

Hazardous Substance Act (2nd Issue) B.E. 2544 (2001)

Translation

Bhumibhol Adulyadej, Rex.
Given on the 9th day of November B.E. 2544;
Being the 56th year of the Present Reign

His Majesty King Bhumibhol Adulyadej commands that it be proclaimed that:

Whereas it is expedient to amend the Hazardous Substance Law.

This Act contains some provisions about the limitation of the rights and freedom of a person, which Section 29 combined with Section 31 and Section 50 of the Constitution of the Kingdom of Thailand prescribes to be permissible by virtue of a legislation.

His Majesty therefore graciously grants that the Act be given by advice and consent of the Parliament as follows:

Section 1

This Act shall be called “Hazardous Substance Act (2nd Issue) B.E. 2544 (2001)”

Section 2

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

Section 3

To add the definition

“Chemical Weapons Ban Convention” between the “Label” and the “Committee” definitions in Section 4 of the Hazardous Substance Act B.E. 2535 as follows:

“Chemical Weapons Ban Convention” means the convention on banning the development, production, amassing or use of chemical weapons and the destruction of these weapons entered on 13 January B.E. 2536.”

Section 4

To add following statement as Section 15/1 of the Hazardous Substance Act B.E. 2535

“Section 15/1

regarding the resolution given or opinion expressed by the Committee, approval granted by the in-charge-Minister pursuant to other law and announcement issued by the Minister of Industry or responsible minister, in order that it be in accordance with this Act, the Chemical Weapons Ban Convention and Treaty and Obligations among other countries shall be taken into consideration.”

Section 5

To add following statement as Section 74/1 and Section 74/2 of Hazardous Substance Act B.E. 2535

“Section 74/1 person who uses or supports the offence which is subject to a punishment pursuant to Section 73 or Section 74 regarding Kind 3 or Kind 4 of hazardous substance, which is a toxic chemical substance or a substance used for producing the toxic chemical substance specified in the Chemical Weapons Ban Convention pursuant to the announcement of the Minister of Industry in compliance with Section 18, shall be subject to the same punishment as the principal for such offence.

Section 74/2

In committing the offence pursuant to Section 73 or Section 74 regarding Kind 3 or Kind 4 of hazardous substance, which is a toxic chemical substance or a substance used for producing the toxic chemical substance specified in the Chemical Weapons Ban Convention pursuant to the announcement

of the Minister of Industry in compliance with Section 18, if the offender is a Thai citizen and despite the offence is committed outside the kingdom, the offender must serve the punishment in the kingdom. Such offender is barred from being again punished in the kingdom if:

- 1) the Court in foreign country has given a final verdict to release such person;
- 2) the Court in foreign country has given a verdict to punish and such person has served the sentence.

In case the convicted person has served the sentence for such offence pursuant to the verdict of the Court in foreign country and has not yet been freed from the punishment, the Court may give a sentence at any degree lesser than the one specified by law for such offence, or not give a sentence at all, considering from the sentence such person has served."

Countersigned by Police Lieutenant Colonel Thaksin Shinawatra as Prime Minister

Published in the Government Gazette, Volume 118, Part 106A, dated 16 November, B.E 2544

Note:

The reason for the enactment of this act is: Whereas Thailand is going to become a member of the Convention on the Ban of Chemical Weapons Development, Production, Amassing and Use and on the Destruction of These Weapons, which was made on January 13, A.D. 1993, which prescribes control measures on the production, obtainment, storage, use and transfer of toxic chemical substances and substances used to produce the toxic chemical substances specified in the Chemical Weapons Ban Convention in the territories of the member states and non-member state, including the requirement for the Parliaments to issue law with criminal punishment to apply to natural and juristic persons being in the territories or jurisdictions of the member states who commit acts of violation against the said measure and that the scope of law application be extended to cover the forbidden acts under the Chemical Weapons Ban Convention of natural persons having the nationality of the territories of the member states; it is expedient to amend the Hazardous Substance Act B.E. 2535 in the matter of the measure for the control of any act concerning the hazardous substances or toxic chemical substances used to produce the toxic chemical substances specified in the Chemical Weapons Ban Convention, and to prescribe penalty provisions in consistence with the commitment under the Chemical Weapons Ban Convention. Therefore, it is necessary to give this act.