

Navigation in Thai Territorial Waters Act (No. 14), 1992.

Whereas it is appropriate to amend the law on navigation in Thai territorial waters,

Article 1. This act is called the “Navigation in Thai Territorial Waters Act (No. 14), 1992.”

Article 2. This Act shall come into force with effect from the day following the date of its publication in the Government Gazette.

Article 3. The provisions in Article 24 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 13), 1982, shall be repealed any replaced by the following:

"Article 24". Anyone who violates Article 17, Article 18, Article 19, Article 20, Article 21, Article 22 or Article 23 must be punished with a fine of five hundred baht to five thousand baht.”

Article 4. The provisions in Article 38 quarter of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 10), 1967, shall be repealed and replaced by the following:

"Article 38 quarter". The captain or controller of any vessel who does not comply with Article 38, paragraph one, or Article 38 ter must be punished with a fine of three thousand baht to thirty thousand baht and fined one thousand baht daily until there is correct compliance.

Article 5. The provisions in paragraph four of Article 46 bis of the Navigation in Thai Territorial Waters Act, 1913, as amended by Announcement No. 50 of the Revolutionary Council dated 18th January, 1972, shall be repealed and replaced by the following:

Any owner or possessor who uses by himself or herself or gives consent for other persons to use a passenger pier, cargo pier, jetty or raft which the Harbour Master has issued an order forbidding the use of and has not yet rescinded that order, must be punished with a fine of three thousand baht to thirty thousand baht and fined one thousand baht daily until there is correct compliance.”

Article 6. The provisions in Article 51 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 51". Any captain or controller of a vessel or raft who violates or does not comply with Article 29, Article 30, Article 31, Article 32, Article 33, Article 34, Article 35, Article 36, Article 37, Article 39, Article 42, Article 44, Article 45, Article 46, Article 47, Article 48 or Article 49, if it is a Western-style ship, must be punished with a fine of one thousand baht to ten thousand baht and fined five hundred baht daily until there is correct compliance. If it is a small vessel or raft, he or she must be punished with a fine of one hundred baht to one thousand baht and fined fifty baht daily until there is correct compliance.”

Article 7. The provisions in paragraph two and paragraph three of Article 52 bis of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 11), 1977, shall be repealed and replaced by the following:

Any captain or controller of a vessel who violates or does not comply with an announcement fixing navigation channels or an announcement controlling navigation under paragraph one must be punished with a fine of five hundred baht to five thousand baht and the Harbour Master shall have the authority to order the seizure of the Vessel Control Certificate for a period of not more than six months.

A captain or controller of a vessel who has had his or her Vessel Control Certificate seized under paragraph two has the right to appeal to the Minister of Communications within one month from the date of learning of the order. The Minister's decision is final. However, during the time that the Minister has not yet decided, that order is valid and enforceable.

Article 8. The provisions in Article 52 ter of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 11), 1977, shall be repealed and replaced by the following:

"Article 52 ter. Any captain or controller of a vessel whose Vessel Control Certificate has been seized under Article 52 bis, paragraph two, must be punished with a fine of two thousand baht to twenty thousand baht."

Article 9. The provisions in Article 54 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 11), 1977, shall be repealed and replaced by the following:

"Article 54. Any captain or controller of a vessel who violates Article 53 must be punished with a fine of five hundred baht to five thousand baht."

Article 10. The provisions in Article 56 of the Navigation in Thai Territorial Water Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 11), 1977, shall be repealed and replaced by the following:

"Article 56". Any captain or controller of a vessel who does not comply with Article 55 must be punished with a fine of five hundred baht to five thousand baht."

Article 11. The provisions in Article 60 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 11), 1977, shall be repealed and replaced by the following:

Article 12. The provision in Article 67 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Watters Act (No. 11), 1977, shall be repealed and replaced by the

following:

“Article 67. Any captain or controller of a vessel who violates or does not comply with Article 62, Article 63, Article 64, Article 65 or Article 66 must be punished with a fine of five hundred baht to five thousand baht.”

Article 13. The provisions in Article 69 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 11), 1977, shall be repealed and replaced by the following:

“Article 69. Any captain or controller of a vessel who violates or does not comply with Article 68 or a regulation issued under Article 68 must be punished with a fine of five hundred baht to five thousand baht.”

