

**National Energy Policy Council Act (No. 3), B.E. 2551 (2008)**

Translation

BHUMIBOL ADULYADEJ REX.;

Given on the 19th Day of February B.E. 2551;

Being the 63rd 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 the National Energy Policy Council;

This Act contains certain provisions that restrain the rights and liberty of an individual, which is allowed by the provisions under Section 29, conjoined with Section 41 and Section 43 of the Constitution of the Royal Kingdom of Thailand;

Be it, therefore, enacted by the King's most Excellent Majesty, by and with the advice and consent of the National Legislative Assembly, as follows:

**Section 1**

This Act shall be called the "National Energy Policy Council Act (No. 3), B.E. 2551 (2008)"

**Section 2**

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

**Section 3**

The following provision shall be added as Section 5/1 of the National Energy Policy Council Act, B.E. 2535:

"Section 5/1.

A Member of the National Energy Policy Council shall:

- (1) not hold shares or take part in or consent to the spouse's holding shares in a juristic entity operating a business related to the generation, transmission or distribution of non-renewable energy or electricity; or
- (2) not hold any post in a juristic entity operating a business related to the generation, transmission or distribution of non-renewable energy or electricity, except for the case that the Member of the National Energy Policy Council is a civil servant, who has been assigned by the government or by the Board of a given state-owned enterprise to assume a post of Board Member or any other post in that state-owned enterprise operating an energy-related business or in a juristic entity of which the state-owned enterprise is a shareholder.

A person who assumes office of Member of the National Energy Policy Council shall have to take action to comply with Clause one hereof within sixty (60) days as from the day he assumes office."

**Section 4**

Any Member of the National Energy Policy Council who has been in office prior to the enforcement of this Act and to whom the exception under Section 5/1 of the National Energy Policy Council Act, B.E. 2535, as amended by this Act, does not apply shall have to take action to comply with Section 5/1 herein within sixty (60) days as from the day this Act comes into force.

## Section 5

The Prime Minister shall have charge and control of the execution of this Act.

Countersigned by

General Surayud Chulanont

Prime Minister

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**Remarks:** The rationale underlying the amendment of the National Energy Policy Council Act, B.E. 2535 (1992), is that there is no provision in the National Energy Policy Council Act, B.E. 2535, prohibiting a Member of the National Energy Policy Council from holding shares in a state-owned enterprise or assuming any post in a juristic entity operating an energy-related business. In order that a person who assumes such office could execute the duties in the manner that will not constitute a conflict of interest with the operation of energy-related business, the stipulation as regards such prohibition is required, and hence it is deemed essential to enact this Act.

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