

A small-scale mining permit shall be valid for a period not exceeding one year as from the date of issuance thereof.

The application for and issuance of a permit and the qualifications of an applicant for a permit shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 95. Any person intending to undertake the mining panning shall give a notification to the local official.

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The notification and receipt of the notification and the mineral panning shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 96. For the purposes of exercising control and supervision of the small-scale mining and the mineral panning to ensure the compliance with the rules prescribed in the Notification of the Minister, the local government organisation shall have the power to issue local ordinances prescribing details in addition to the rules prescribed by the Minister, insofar as they are not contrary to or inconsistent with such Notification.

CHAPTER VIII

MINERAL BUSINESS OPERATION, MINERAL DRESSING AND METALLURGY OPERATION

PART I

MINERAL BUSINESS OPERATION

Section 97. Minerals derived from concession certificates or other minerals which are byproducts of the mining, small-scale mining permits or the mineral panning for which the notification has been made shall be, when payment of the mineral royalty has been made under Chapter 11, minerals susceptible of purchase, sale, possession, storage or transportation under this Act.

The Director-General shall have the power to permit possession of minerals derived otherwise than under paragraph one as a matter of an individually exceptional case and such minerals shall be, when full payment of the mineral royalty has been made, minerals for which application may be made for transportation or sale as an exceptional case only for such occasion.

The application for possession, the application for sale and the application for transportation as an exceptional case under paragraph two shall be in accordance with the rules, procedures and conditions prescribed by the Director-General.

Section 98. The Minister shall have the power to issue a Notification prescribing a mineral of a particular type or conditions or in a particular quantity or area to be the mineral in

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respect of which the control is to be exercised in relation to purchase, sale, possession, storage or transportation thereof.

Section 99. Any purchase, sale, possession, storage or transportation of minerals in respect of which the control is to be exercised under section 98 shall be made upon obtaining a permit from the Director-General.

The submission of an application for and the issuance of a permit under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 100. The provisions of section 97 and section 98 shall not apply to:

(1) the possession or transportation of minerals derived from mineral exploration for the purposes of analysis or research in the quantity not exceeding that specified in a licence;

(2) the possession of or transportation of minerals of each type in the quantity not exceeding ten kilogrammes, provided that the Director-General may, when it is deemed appropriate, prescribe the quantity to be less than ten kilogrammes;

(3) the possession of byproduct minerals derived from the mineral dressing within a mineral dressing area or the possession of slag containing minerals of other types in the quantity exceeding that prescribed by the Director-General within a metallurgy area, when payment of the royalty for such byproduct minerals or minerals of other types has not been made before;

(4) the possession or transportation of minerals for a study or research of a private research institute obtaining written permission from the Director-General, a Government agency, State organisation or an educational institution;

(5) the possession or transportation of minerals in the form of finished products which are utensils, decorative articles, sculptures or products from metallurgical or industrial processes;

(6) the possession or transportation of minerals derived from the mining in a mining area in which such minerals are stored.

Section 101. Mineral purchasing, mineral selling, mineral possession, mineral storage and mineral transportation shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

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In the case where it is deemed appropriate for the purpose of exercising control and supervision of payment of mineral royalty to ensure correctness thereof, the Director-General shall have the power to issue a Notification requiring a person who purchases sells, possesses or stores minerals, a person who holds a mineral dressing permit, a person who holds a metallurgical operation permit or a user of minerals to report the purchase, sale, possession or storage of minerals, the mineral dressing, the metallurgical operation or the use of minerals in accordance with the rules, procedures and conditions prescribed.

Section 102. A permit under section 99 shall be valid for a period not exceeding five years as from the date of issuance thereof.

Section 103. In the case where a mineral possession permit expires and the person holding the permit fails to submit an application for renewal thereof or is not granted permission for renewal thereof, the minerals in question shall vest in the State and the provisions of section 63 shall apply *mutatis mutandis*.

Section 104. For the purpose of economic security, environmental protection or public safety, the Minister may issue Notifications prescribing the following:

(1) types and conditions of minerals prohibited from being imported into the Kingdom or a continental shelf zone or being exported from the Kingdom or a continental shelf zone;

(2) types and conditions of minerals in respect of which an application is required to be made for the import into the Kingdom or a continental shelf zone or the export from the Kingdom or a continental shelf zone;

(3) types, conditions and quantities of minerals in respect of which a notification of the import into the Kingdom or a continental shelf zone or the export from the Kingdom or a continental shelf zone is required to be given.

The provisions of paragraph one (1) shall not apply to the import of minerals into the Kingdom or a continental shelf zone for the purpose of conducting analysis or research, provided that permission from the Director-General must be obtained.

The Director-General shall be the issuer of a permit or the receiver of the notification of the import of minerals into the Kingdom or a continental shelf zone or the export of minerals from the Kingdom or a continental shelf zone under paragraph one (2) and (3).

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The application for or the notification of the import of minerals into the Kingdom or a continental shelf zone or the export of minerals from the Kingdom or a continental shelf zone shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 105. The Minister shall have the power to prescribe the rules and procedures for the control of the transportation of minerals and the storage of minerals imported into the Kingdom or a continental shelf zone and, in the case where the importer of minerals into the Kingdom or a continental shelf zone intends to use such minerals for dressing or metallurgy operation, the importer must also comply with Part 2 or Part 3 of this Chapter.

PART II MINERAL DRESSING

Section 106. No person shall undertake the mineral dressing except upon obtaining a permit from the Director-General.

The provisions of paragraph one shall not apply to a holder of a concession certificate who undertakes the mineral dressing within a concession certificate area.

A mineral dressing permit shall be valid for a period not exceeding five years as from the date of issuance thereof.

For the purposes of the environmental protection, safety, health and sanitation of the public, animals, plants and property, the issuer of a permit may also fix any conditions as may be deemed appropriate in the permit.

The application for and issuance of a permit and the qualifications of an applicant for a permit shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 107. In undertaking the mineral dressing, the holder of a permit must comply with the rules and procedures prescribed in the Notification of the Minister.

Prior to the mineral dressing, the holder of a permit must, not less than fifteen days in advance, give a written notification thereof to the Director-General and must escort the

competent official for the purpose of conducting an inspection and may undertake the mineral dressing upon obtaining written permission from the Director-General.

The holder of a mineral dressing permit must report the mineral dressing in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

Section 108. An expansion or reduction of a mineral dressing area, an alteration of a mineral dressing plan and method, a temporary cessation of the mineral dressing, a notification of the resumption of the mineral dressing and a cessation of the mineral dressing shall be in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

Section 109. In the mineral dressing, the holder of a permit shall not perform, or omit to perform, any act which is likely to allow a toxic mineral or any toxic article to cause danger to persons, animals, plants, property or the environment.

