

NATIONAL RESERVED FORESTS ACT

B.E.2507 (A.D.1964)

BHUMIBOL ADULYADEJ, REX.

GIVEN ON THE 16TH DAY OF APRIL B.E. 2507 (A.D.1964)

BEING THE 19TH YEAR OF THE PRESENT REIGN

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

Whereas it is deemed expedient to revise the law on the protection and reservation of forests,

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

SECTION 1. This Act shall be called the "National Reserved Forests Act, B.E. 2507 (A.D. 1964)."

SECTION 2. This Act shall come into force on and from the day following the date of its publication in the Government Gazette.

SECTION 3. The Acts which shall be repealed:

- (1) The Protection and Reservation of Forests Act, B.E. 2481 (A.D. 1938);
- (2) The Protection and Reservation of Forests Act, (No. 2), B.E. 2496 (A.D. 1953);
- (3) The Protection and Reservation of Forests Act, (No. 3), B.E. 2497 (A.D. 1954);

All other laws, rules and regulations in so far as they are already provided for by this Act, or are contrary to, or inconsistent with the provisions of this Act shall be replaced by this

Act.

SECTION 4. In this Act;

"forest" means the land which includes mountain, creek, swamp, canal, marsh, basin, waterway, lake, island and seashore which has been taken up or not acquired by a person in accordance with the law;

"National Reserved Forests" means a forest which is determined as National Reserved Forests in accordance with this Act;

"timber" means all kinds of wood which are trees, brushwood, or creepers whether standing or falling, and includes roots, burrs, stumps, shoots, branches, buds, tubers, origins, odds, ends or parts thereof regardless of whether they have been cut, chopped, sawn, split, hewn, logged, hollowed out or otherwise altered in any other way;

"forest products" means things which originate from or are found in the forest, viz;

- (1) firewood, charcoal, bark, leaf, flower, seed, fruit, bamboo-shoot, resin and wood-oil;
- (2) grass, giant reed, elephant grass, reed, thatch grass, cogon grass, sedge, orchid, fern, mushroom and other plants;
- (3) carcass, egg, hide, horn, tusk, jaw, bone, hair, bird's nest, lac, bee-hive, honey, bees-wax and guano;
- (4) soil, rock, gravel, sand, minerals and oil.

"domestic animals" means elephant, horse, ass, mule, cow, buffalo, goat, sheep and swine owned by a person;

"logging" means cutting, chopping, girdling, felling, lopping, sawing, splitting, hewing, reducing, digging out, or hauling timber in the forest or taking timber by any means whatsoever out of the forest;

"competent officer" means the person appointed by the Minister for the execution of this Act;

"Director-General" means the Director-General of the Royal Forest Department;

"Minister" means the Minister in charge of the enforcement of this Act.

SECTION 5. The Minister of Agriculture shall take charge of and control of the execution of this Act and is empowered to appoint the competent officers and issue ministerial regulations in fixing fees, royalties and forest improvement charges not to exceed the rate in the Schedule Annexed to this Act and determine other activities for the execution of this Act.

Such ministerial regulations shall come into force upon their publication in the Government Gazette.

CHAPTER I

DETERMINATION OF NATIONAL RESERVED FORESTS

SECTION 6. All forests which are reserved forests in accordance with the Law on Protection and Reservation of Forests before the date of the coming into force of this Act shall be National Reserved Forests under this Act.

When the Minister deems it appropriate to determine any other forest as National Reserved Forests with a view to reserving its nature, timber, forest products or other natural resources, it shall be made by a notification in the ministerial regulations. A map showing the boundary lines of the forests determined to be the National Reserved Forests shall be annexed to such ministerial regulations.

SECTION 7. The change of boundary lines or the cancellation, in whole or in part, of any National Reserved Forests shall be made by a notification in the ministerial regulations. In case of partial change or cancellation, a map showing the boundary lines changed or cancelled shall also be annexed in the ministerial regulations.

SECTION 8. The competent officer shall provide the boundary posts and signs or other marks showing the boundary lines of National Reserved Forests sufficient to enable the public to know the boundary of the National Reserved Forests.