Article 14. The provisions in Article 75 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following: Article 75. Anyone who violates or does not comply with Article 70, Article 71, Article 72, Article 73 or Article 74 must be punished with a fine of one hundred baht to one thousand baht.”

Article 15. The provisions in Article 90 and Article 91 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

“Article 90. Anyone who does not comply with an order of the Harbour Master or a competent officer who has the duties in Article 89 must be punished with a fine of one hundred baht daily until there is correct compliance, and the Harbour Master or a competent officer who has the duties in Article 89 shall compel him or her to demolish the house-raft or the edifice which has posts staked into the shore, whereby the owner shall pay for the demolition expenses.

In the case where the owner does not carry out the demolition work within the deadline prescribed by the Harbour Master or a competent officer who has the duties in Article 89, the Harbour Master shall petition the Court to issue an order allowing the Harbour Master to be the organizer of the demolition work.

In the case where the Harbour Master is the organizer of the demolition work in accordance with a Court order per paragraph two, the Harbour Master shall exercise due care appropriate to the circumstances. The owner may not demand for any compensation from the Harbour Master and the owner must be the person who pays for the demolition expenses.

In the case where the owner refuses to compensate for the expenses mentioned in paragraph three within the deadline prescribed by the Harbour Master as being appropriate to the case, the Harbour Master, with the approval of the Minister of Communications, shall sell by auction or sell by other method the materials which were demolished, as well as all the things which were removed from that part of the house-raft or edifice which had posts staked into the shore that was demolished. The proceeds from the auction or sale by other method shall be used to compensate for the expenses which the Harbour Master had paid out in

organizing the demolition work, and if there is money left over after compensating for the said expenses, the Harbour Master shall keep that money in custody. If the owner does not make a claim for it within one year from the date on which the Harbour Master kept it in custody, it shall devolve upon the realm.

Article 91. Anyone who violates or does not comply with Article 81, Article 82, Article 83 or Article 84 must be punished with a fine of five hundred baht to five thousand baht.”

Article 16. The provisions in Article 95 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

“Article 95. Anyone who violates or does not comply with Article 92, Article 93 or Article 94 must be punished with a fine of one thousand baht to ten thousand baht.”

Article 17. The provisions in Article 98 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

“Article 98. Anyone who violates Article 96 or Article 97 must be punished with a fine of one thousand baht to ten thousand baht.”

Article 18. The provisions in paragraph one of Article 101 of the Navigation in Thai Territorial Waters Act, 1913, as amended by Announcement No. 50 of the Revolutionary Council dated 18 th January, 1972, shall be repealed and replaced by the following:

“Article 101. With regard to a vessel which wants to come in to dock or berth at a pier, the captain or controller of the vessel must use low speed and be careful. A vessel which is navigating in a river or a canal must use a speed that is not more than the rate prescribed by the Harbour Master, and it is forbidden to cut in front of a mechanical vessel which is ailing downstream at a distance of two hundred metres. Anyone who violates this or does not comply must be punished with a fine fo five hundred baht to five thousand baht, and the Harbour Master shall have the authority to order the seizure of the Licence to Use Vessel or the Vessel Control Certificate for a period of not more than six months.”

Article 19. The provision in Article 103 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

Article 20. The provisions in Article 110 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 110. Any captain or controller of a vessel who violates or does not comply with article 104, Article 105, Article 106, Article 107, Article 108, Article 109, must be sentenced to not more than six months' imprisonment or fined one thousand baht to ten thousand baht, or both."

Article 21. The provisions in Article 112 of the Navigation in Thai Territorial Water Act, 1913, shall

be repealed and replaced by the following:

"Article 112. Anyone who does not comply with Article 111 must be punished with a fine of five hundred baht to five thousand baht."

Article 22. The provisions in Article 116 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 116. Anyone who violates or does not comply with Article 113, Article 114 or Article 115 must be punished with a fine of one thousand baht to ten thousand baht and fined five hundred baht daily until there is correct compliance, and the Harbour Master or a competent officer may order that buoy or device for berthing vessels to be demolished or moved."

Article 23. The provisions in Article 117 of the Navigation in Thai Territorial Waters Act, 1913, as amended by Announcement No. 50 of the Revolutionary Council dated 18th January, 1972, shall be repealed and replaced by the following:

"Article 117."No. one is allowed to erect or construct a building or other thing that transgresses and extends over the water, into the water and under the water of rivers, canals, marshes, reservoirs or lakes which are public thoroughfares or which are gainfully used by the public collectively, or seas inside Thai territorial waters or on the shores of the said seas, unless permission is obtained from the Harbour Master."

