

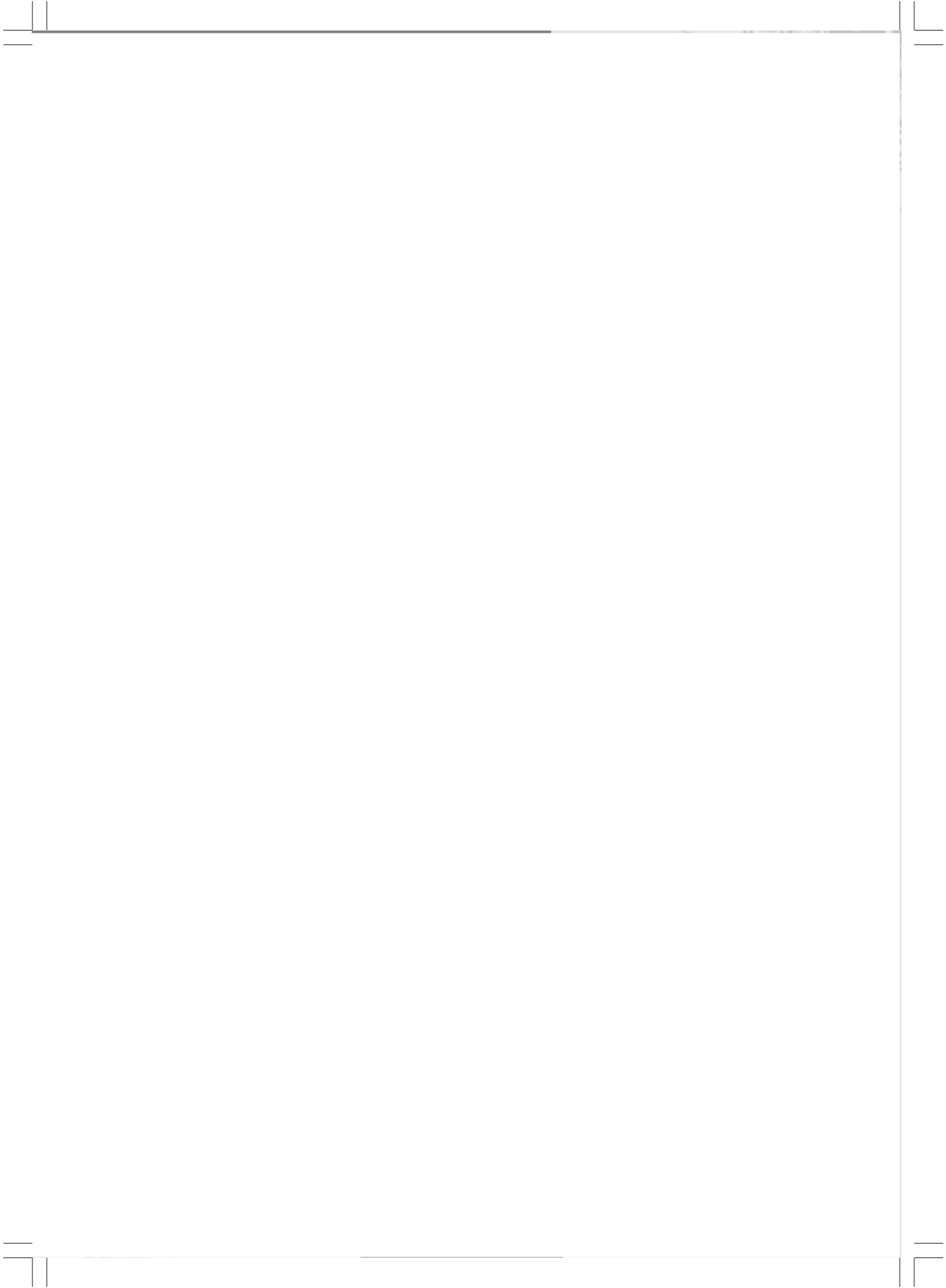


NARCOTIC LAWS OF THAILAND

Office of the Narcotics Control Board
Ministry of Justice

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NARCOTIC LAWS OF THAILAND

Office of the Narcotics Control Board
Ministry of Justice

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PREFACE

The first and second edition of the Narcotic Laws of Thailand in English version published in 2000 and 2003. This new edition need to be published in order to provide the existence improving legislations to be used as an updated reference in solving drug problems of Thailand, both in national and international level.

It is hoped that this publication will be useful for government officials and the others who are engaged in drug problems. Moreover, it will be use for strengthening further cooperation in fighting illicit drugs trafficking in this region.