SECTION 9. Copies of the ministerial regulations and the map annexed thereto under the second paragraph of Section 6, or Section 7, shall be posted at the office of the District or the Sub-District, the office of the Sub-District Headman of the localities concerned and at the open and conspicuous places in the village of such locality.

SECTION 10. When any forest is determined as National Reserved Forests, a committee for such National Reserved Forests shall be set up, consisting of a representative of the Royal Forest Department, a representative of the Department of Local Administration, a representative of the Land Department and any other two members appointed by the Minister. The said committee shall have the following powers and duties, as follows:

- (1) to control the execution of Sections 8 and 9;
- (2) to inquire into and decide the application under Section 13;
- (3) to call any person to give testimony or deliver documents related with any inquiry under Section 13;
- (4) to appoint a sub-committee to consider or perform any activity as assigned to it.

SECTION 11. At the meeting of the committee, there shall be an attendance not less than one-half of the total members in order to constitute a quorum. The committee shall elect a member as chairman to preside over the meeting.

Any decision of the meeting shall be taken by a majority of votes.

In voting, each member shall have one vote. In the case of a tie, the presiding chairman shall have an additional vote as a casting-vote.

SECTION 12. Any person who claims to have the right over or to exploit any National Reserved Forests before the date of the coming into force of the ministerial regulations determining the National Reserved Forests, shall file. An application with the District Chief Officer or the Assistant to a District, who is the Chief attached to the Sub-District of the localities concerned, within ninety days from the date on which the ministerial regulations come into force. If the application is not filed within the said period, it shall be deemed that such right or exploitation is waived.

The District Chief Officer or Assistant to a District Officer, who is the Chief attached to the Sub-District of the localities concerned, shall without delay forward the application under the preceding paragraph to the committee for the National Reserved Forests.

The provisions of the first paragraph shall not be applied in the case of a right to land acquired by a person in accordance with the Land Code.

SECTION 13. The committee for the National Reserved Forests shall, after receiving the application under Section 12, make an inquiry into such application. If it appears that the applicant is deprived of his right or exploitation, the committee shall, as it thinks fit, consider and fix a compensation therefore.

If the applicant is not satisfied with the compensation fixed by the committee for the National Reserved Forests, he is entitled to lodge an appeal with the Minister within thirty days upon the receipt of the decision of the committee. The decision of the Minister shall be final.

SECTION 13. (bis)1, In case the government agencies or a public body desires to use any part of a land in the National Reserved Forests for working premises or any other utilization therein, the Director-General, with the approval of the Minister, is empowered to determine such land to be an official utilization. The provisions of Sections 14, and 16, shall not be applied to government agencies or a public body where for reasons of necessity it is acquired for the purposes of the utilization of such land thereof.

A land use under the first paragraph, if the boundary lines of a land determined to be the land use overlaps to the land of any person obtaining permission under Section 14, shall be valid after three hundred and sixty days from the date of the determination, and such land shall be notified as an official utilization.

A land use under the first paragraph shall be in accordance with the rules, procedures and conditions laid down by the Director-General, with the approval of the Minister.

1 Section 13 (bis), is hereby provided by the National Reserved Forests Act, B.E.2528 (third issued) Sec.3

CHAPTER II

CONTROL OVER AND MAINTENANCE OF THE NATIONAL RESERVED FORESTS

SECTION 14.2 Within the National Reserved Forests, no person shall occupy, possess, exploit and inhabit the land, develop, clear, burn the forest, collect the forest products nor cause by any other means whatsoever any damage to the nature of the National Reserved Forests, except:

- (1) logging or collection of forest products under Section 15, exploitation or inhabitation under Sections 16, and 16 (bis), or 16 (ter), carrying out any activity under Section 17, utilization under Section 18, or carrying out activities under Section 19, or 20;
- (2) logging of reserved timber species or collection of reserved forest products under the Law on Forests.

SECTION 15. Logging or collection of forest products in the National Reserved Forests shall be made after permission has been obtained from the competent officer or when permission has been granted by means of notification by the competent officer in respect to any particular area of the National Reserved Forests.

In granting permission, it shall be in accordance with the forms, rules and procedures specified in the ministerial regulations.