PART III METALLURGY OPERATION

Section 110. The Minister shall have the power to issue Notifications prescribing a metallurgy operation in relation to any particular type of minerals, any particular production quantity and any particular method to be the controlled metallurgy operation under this Act.

Section 111. No person shall undertake a controlled metallurgy operation except upon obtaining a permit from the Director-General.

The provisions of paragraph one shall not apply to holders of concession certificates who undertake a metallurgy operation within concession certificate areas and persons who undertake controlled metallurgy operations as prescribed in the Notification of the Minister.

A metallurgy operation permit shall be valid for a period not exceeding five years as from the date of issuance thereof.

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For the purposes of the environmental protection, safety, health and sanitation of the public, animals, plants and property, the issuer of a permit may also fix any conditions as may be deemed appropriate in the permit.

The application for and issuance of a permit and the qualifications of an applicant for a permit shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 112. In undertaking a metallurgy operation, the holder of a permit must comply with the rules and procedures prescribed in the Notification of the Minister.

Prior to a metallurgy operation, the holder of a permit must, not less than fifteen days in advance, give a written notification thereof to the Director-General and must escort the competent official for the purpose of conducting an inspection and may undertake the metallurgy operation upon obtaining written permission from the Director-General.

The holder of a metallurgy operation permit must report the metallurgy operation in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

Section 113. An expansion or reduction of a metallurgy area, an alteration of a metallurgy operation plan and method, a temporary cessation of the metallurgy operation, a notification of the resumption of the metallurgy operation and a cessation of the metallurgy operation shall be in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

Section 114. In the metallurgy operation, the holder of a metallurgy operation permit shall not perform, or omit to perform, any act which is likely to allow a toxic mineral or any toxic article to cause danger to persons, animals, plants, property or the environment.

PART IV

RENEWAL AND TRANSFER OF PERMITS

Section 115. A holder of a mineral selling permit, a holder of a mineral possession permit, a holder of a permit for establishing a mineral storage, a holder of a mineral dressing

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permit or a holder of a metallurgy operation permit, who intends to apply for renewal of the permit, must submit an application therefor before the permit expires. Upon submission of such application, it shall be deemed that the applicant is in the position as if the applicant were a holder of the permit and may continue the operation of the business until the Director-General gives an order refusing to grant renewal of such permit.

A permit under paragraph one may be renewed for each period not exceeding five years as from the date of the permission for renewal.

The application for renewal of a permit under paragraph one shall be in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

Section 116. Any holder of a mineral dressing permit or a holder of a metallurgy operation permit shall not transfer the permit to any other person except upon obtaining permission from the Director-General.

An application for a transfer of a permit and the permission shall be in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

Section 117. In the case of the death of a holder of a permit in this Chapter and an heir intends to continue the operation of the business, the provisions of section 74 shall apply *mutatis mutandis*.

PART V

ISSUANCE OF SUBSTITUTE DOCUMENTS

Section 118. In the case where a licence, a concession certificate or a permit is damaged, lost or destroyed, the holder thereof shall submit an application for a substitute document to the local mineral industry official or the local official, as the case may be, in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

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PART IX
SURVEY

Section 119. Upon receipt of an application for an exclusive mineral exploration licence, an application for a special licence, an application for a concession certificate, an application for a mineral dressing permit, an application for a metallurgy operation permit or an application for permission for dumping tailings, the competent official shall determine an area for such application by way of a survey or any other method in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette.

In the case where the determination of an area is to be made by way of a survey, the applicant or the person entrusted shall escort the surveyor for conducting a survey on the date and at the time and place specified in writing by the competent official.

Section 120. For the purpose of surveying, the competent official or the person entrusted by the competent official shall have the power to enter the land of the person having rights therein or of the occupier thereof during the daytime upon prior notification to the person having rights therein or the occupier thereof, and the person having rights in such land or the occupier of such land shall participate and render assistance in the survey conducted by the competent official as is reasonable in the particular case.

In the case where a map post needs to be established in the land of any person, the competent official or the person entrusted by the competent official has the power to establish the same as is necessary.

In conducting a survey, the competent official or the person entrusted by the competent official, when there arises any need, has the power to dig the soil, cut down trees or branches of trees or carry out any other act against any object which obstructs the survey to the extent of necessity, having regard to the minimisation of damage to the owner thereof.

In the case where an entry into such land causes damage, the person having the right therein, the occupier or the holder of any other right therein is entitled to claim damages. In this regard, the applicant must be liable to make payment of damages for ensuing loss.

Section 121. The determination of an area for the application under section 119 shall be made at the applicant's cost.

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In the case of an application for a concession certificate, the competent official shall establish a map post or a boundary post for the mining area in a manner allowing the post to appear clearly and be capable of detection.

If a boundary post for the mining area or a map post established by the competent official is lost or destroyed, the holder of a concession certificate shall forthwith notify it to the competent official and be responsible for the costs incurred in a survey for the purpose of establishing a new boundary post for the mining area or a new map post.

In the case where the holder of a concession certificate fails to make the notification under paragraph three, if the mining is undertaken outside the concession certificate area, it shall be deemed that the mining is intentionally undertaken outside the concession certificate area.

Section 122. When the competent official has established a boundary post for the mining area or a map post under this Act at any place, no person shall destroy, modify, move or remove it unless permission is obtained from the concession certificate issuer or the person entrusted, as the case may be.

Section 123. In the case where an area for an application must be determined under section 119 by way of a survey or any other method, the Director-General may cause it to be carried out by a private surveyor under the law on private surveyors on behalf of the competent official, in accordance with the rules, procedures and conditions prescribed by the Director-General by publication in the Government Gazette, provided that the private surveyor must also prepare a survey report for submission to the competent official.

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CHAPTER X
REJECTION OF APPLICATIONS AND CANCELLATION, CORRECTION
AND REVOCATION OF PERMISSION

PART I
REJECTION OF APPLICATIONS

Section 124. The Director-General has the power to order a rejection of an application for an exclusive mineral exploration licence or an application for a special licence when the applicant:

- (1) is, without any justifiable reason, in default of escorting surveyors for conducting a survey;
- (2) ignores and fails to comply with the competent official's order given to demand the performance of a particular act as is necessary for issuing an exclusive mineral exploration licence or a special licence;
- (3) violates or fails to comply with the provisions of Chapter 5 or connives at such act.

