

TIN CONTROL ACT B.E. 2514

BHUMIBOL ADULYADEJ, REX.

GIVEN ON THE 14TH DAY OF APRIL, B.E. 2514;

BEING THE 26TH YEAR OF THE PRESENT REIGN.

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

Whereas it is deemed expedient to revise the law on control of tin :

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

Section 1. This Act shall be called the "Tin Control Act B.E. 2514."

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

The date the provisions of Chapter I of this Act come into force shall be published by Royal Decree.

*Published in the Government Gazette, (special issue) Vol. 88, Part 81,

Dated 1st August. B.E. 2514 (1971).

Section 3. The following are hereby be repealed:

1. Tin Control Act B.E. 2479;
2. Tin Control Act (No. 2) 2479;
3. Tin Control Act (No. 3) B.E. 2499.

All other laws, rules and regulations, insofar as they are stipulated herein or are contrary to or inconsistent with the provisions hereof shall be superseded by this Act.

Section 4. In this Act : "Mineral" means tin metal and tin ore and include other minerals with in content exceeding four per cent of such minerals, but excluding other minerals with tin content exceeding four but not exceeding eight per cent of such minerals as prescribed by Ministerial Regulations;

"Mining" means the operation undertaken on land or water to obtain mineral by any method or methods;

"Mine Operator" means a holder of the Provisional Prathanabat or Prathanabat under the provisions of the law on minerals ;

"Certificate of Production" means a document in the prescribed form authorising the mining, sale and export of minerals according to Quota within the Quota Period and the conditions stipulated in such document;

"Quota" means the restricted quantity of minerals express as a percentage of the production which any mine shall be permitted to produce within a specified period;

"Quota Period" means the period within which the Quota may be won from any mine and disposed of ;

"Production" means the quantity of minerals deemed to be extractable from any mine in any period of one year as determined by the Assessment Committee;

"Assessment Committee" means the committee to be appointed by the Minister under this Act;

"Mineral Purchaser" means a holder of a mineral purchasing licence under the provisions of the law on minerals;

"Director-General" means the Director-General of the Department of Mineral Resources;

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

Section 5. The Minister of Industry shall have charge and control of the execution of this Act, and shall have the power to issue Ministerial Regulations for the execution of this Act.

For the provisions concerning customs, the Minister of Finance shall have charge and control of the execution of this Act, and have the power to issue Ministerial Regulations for the execution of this Act.

Any Ministerial Regulation shall come into force as and from the day of its publication in the Government Gazette.

CHAPTER 1

MINING, PURCHASE OF MINERAL, SALE OF MINERAL, AND EXPORT OF MINERAL

Section 6. No mine operator shall mine, sell or export any mineral unless he shall have obtained a Certificate of Production.

Section 7. A mine operator who wishes to apply for a Certificate of Production shall submit the Application to the Local Mineral Resources Official in the form prescribed by the Department of Mineral Resources.

Section 8. An Assessment Committee consisting of not less than five but not exceeding nine members for the assessment of production for each mine in accordance with such principles as the Minister enacted by Government Gazette shall be appointed by the Minister.

Section 9. The Local Mineral Resources Official shall issue the Certificate of Production according to the period and percentage of production fixed by the Assessment Committee.

The Certificate of Production shall be in the form prescribed by a Ministerial Regulation.

Section 10. Any holder of Certificate of Production who is dissatisfied with the assessment of his production shall submit an appeal against the assessment of production to the Minister through the Local Mineral Resources Official within fifteen days from the date the Certificate of Production is received. The Minister's decision shall be final.

Section 11. If the main essence of the Certificate of production were damaged, lost or destroyed, the holder of the Certificate shall apply for a substitute from the Local Mineral Resources Official who shall issue the said substitute within seven days from the date the application is submitted.

Section 12. In the case where a holder of Certificate of Production produce minerals in excess of the quantity given by the Quota awarded during any Quota, Period, the Minister may approve an increase in the Quota. But if a holder of a Certificate of Production is unable to produce minerals to cover the full Quota received, the Minister may consider a reduction of such Quota.

Section 13. In order to control the quantity of minerals to be exported, the Minister may transfer the surplus Quota from one holder of a Certificate of Production to another of the same Quota Period.

Section 14. The Director-General, with approval of the Minister, may transfer the Quota from one or more Certificates of Production during any Quota Period to another Certificate at the request of their holders provided, however, that the total Quota does not exceed the original Quota of the Certificate of Production to which the additional Quota is transferred.

Section 15. In the Case where a mine operator is awarded the Certificate of Production for mining in a mining area or in an area for which a Provisional Prathanabat has been issued under several Certificate of Production during any Quota Period, and upon request of the mine operator that the Quotas under several Certificates of Production be combined together, the Local Mineral Resources Official grant the approval that the Quotas be combined in the Certificate of Production as requested.