Office of the Narcotics Control Board
Bangkok. Thailand
2007



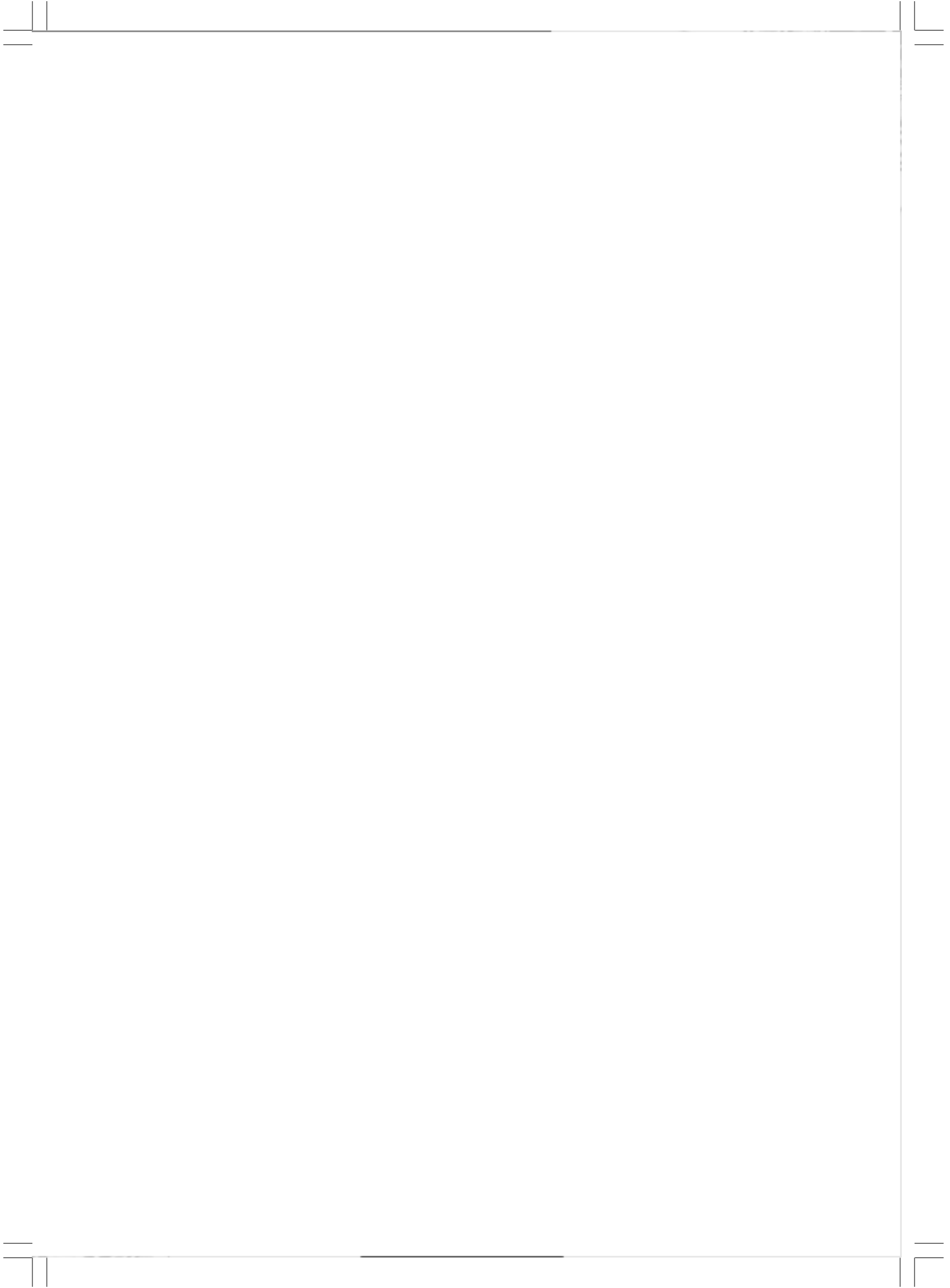





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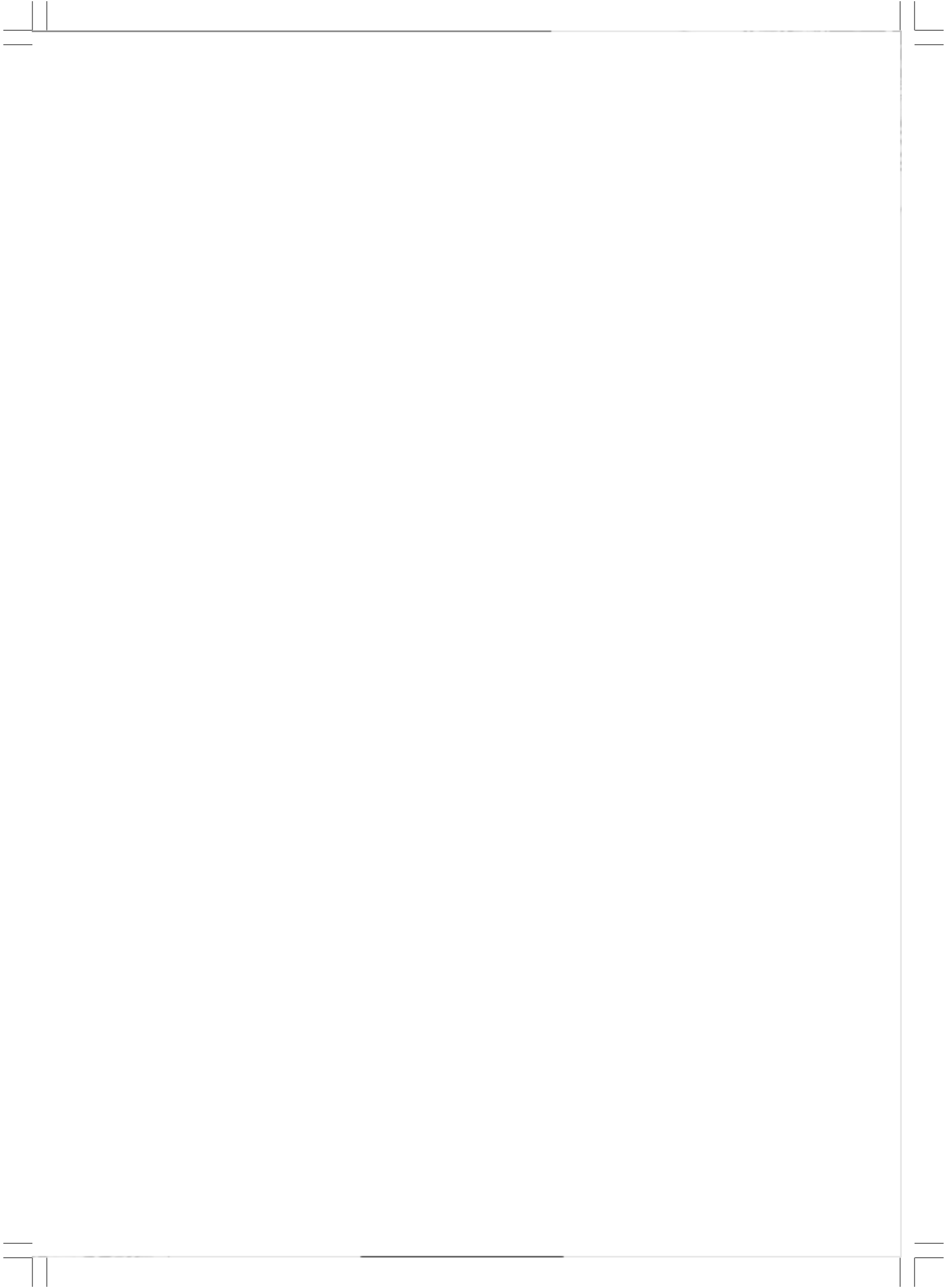