Section 125. The Director-General or the local mineral industry official has the power to order a rejection of an application for a concession certificate when it appears that:

- (1) the applicant is, without any justifiable reason, in default of escorting surveyors for conducting a survey;
- (2) the applicant ignores and fails to comply with the competent official's order given to demand the performance of a particular act as is necessary for issuing a concession certificate;
- (3) the applicant violates or fails to comply with the provisions of Chapter 5 or connives at such act;
- (4) the mineral of the type in respect of which the mining is intended to be undertaken in the area to which the application relates is insufficient for the mining operations.

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PART II
CANCELLATION, CORRECTION AND REVOCATION OF PERMISSION

Section 126. When permission has been granted by issuance of an exclusive mineral exploration licence, a special licence, a concession certificate or a permit under this Act and the applicant therefor fails to take the same within thirty days as from the date of receipt of the notification without any justifiable reason, the person with the power to grant permission may cancel such permission.

Section 127. When it subsequently appears that a licence, a concession certificate or a permit under this Act has been issued to any person on account of inaccuracy or a mistake as to a fundamental fact, the licence issuer, concession certificate issuer or permit issuer, as the case may be, has the power to recall the licence, concession certificate or permit for making correction or revoke it.

In the case of the correction or revocation of the permission under paragraph one, the holder of a licence, the holder of a concession certificate or the holder of a permit may not claim any damages resulting from such correction or revocation.

For the purposes of public utilities, national defence or any other public interest of the State, the Minister, with the approval of the Council of Ministers, shall have the power to recall an exclusive mineral exploration licence, a special licence or a concession certificate for the purpose of altering or setting aside the area or reducing the permitted duration as needed or revoking it, as the case may be, and, in such a case, the persons affected thereby shall be entitled to compensation for losses in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister, provided that the loss must exclude the value of minerals not yet taken from the mining.

Section 128. In the case where the person bound to pay debts under this Act fails to make payment, when the local mineral industry official or the local official, as the case may be, has given a notification in writing demanding payment thereof and such person fails to make payment within ninety days as from the date of receipt of the notification, the issuer of a licence, the issuer of a concession certificate or the issuer of a permit, as the case may be, shall have the power to order a revocation of such licence, concession certificate or permit.

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Section 129. When it appears that any holder of a licence, any holder of a concession certificate or any holder of a permit violates or fails to comply with this Act, Ministerial Regulations, Notifications or Rules issued under the provisions of this Act or the conditions specified in the licence, concession certificate or permit or carries out any act likely to cause grievances, losses or danger affecting persons, animals, plants, property or the environment, the competent official shall have the power to order such person to discontinue the violating act or order rectification or improvement or performance in a correct and appropriate manner within the period of time specified.

In the case where it is deemed appropriate, the person with the authority to grant permission or issue a permit may entrust the competent official to tie up or affix a seal on all tools, devices or machines for preventing their usability during the compliance with the order of the competent official under paragraph one.

Section 130. In the case where the holder of a licence, the holder of a concession certificate, the holder of a mineral dressing permit or the holder of a metallurgy operation permit intentionally fails to comply with an order of the competent official under section 129 without any justifiable reason, the Director-General, the issuer of a licence, the issuer of a concession certificate or the issuer of a permit, as the case may be, shall have the power to order such person to cease the operation of the business in whole or in part *pro tempore* and to make rectification or perform in a correct and appropriate manner within the period of time specified.

If the operator of the business under paragraph one has made rectification or performed in a correct manner within the period of time specified, the issuer of the order under paragraph one shall issue an order permitting the continuance of the operation of business.

If the operator of the business under paragraph one fails to make rectification or fails to perform in a correct manner within the period of time specified or the operation of such business may result in the state of seriously toxic environment thereby leading to incurable danger to life, health, property or the environment, the Director-General, the issuer of a licence, the issuer of a concession certificate or the issuer of a permit, as the case may be, shall have the power to order a revocation of the licence, concession certificate or permit and notify it in writing to the person against whom the revocation is made.

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CHAPTER XI
MINERAL ROYALTIES, FEES AND SPECIAL SUBSCRIPTION

Section 131. A holder of a concession certificate, a holder of a small-scale mining permit, a person making a notification of the mineral panning, a holder of a mineral dressing permit, a holder of a metallurgy operation permit or a holder of a mineral possession permit must pay mineral royalties as follows:

- (1) minerals specified in a concession certificate and other minerals which are byproducts from the mining;
- (2) other minerals which are byproducts from the mineral dressing or slag containing minerals of other types in the quantity exceeding that prescribed by the Director-General, when payment of mineral royalties therefor has not yet been made;
- (3) minerals derived from the small-scale mining or the mineral panning;
- (4) minerals possession of which is permitted under section 97 paragraph two, when payment of mineral royalties therefor has not yet been made;
- (5) a sale of minerals vesting in the State, if it appears that payment of mineral royalties therefor has not yet been made.

Section 132. Mineral royalties shall be collected at a rate not exceeding thirty percent of the market value of minerals.

The mineral royalty rates shall be as prescribed in the Ministerial Regulation.

The market value of minerals of each type shall be as prescribed by the Director-General.

The rules and procedures for the collection of mineral royalties, the determination of the market value of minerals and the examination and assessment of payment of mineral royalties shall be as prescribed in the Notification of the Minister, provided that, in the case where mineral royalties may not be assessed until the mineral dressing or metallurgy operation is complete, the Notification shall also require placement of an appropriate amount of security for payment of mineral royalties.

Section 133. In the case where the person who has the duty to pay mineral royalties fails to make payment or makes deficient payment thereof or there is a reasonable

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cause to suspect that payment of mineral royalties is made incorrectly, the Director-General shall give such person a summons in writing demanding his appearance, within the period of not less than seven days as from the date of receipt of the writing, for giving explanations and producing evidence of the payment of mineral royalties. If it is found that there is no evidence of the payment of mineral royalties or the evidence produced does not reveal correct and full payment of mineral royalties or such person fails to appear for giving explanations within such time, the Director-General shall appoint a mineral royalty assessment committee for conducting an assessment of the payment of royalties in such case, in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

When the mineral royalty assessment committee has conducted an assessment and requires payment of mineral royalties in a particular amount or requires payment of an additional amount of mineral royalties, the person against whom the assessment has been conducted shall make payment thereof within thirty days as from the date on which the written notification of the assessment result is received. If such time has elapsed, such person must pay the mineral royalties in full or the deficient amount of mineral royalties, as the case may be, together with a surcharge two times the deficient amount of mineral royalties.

Section 134. An applicant under this Act must pay fees at the time of submission of the application and must place advance costs or advance money to be expended on the conduct of activities as may be necessary for a particular case, as provided in this Act.