SECTION 16.3 The Director-General is empowered, with the approval of the Minister, to grant permission to any person in the National Reserved Forests in the following cases:

- (1) the exploitation or inhabitation in the National Reserved Forests for a period of a term not less than five years but shall not exceed thirty years. In the event of permission to government agencies, or a public body under the

Budget Procedure Code, the royalty shall be waived or may be paid in some part thereof, if he thinks fit.

(2) The exploitation related to mining in accordance with the Law on Mining for a period of an interval not more than ten years, such person shall be exempted from applying for permission for collecting forest products and from royalty on forest products under this Act in respect to the mineral, marl and kaoline or stone, as the case may be.

The application for permission and obtaining of permission under the first paragraph shall be in accordance with the rules, procedures and conditions laid down by the Director-General, with the approval of the Minister.

SECTION 16. (bis), In cases where any National Reserved Forest, in whole or in part, is so deteriorated that its old shifting cultivation land or grassland or valuable timber has become scanty or otherwise with fewer standing trees and cannot naturally be rehabilitated, all of these, with the conditions, procedures, rules as specified by the Minister, with the approval of the Cabinet, will be regarded as such as deteriorated forest.

Where the official finds it necessary to reclaim, in whole or in part thereof, any deteriorated forest, the Minister shall notify such land to be a land reform scheme in the National Reserved Forests.

A land reform scheme in the National Reserved Forests, if any person has been exploiting or inhabiting such land, shall be valid until the date of the notification therein, as prescribed in the second paragraph:

(1) when any person has requested the Director-General or the assigned officer, if he deems it appropriate, such person needs to sustain land for living on, the Director-General or the assigned officer is empowered to grant permission in writing for the said person to exploit and inhabit such land therein, but it shall not exceed twenty rai for each household and within a period of an interval not less than five years but shall not exceed thirty years, the fees shall be waived during the first term but it shall be paid for in the next period thereof;

(2) any person obtaining permission in (1), may be granted permission to reforest or regrow trees in additional land from the exploitation or inhabitation of such a land reform scheme for the National Reserved Forests, if he is able to substantiate himself that he has the capacity and sufficient tools and instruments for reforestation and regrowing of the trees on such additional land. The Director-General or the assigned officer is empowered to issue a written permission for reforestation and regrowing of the trees but shall not exceed thirty five rai for each household and within a period of an interval not less than five years but shall not exceed thirty years and the fees shall not be waived in accordance with the provisions prescribed by this Act.

The permission under the provisions of the third paragraph shall not be deemed holding of the land deed acquired in accordance with the Land Code.

In this regard, when a person obtains permission under the provisions of paragraph three (1), and (2), royalties and forest improvement charges shall be waived from the regrowing of the trees on such permitted land.

Any person obtaining permission to exploit shall do so in accordance with the procedures and conditions laid down by the Director-General, and may not allow any person other than a grantee to exploit such land.

In cases where permission holder left from the exploitation or inhabitation of a permitted land did not take place within a term of a period exceeding two years or permission holder allowed any person other than a grantee to exploit such land or failed to comply with the rules and conditions as laid down by the Director-General, the Director-General or the assigned officer shall have the power to revoke such permission.

SECTION 16. (ter), In cases where the permission holder under Section 16. (bis) dies, the grantee shall be entitled to exploit and inhabit such land therein but shall not exceed one hundred and eighty days beginning from

the date of the death of permission holder.

In cases where a spouse or a heir or a grantee of permission holder or any person whose name is specified by the permission holder, in writing, within the forms as laid down by the Director-General, that he is to be a descendent and on duty therein, if he requests permission to exploit and inhabit such land, shall file an application to the Director-General or the assigned officer within a period of one hundred and eighty days beginning from the date of the death of permission holder.

After he has filed the application for permission under the second paragraph, the person under the provisions of the first paragraph may have further operation therein to exploit and inhabit in accordance with permission issued from the Director-General or the assigned officer.

SECTION 17. For educational purposes or scientific research, the Director-General is empowered to grant any Ministry, Public Body, Department or any person a permit to carry out any activity in the National Reserved Forests in compliance with the rules determined and with the approval of the Minister. The Minister may, if he thinks fit, order any fees, royalties and forest improvement charges be waived.

SECTION 18.4 The Director-General is empowered to stipulate the rules on certain kinds of exploitation in the National Reserved Forests by the publishing of a notice in the Government Gazette in the following matters:

- (1) entry, passage or use of way;
- (2) taking in or allowing the entry of domestic animals.