Narcotics Control Act B.E. 2519 (1976)



ONCB



NARCOTICS CONTROL ACT.**B.E. 2519 (1976)⁽¹⁾****BHUMIBOL ADULYADEJ, REX.****Given on the 16th day of November B.E. 2519;****Being the 57th year of the Present Reign.**

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

Whereas it is expedient to enact a law on narcotics control;

This Act contains provisions relating to the restriction of rights and liberties of the people which section 29 together with section 31 section 35 section 37 section 48 section 50 section 237 and section 238 of the Constitution of the Kingdom of Thailand allows to be done by virtue of provisions of law;

Section 1 This Act is called the “Narcotics Control Act, B.E. 2519”.

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

Section 3 In this Act,

⁽³⁾ “narcotics” means narcotics under the law on narcotics, psychotropic substances under the law on psychotropic substances and volatile substances under the law on controlling the use of volatile substances;

⁽⁴⁾ “laws relating to narcotics” means the law on narcotics, law on psychotropic substances, law on controlling the use of volatile substances and law on measures for the suppression of offenders in an offence relating to narcotics;

⁽⁵⁾ “offence relating to narcotics” means the offence under the laws relating to narcotics;

“Board” means the Narcotics Control Board;

“member” means a member of the Board, and includes the Chairman thereof;

“Secretary-General” means the Secretary-General of the Narcotics Control Board;

“Minister” means the Minister having charge and control of the execution of this Act;

“competent official” means the person appointed by the Secretary-General for the execution of this Act.

(1) As amended by the Narcotics Control Act (No.2), B.E.2534 (1991), (No.3) B.E. 2543 (2000), (No.4) B.E. 2545 (2002)

(2) Published in the Government Gazette Vol. 93, Part 144, date 17 November B.E. 2519

(3)-(4) Repealed and Replaced by section 3 of the Narcotics Control Act (No.2) B.E. 2534 (1990)

(5) Added by section 3 of the Narcotics Control (No.4) B.E.2545 (2002).

Section 4 This Act shall not affect the powers and duties of any Government agency or competent official of any Government agency under the laws relating to narcotics.

In the case where there is a problem in connection with the execution of the powers and duties of the Board, or competent official, and of the Government agency or official having the powers in connection with narcotics, the Board shall make the decision and lay down the Rules on the performance of official affairs and the coordination thereof.

⁽⁶⁾ **Section 5** There shall be the “Narcotics Control Board” called “NCB” in brief, consisting of the Prime Minister as Chairperson, Minister hold portfolio of office of the Prime Minister who entrusted by the Prime Minister, Minister of Defense, Minister of Interior, Minister of Justice, Minister of Public Health, Minister of Education, Attorney-General, Royal Thai Police Commissioner, Director General of the Department of Customs as ex officio members, and not more than six qualified members appointed by the Council of Ministers, as member and the Secretary-General as member and secretary.

The qualified members that appointed by the Council of Ministers under paragraph one, shall consider from the person in private sector, who having apparent experiences in the field of the narcotics control, not more than two persons.

Section 6 A member appointed by the Council of Ministers shall hold office for a term of two years, and a member who vacates office may be re-appointed.

Section 7 A member appointed by the Council of Ministers vacates office before the end of term upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Ministers;
- (4) being an incompetent or quasi-incompetent person;
- (5) having been imprisoned by a final judgment to a term of imprisonment.