In the case where there is an order rejecting the application or refusing to grant permission applied for or the applicant withdraws the application, the advance costs or advance money not yet expended on the activities concerned shall be returned to the applicant in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 135. Mineral explorations under an exclusive mineral exploration licence or a special licence are subject to payment of mineral exploration royalties at a progressive rate in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

In the case where an exclusive mineral exploration licence or a special licence terminates before the specified expiry date, the holder of the licence is not entitled to apply for a return of the mineral exploration royalties already paid.

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In the case where the holder of a licence fails to make correct and full payment of mineral exploration royalties, when the local mineral industry official has notified the holder in writing and the holder fails to make payment within sixty days as from the date of receipt of the notification, the issuer of the licence shall have the power to order a revocation of the licence.

Section 136. A holder of a concession certificate must pay a special subscription at a rate not exceeding ten percent of the royalties on mineral produced under such concession certificate.

The special subscription under paragraph one shall be expended to finance local development, studies and research on minerals, the adjustment of areas already mined, in accordance with landscape architecture principles and the prevention and suppression of the commission of offences under this Act.

The rates, rules, procedures and conditions for the collection and the allocation of special subscriptions shall be as prescribed in the Notification of the Minister.

In the case where there arises economic necessity, the Minister shall have the power to issue Notifications allowing minerals of any particular type to be eligible for reduction or exemption of special subscriptions for such duration as deemed appropriate.

CHAPTER XII DEVELOPMENT AND PROMOTION

Section 137. For the purposes of developing and promoting the operation of business under this Act, the Minister, with the advice of the Minerals Commission, may issue Ministerial Regulations exempting or reducing fees and prescribing rules and qualifications of persons eligible for the exemption or reduction of fees on such matters in the following cases:

- (1) a holder of a concession certificate, a holder of a mineral dressing permit or a holder of a metallurgy operation permit who undertakes the business assumes higher social and environmental responsibility than the standard prescribed by the law;
- (2) there arises a natural disaster or an accident,
- (3) there arise other reasonable causes.

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Section 138. If it appears that any particular area is likely to contain such a sufficient amount of appropriate minerals as to merit a development into a mineral deposit for mining purposes, the Minister, with the advice of the Minerals Commission, may instruct the Department of Primary Industries and Mines to prepare documents necessary for the application for concession certificates and prepare an environmental impact assessment report for such area for the purpose of seeking approval under the law on promotion and preservation of the national environmental quality before issuing concession certificates in such area.

In pursuit of the activities under paragraph one, if it appears that there have been applicants for licences or for concession certificates in such area, the provisions of section 21 paragraph five shall apply *mutatis mutandis*.

When the environmental impact assessment report for such area has been approved under paragraph one, the Department of Primary Industries and Mines, in issuing concession certificates, may hold bidding for such area. In this regard, the rules, procedures and conditions prescribed in the Notification under section 21 shall apply *mutatis mutandis*, provided that the concession certificate issuer shall give the operator under 137 (1) a priority right to be selected.

The successful bidder under paragraph three must comply with measures specified in the environmental impact assessment report and the conditions fixed in the concession certificate and must make full payment of the costs incurred in the operations by the Department of Primary Industries and Mines under paragraph one on the date of receipt of the concession certificate.

CHAPTER XIII CIVIL LIABILITY

Section 139. A person to whom permission has been granted under this Act must be liable to pay compensation or damages for losses or grievances caused by the operation of his business to persons, animals, plants, property or the environment.

In the case where the loss occurs in the area for which permission has been granted, it shall *prima facie* be presumed that such loss is caused by the act of the person to whom such permission has been granted.

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Section 140. Any person who undertakes the mining without being granted permission or any holder of a concession certificate who undertakes the mining outside the concession certificate area or any holder of a concession certificate who undertakes the mining in the concession certificate area but in the part where the mining is prohibited under section 68 (3) or under any other law shall also be liable, in addition to criminal liability, to pay damages to the State in an amount from two times but not exceeding three times the value of the minerals derived from the mining in such area.

In determining the damages under paragraph one, the Court shall take into account the circumstances and the intention of the person undertaking the mining or the holder of a concession certificate, as the case may be, in violating the law or acting in contravention of the conditions fixed in the concession certificate.

The value of the minerals under paragraph one shall be by reference to the market value of the minerals specified in the Notification of the Director-General on the date of the act under paragraph one.

Section 141. The person submitting an application for a licence or an application for a concession certificate which is struck out under section 21 paragraph five or section 138 paragraph two is entitled to compensation for loss if it can be proved that it is the actual loss caused by the execution of the law against such application.

The Department of Primary Industries and Mines shall make payment of the compensation under paragraph one out of the proceeds from the bidding under section 21 or section 138, as the case may be, provided that the compensation shall not include the value of minerals not yet taken from the mining.

Section 142. In addition to the liability under section 139, the Court has the competence to determine punitive compensation in accordance with the following rules:

(1) there may be awarded damages for emotional distress in consequence of the loss caused to the body, health or sanitary condition of the injured person, provided that if the injured person is dead, such person's spouse, ascendants or descendants shall be entitled to damages for emotional distress;

(2) if it appears, on the facts, that the person to whom permission has been granted has undertaken the mining with the knowledge that the undertaking of such mining is unsafe or without such knowledge on account of grave negligence or, when knowing thereafter that the

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undertaking of the mining is unsafe, fails to take reasonable action for preventing losses, the Court shall have the competence to order the operator of the business to pay additional compensation beyond compensation for actual loss determined by the Court as the Court deems appropriate, provided that the amount thereof must not exceed two times such compensation for actual loss, having regard to circumstances such as the gravity of the loss suffered by the injured person, the operator's knowledge of unsafety of the operation of business, the duration for which the operator has concealed unsafety of the operator's operation of business upon the knowledge that the undertaking of such mining is unsafe, the benefits acquired by the operator, the operator's financial position, the mitigation of ensuing loss by the operator and the injured person's contribution to the loss in question.

CHAPTER XIV CONTROL AND INSPECTION

PART I COMPETENT OFFICIALS

Section 143. In the execution of this Act, the competent official shall have the powers and duties as follows:

(1) to enter a mining area, mineral business operation area, mineral dressing area, metallurgy operation area, small-scale mining area or mining panning area for the purpose of inspecting the operation of such business from sunrise to sunset or during office hours of such place;

(2) to order, in writing, a holder of a licence, a holder of a concession certificate, a person undertaking the small-scale mining, a person undertaking the mineral panning, an operator of mineral business, a holder of a mineral dressing permit or a holder of a metallurgy operation permit to discontinue the violating act or make rectification or perform in a correct and appropriate manner or take action in preventing danger which may be caused by the operation of such business within the period of time specified;

(3) to take minerals in a reasonable quantity as samples for the purposes of examination and analysis,

(4) to seize or attach any mineral or any property under section 148.