The stipulated rules under the first paragraph shall come into force in any National Reserved Forests, and shall be duplicated and affixed at the District Office, the Sub-District Office or where the National Reserved Forests is located in the localities concerned.

SECTION 19. For the purposes of control, supervision, maintenance or improvement of the National Reserved Forests, the Director-General is empowered to order, in writing, the competent officer or officer of the Royal Forest Department to carry out any activity therein.

SECTION 20.5 In cases where any National Reserved Forests is so deteriorated under Section 16. (bis), the Director-General is empowered, with the approval of the Minister, to grant permission, in writing, to any person to carry out forest improvement or reforestation or regrowing of the trees in such deteriorated land with the specified period of time and conditions as imposed in the permission, but in the case of the issuance of any permission exceeding two thousand rai, the permission shall be granted upon the approval of the Cabinet.

The Minister may fix the rate of the remuneration for payment to the government by publishing a notice in the ministerial regulations of the Ministry of Agriculture and Cooperatives, if he deems it appropriate.

SECTION 21. The permission for logging or collection of forest products in the National Reserved Forests under Section 15, shall be valid for a specified period of time therein according to the rules determined by the Director-General, but not exceeding one year from the date of its issue.

The renewal of permission shall be in accordance with the forms, rules and procedures specified in the ministerial regulations.

SECTION 22. In case the permission is lost or damaged, the application for its substitute shall be filed with the competent officer.

The issue of a substitute shall be in accordance with the forms, rules and procedures specified in the ministerial regulations.

SECTION 23. The permission issued under Section 15, may be transferred upon the approval of the competent officer.

The transfer of permission shall be made in accordance with the rules and procedures specified in the ministerial regulations.

SECTION 24. The permission or the person obtaining permit under this Act shall provide his workmen, employees or representatives with authenticating papers for carrying out the activity as permitted in accordance with the forms, rules and procedures specified in the ministerial regulations.

SECTION 25. When any forest has been determined as National Reserved Forests and the minister has appointed the competent officer for control, supervision and maintenance thereof, the competent officer shall have the following powers:

(1) to order any person to be evicted from the National Reserved Forests or to refrain from carrying out any activity therein when the fact appears, or there are reasonable grounds to suspect, that an offence under this Act has been committed;

(2) to order in writing the person committing an offence against this Act to remove, alter or deal otherwise with the things that caused damage or rendered deterioration to the nature of the National Reserved Forests within a specified period of time;

(3) to seize, demolish, remove, alter or deal otherwise with such things when the offender who failed to comply with (2), is unknown or is not found.

If the competent officer has taken any of the said actions and paid the expenses therefor, such expenses shall be borne by the offender, or the competent officer shall sell the seized property by public auction or by any means, as he thinks fit, to compensate for the expenses. In this regard, the provisions of Section 1327 of the Civil and Commercial Code shall apply, mutatis mutandis to the proceeds of the sale of the seized property.

(4) to take in case of emergency any action as may be appropriate for preventing or alleviating any damage to the

SECTION 26. In arresting or suppressing the offender under this Act the competent officer shall be regarded as the administrator or the police officer in accordance with the Criminal Procedure Code.

SECTION 27. When it appears that the licensee or the person obtaining the permit, his workmen, employees or representatives have committed an offence against this Act or the ministerial regulations, or violated the conditions imposed in the license or permit issued under this Act, which may cause serious damage, the competent officer shall have the power to order in writing the suspension of such license or permit for a period not exceeding sixty days from the date of giving such order.

Regarding the order for suspension of the license or the permit under the first paragraph, the Director-General is empowered to revoke the same or to increase or decrease the period of suspension, as he thinks fit. In cases increasing the said period, it shall not exceed one hundred and twenty days.

SECTION 28. The licensee or the person who obtained the permit is entitled to appeal against the order of the competent officer suspending the license or permit or against the order of the Director-General under Section 27, to the Minister, by lodging the appeal to the competent officer within thirty days beginning from the date upon the receipt of the order.

The decision of the Minister shall be final.

SECTION 29. In cases where the order for suspension of the license or permit has been given, the Minister shall, if he thinks fit, have the power to order the revocation of such license or permit.