When a member vacates office before the end of term, the Council of Ministers may appoint any person to replace him.

The member who is appointed to fill the vacancy or as additional member shall hold office for the remaining term of other members.

Section 8 At a meeting of the Board, if the Chairperson does not attend or is not present, the members present shall elect one among themselves to preside over the meeting.

Section 9 At each meeting, the presence of not less than one-half of the total number of members of the Board is required to constitute a quorum.

The decision shall be made by a majority of votes. Each member shall have one vote.

(6) Repealed and Replaced by section 4 of the Narcotics Control Act (No.4) B.E. 2545 (2002)

In case of an equality of votes, the Chairperson shall have an additional vote as a casting vote.

⁽⁷⁾ **Section 10** The Board may appoint an advisory committee or a sub-committee for consideration or execution of any matter as acts for the Board.

In the performance of duties under paragraph one, the members of an advisory committee or members of a sub-committee shall be a competent official under the Penal Code

⁽⁸⁾ **Section 11** There shall be the “Office of the Narcotics Control Board” called “O.N.C.B.” in brief, which is the Government agency in the Ministry of Justice⁽⁹⁾ having the following powers and duties:

(1) to execute as in the status of the performance body of the Board under the powers and duties that is required;

(2) to coordinate the policy, plan, budget and the performance of narcotics control with other agencies where relating to, that all this due to Government and Private Sectors;

(3) to support the data, information, affair that including to develop the personal of the agency where relating to, that all this due to Government and private sectors both in domestic and foreign country;

(4) to perform on the public relation against narcotics;

(5) to coordinate the cooperation with foreign country and the international organization in the matters of narcotics control;

(6) to coordinate, examine that including monitoring and evaluation the performance of the concerning agencies about narcotic control;

(7) to perform other duties which entrusted by the Board. or under the provision of law.

⁽¹⁰⁾ **Section 12** There shall be the Secretary-General of the Narcotics Control Board, having the duties to generally supervise the performance of the official affairs of the Office of the Narcotics Control Board, who directed to the Ministry of Justice, and shall be the superior the officials of the Office of the Narcotics Control Board. And there shall be Deputy Secretary-General to assist the Secretary-General in the performance of official duties.

Section 13 The Board shall have the powers and duties as follows:

(1) to prepare work plans and measures for preventing and suppressing the offenders under the laws relating to narcotics;

(2) to control the investigation, inquiry and prosecution of offences under the laws

(7) Repealed and Replaced by section 5 of the Narcotics Control Act (No.4) B.E.2545 (2002)

(8) Repealed and replaced by section 6 of the Narcotics Control Act (No.4) B.E.2545 (2002)

(9) Revised by the Act Amending Ministry, Sub-ministry and Department B.E.2545 (2002), section 33 and Royal decree on transferring the Administration Duty of Government Organization according of the Act Amending Ministry, Sub-ministry and Department B.E.2545, section 112.

(10) Repealed and Replaced by section 6 of the Narcotic Act (No.4) B.E. 2545 (2002)

relating to narcotics;

(3) to prepare and implement projects as well as to instruct the Government agencies concerned to disseminate knowledge in narcotics;

(4) to control, expedite and co-ordinate the performance of duties of the Government agencies having the powers and duties in respect of the execution of the laws relating to narcotics;

(5) to submit recommendations to the Council of Ministers in order that there may be the improvement in the performance of official affairs or in the work plans or projects of the Government agencies having the powers and duties in respect of the execution of the laws relating to narcotics;

(6) to co-ordinate and supervise the treatment and healing of narcotic addicts;

(7) to consider and approve the appointment of competent officials for the execution of this Act.

⁽¹¹⁾ (8) to submit opinions to the Council of Ministers to prescribe specific measure for prevention and suppression of narcotics offences in the business place and prescribe any kind of business place to be the certain place under the measure.

⁽¹²⁾ (9) to perform other duties as designated by this Act to be the authorities and responsibilities of the Board.

⁽¹³⁾ (10) to submit commendations relating to the providing the virtue merit or removing or discipline punishment to an official, a local officer, a state enterprise officer, or an officer of Government agency who entrusted by, to perform the duties relating to resolution of narcotics problems or concerned with the commission of offence relating to narcotics, to request the Government agency which is the superior of such official or officer to accelerate the execution which related to that;

⁽¹⁴⁾ (11) to consider and execute for providing the budget to the agency of the Government or private sectors where relating to narcotics control, to supervise and follow-up the budget payment of such agencies;

⁽¹⁵⁾ (12) to support the agency of the Government or private sectors, including people in which participation of the narcotics control.

(11)-(12) Added by section 3 of the Narcotics Control Act (No.3) B.E. 2543 (2000).

(13)-(15) Added by section 7 of the Narcotics Control Act (No.4) B.E. 2545 (2002).

⁽¹⁶⁾ **Section 13 bis** The Prime Minister under the approval of the Council of Ministers has the powers to issue the notifications on specific measure for prevention and suppression of any narcotics offence in the business place and prescribe any kind of business places to be under controlled of such measure, as published in the Government Gazette.