The criteria and procedures for granting permission shall be as prescribed in a Ministerial Regulation. The said Ministerial Regulation must stipulate clearly the characteristics of the buildings and the transgressions which may be permitted, together with the time period in which the consideration on the granting of permission must be completed.

When an applicant for permission has submitted an application correctly in accordance with the criteria, procedures and characteristics that are prescribed in the Ministerial Regulation per paragraph two, the Harbour Master must grant permission within the time period that is prescribed in the said Ministerial Regulation."

Article 24. The following shall be added as Article 117 bis of the Navigation in Thai Territorial Waters Act, 1913:

"Article 117 bis." A person who has received permission to erect or construct a building or other thing in accordance with Article 117 must pay an annual remuneration in accordance with the procedures and at the rate prescribed in a Ministerial Regulation, which must be not less than fifty baht per square metre, and if the building or other thing has the characteristic or objective of being used in a business operation, the payment shall be at twice the said rate. In the case where the said building or other thing is erected or constructed without permission or not in accordance with the permission received, the payment shall be at three times the said rate.

The fixing of the remuneration under paragraph one shall take into consideration the conditions of each locality and the benefits which the erector or possessor will be eligible to receive.

The remuneration collected under paragraph one shall devolve upon the Bangkok Metropolitan Administration, the Pattaya City Administration, the municipality, provincial management organization, sanitary area administration or other local administration body which is set up by law, whichever the case may be, in whose area that building or other thing is situated.

In cases where there is reasonable cause, Ministerial Regulations may be issued to grant exemption from or reductions in the remuneration in favour of any work unit or person.”

Article 25. The provisions in Article 118 of the Navigation in Thai Territorial Waters Act, 1913, as amended by Announcement No. 50 of the Revolutionary Council dated 18th January, 1972, shall be repealed and replaced by the following:

"Article 118. Anyone who violates Article 117 or anyone who, after receiving permission under Article 117, erects or constructs a building or other thing not in accordance with the permission received, must be punished with a fine computed on the basis of the area of the building or other thing at a rate of not less than five hundred baht per square metre but not more than ten thousand baht per square metre."

Article 26. The following shall be added as Article 118 bis and Article 118 ter of the Navigation in Thai Territorial Waters Act, 1913:

"Article 118 bis. In the case of a violation against Article 117, or the person granted permission under Article 117 erects or constructs a building or other thing not in accordance with the permission received, the Harbour Master shall issue a written order informing the owner or possessor of the said building or other thing to complete the demolition or rectification of that building or other thing correctly within the deadline prescribed but it must not be less than thirty days. In the case where there is no manifestation of the owner or possessor, the Harbour Master shall post up the order at that building or other thing and may forbid that owner or possessor to use or give consent to other persons to use all or part of that building or other thing until the demolition or rectification has been completed."

If the Harbour Master's order under paragraph one is not complied with, or in the case where there is no manifestation of the owner or possessor, and the Harbour Master has posted up the order at that building or other thing for a full period of fifteen days, the Harbour Master shall petition the Court to issue an order ordering the demolition of that building or other thing. If it is an admissible fact at the hearing that Article 117 has really been violated in the case where there is a manifestation of the owner or possessor of the building or other thing, the Court shall issue an order that the owner or possessor shall be the person to effect the demolition. In the case where the owner or possessor does not effect the demolition within the deadline in the Court order, or in the case where there is no manifestation of the owner or possessor, the Court shall issue an order that the Harbour Master shall be the organizer of the demolition.

In the case where the Harbour Master is the organizer of the demolition in accordance with a Court order per paragraph three, the Harbour Master shall exercise due care appropriate to the circumstances. The owner or possessor of the building or other thing may not demand for any compensation from the Harbour Master and the owner or possessor of the building or other thing must be the person who pays for the expenses incurred.

In the case where the Harbour Master is the organizer of the demolition in accordance with a Court order per paragraph three, the Harbour Master shall exercise due care appropriate to the circumstances. The owner or possessor of the building or other thing may not demand for any compensation from the Harbour Master and the owner or possessor of the building or other thing must be the person who pays for the expenses incurred.