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Upon the entry and inspection under (1), if the action remains unaccomplished, the action may be continued during the nighttime or out of office hours of such place.

Section 144. In the case where any person violates or fails to comply with the order given under section 143 (2), the competent official shall report it to the Director-General, the issuer of a licence, the concession certificate issuer or the issuer of a permit for considering a suspension or revocation of the licence, concession certificate or permit or the discontinuance of the operation of business.

Section 145. In the performance of duties of the competent official under this Act, persons concerned shall render reasonable assistance.

Section 146. The competent official shall be the official under the Penal Code. For the purpose of arresting an offender under this Act, the competent official shall be the administrative official or police official under the Criminal Procedure Code.

Section 147. In the performance of duties under this Act, the competent official must produce an identity card to persons concerned.

The identity card of the competent official shall be in accordance with the form prescribed in the Notification of the Minister.

PART II

ACTION IN CONNECTION WITH EXHIBITS AND MONEY WITH PENDING PAYMENT

Section 148. All minerals possessed in consequence of the commission of offences and any tools, devices, beasts of burden, vehicles or machines which a person has acquired or used in the commission of an offence or which are reasonably suspected to have been used in the commission of an offence or facilitate the result of the commission of an offence under this Act may be seized or attached by the competent official as evidence in legal proceedings until there is a final non-prosecution order or the right to institute a criminal action extinguishes or the case becomes final, irrespective of whether such property belongs to the

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offender or the person reasonably suspected to be the offender or not, and, when an action has been instituted, the provisions of section 174 paragraph two and paragraph three shall apply.

In seizing or attaching any tools, devices, beasts of burden, vehicles or machines under paragraph one, the competent official shall tie them, affix a seal thereon or prepare a list thereof and a database of offenders, for retention in accordance with the rules prescribed by the Director-General.

In the case where there is a final non-prosecution order or the right to institute a criminal action extinguishes or the Court does not render a judgment seizing the property, if the owner or possessor fails to make a request for a return thereof within six months as from the date on which he knows or is deemed to have known the order for a return of the property to the person entitled to take a return of the same from the competent official with the authority to conduct a seizure thereof, such property shall vest in the State unless the Director-General exercises the power to find, through a public announcement, the owner or possessor, in which case evidence shall be produced for taking a return of the property within thirty days. If, upon the lapse of such time, no one appears to take a return thereof, such property shall vest in the State and the provisions of section 150 shall apply to the procedures for making a public announcement for finding the owner or possessor of the property and procedures for taking a return of the property *mutatis mutandis*.

In the case where there is a final non-prosecution order or the right to institute a criminal action extinguishes or the Court does not render a judgment seizing the property and there exists no evidence as to the owner of such property, the period of time under paragraph three shall start to run as from the date on which the final non-prosecution order is given or the right to institute a criminal action extinguishes or the date on which the judgment becomes final or the date on which the Director-General makes an announcement, as the case may be.

Section 149. In the case where the property seized under section 148 paragraph one does not belong to the offender or the person reasonably suspected to be the offender, the competent official, with the approval of the Director-General, may return the property or money, as the case may be, to the owner before the time under section 148 paragraph three in the following cases:

(1) when such property need not be used as evidence in the trial of the case giving rise to the seizure thereof;

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(2) when the offender or the person reasonably suspected to be the offender has acquired such property from the owner through the commission of a criminal offence.

In returning the property under paragraph one, conditions may be fixed for a return and an inspection for the purpose of preventing any reuse of the property for the commission of an offence, in accordance with the Rule prescribed by the Director-General.

Section 150. In the case of a seizure of an exhibit reasonably suspected to be involved with the commission of an offence without its owner or possessor being known, the competent official conducting the seizure shall hand over the exhibit to the local mineral industry official or the official designated by the Director-General for the purpose of its retention and the Director-General shall have the power to make a public announcement for finding the owner or possessor in order for such person to produce evidence for taking a return of the exhibit.

The announcement under paragraph one shall be posted at the office of the local mineral industry official, *Amphoe* Office, *Kamnan* Office, *Poo Yai Ban* Office and the office of the local government organisation in whose territory the exhibit has been seized and shall be made via an electronic network or any other type of media for at least two consecutive days.

The owner or possessor is entitled to take a return of the exhibit from the local mineral industry official or the official indicated by the Director-General in the announcement within thirty days as from the date of the announcement under paragraph one.

In the case where no one declares to be the owner or possessor for the purpose of taking a return of the exhibit within the time specified under paragraph three, such exhibit shall vest in the State. But, if any person declares to be the owner or possessor and intends to take a return of the exhibit within the time specified, the Director-General shall further proceed in accordance with paragraph five.

In the case where it appears that the person who declares to be the owner or possessor under paragraph one is the person in favour of whom the public prosecutor, after consideration, gives a final non-prosecution order or the person who, according to the evidence in the course of the inquiry, had no connivance at the commission of the offence or who is not the owner or possessor, the Director-General shall notify such person, in writing, to exercise the right to institute an action before the Court for taking a return of the exhibit within thirty days as from the date of receipt of the notification in writing from the Director-General. In the absence of an exercise of the right to institute an action before the Court within such specified time, it shall be deemed that such person is not the owner or possessor of such property.

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Section 151. If the property and the exhibit seized or attached under section 148 or section 150 involve a risk of damage or loss or the costs incurred in its retention will exceed its value or there is any other reasonable cause, the Director-General may take action as follows:

(1) selling the property or the exhibit before the expiration of the time under section 148 paragraph three or section 150 paragraph three, as the case may be, and retaining the net proceeds therefrom in lieu of such property or exhibit; or

(2) if the use of the property or exhibit seized or attached will mitigate the damage or costs incurred in the retention thereof, putting such property or exhibit into use for the benefit of the official service in accordance with the Rule prescribed by the Director-General.

Before ordering the action under paragraph one, the Director-General shall make an announcement in accordance with the rules specified under section 150 paragraph two for the lawful owner's or possessor's information and the lawful owner or possessor shall have the right to submit an application for taking such property or exhibit for his own retention within the period of time specified by the competent official, which must not be less than fifteen days as from the date on which the announcement is first made, and if the lawful owner or possessor makes an agreement with the Department of Primary Industries and Mines for retaining such property or exhibit in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister, the Director-General shall hand over such property or exhibit to the lawful owner or possessor for retention, provided that the lawful owner or possessor shall not have any use or exploitation thereof in any manner whatsoever.