⁽¹⁷⁾ **Section 13 tri** In case of the competent official found out that there is any offence relating to Section 13 bis committed in the business place, if the proprietor or overseer of the business places could not clarify or prove to the Board that he or she has no advisable exercise as might be expected in such circumstances. The Board has the power to order the temporary closure of the business places or suspension of business licence within the period of not exceeding fifteen days in each time from the day of proprietor or overseer have informed the order.

In case of the business places where were ordered to be closed or suspended of business licence are the places under control of other legislations, the Secretary General has to inform the mentioned order to that concerned agencies which taking control of such business and then such concerned agency has to perform in accordance with the order.

The temporary closure or suspension of business licence and the procedure of such notification to the proprietor or the overseer as mentioned in the paragraph one as well as the proceeding of notice to other concerned agency as mentioned in the paragraph two shall be in accordance with the rule regulation and condition as prescribed by the Minister.

⁽¹⁸⁾ **Section 14** For the execution to control the commission of offence relating to narcotics, the member, Secretary-General, Deputy Secretary-General and competent official shall have the following powers:

(1) to enter any dwelling places or premises to search when there is a reasonable ground to suspect that there is person who had a reasonable ground to suspect that committed the offence relating to narcotics is hidden or there is property which possesses to be an offence or acquired through the commission of an offence or used or intended to use in the commission of the offence relating to narcotics or which may be used as the evidence, together with a reasonable ground to believe that because of more delayed to got the search warrant, such person shall escaped or such property shall removed, hidden, destroyed or transformed in original;

(2) to search any person or conveyance which there is a reasonable ground to suspect that there are narcotics unlawful hidden;

(3) to arrest any person who committed the offence relating to narcotics;

(16)-(17) Added by section 4 of the Narcotics Control Act (No.3) B.E. 2543 (2000).

(18) Repealed and Replaced by section 8 of the Narcotics Control Act (No.4) B.E. 2545 (2002)

(4) to seize or attach narcotics which there are unlawful possessed or any property which used or intended to use in the commission of the offence relating to narcotics or may be used as the evidence;

(5) to search under the provisions of the Criminal Procedure Code;

(6) to make an inquiry of the alleged offender in the offence relating to narcotics;

(7) to issue a letter of inquiry to or summon any person or the official of any Government agency to give statement or to submit any account, document or material for examination or supplement the consideration.

The powers execution under paragraph one (1), the competent official who searched shall perform according to the rules prescribed by the Board, and produce an innocent before enter to search, report on the reason and the result of searching in letter to the superior who is topper, and record the reasonable ground to suspect and reasonable ground to believe that established the capable to enter for search in the letter, given its to the possessor of dwelling place or place where searched. But if have no possessor at such place, the competent official who searched shall consign with a copy of such letter immediately as could be done. And if should be the searching in the night time after sunset, the competent official who is the chief of the searching shall be a civil servant that hold the position up-to from level of seven, or police officer that hold the position up-to from the inspector or likewise, or defense official that hold the position up-to from the commander of a company or likewise.

A competent official of any position and any level who is to have all or part of such powers and duties as referred to in paragraph one, or shall have the approval of any person before performance, shall be prescribed by the Secretary-General with the approval of the Board by means of executing an instrument of authorization and delivering it to each official who has been so authorized.

The competent official who has been so authorized under paragraph one shall produce the instrument of authorization to the person concerned each time.

In the execution under this section, the member, the Secretary-General, Deputy Secretary-General and competent official shall be an official under the Penal Code.

The Secretary-General shall prepare the report of the result of the performance under section 14 to submit the Council of Ministers for to report the result of annual performance, whereby its shall report of fact, obstruction problem, amount of the performance and the detail of the result of performance achievement, for the Council of Ministers to submit such report together with the Council of Ministers opinions to the Assembly of Representatives, and the Assembly of Senate.

⁽¹⁹⁾ **Section 14 bis** In case of having necessity or with a reasonable ground to believe that any person or any group of persons consumed narcotics in any dwelling place or any other place or in the vehicle, the member, the Secretary-General, the Deputy Secretary General or the competent official under this Act shall have the power to examine or order the suspected person to be examined or to be tested whether such person or a group of persons have some narcotics substances within their bodies or not.

The procedure of examination or testing as mentioned in the paragraph one shall be in accordance with the rules, procedures and conditions notified by the Board and published in the Government Gazette.

⁽²⁰⁾ **Section 14 tri** In the performance of duties of the competent official under section 14 or section 14 bis, if the competent official requested any person to assist that performance of duties, such person shall have the powers to assist that performance of the competent official.

⁽²¹⁾ **Section 14 fourth** In the case where there is a reasonable ground to believe that any document or information which transmit by any post, telegraph, telephone, fax telephone, computer, tool or instrument in the communication, electronic communication or communication by information technology was used or may be used for the purpose of the commission offence relating to narcotics. The competent official who have approved in letter of the Secretary-General shall submit unilateral application to Chief Justice of the Criminal Court for having an issue to permit the competent official of obtained such information.

The permission under paragraph one, Chief Justice of the Criminal Court shall consider to the affect of individual rights or any right together with the following reason and necessary:

- (1) there is a reasonable ground to believe that there is committed for or will be committed offence relating to narcotics;
- (2) there is a reasonable ground to believe that its will receive the information relating to the commission of offence relating to narcotics from the accessing of such information;
- (3) may not used other procedure that have more suitability and effective.

