

**FOREST PLANTATION ACT (NO. 2),
B.E. 2558 (2015)**

BHUMIBOL ADULYADEJ, REX.

Given on the 20th May B.E. 2558 (2015)

Being the 70th Year of the Present Reign.

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

Whereas it is expedient to amend the law on forest plantation.

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

Section 1. This Act is called the “Forest Plantation Act (No. 2), B.E. 2558 (2015)”.

Section 2. This Act shall come into force after the lapse of one hundred and eighty days from the date of its publication in the Government Gazette* .

Section 3. The definition of “Forest plantation” in section 3 of the Forest Plantation Act, B.E. 2535 (1992) shall be repealed and replaced by the following:

““Forest plantation” means the land which has been registered under section 5 for the purpose of plantation and maintenance of trees annexed hereto.

The revision or amendment of the kind of tree annexed hereto shall be enacted by a Royal Decree.”

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

* Published in the Government Gazette, Vol. 132, Part 44 a, dated 26th May, B.E. 2558 (2015).

Section 4. There shall be added a definition of “Forest by-product” between the definitions of “Plant” and “Sign” in section 3 of the Forest Plantation Act, B.E. 2535 (1992).

““Forest by-product” means forest by-product under the law on forestry and the law on national reserved forest;”

Section 5. The provisions of section 4 and section 5 of the Forest Plantation Act, B.E. 2535 (1992) shall be repealed and replaced by the following:

“**Section 4.** The land which is eligible to apply for registration as forest plantation under this Act must be under any of the following category of land:

- (1) the land having title deed or certificate of utilization under the Land Code;
- (2) the land having official written notice certifying that it is under the prescription eligible to apply for title deed or certificate of utilization under the Land Code since it has already been occupied and utilized under the law on agricultural land consolidation or the law on land consolidation for subsistence;
- (3) the land within the land reform area under the law on agricultural land reform having evidence of permission, rent, hire purchase, transfer, or legacy;
- (4) the land having permission in writing under the law on national reserved forest allowing a person to utilize and reside, or to render forest or perennial plants plantation in the area of national reserved forest restoration, or to preserve forest, or render forest or perennial plants plantation in the degraded forest;
- (5) the land having a license for forest plantation under the law on forestry;
- (6) the land under operation of forest plantation by government agency, public enterprise, or other State agency.

Section 5. The person having ownership, possessory right, or the right to utilize the land under section 4 who wishes to use such land in forest plantation for trading shall file an application for registration with the Registrar.

The application for registration and the issuance of certificate of registration of the land to be used for forest plantation under paragraph one shall be in accordance with the rule, procedure, and condition prescribed in the Ministerial Regulation.

In issuing the Ministerial Regulation under paragraph two, the appropriate vegetation for forest plantation in each region must also be determined.

In the case where the applicant is the renter or buyer of hire purchase of land applied for registration of forest plantation, and such land is the land under section 4

(1), he or she must have an evidence of rent or hire purchase of such land, together with the written notice of consent of the person having ownership, or possessory right on such land permitting the forest plantation.”

Section 6. The provisions of section 6 paragraph two of the Forest Plantation Act, B.E. 2535 (1992) shall be repealed and replaced by the following:

“In the case where the Registrar issues an order accepting the registration of forest plantation of the land, the operator of forest plantation shall prepare an inventory of the kinds and amount of plants to be planted and maintained in accordance with the rule prescribed by the Director-General.”

Section 7. The provisions of section 7 paragraph one of the Forest Plantation Act, B.E. 2535 (1992) shall be repealed and replaced by the following:

“**Section 7.** Before accepting the registration of forest plantation of the land, if the land applied for registration is the land under section 4 (4) or (5), the Registrar shall order the competent official to examine and make a report on location, soil condition, kinds, size and amount of plants naturally existing, as well as detail of the land applied for registration of forest plantation; and in case of restricted plant under the law on forestry, or the plant which its logging must be permitted under the law on national reserved forest, the competent official shall clearly record in the report in accordance with the rule and procedure prescribed by the Director-General with the approval of the Minister. The report of such examination shall be submitted to the Registrar within thirty days from the date of receiving order.