In the case where there appears no lawful owner or possessor who may take the property or exhibit for retention or where there appears a lawful owner or possessor but such person fails to make an agreement in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister, the Director-General may order the action under paragraph one, or in the case where an agreement has been made but the lawful owner or possessor is in breach thereof or fails to comply with the rules, procedures and conditions prescribed in the Notification of the Minister, the Director-General shall recall such property or exhibit from the owner or possessor and have the power to order the enforcement of the bond and the action under paragraph one.

The rules and procedures for the action under paragraph one (1) and (2) shall be as prescribed in the Notification of the Minister and, in such case, the lawful owner or possessor may not institute an action for claiming damages or any compensation from government bodies

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in consequence of the action taken or the use of the property or exhibit seized or attached for the benefit of the government service.

Section 152. All fees or any money under this Act payment of which is pending and falling under the responsibility of the Department of Primary Industries and Mines or the local mineral industry official or the local official, as the case may be, shall vest in the State if the eligible person fails to make a claim thereof within one year as from receipt of the notification in writing from the Director-General or the local mineral industry official or the local official, as the case may be.

CHAPTER XV PENALTIES

Section 153. Any person who violates or fails to comply with the Notification of the Minister under section 22, section 32 or section 101 paragraph one shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three hundred thousand Baht or to both.

Section 154. Any person who violates or fails to comply with section 33, section 34 or section 122 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding thirty thousand Baht or to both.

Section 155. Any person who violates section 38 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three hundred thousand Baht or to both.

Section 156. Any holder of a mineral exploration licence who fails to comply with the Notification of the Minister or fails to comply with the conditions under section 41 paragraph three shall be liable to imprisonment for a term not exceeding two months or to a fine not exceeding sixty thousand Baht or to both.

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Section 157. Any holder of an exclusive mineral exploration licence who fails to comply with section 43 paragraph three or fails to comply with the Notification of the Minister or the conditions under section 43 paragraph four or fails to comply with section 44 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred thousand Baht or to both.

Section 158. Any holder of a special licence who fails to comply with section 47 paragraph three or fails to comply with the Notification of the Minister or the conditions under section 47 paragraph four or fails to comply with section 48 paragraph one or section 50 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred thousand Baht or to both.

Section 159. Any person who violates section 52 shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one million five hundred thousand Baht or to both.

Section 160. Any person who:

(1) fails to comply with section 66 paragraph three, paragraph five or paragraph six, section 68 (1), (2), (3), (8) or (9) or fails to place the security or make an insurance under section 70 paragraph one shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three hundred thousand Baht or to both;

(2) fails to comply with section 68 (4), (5) or (6) shall be liable to imprisonment for a term not exceeding two months or to a fine not exceeding sixty thousand Baht or to both and to an additional fine not exceeding fifty thousand Baht a day throughout the period in which the failure of correct performance or cessation of the action occurs;

(3) fails to comply with section 68 (7) shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three hundred thousand Baht or to both and to an additional fine not exceeding fifty thousand Baht a day throughout the period in which the failure of correct performance or cessation of the action occurs; or

(4) fails to comply with section 68 (11) or (12) shall be liable to imprisonment for a term not exceeding two months or to a fine not exceeding sixty thousand Baht or to both.

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Section 161. Any person who violates or fails to comply with section 71, section 72, section 107, section 112 or section 116 shall be liable to imprisonment for a term not exceeding two months or to a fine not exceeding sixty thousand Baht or to both.

Section 162. Any person who violates section 94 paragraph one or section 95 paragraph one or fails to comply with the conditions prescribed under section 94 paragraph two or fails to comply with the mineral panning method specified in the Notification of the Minister under section 95 paragraph two or fails to comply with local ordinances under section 96 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding thirty thousand Baht or to both.

Section 163. Any person who sells, purchases, possesses or transports minerals on which mineral royalties have not yet been paid under section 97 shall be liable to imprisonment for a term not exceeding six months or to a fine from one time to five times the value of the minerals or to both.

Section 164. Any person who violates section 99 shall be liable to imprisonment for a term not exceeding one year or to a fine from three times to five times the value of the minerals or to both.

Section 165. Any person who fails to prepare a report under section 101 paragraph two or prepares such report with falsity shall be liable to imprisonment for a term not exceeding two months or to a fine not exceeding sixty thousand Baht or to both.

Section 166. Any person who violates section 104 shall be liable as follows:

(1) in the case of violating the Notification issued under section 104 (1), such person shall be liable to imprisonment for a term not exceeding two years or to a fine from two times to five times the value of the minerals or to both;

(2) in the case of violating the Notification issued under section 104 (2), such person shall be liable to imprisonment for a term not exceeding one year or to a fine from one time to three times the value of the minerals or to both;

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(3) in the case of violating the Notification issued under section 104 (3), such person shall be liable to imprisonment for a term not exceeding two months or to a fine not exceeding sixty thousand Baht or to both.

When it appears that minerals exported from the Kingdom or a continental shelf zone without permission under section 104 (2) are minerals under or from any concession certificate, mineral selling place, mineral dressing area or metallurgy operation area, such concession certificate issuer or the issuer of such permit may revoke such concession certificate or permit.

Section 167. Any person who fails to comply with the rules and procedures for the control of transportation and storage of minerals imported into the Kingdom or a continental shelf zone under section 105 shall be liable to imprisonment for a term not exceeding two years or to a fine of three hundred thousand to six hundred thousand Baht or to both.

Section 168. Any person who:

(1) violates section 106 paragraph one or section 111 paragraph one;

(2) fails to comply with the conditions under section 106 paragraph four or section 111 paragraph four;

shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three hundred thousand Baht or to both.

In the case where the holder of a mineral dressing permit or the holder of a metallurgy operation permit or the violator of section 106 paragraph one or section 111 paragraph one uses the mineral acquired from the commission of the offence under section 52 for the mineral dressing or the metallurgy operation, such person shall be liable to imprisonment for a term not exceeding three years or to a fine of one hundred thousand to nine hundred thousand Baht or to both.

If the offence under paragraph one (1) is committed by the holder of a concession certificate or the holder of a permit under this Act, the concession certificate issuer or the issuer of the permit may revoke such concession certificate or permit.

Section 169. Any person who violates the rules, procedures and conditions prescribed by the Director-General under section 108 or section 113 shall be liable to

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imprisonment for a term not exceeding three years or to a fine of one hundred thousand to nine hundred thousand Baht or to both.

Section 170. Any person who violates section 109 or section 114 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three hundred thousand Baht or to both and to an additional fine not exceeding fifty thousand Baht a day throughout the period in which the failure of correct performance or cessation of the action occurs.

Section 171. Any person who prepares a false survey report under section 123 or fails to prepare a report shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding six hundred thousand Baht or to both.