The permission under paragraph one, the Chief Justice of the Criminal Court shall order to permit not more than ninety days in each time, by whether required conditions or not. And the person who concerned with that information in the communication instrumental under such order shall give the cooperation to the execution accordance with this section. In after having the permission order, if its appear the fact that the reason and necessary is not in accordance with the prescribed, or the circumstance was changed, the Chief of Justice of the

(19) Added by section 5 of the Narcotics Control Act (No.3) B.E. 2543 (2000)

(20-21) Added by section 9 of the Narcotics Control Act (No.4) B.E. 2545 (2002)

Criminal Court may change such permission order in appropriate..

When the competent official have executed according to the permission, its shall report that the execution to the Chief Justice of the Criminal Court to acknowledge.

All of information which obtained under paragraph one shall keep and usage only for the investigation and to be used as evidence in the case prosecution, all this is due to the rules prescribed by the Board.

Section 15 For the purpose of the execution of section 14, the member, the Secretary-General, the Deputy Secretary-General and the competent official who have been authorized under section 14 (3) shall be deemed to have the same powers and duties as the inquiry official under the Criminal Procedure Code for the entire Kingdom, and shall have the power to keep the person arrested in custody under section 14 (3) for inquiry for a period of not more than three days. Upon the lapse of such period or before it has elapsed as they may think fit, they shall send the arrested person to the inquiry official under the Criminal Procedure Code for further proceedings; provided that, the keeping of the said arrested person in custody shall not be considered as that of the inquiry official under the Criminal Procedure Code.

⁽²²⁾ **Section 15 bis** The proprietor or the overseer of the business place who violated this Act or did not perform his or her responsibility in accordance with Section 13 bis shall be liable to a fine of ten thousand bath to fifty thousand bath.

⁽²³⁾ **Section 16** Any person who obstructs, or fails to render facilities, or refuses to give statements or to submit any account, document or material to the member, the Secretary-General, the Deputy Secretary-General or the competent official who performs an Act in pursuance of section 14 shall be liable to imprisonment for a term not exceeding six months or to a fine of not exceeding ten thousand Baht.⁽²⁴⁾

If such action under paragraph one is committed against person who assists the competent official under section 14 tri, the offender shall be liable to punishment as provided in paragraph one.

⁽²⁵⁾ If the commission under paragraph one is occurred to the person who assisted the performance of duties of the competent official under section 14 tri, the person who committed that shall be liable likewise the paragraph one.

⁽²⁶⁾ **Section 16/1** Any person who knew or obtained which the information that derived under section 14 fourth, committed by any means to provided other person knew or may be

(22) Added by section 6 of the Narcotics Control Act (No.3) B.E. 2543 (2000)

(23) Repealed and Replaced by section 7 of the Narcotics Control Act (No.3) B.E. 2543 (2000)

(24) Compared by section 90 of the Narcotics Act B.E. 2522 (1979)

(25) Added by section 10 of the Narcotics Control Act (No.4) B.E. 2545 (2002)

(26) Added by section 10 of the Narcotics Control Act (No.4) B.E. 2545 (2002)

knew such information shall be liable to imprisonment for a term of not exceeding five years or a fine of not exceeding one hundred thousand Baht, except that is the disclosure in the performance of duties or under the law.

If the commission under paragraph one is committed by member, Secretary-General, Deputy Secretary-General and competent official, such person shall be liable to treble penalty imposed for offence that referred in paragraph one.

Section 17 The member, the Secretary-General, the Deputy Secretary-General or any competent official who commits an offence under the laws relating to narcotics shall be liable to treble penalty imposed for such offence.⁽²⁷⁾

⁽²⁸⁾ **Section 17 bis** Any offence under this Act which shall be inflicted only a fine punishment, the Board or the persons who have been assigned has power to inflict a fine punishment.

⁽²⁹⁾ **Section 18** The Minister of Justice shall have charge and control of the execution of this Act and shall have the power to issue rules or regulations for the execution of this Act.