In the case where the owner or possessor of the building or other thing refuses to compensate for the expenses mentioned in paragraph four within the deadline prescribed by the Harbour Master being appropriate to the case, or in the case, or in the case where there is no manifestation of the owner or possessor, the Harbour Master, with the approval of the Minister of Communications, shall sell by auction or sell by other method the materials which were demolished, as well as all the things which were removed from that part of the building or other thing which was demolished. The proceeds from the auction or sale by other method shall be used to compensate for the expenses which the Harbour Master had paid out in organizing the demolition work and the remuneration mentioned in Article 118, and if there is money left over after compensating for the said expenses, the Harbour Master shall keep that money in custody in order

to refund it to the owner or possessor. In the case where or possessor, or where the owner or possessor does not come and take it back within one year, it shall devolve upon the realm.

In the case where the Harbour Master is about to proceed in accordance with paragraph one and the said building or other thing has the characteristics for which permission could be granted, and the owner or possessor is willing to pay the fine fixed by the Harbour Master at the rate mentioned in Article 118, the Harbour Master may issue a licence to the owner or possessor, who, after receiving permission, shall pay a remuneration in an amount equal to two times that stated in Article 117 bis.

Article 118 ter. In the case where the remuneration as prescribed in the Ministerial Regulation issued under Article 117 bis is not paid, an additional fine equal to one time the remuneration outstanding shall be paid.

Article 27. The provisions in Article 119 of the Navigation in Thai Territorial Waters Act, 1913, as amended by Announcement No. 50 of the Revolutionary Council dated 18th January, 1972, shall be repealed and replaced by the following:

"Article 119. No one is allowed to pour, throw, or place by any other means, rocks, pebbles, sand, earth, mud, ballast, things or any waste matter, except oil and chemical products, into rivers, canals, marshes, reservoirs or lakes which are public thoroughfares or which are gainfully used by the public collectively, or seas inside Thai territorial waters, such that it would cause shallow waters, sediments or dirtiness, unless permission is obtained from the Harbour Master. Any violator must be sentenced to not more than six months' imprisonment or fined not more than ten thousand baht, or both, and must compensate for the expenses which are incurred in eradicating those things, too."

Article 28. The following shall be added as Article 119 bis of the Navigation in Thai Territorial Waters Act, 1913:

"Article 119 bis . No one is allowed to pour, throw, or place by any other means, oil and chemical products or means, oil and chemical products or other things into rivers, canals, marshes, reservoirs or lakes which are public thoroughfares or which are public thoroughfares or which are gainfully used by the public collectively, or seas inside Thai territorial waters, such that it might cause toxicity to living things or the environment or danger to navigation in the said rivers, canals, marshes, reservoirs or lakes. Any violator must be sentenced to not more than three years' imprisonment or fined not more than sixty thousand baht, or both, and must compensate for the expenses which are incurred in rectifying the toxicity or pay compensation for those damages, too."

Article 118 ter. In the case where the remuneration as prescribed in the Ministerial Regulation issued under Article 117 bis is not paid, an additional fine equal to one time the remuneration outstanding shall be paid.

Article 27. The provisions in Article 119 of the Navigation in Thai Territorial Waters Act, 1913, as amended by Announcement No. 50 of the Revolutionary Council dated 18th January, 1972, shall be repealed and replaced by the following:

"Article 119. No one is allowed to pour, throw, or place by any other means, rocks, pebbles, sand, earth, mud, ballast, things or any waste matter, except oil and chemical products, into rivers, canals, marshes, reservoirs or lakes which are public thoroughfares or which are gainfully used by the public collectively, or seas inside Thai territorial waters, such that it would cause shallow waters, sediments or dirtiness, unless permission is obtained from the Harbour Master. Any violator must be sentenced to not more than six months' imprisonment or fined not more than ten thousand baht, or both, and must compensate for the expenses which are incurred in eradicating those things, too."

Article 28. The following shall be added as Article 119 bis of the Navigation in Thai Territorial Waters Act, 1913:

"Article 119 bis . No one is allowed to pour, throw, or place by any other means, oil and chemical products or means, oil and chemical products or other things into rivers, canals, marshes, reservoirs or lakes which are public thoroughfares or which are public thoroughfares or which are gainfully used by the public collectively, or seas inside Thai territorial waters, such that it might cause toxicity to living things or the environment or danger to navigation in the said rivers, canals, marshes, reservoirs or lakes. Any violator must be sentenced to not more than three years' imprisonment or fined not more than sixty thousand baht, or both, and must compensate for the expenses which are incurred in rectifying the toxicity or pay compensation for those damages, too."