Section 8. The following provisions shall be added as section 8/1 of the Forest Plantation Act, B.E. 2535 (1992):

“**Section 8/1.** In the case where the import of the log derived from forest plantation need to have a certificate of sustainable forest management form the Royal Forest Department required by the country of destination, or any forest plantation operator wishes to have a certificate of sustainable forest management issued by the Royal Forest Department, an application shall be filed with the Registrar and the expense incurred from the examination or any other operation in accordance with the rule prescribed by the Director-General shall be paid therewith.

The application for, issuance and revocation of the certificate under paragraph one shall be in accordance with the rule, procedure, and condition prescribed in

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the Ministerial Regulation; provided that it must be prescribed in accordance with the generally accepted international standard.

The Director-General shall have power to authorize other institution or organ in issuance of certificate of sustainable forest management in his or her place.”

Section 9. The following provisions shall be added as section 9/1 and section 9/2 of the Forest Plantation Act, B.E. 2535 (1992):

“**Section 9/1.** Subject to the provisions of this Act, the wood and forest by-product derived from forest plantation under this Act shall belong to the forest plantation operator, and he or she has the right in logging, lumbering, and collecting forest by-product therein.

“**Section 9/2.** An animal naturally born and survives in the forest plantation without owner shall be deemed a wild animal under the protection of the law on reservation and protection of wild animal.”

Section 10. The provisions of section 10 of the Forest Plantation Act, B.E. 2535 (1992) shall be repealed and replaced by the following:

“**Section 10.** In logging the wood derived from forest plantation, the forest plantation operator may cut or cut down the tree, lumber, trade, possess, and carry in transit the wood at the forest checkpoint without having to apply for permission under the law on forestry.

Section 11. The following provisions shall be added as section 10/1 of the Forest Plantation Act, B.E. 2535 (1992):

“**Section 10/1.** Any forest plantation operator who wishes to use any place for lumbering the wood derived from forest plantation shall apply for a license to the Registrar.

The application for and grant of license under paragraph one shall be in accordance with the rule, procedure, and condition prescribed in the Ministerial Regulation, which shall prescribe step and procedure of examination for preventing the wood other than that derived from forest plantation to be lumbered in the place licensed thereof.

The use of place for lumbering the wood derived from forest plantation under paragraph one shall not be deemed an establishment of a lumbering plant under the law on forestry.”

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Section 12. The provisions of section 14 of the Forest Plantation Act, B.E. 2535 (1992) shall be repealed and replaced by the following:

“**Section 14.** All the wood derived from forest plantation shall be exempted from payment of royalty, forest maintenance fee, and the fee under the law on forestry and the law on national reserved forest.”

Section 13. The following provisions shall be added as section 14/1 of the Forest Plantation Act, B.E. 2535 (1992):

“**Section 14/1.** The collection, finding, trading, possessing, or carrying in transit of the following forest by-product from forest plantation shall be exempted from application for permission and payment of royalty, forest maintenance fee, and the fee under the law on forestry and the law on national reserved forest:

- (1) wood, including various parts thereof, charcoal, wood extracted oil, resin, as well as other thing derived from wood;
- (2) various plant as well as other thing derived from the plant;
- (3) lac, honeycomb, honey, beeswax, and bat guano;
- (4) other forest by-product prescribed in the Ministerial Regulation.

For the purpose of preserving ecological system or preventing damage affecting system of balance of nature of the forest, The Director-General with the approval of the Minister may issue an announcement determining that the collection, finding, trading, possessing, or carrying in transit of the forest by-product under paragraph one must be licensed, and may impose conditions on procedure of collection, and finding forest by-product, and the amount of collecting forest by-product under this Act, but may not determine the royalty thereon.