Section 172. Any person who obstructs or fails to render assistance to the competent official or fails to comply with an order of the competent official under section 143 (2) shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding thirty thousand Baht or to both.

Section 173. Any person who uses or exploits the property or exhibit retained by him upon entrustment under section 151 paragraph two shall be liable to a fine two times of the benefits acquired from such use or exploitation.

Section 174. All minerals, equipment, tools, devices, beasts of burden, vehicles or machines which a person has acquired from or used in the commission of an offence or possessed in consequence of the commission of offences or which were used as the equipment contributing to the result of the commission of offences under section 154, section 155, section 159, section 160 insofar as they are concerned with failure to comply with section 68 (1), (2), (3), (4), (5), (6) or (7), section 162, section 163, section 164, section 166, section 168 or section 180 shall be confiscated, irrespective of whether any person is inflicted with punishment or not.

The public prosecutor shall request the Court to order a confiscation of the property under paragraph one and, upon the request by the public prosecutor to the Court, the competent official shall post the same at the office of the local mineral industry official, *Amphoe* Office, *Kamnan* Office, *Poo Yai Ban* Office and the office of the local government organisation in whose territory the exhibit has been seized or attached for a period of consecutive two days,

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irrespective of whether in such a case there appears the person believed to be the owner or not. In the case where there appears evidence as to the owner of the property under paragraph one, such posted document shall be sent, by registered mail requiring acknowledgement of receipt thereof, to the domicile of the owner of such property in order to allow the person who may claim to be the owner to submit an application for appearing in the case prior to the judgment of the Court of First Instance.

In the case where no one claims to be the owner prior to the judgment of the Court of First Instance or there is the owner but the owner cannot prove to the satisfaction of the Court that the owner had no opportunity to know or had no reasonable cause to believe that the offence would be committed and he had exercised reasonable care to prevent the commission of such offence or cannot prove to the satisfaction of the Court that the owner had no opportunity to know or had no reasonable cause to believe that such property would be used for the commission of the offence under this Act, the Court may order a confiscation of such property at the expiration of thirty days as from the first day of the posture under paragraph two. In the case where there appears evidence as to the owner of the property, such period of time shall run as from the date on which the owner of the property has received or is deemed to have received the registered mail requiring acknowledgement of receipt thereof under paragraph two, and in such case section 36 of the Penal Code shall not apply.

Section 175. In the case of any exhibit or property which is connected with the commission of an offence and vests in the State under this Act, the Director-General shall cause it to be sold or used for the purposes of a study and research or for any other official purposes or cause it to be struck out of the official record

The provisions of section 63 shall apply to the proceedings under paragraph one *mutatis mutandis*.

Section 176. In the case of the commission of an offence under this Act, it shall be deemed that the person suffering loss in consequence thereof is the injured person under the Criminal Procedure Code.

Section 177. The person aiding and abetting or receiving any benefit from the commission of an offence under this Act shall be liable to the same penalty as that to be inflicted upon the principal for that offence.

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Section 178. All offences under this Act punishable with imprisonment for a term not exceeding six months or a fine only may be settled by the Settlement Committee in accordance with the Rule prescribed by the Minister.

Upon payment of a fine by the alleged offender, in an amount required for the settlement, within thirty days as from the date of the settlement, the case shall be deemed to have been extinguished under the Criminal Procedure Code.

Section 179. The Settlement Committee under section 178 shall consist of the following persons:

(1) in the area of Bangkok, a representative of the Office of the Attorney-General as Chairperson, and a representative of the Royal Thai Police Bureau as a member, and a representative of the Department of Primary Industries and Mines as a member and secretary.

(2) in any other province, the Provincial Public Prosecutor who is the head of the Office of Provincial Public Prosecutors as Chairperson, the Commander of the Provincial Police as a member and the local mineral industry official as a member and secretary;

Section 180. In the case where an offence under this Act has been committed in a mineral control area under section 22 paragraph one or in violation of the rules, procedures or measures prescribed in the Notification under section 22 paragraph two, the violator shall be liable to the penalty two times the penalty imposed for such offence.

Section 181. In the case where the offender is a juristic person, if the commission of the offence by such juristic person has resulted from the instruction or an action of a director or a manager or any person responsible for the operation of such juristic person or in the case where such person has the duty to give instructions or take action and refrains from giving instructions or taking action, thereby leading to the commission of the offence by such juristic person, such person shall also be liable to the penalty as provided for such offence.

Section 182. Any competent official, any local mineral industry official or any person concerned who dishonestly performs any act or refrains from performing any act with a view to preventing the proceeding under this Act or violates the provisions of law shall be liable to imprisonment for a term of one year to ten years or to a fine of three hundred thousand to three million Baht or to both.

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Section 183. A value of a mineral under this Chapter shall be by reference to the market value as prescribed by the Notification of the Director-General as in force on the date of the commission of the offence.

CHAPTER XVI TRANSITORY PROVISIONS

Section 184. In the initial period, the National Mineral Management Policy Commission under the Rule of the Office of the Prime Minister on the National Mineral Management Policy Commission, B.E. 2559 (2016) shall perform the duty as the National Mineral Management Policy Commission under this Act *pro tempore* until the National Mineral Management Policy Commission under this Act is appointed, provided that the appointment must be made not later than one hundred eighty days as from the date on which this Act comes into force.

Section 185. In the initial period, while qualified members have not yet been appointed:

(1) the Minerals Committee shall consist of Permanent Secretary for Industry, as Chairperson, Director-General of the Department of Provincial Administration, Director-General of the Pollution Control Department, Director-General of the Department of Disease Control, Director-General of the Marine Department, Director-General of the Department of Marine and Coastal Resources, Director-General of the Department of Mineral Resources, Director-General of the Department of Lands, Director-General of the Royal Forest Department, Director-General of the Fine Arts Department, Director-General of the Department of Local Administration, Director-General of the Department of Health, Secretary-General of the Agricultural Land Reform Office, Secretary-General of the Office of Natural Resources and Environmental Policy and Planning and President of the Mining Industry Council or the person entrusted, as members, and Director-General of the Department of Primary Industries and Mines as a secretary, who shall all perform the duty *pro tempore* until the qualified members are appointed;

(2) the Provincial Minerals Committee shall consist of *Changwat* Governor, as Chairperson, Director of the Provincial Office of Natural Resources and Environment, Provincial Land Official, Provincial Land Reform Official, Provincial Public Health Medical Officer, a representative of the Marine Department, a representative of the Department of Mineral

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Resources, a representative of the Fine Arts Department, a representative of the Department of Primary Industries and Mines, *Nai Amphoe* and a representative of local government organisations in the locality in which applications for concessional certificates are made and a representative of the Mining Industry Council, as members, and the local mineral industry official as a secretary, who shall all perform the duty *pro tempore* until the qualified members are appointed.