Article 29. The provisions in Article 120 of the Navigation in Thai Territorial Waters Act, 1913, as amended by Announcement No. 50 of the Revolutionary Council dated 18th January, 1972, shall be repealed and replaced by the following:

"Article 120. The Harbour Master shall have the duty to look after, maintain and dig water channels, navigation channels, rivers, canals, lakes and seas inside Thai territorial waters."

"No one is allowed to dig, rectify or do by any other means so as to change navigation channels, rivers, canals, lakes or seas inside Thai territorial waters, unless permission is obtained from the Harbour Master. Any violator must be punished with a fine of five thousand baht to fifty thousand baht, and the Harbour Master shall order the stoppage of the said acts."

Article 30. The provisions in Article 126 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 126. Any person who violates Article 122, Article 123, Article 124 or Article 125 must be punished with a fine of one hundred baht to one thousand baht."

Article 31. The provisions in Article 130 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 130. Anyone who does not comply with Article 127, Article 128 or Article 129 must be punished with a fine of one hundred baht to one thousand baht."

Article 32. The provisions in Article 152 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 152. Any controller of a Western-style ship or a small vessel which has or does not yet have a license who knowingly takes the license for another vessel and uses it as the license for the vessel of which he or she is the controller, or anyone who procures a licence in order to use it to commit the said offense, must be sentenced to not more than six months' imprisonment or fined one thousand baht to ten thousand baht, or both."

Article 33. The provisions in Article 155 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 155. No steamer or motor launch is allowed to carry more passengers than the number reported in the license for that vessel."

Article 34. The provisions in Article 161 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 161. Anyone who violates or does not comply with Article 145, Article 147, Article 150, Article 151, Article 156, Article 157, Article 159, Article 162 bis, Article 162 ter, Article 166, Article 167, Article 168, Article 171 or Article 173 must be punished with a fine of one hundred baht to one thousand baht."

Article 35. The following shall be added as Article 161 bis of the Navigation in Thai Territorial Waters Act, 1913:

"Article 161 bis. Any captain or controller of a steamer or motor launch who violates Article 155 must be sentenced to not more than six months' imprisonment or fined one thousand baht to ten thousand baht, or both."

Article 36. The provisions in paragraph two of Article 170 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 13), 1982, shall be repealed and replaced by the following:

"Anyone who uses a vessel which the Harbour Master has issued an order forbidding the use of under paragraph one must be punished with a fine of one thousand baht to ten thousand baht."

Article 37. The provisions in Article 175 and Article 176 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 13), shall be repealed and replaced by the following:

"Article 175. Anyone who uses a vessel contrary to the conditions or stipulations in the Licence to Use Vessel must be punished with a fine of one thousand baht to ten thousand baht."

"Article 176. The Harbour Master has the authority to detain any vessel which carries a load in excess of that prescribed in the Carriage Line Certificate and order the captain or the controller of the vessel to arrange for that vessel to carry the correct load within the time period prescribed."

Any captain or controller of a vessel who does not comply with an order of the Harbour Master per paragraph one must be punished with a fine of one thousand baht to ten thousand baht."

Article 38. The provisions in Article 190, Article 191, Article 192, Article 193, Article 194, Article 195 and Article 196 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 190. The Minister of Communications shall have the authority to issue Ministerial Regulations to prescribe the criteria and procedures connected with the packaging, storage, classification, preparation and display of markings, the arrangements for essential documents and the loading and unloading of things which might give rise to danger during carriage under this Chapter."

Those Ministerial Regulations shall come into force after they have been published in the Government Gazette.

"Article 191. With regard to the loading and unloading of things which might give rise to danger from one vessel to another vessel, loading from a vessel onto land, or loading from land onto a vessel, the captain or agent of the owner of the vessel must inform the Harbour Master not less than twenty four hours in advance before the loading and unloading, and it is forbidden to carry out the loading and unloading until permission has been obtained from the Harbour Mater."

The Director General of the Harbour Department, with the approval of the Minister of Communications, has the authority to make announcements in the Government Gazette to exempt any type of vessels or any type of loading and unloading from being subjected to the provisions in paragraph one."