In trading, possessing, or carrying in transit of the forest by-product under paragraph one, there must be a certificate of information and an inventory of forest by-product to be produced to the competent official.

The application for and issuance of certificate of information and inventory of forest by-product under paragraph one shall be in accordance with the rule, procedure, and condition prescribed by the Director-General with the approval of the Minister.”

Section 14. The provisions of section 16 of the Forest Plantation Act, B.E. 2535 (1992) shall be repealed and replaced by the following:

“**Section 16.** In the case where the certificate of registration of the land to be used for forest plantation, certificate of sustainable forest management, or certificate of

information is lost, damaged, or destroyed, the forest plantation operator shall file an application for a substitute of the certificate with the Registrar. The application for and issuance of the substitute of certificate under paragraph one shall be in accordance of the rule prescribed by the Director-General.

Section 15. The following provisions shall be added as section 22/1, section 22/2, and section 22/3 of the Forest Plantation Act, B.E. 2535 (1992):

“Section 22/1. When it appears that any forest plantation operator fails to comply with the condition in operating forest plantation, or fails to comply with the order of the competent official issued under this Act, the Registrar has the power to order such forest plantation operator to comply accurately or rectify it within the prescribed period.

In the case where the forest plantation operator fails to comply with the order, or rectify in accordance with the order of the Registrar within the period prescribed under paragraph one, or in the case where the forest plantation operator carries out any act which is impracticable or beyond rectifiable, the Registrar shall have power to revoke the certificate of registration of the land to be used for forest plantation.

Any forest plantation operator whose certificate of registration of the land to be used for forest plantation is revoked is not eligible to apply for registration of such land to be used for forest plantation, unless not less than three years elapses after the date of revocation of the certificate of registration of the land to be used for forest plantation.

Section 22/2. The forest plantation operator whose certificate of registration of the land to be used for forest plantation is revoked has the right to appeal to the Minister within thirty days from the date of receiving the order of revocation.

The decision of the Minister shall be final.

The appeal against the order of revocation lodged to the Minister under paragraph one shall not suspend the enforcement on the order of revocation of certificate of registration of the land to be used for forest plantation.

Section 22/3. Any forest plantation operator who fails to comply with section 6 paragraph two shall be liable to a fine not exceeding ten thousand Baht.

Any forest plantation operator who prepares an inventory of the kinds and amount of plants under section 6 paragraph two which is false shall be liable to a fine not exceeding twenty thousand Baht.”

Section 16. The following provisions shall be added as section 25/1, section 25/2, section 25/3, and section 25/4 of the Forest Plantation Act, B.E. 2535 (1992):

“**Section 25/1.** Any forest plantation operator who violates section 10/1 paragraph one shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding twenty thousand Baht, or to both.

Section 25/2. Any forest plantation operator who places the wood other than that derived from forest plantation to be lumbered in the place licensed under section 10/1 shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding twenty thousand Baht, or to both.

Section 25/3. Any forest plantation operator who violates or fails to comply with the order of the Director-General issued under section 14/1 paragraph two shall be liable to an imprisonment for a term not exceeding one year, or to a fine not exceeding twenty thousand Baht, or to both.

Section 25/4. Any forest plantation operator who violates or fails to comply with section 14/1 paragraph three shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding five thousand Baht, or to both.”

Section 17. The provisions of section 27 of the Forest Plantation Act, B.E. 2535 (1992) shall be repealed and replaced by the following:

“**Section 27.** In the case where the perpetrator who commits an offence punishable under this Act is a juristic person, if the commission of offence of such juristic person results from the direction or act, or failing to direct or perform the duty required to be done by the managing director, manager, or any person responsible for the operation of such juristic person, such person shall also be punishable by such offence.”

Section 18. The list of plants attached hereto shall be added as the list of plants attached to the Forest Plantation Act, B.E. 2535 (1992).