Section 16. The Director-General may reduce the Quota of the Mine Operator who begins the mine after commencement of a Quota Period proportionately with the remaining Quota Period.

Section 17. In the Case where a mine operator has received a Certificate of Production for mining in a mining area or in an area for which a Provisional Prathanabat is issued and wishes to engage in mining operation in his other mining area or area under the Provisional Prathanabat with adjoining boundaries, the mine operator shall forward the Certificate of Production to the Local Mineral Resources Official and the Local Mineral Resources Official shall endorse thereon number of Prathanabat or the Provisional Prathanabat before the beginning of the mining operation.

Section 18. In the event of the death of the holder of a Certificate of Production, his heir or administrator shall have of a Certificate of Production of the deceased endorsed by the Local Mineral Resources Official for continued validity.

Section 19. No Mineral Purchaser shall purchase mineral from any Mine Operator unless it is mineral sold under and in accordance with the conditions set out in a Certificate of Production, and the Mineral Purchaser shall enter particulars of the purchase transacted in such document, in the meantime appending his signature in the said Certificate of Production.

Section 20. No holder of a Certificate of Production shall have minerals in his possession or that of his agent or employee in excess of the Quota awarded in the Certificate of Production during any Quota Period unless it is within the limit approved by the Minister for such holding as published in the Government Gazette.

Section 21. Where the Minister deems that if the minerals held by a Mineral Purchaser were entirely exported it might effect the quantity of minerals to be exported, he may order the Mineral Purchaser to refrain from exporting all or part of such minerals.

Where the Minister deems that a Mineral Purchaser is in a position to export the minerals in his possession but he refuses to do so and such hoarding may effect the quantity of minerals exports, the Minister may order that all or part of the minerals by exported.

Section 22. Each sample of mineral exported for analysis in a quantity not exceeding fifty grammes is not under enforcement of the provisions of this chapter.

Section 23. With approval of the Minister, the Director-General has the power to revoke the Certificate of Production or mineral purchasing licence in the event a violation or failure to comply with the provisions of this Act is found.

CHAPTER 2

CONTRIBUTIONS OF MINERAL TO BUFFER STOCK

Section 24. Mineral shall be collected and shipped or a remittance *in lieu* thereof shall be effected by the Mine Operator or Mineral Purchaser not purchased mineral from a Mine Operator for the contribution to the International Buffer Stock at the rate and on the basis prescribed by Ministerial Regulations.

Where it is unable to make shipment of mineral or remittance to the Buffer Stock as stated in paragraph one in time, the Director-General, with approval of the Minister, shall be empowered to raise a loan for remittance to the Buffer Stock, then make collection of payment *in lieu* of mineral from the Mine Operator or Mineral Purchaser not purchased from a Mine Operator, and to which payment the interest and expenses are to be added.

The provisions of paragraph one and paragraph two do not apply to the amount of money remitted by the Government direct to the International Buffer Stock.

Section 25. After shipment of mineral or remittance *in lieu* thereof, the Local Mineral Resources Official shall issue a buffer stock document to the Mine Operator or Purchaser Mineral not purchased from a mine operator to evidence that such person has a share in the buffer stock.

The buffer stock document shall be in the form prescribed by Ministerial Regulations.

Section 26. The right of claim under the buffer stock document is transferable and may be placed on pledge according to the rule and procedure prescribed by Ministerial Regulations.

Section 27. In the event the main essence of the buffer stock document were lost or damaged, its holder may apply to the Local Mineral Resources Official issuing such document for a substitute copy.

Section 28 Upon the Minister publishing the dividend as a result of liquidation of the buffer stock, the holder of buffer stock document may apply the dividend by producing the buffer stock document to the Local Mineral Resources Official issuing such document or to the Department of Mineral Resources.

CHAPTER 3

PENALTIES

Section 29. Any Mine Operator who violates Section 6 or fails to comply with the conditions specified in the Certificate of Production shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding four times the value of mineral prevailing on the date the offence is committed, or to both, and the minerals under the offence may be forfeited.

Section 30. A Mineral Purchaser who violates Section 19 shall be liable to a fine not exceeding two thousand Baht.

Section 31. A holder of a Certificate of Production who violates Section 20 shall be liable to a fine not exceeding four times the value of the mineral held in excess as prevailing on the date the offence is committed, and the mineral thus in excess may be forfeited.

Section 32. A Mineral Purchaser who receives the order of the Minister to export mineral under Section 21, paragraph two, but fails to carry out the order until a period of thirty days from the day the order was received has elapsed shall be liable to a fine not exceeding four times the value of the part of mineral on which the order is not carried out as prevailing on the date the offence is committed.

Countersigned by :

FIELD MARSHAL THANOM KITTIKACHORN

Prime Minister

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