Countersigned by
Mr.Thanin Kraivixian
Prime Minister

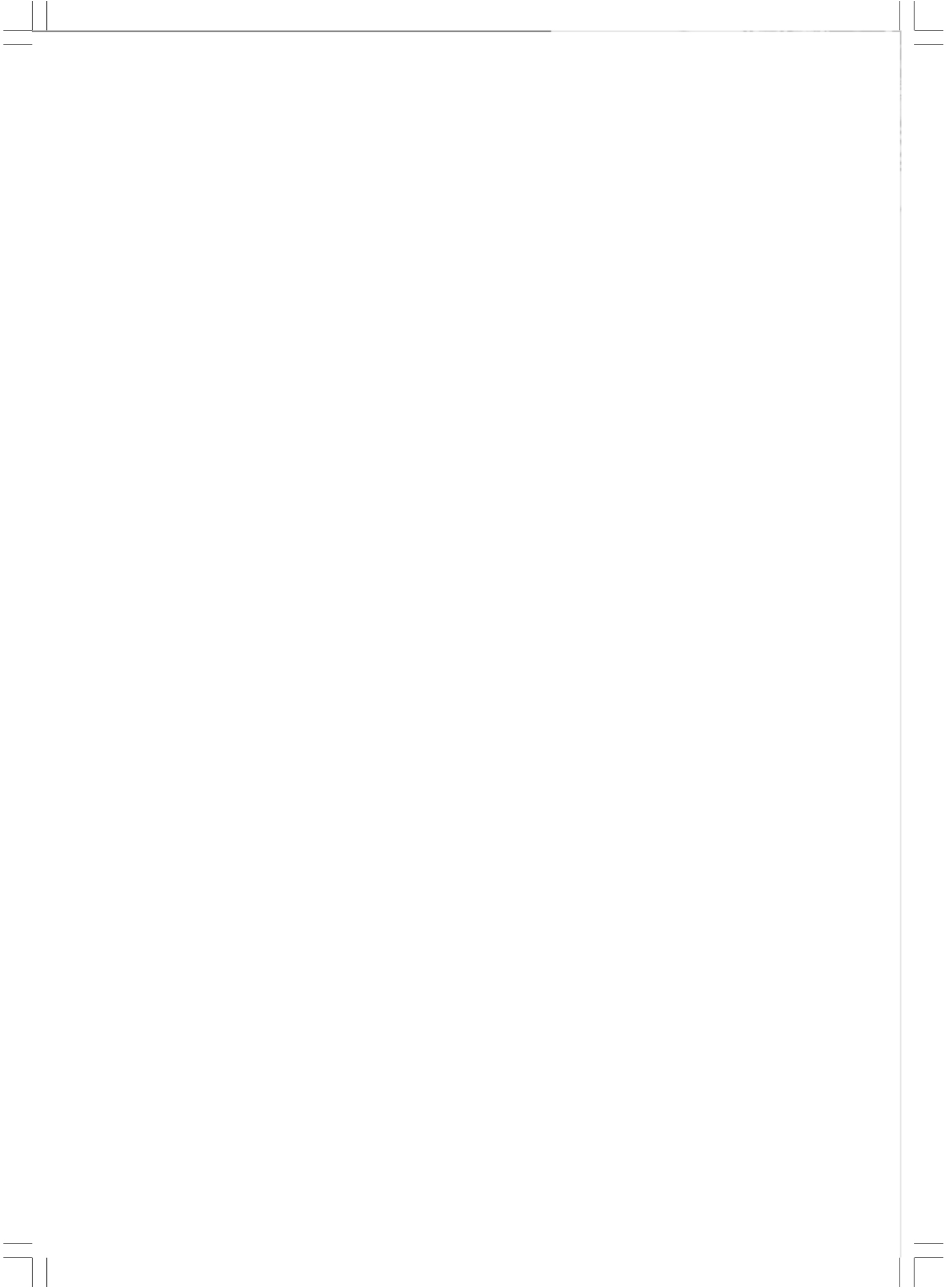
Translated by
B. Laogortee
(Mr. Boonyawichack Laogortee)
Legal Affairs Division
Office of the Narcotics Control Board



(27) Compared by section 100 of the Narcotics Act B.E. 2522 and section 10 of the Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics B.E. 2534 (1991)

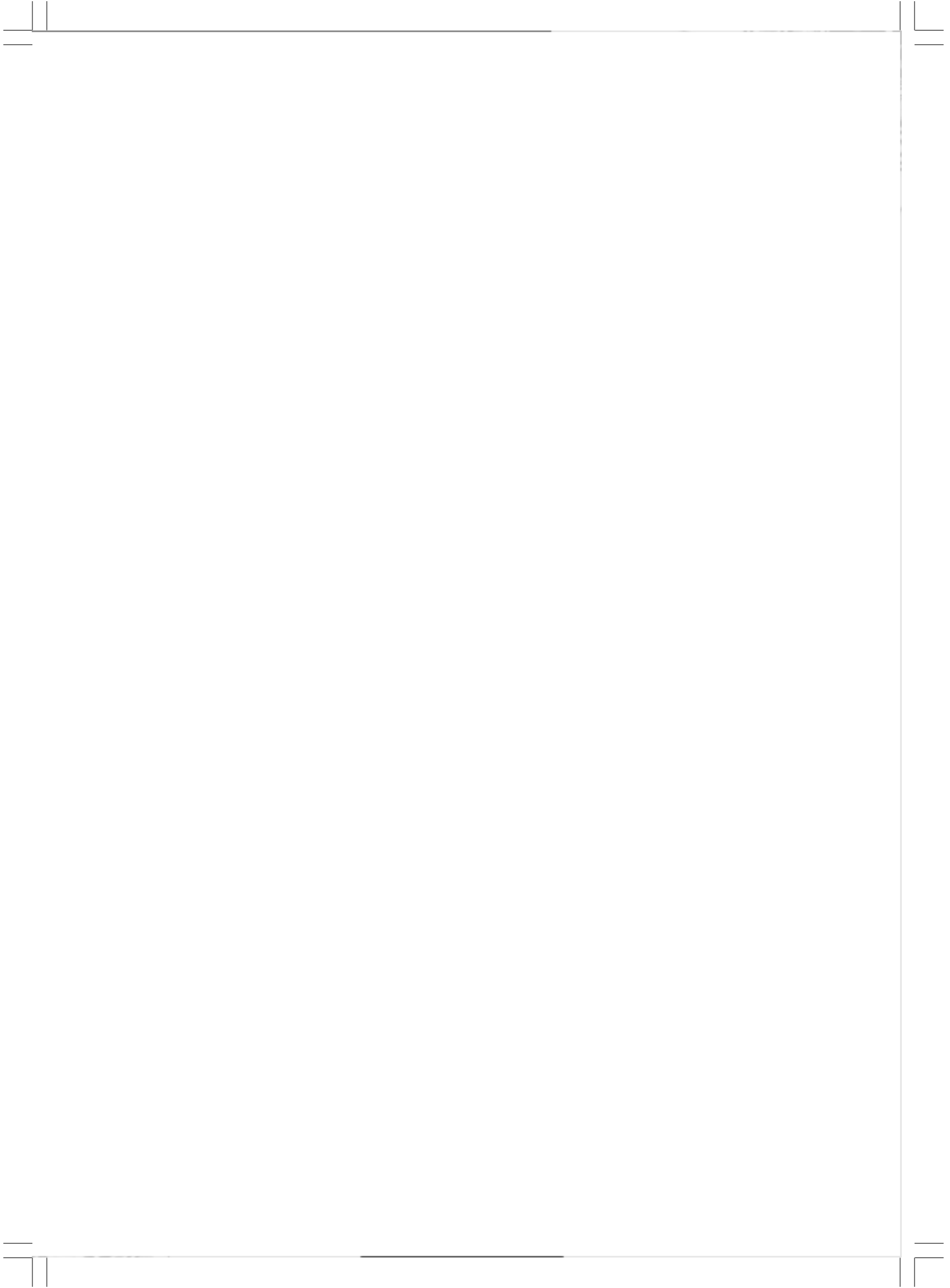
(28) Added by section 8 of the Narcotics Control Act (No.3) B.E. 2543 (2000).