Section 19. All the land registered as forest plantation under the Forest Plantation Act, B.E. 2535 (1992) before the date this Act comes into force shall be deemed the land registered as forest plantation under the Forest Plantation Act, B.E. 2535 (1992) as amended by this Act. And the forest plantation operator shall prepare an inventory of the

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kinds and amount of plants under section 6 paragraph two of the Forest Plantation Act, B.E. 2535 (1992) as amended by this Act within one hundred and eighty days from the date this Act comes into force.

Section 20. As regard the forest plantation operator who has been licensed for establishment of a wood lumbering plant under the law on forestry in order to lumber the wood derived from forest plantation before the date this Act comes into force, he or she shall be deemed the licensee to use the place for lumbering wood under the Forest Plantation Act, B.E. 2535 (1992) as amended by this Act, and such license shall continue to be valid until its expiry date.

Section 21. Any forest plantation operator who possesses forest by-product derived from the land registered as forest plantation under the Forest Plantation Act, B.E. 2535 (1992) before the date this Act comes into force shall file an application for a certificate of information and an inventory of forest by-product under the Forest Plantation Act, B.E. 2535 (1992) as amended by this Act within one hundred and eighty days from the date this Act comes into force.

Section 22. All the Ministerial Regulations, rules or orders issued under the Forest Plantation Act, B.E. 2535 (1992) which are in force before the date this Act comes into force shall continue to be in force until a Ministerial Regulation, rule or order issued under the Forest Plantation Act, B.E. 2535 (1992) as amended by this Act comes into force.

Section 23. The application for registration of the land as forest plantation under the Forest Plantation Act, B.E. 2535 (1992) which is pending the consideration shall be deemed an application under the Forest Plantation Act, B.E. 2535 (1992) as amended by this Act *mutatis mutandis*, and it shall be considered for registration under the rule prescribed under the Forest Plantation Act, B.E. 2535 (1992) as amended by this Act.

Section 24. The Minister of Natural Resources and Environment shall have charge and control of the execution of this Act.

Countersigned by

General Prayut Chan-o-cha

Prime Minister

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LIST OF PLANTS

| No. | Common name/Vernacular name - Botanical name |
|-----|---|
| 1 | Teak - <i>Tectona grandis</i> L.f. |
| 2 | Siamese Rosewood - <i>Dalbergia cochinchinensis</i> Pierre |
| 3 | Asian Rosewood - <i>Dalbergia oliveri</i> Gamble ex Prain |
| 4 | Blackwood - <i>Dalbergia parviflora</i> Roxb. |
| 5 | Burmese Rosewood - <i>Dalbergia cultrata</i> Graham ex Benth. |
| 6 | Yellow Millettia wood <i>Millettia - leucantha</i> Kurz var. <i>buteoides</i> (Gagnep.) P. K. Loc |
| 7 | Ironwood - <i>Xylia xylocarpa</i> (Roxb.) W. Theob var. <i>kerrii</i> (Craib & Hutch.) I.C. Nielsen |
| 8 | Burmese Paduak - <i>Pterocarpus macrocarpus</i> Kurz |
| 9 | Paduak - <i>Pterocarpus indicus</i> Willd. |
| 10 | Afzelia wood - <i>Afzelia xylocarpa</i> (Kurz) Craib |
| 11 | Gu Mat - <i>Sindora siamensis</i> Teijsm. ex Miq. var. <i>siamensis</i> |
| 12 | <i>Kiem</i> - <i>Cotylelobium lanceolatum</i> Craib |
| 13 | <i>Kiem Kanong</i> - <i>Shorea henryana</i> Pierre |
| 14 | Burmese Sal - <i>Shorea obtusa</i> Wall. ex Blume |
| 15 | Siamese Sal - <i>Shorea siamensis</i> Miq. |
| 16 | Black Sal - <i>Shorea roxburghii</i> G. Don |
| 17 | Merawan - <i>Hopea odorata</i> Roxb. |
| 18 | Malut - <i>Hopea ferrea</i> Laness. |
| 19 | <i>Neobalanocarpus heimii</i> (King) P.S. Ashton |
| 20 | Keruing - <i>Dipterocarpus</i> spp. |
| 21 | <i>Sadao</i> - <i>Azadirachta indica</i> A. Juss. |
| 22 | Neem - <i>Azadirachta excelsa</i> (Jack) Jacobs |
| 23 | Bur-flower Tree - <i>Neolamarckia cadamba</i> (Roxb.) Bosser |
| 24 | Bastard Cedar - <i>Chukrasia tabularis</i> A. Juss. |
| 25 | Moulmein Cedar - <i>Toona ciliata</i> M. Roem. |
| 26 | Wild Himalayan Cherry - <i>Prunus cerasoides</i> D. Don |
| 27 | Copperpod - <i>Peltophorum pterocarpum</i> (DC.) Backer ex K. Heyne |
| 28 | White Cheesewood - <i>Alstonia scholaris</i> (L.) R. Br. |
| 29 | Pong Pong - <i>Cerbera odollam</i> Gaertn. |
| 30 | Indian Walnut - <i>Albizia lebbeck</i> (L.) Benth. |