"Article 192. The Director-General of the Harbour Department, with the approval of the Minister of Communications, has the authority to make announcements in the Government Gazette to require any type of vessel which carries things that might give rise to danger to fly flags or to display markings or to give

whatever signals as prescribed."

"Article 193. In the matter of sending things which might give rise to danger by ship, the sender must arrange for labels clearly showing the dangerous nature of those things on the packages and must inform the captain of the vessel in writing of the dangerous nature of those things, as well as the names and addresses of the senders, at the time of or before loading those things on board the vessel."

No one is allowed to send or accept for carriage by ship things which might give rise to danger that have not complied with paragraph correctly or for which there was compliance but the declarations were false."

"Article 194. The captain of the vessel must check carefully as appropriate to the case to ensure that things which might give rise to danger are not loaded on board the vessel in violation of the Ministerial Regulations that are issued pursuant to the provisions in Article 190."

In the case where there is reasonable cause to suspect that things which might give rise to danger have been smuggled on board the vessel, the captain of the vessel may refuse to accept those packages, unless the owner or possessor agrees to open the packages for inspection."

"Article 195. Anyone who violates or does not comply with Article 192 or Article 194, paragraph one, must be sentenced to not more than three months' imprisonment or fined not more than ten thousand baht, or both."

"Article 196. Anyone who violates or does not comply with Article 190, Article 191 or Article 193, paragraph two, must be sentenced to not more than six months' imprisonment or fined not more than twenty thousand baht, or both."

Article 39. The provisions in Article 197 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed.

Article 40. The provisions in Article 198 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Amendment Act, 1934, shall be repealed.

Article 41. The provisions in Article 201, Article 202 and Article 203 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed.

Article 42. The provisions in Article 204 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 204. Anyone who pours, throws or releases petroleum or oil mixed with water by whatever means into a pier area, river, canal, lake or sea inside Thai territorial waters must be sentenced to not more than one year's imprisonment or fined two thousand baht to twenty thousand baht, or both."

Article 43. The provisions in Article 207 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed.

Article 44. The provisions in Article 208 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

"Article 208. Anyone who violates or does not comply with Article 199, Article 200, Article 205 or Article 206 must be sentenced to not more than six months' imprisonment or fined one thousand baht to ten thousand baht, or both."

Article 45. The provision which is the name of Chapter 3 in Part 3 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

CHAPTER 3

RULES GOVERNING THE DROPPING OF ANCHOR NEAR OR DRAGGING OF ANCHOR ACROSS CABLES, PIPES OR CONSTRUCTION ITEMS WHICH ARE STRETCHED UNDER WATER

Article 46

The provisions in Article 209 and Article 210 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following

"Article 209. With regard to telegraph cables, telephone cables, electricity cables or other cables or pipes or construction items which are stretched under water in rivers, canals, marshes, reservoirs or lakes which are public thoroughfares or which are gainfully used by the public collectively, or seas inside Thai territorial waters, the Harbour Master shall arrange for markings to be displayed at the places where those cables, pipes or construction items are stretched under the water. Those markings shall be made in the form of tall posts with big white circular signs attached to the ends of the poles. The centre of the signs contains the following words in Thai and English: "Cable, Pipe or Construction item Under Water. Dropping of Anchor and Dragging of Anchor Not Allowed", and, in cases considered appropriate, the Harbour Master may arrange for buoys to be placed or other markings to be displayed as well.

No vessel is allowed to drop anchor within a distance of one hundred metres on each side of the place where an underwater cable, pipe or construction item is stretched, or to drag anchor across that cable, pipe or construction item that is stretched under the water."

"Article 210. The captain or controller of any vessel which drops the vessel's anchor inside the prohibited area per the provisions of this Chapter or which drags anchor or drags a fishnet, a purse net, device for catching marine creatures or any instrument across that area must be punished with a fine of three hundred baht to three thousand baht, and, if the said act causes damage to any cable, pipe or construction item which is stretched under the water, too, must be sentenced to not more than six months' imprisonment or fined one thousand baht to ten thousand baht, or both, and must pay compensation for the damages or expenses incurred in repairing the underwater cable, pipe or construction item which is damaged as a result of the dropping of anchor or dragging of anchor or dragging a thing across that cable, pipe or construction

item.