SECTION 30. In cases of necessity for official service or public interest or when it appears that the permission has been granted unlawfully, the Minister is empowered to order the revocation of any permission, in whole or in part, thereof.

In cases where it is found that the person, against whom an order for revocation of permission has been made, is not guilty, a reasonable amount of compensation shall be paid to him.

2 Section 14, is hereby revised by the National Reserved Forests Act, B.E.2528 (THIRD ISSUED) Sec.4

3 Section 16, is hereby revised by the National Reserved Forests Act, B.E.2528 (third issued) Sec. 5

4, 5 Sections 18, 20 are hereby revised by the National Reserved Forests Act, B.E. 2528 (third issued) Sec. 5 and 7

CHAPTER III

PENAL PROVISIONS

SECTION 31.6 Whoever acts in contravention of the provisions of Section 14, shall be punished with imprisonment of six months to five years and with a fine of five hundred to fifty thousand baht.

In offences under this Section, if any person possessed land exceeding twenty five rai or caused damage to:

- (1) teak, yang, conifer or any reserved timber species Category (B), in accordance with the Law on Forests;
- (2) other timber species in the form of trunks or logs or each of them or both exceeding twenty trunks or logs in number or exceeding four cubic meters in volume; or
- (3) watershed areas,

the violator shall be punished with imprisonment of two years to fifteen years and with a fine of twenty thousand baht to one hundred and fifty thousand baht.

In cases where the Court has decided a final judgment in reference to the offence which the prosecution has instituted under this Section where it appears that such person occupied or possessed the land in the National Reserved Forests, the Court is empowered to order the eviction of his dependents, workmen, employees, and representatives in such National Reserved Forests therefrom.

SECTION 32. Whoever acts in contravention of the provisions of Section 24, shall be punished with a fine not exceeding one thousand baht.

SECTION 33.7 Whoever causes damage to or demolishes the boundary, posts, signs or other marks furnished under this this Act, shall be punished with imprisonment not exceeding three years or with a fine not exceeding thirty thousand baht, or both.

SECTION 33. (bis), Whosoever fails to comply with the rules laid down by the Director-General under Section 18, or does not comply with the order from the competent officer under Section 25 (1), or (2), shall be punished with imprisonment not exceeding six months or with a fine not exceeding five thousand baht, or both.

SECTION 34. Whoever receives by any manner or conceals or disposes of or assists in taking away from view any timber or forest products which he knows to have been acquired through the committing of an offence under this Act, shall be liable to the penalty as principal in committing such offence.

SECTION 35. All timber, forest products, instruments, utensils, weapons, beasts of burden, vehicles or any heavy equipment used in, or acquired through the committing of an offence under this Act, shall be forfeited regardless of whether they belong to the offender, and such person is convicted.

6 Section 31, is hereby revised by the National Reserved Forests Act B.E. 2522 (second issued) Sec. 3

7 Section 33, is hereby revised by the National Reserved Forests Act, B.E. 2522 (second issued) Sec. 4

TRANSITORY PROVISIONS

SECTION 36. All forests which are protected forests in accordance with the Law on Protection and Reservation of Forests before the date on which this Act comes into force shall be regarded as the National Reserved Forests under this Act until the ministerial regulations under the second paragraph of Section 6 or Section 7, shall be issued within five years of the date on which this Act comes into force.

SECTION 37. The permission issued to a person to carry out any activity in accordance with the Law on Protection and Reservation of Forests before the date on which this Act comes into force shall be valid until the date of the expiration as specified herein.

SECTION 38. Within the period of one year from the date on which of this Act comes into force, all ministerial regulations, notifications, stipulations and other rules issued in accordance with the Law on Protection and Reservation of Forests and being in force on the date of promulgation of this Act in the Government Gazette shall, in so far as they are not contrary to, or inconsistent with this Act, be enforceable until there shall be other ministerial regulations, notifications, stipulations or rules repealing them, containing the same provisions, being contrary to or consistent with them or otherwise provided.

Countersigned:

Field Marshal Thanom Kittikachorn

Prime Minister

[Ref.:Government Gazette, Volume 81, Part 38, dated 28 April B.E. 2507 (A.D. 1964)]