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| No. | Common name/Vernacular name - Botanical name |
|-----|--|
| 31 | Cork Tree - <i>Millingtonia hortensis</i> L. f. |
| 32 | Thai Crape Myrtle - <i>Lagerstroemia floribunda</i> Jack |
| 33 | <i>Salao</i> - <i>Lagerstroemia loudonii</i> Teijsm. & Binn. |
| 34 | Queen's Crape Myrtle - <i>Lagerstroemia speciosa</i> (L.) Pers. |
| 35 | Pram Damleng - <i>Terminalia mucronata</i> Craib & Hutch. |
| 36 | <i>Nak But</i> <i>Mesua nervosa</i> Planch.&Triana |
| 37 | Plants of <i>Magnolia</i> genus - <i>Magnolia</i> spp. |
| 38 | <i>Kae Na</i> - <i>Dolichandrone serrulata</i> (Wall. ex DC.) Seem. |
| 39 | Pink Cassia - <i>Cassia bakeriana</i> Craib |
| 40 | Golden Shower Cassia <i>fistula</i> L. |
| 41 | Yellow Cotton Tree - <i>Cochlospermum regium</i> (Schrank) Pilg. |
| 42 | Silver Trumpet Tree - <i>Roseodendron donnell-smithii</i> (Rose) Miranda |
| 43 | Lakoocha - <i>Artocarpus lacucha</i> Roxb. ex Buch.-Ham. |
| 44 | Indian Gooseberry - <i>Phyllanthus emblica</i> L. |
| 45 | Java Plum - <i>Syzygium cumini</i> (L.) Skeels |
| 46 | Raintree - <i>Albizia saman</i> (Jacq.) Merr. |
| 47 | <i>Plappla</i> - <i>Microcos tomentosa</i> Sm. |
| 48 | Anan - <i>Fagraea fragrans</i> Roxb. |
| 49 | <i>Kratang Bi Yai</i> - <i>Litsea grandis</i> (Nees) Hook. f. |
| 50 | Malacca Teak - <i>Intsia palembanica</i> Miq. |
| 51 | Eagle Wood - <i>Aquilaria crassna</i> Pierre ex Lecomte |
| 52 | Agrawood - <i>Aquilaria malaccensis</i> Lam. |
| 53 | Citronella laurel - <i>Cinnamomum parthenoxylon</i> (Jack) Meisn. |
| 54 | Sappan Tree - <i>Caesalpinia sappan</i> L. |
| 55 | Bamboo of every kind |
| 56 | Plants of <i>Mangifera</i> genus - <i>Mangifera</i> spp. |
| 57 | Plants of <i>Durio</i> genus - <i>Durio</i> spp. |
| 58 | Tamarin - <i>Tamarindus indica</i> L. |

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