During the legal proceedings connected with the perpetration of the offenses per paragraph one, the Harbour Master has the authority to detain the vessel concerned until a guarantee is placed for the fine or damages or repairs expenses prescribed by the Harbour Master as being appropriate to the case.”

Article 47. The provisions in Article 216 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

“Article 216. Any captain or controller of a vessel who tries to take a vessel away from Thai territorial waters without paying the fees stated in Article 212, or who refuses to let the capacity of the vessel which he or she is the controller of be measured in the interest of collection of the fees, must be punished with a fine of five hundred baht to five thousand baht.”

Article 48. The provisions in Article 248 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

“Article 248. Anyone who violates or does not comply with Article 217, Article 220, Article 222, Article 223, Article 225, Article 226, Article 227, Article 229, Article 231, Article 233, Article 234, Article 235, Article 236, Article 237, Article 238, Article 240, Article 241, Article 243 or Article 244 must be punished with a fine of one thousand baht to ten thousand baht.”

Article 49. The provisions in Article 282 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 13), 1982, shall be repealed and replaced by the following:

“Article 282. Anyone who works in a vessel in a position which the rules for the checking of vessels prescribe must have a certificate certifying knowledge and abilities without obtaining the correct certificate certifying knowledge and abilities in accordance with the provisions of this Act must be sentenced to not more than six months’ imprisonment or fined one thousand baht to ten thousand baht, or both. If that person is working in the vessel at a time that the certificate had expired, he or she must be punished with a fine of not more than two thousand baht.”

Article 50. The provisions in Article 283 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

“Article 283. Anyone who takes another person’s certificate and uses it or shows it as being his or her own certificate, or anyone who procures a certificate in order to let another person act in that way, must be sentenced to not more than one year’s imprisonment or fined two thousand baht to twenty thousand baht, or both.”

Article 51. The provisions in Article 290 of the Navigation in Thai Territorial Waters Act, 1913, as amended by the Navigation in Thai Territorial Waters Act (No. 13), 1982, shall be repealed and replaced by

the following:

“Article 290. Anyone who violates or does not comply with Article 284, Article 285, Article 287, Article 288 or Article 289 must be punished with a fine of five hundred baht to five thousand baht.”

Article 52. The provisions in Article 294 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

“Article 294. Anyone whose certificate or licence is seized or recalled under this Act and is ordered to send that certificate or licence to the Harbour Master but does not send it within the deadline prescribed by the Harbour Master must be punished with a fine of not more than two thousand baht.”

Article 53. The provisions in Article 297 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

“Article 297. Anyone who does not comply with an order of the Harbour Master or a competent officer performing in accordance with the authority and duties under this Act must be sentenced to not more than three months’ imprisonment or fined five hundred baht to five thousand baht, or both.

Anyone who resists or obstructs the Harbour Master or a competent officer performing in accordance with the authority and duties under this Act must be sentenced to not more than one year’s imprisonment or fined two thousand baht to twenty thousand baht, or both.

If that resistance or obstruction is carried out with force and violence or with a threat that force and violence will be used, that person must be sentenced to not more than two years’ imprisonment or fined four thousand baht to forty thousand baht, or both.”

Article 54. The provisions in (1) of Article 310 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

“(1) if any offense is committed against the rules for preventing collision between vessels because of a tortious act by a captain of a vessel, a controller of a vessel or an owner of a vessel, which is a tortious act committed deliberately, that captain, controller or owner must be sentenced to not more than six months’ imprisonment or fined one thousand baht to ten thousand baht, or both.”

Article 55. The provisions in paragraph three of Article 312 of the Navigation in Thai Territorial Waters Act, 1913, shall be repealed and replaced by the following:

Any captain or any controller of a vessel who neglects to or does not comply with the provisions in this Article for no appropriate reason must be sentenced to not more than six months’ imprisonment or fined one thousand baht to ten thousand baht, or both, and the Harbour Master shall have the authority to order the suspension of the use of the Certificate for doing the work in that duty for a period of not more than two

years or order that certificate not be used permanently.”

Article 56. The provisions in paragraph three of Article 7 of the Navigation in Thai Territorial Waters Amendment Act, 1934, as amended by the Navigation in Thai Territorial Waters Act (No. 10), 1967, shall be repealed and replaced by the following:

“With regard to any vessel which has been ordered to stop navigating or whose license has been seized and which still sails nonetheless, or any vessel which undertakes to transport passengers or cargo or tow vessels regularly without a license, the captain of the vessel or the controller of the vessel or the owner of the vessel or the owner of the shipping line business must be punished with a fine of one thousand baht to ten thousand baht.”