The appointment of qualified members under paragraph one must be completed within one hundred eighty days as from the date on which this Act comes into force.

Section 186. The Notifications designating areas to be the areas for explorations, experiments, studies or research in connection with minerals issued under the Minerals Act, B.E. 2510 (1967) as in force prior to the date on which this Act comes into force shall continue to be in force for a period not exceeding five years as from the date on which this Act comes into force, except that the Notifications for the area under section 17 paragraph four shall be repealed.

Section 187. All Ministerial Regulations, Notifications, Rules or orders issued under the Minerals Act, B.E. 2510 (1967) and the Mineral Royalty Rates Act, B.E. 2509 (1966) as in force prior to the date on which this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with this Act until Ministerial Regulations, Notifications, Rules or orders to be issued under this Act come into force.

The issuance of Ministerial Regulations, Notifications or Rules under paragraph one shall be completed within two years as from the date on which this Act comes into force. If their completion cannot be achieved, the Minister shall report the reasons therefor to the Council of Ministers for information.

Section 188. All applications in any type submitted prior to the date on which this Act comes into force shall be deemed to be the applications under this Act and shall be considered and proceeded with in accordance with the rules provided under this Act.

Section 189. All licences, concession certificates or permits issued under the Minerals Act, B.E. 2510 (1967) prior to the date on which this Act comes into force shall be deemed to be licences, concession certificates or permits under this Act and shall remain valid until their expiry or revocation, provided that they shall be governed by the rules as provided in this Act, except that the preparation of a mining barrier area line and the preparation of fundamental data

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related to the environment and public health under section 32, the rehabilitation of mined areas, the placement of security and the taking of an insurance under section 68 (8) and (9) shall be in accordance with the conditions fixed at the time of issuance of a concession certificate.

All commitments under agreements concluded under the Minerals Act, B.E. 2510 (1967) with the Government of Thailand through the Ministry of Industry and the Department of Primary Industries and Mines prior to the date on which this Act comes into force shall continue to be in force in accordance with the commitments under such agreements until their enforcement terminates. Renewal of any licence, concession certificate or permit must be governed by the rules provided in this Act.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

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LIST OF RATES OF FEES

NO.	PARTICULARS	RATES OF FEES
1.	Fees for issuance of licences, concession certificates and permits	
	(1) Fee for mineral exploration licences: for each licence	10,000 Baht
	(2) Fee for exclusive mineral exploration licences: for each licence	50,000 Baht
	(3) Fee for special licences: for each licence	100,000 Baht
	(4) Fees for concession certificates	
	a. Fee for concession certificates for the mining in Class 1: for each certificate	100,000 Baht
	b. Fee for concession certificates for the mining in Class 2: for each certificate	500,000 Baht
	c. Fee for concession certificates for the mining in Class 3: for each certificate	1,000,000 Baht
	d. Fee for concession certificates for the underground mining : for each certificate	1,000,000 Baht
	(5) Fees for permits	
	a. Small-scale mining permits: for each permit	5,000 Baht
	b. Mineral dressing permits: for each permit	500,000 Baht
	c. Metallurgy operation permits: for each permit	1,000,000 Baht
	d. Other permits under this Act: for each permit	10,000 Baht
2.	Annual Fees	
	(1) Mineral dressing: a year	10,000 Baht
	(2) Metallurgy operation: a year	20,000 Baht
	(3) Mineral business operation: a year	10,000 Baht
3.	Fees for a survey	
	(1) Fee for a map drawing or a map modelling: for each copy	6,000 Baht
	(2) Fee or a survey for every area of 1 <i>rai</i> or a fraction of 1 <i>rai</i> : a <i>rai</i>	600 Baht
	(3) Fee for a boundary post for a mining area: for each boundary post	3,000 Baht
	(4) Fee for an inquiry: for each inquired matter	30,000 Baht
4.	Fees for renewal and transfers of rights to undertake the mining and permits	
	(1) Fees for renewals of concession certificates	

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NO.	PARTICULARS	RATES OF FEES
	a. Fee for renewal of concession certificates for the mining in Class 1: for each certificate	100,000 Baht
	b. Fee for renewal of concession certificates for the mining in Class 2: for each certificate	500,000 Baht
	c. Fee for renewal of concession certificates for the mining in Class 3: for each certificate	1,000,000 Baht
	d. Fee for renewal of concession certificates for the underground mining: for each certificate	1,000,000 Baht
	(2) Fees for renewal of mineral dressing permits: for each permit	500,000 Baht
	(3) Fees for renewal of metallurgy operation permits: for each permit	1,000,000 Baht
	(4) Fees for renewal of mineral business operation permits: for each permit	10,000 Baht
	(5) Fees for transfers of concession certificates	
	a. Fee for a transfer of concession certificates for the mining in Class 1: for each certificate	10,000 Baht
	b. Fee for a transfer of concession certificates for the mining in Class 2: for each certificate	50,000 Baht
	c. Fee for a transfer of concession certificates for the mining in Class 3: for each certificate	100,000 Baht
	d. Fee for a transfer of concession certificates for the underground mining: for each certificate	100,000 Baht
	(6) Remuneration for a transfer of the right to undertake the mining under a concession certificate: percent	4
	(7) Fee for a transfer of mineral dressing permits: for each permit	5,000 Baht
	(8) Fee for a transfer of metallurgy operation permits: for each permit	20,000 Baht
	(9) Fee for a transfer of other permits under this Act: for each permit	5,000 Baht
5.	Miscellaneous fees	
	(1) Fee for a duplication or photocopy of documents: for each page	10 Baht
	(2) Fee for certification of copies of documents: for each document	150 Baht
	(3) Fee for cessation of the mining for every <i>rai</i> or a fraction of 1 <i>rai</i> : a year	600 Baht
	(4) Fee for taking tailings out of a mining area: a metric ton	20 Baht

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NO.	PARTICULARS	RATES OF FEES
	(5) Fee for substitutes for licences, concession certificates or permits: for each copy	6,000 Baht
	(6) Fee for expansion or reduction of a mineral dressing area: for each application	5,000 Baht
	(7) Fee for expansion or reduction of a metallurgy area: for each application	20,000 Baht
	(8) Fee for reduction of land in a special licence area: for each application	20,000 Baht
	(9) Fee for reduction of land in a concession certificate area: for each application	20,000 Baht
6.	Fees for scientific examinations, tests or analysis: for each sample, mineral or substance or item	10,000 Baht

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