Article 57. The provisions in Article 13 of the Navigation in Thai Territorial Waters Amendment Act, 1934, as amended by the Navigation in Thai Territorial Waters Act (No. 10), 1967, shall be repealed and replaced by the following:

“Article 13. With regard to all the offenses under the law governing the navigation in Thai territorial waters which are punishable by a single count of a fine of not more than ten thousand baht, the Harbour Master shall have the authority to compound the fine in favour of the accused. When the distressed parties have given their consent and the accused have paid the fines according to the fines compounded by the Harbour Master, the cases shall be held to have ended in accordance with the criminal procedure law.”

Article 58. The provisions in Article 13 of the Navigation in Thai Territorial Waters Amendment Act, 1934, (No. 2), shall be repealed and replaced by the following:

“Article 13. Any pilot who performs piloting services over and above the license or without a licence, who performs piloting services during the time that the licence has been recalled, suspended or seized, or who refuses to perform piloting of any vessel which has given a signal requesting him or her to go and perform the piloting service without any appropriate excuse, or who abandons the piloting of any vessel halfway for no appropriate reason or without the consent of the captain of the vessel, or who uses a vessel or piloting materials and appliances which the competent officer has ordered to be repaired under Article 9 before the repairs have been completed, must be punished with a fine of not more than five thousand baht.”

Article 59. The provisions in Article 16 of the Navigation in Thai Territorial Waters Amendment Act, 1934, (No. 2), shall be repealed and replaced by the following:

“Article 16. Anyone who has not obtained permission to be a pilot and who shows himself as being a person who has obtained permission to perform piloting services by showing another person’s licence or by using any markings or signals for use in piloting work in order to request to perform piloting services, or anyone who procures a licence or markings or signals for another person to use in order to commit the said acts, must be sentenced to not more than six months’ imprisonment or fined one thousand baht to ten thousand baht, or both.”

Article 60. The provisions in Article 9 of the Navigation in Thai Territorial Waters Act (No. 6), 1938, as amended by Announcement No. 50 of the Revolutionary Council dated 18th January, 1972, shall be repealed and replaced by the following:

“Article 9. Anyone who uses a vessel which has not been granted a Licence to Use Vessel or who uses a vessel whose Licence to Use Vessel has already expired or who uses a vessel contradictory to the navigation area or address which is prescribed in the Licence to Use Vessel, must be punished with a fine of not more than ten thousand baht, and the Harbour Master may order the seizure of the Licence to Use Vessel for a period of not more than six months, too.

The owner of a vessel or the owner of the shipping line business whose Licence to Use Vessel was seized in accordance with paragraph one has the right to appeal to the Minister of Communications within one nonetheless still sailing or operating, the captain of the Vessel or the controller of the vessel, the owner of the vessel or the owner of the shipping line business must be punished with a fine of not more than fifty thousand baht.”

Article 61. Anyone who violates Article 117 of the Navigation in Thai Territorial Waters Act, 1913, or anyone who has obtained permission under Article 117 as mentioned and then erects or constructs a building or other thing not in accordance with the permission obtained before the date of enforcement of this Act, if the Harbour Master is informed within sixty days from the date of enforcement of this Act, and the remuneration is paid in accordance with a Ministerial Regulation issued pursuant to Article 117 bis of the Navigation in Thai Territorial Waters Act, 1913, as amended by this Act, within sixty days from the date of enforcement of the said Ministerial Regulation, shall be exonerated. However, in the case where the said building or other thing has the characteristic or nature of being a danger to navigation or might cause the water channels to change or give rise to effects on the environment, the Harbour Master has the authority to order the owner or the possessor to demolish or rectify that building or other thing within a prescribed time period, and Article 118 bis of the Navigation in Thai Territorial Waters Act, 1913, as amended by this Act, shall apply mutates mutandis.

The remuneration mentioned in paragraph one shall be calculated with effect from the date of enforcement of this Act.

Article 62. The Minister of Communications shall be in charge of the enforcement of this Act.

Correct in Accordance with the Resolution of the National Legislative Assembly

Acting as Parliament

(signature illegible)

(Mr. Pitoon Poomhiran)

(Director, Meetings Division)

Office of the Secretary General to Parliament

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