(29) Revised by the act Amending Ministry, Sub-ministry and Department B.E. 2545 (2002) section 33 and Royal Decree on Revising the Provision to relate to Transferring the Duty of government Organization according to the Act Amending Ministry, Sub-ministry and Department B.E. 2545, section 74



Narcotics Act B.E. 2522 (1979)





NARCOTICS ACT

B.E. 2522 (1979)*

BHUMIBOL ADULYADEJ, REX.,

Given on the 22nd day of April B.E. 2522;

Being the 57th year of the Present Reign.

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

Whereas it is expedient to revise the law on narcotics :

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly as follows : ⁽¹⁾

Section 1 This Act is called the "Narcotics Act B.E. 2522".

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

⁽³⁾ **Section 3** The following shall be repealed

- (1) Narcotics Act, B.E. 2465.
- (2) Narcotics Act (No. 2), B.E. 2479 ;
- (3) Narcotics Act (No. 3), B.E. 2502 ;
- (4) Narcotics Act (No. 4), B.E. 2504 ;
- (5) Narcotics Act (No. 5), B.E. 2518 ;
- (6) Marijuana Act, B.E. 2486 ;
- (7) Kratom** Plant Act, B.E. 2486.

Section 4 In this Act :

⁽⁴⁾ "narcotics" means any form of chemicals or substances which, upon being consumed whether by taking orally, inhaling, smoking, injecting or by whatever means, causes physiological or mental effect in a significant manner such as need of continual increase of dosage, having withdrawal symptoms when deprived of the narcotics, strong physical and mental need of dosage and the health in general being deteriorated, and also includes plant or parts of plants

* As amended by the Narcotics Act (No.2) B.E.2528 (1985), (No.3) B.E.2530 (1987), (No.4) B.E.2543 (2000)

(1) As amended by the Narcotics Act (No.4) B.E.2543, published in the Government Gazette Vol. 117, Part 111A, dated 29th November B.E.2543, (No.5) B.E.2545, published in the Government Gazette, Vol. 119 Part 96A, dated 30 September B.E.2545

(2) Published in the Government Gazette Vol.96, Part 63, dated 27th April B.E.2522 (1979)

(3) Repealed by section 3 of the narcotics Act (No.2) B.E.2528 (1985), published in the Government Gazette Vol.102, Part 154, dated 24 October B.E.2528 (1985)

(4) Repealed and Replaced by section 4 of the Narcotics Act (No.2) B.E.2528 (1985)

which are or give product as narcotics or may be used to produce narcotics and chemicals used for the production of such narcotics as notified by the Minister in the Government Gazette⁽⁵⁾, but excludes certain formula of household medicine under the law on drugs which contain narcotic ingredients;

“produce” means cultivate, plant, manufacture, mix, prepare, denature, transform, synthesize by scientific means and includes repackaging or combine-packaging ;

“dispose” means sell, distribute, give away indiscriminately, exchange or give;

“import” means bring or order into the Kingdom;

“export” means carry or send out of the Kingdom;

⁽⁶⁾ “consume” Means take in narcotics by whatever means;

⁽⁷⁾ “narcotic addiction” means habitually consuming narcotics and being in the state of narcotic dependence whereby such state is capable of being identified on a technical basis;

⁽⁸⁾ “dose” means tablet, sachet, bottle or such other doses which is made as usual for consuming one time.

⁽⁹⁾ “treatment” means the treatment of a narcotic addict which also includes a rehabilitation and follow-up thereafter;

⁽¹⁰⁾ “medical establishment” means hospital clinic convalescing home or such other places as the Minister notified in the Ministering Gazette to be the place for the treatment of narcotic addicts;

⁽¹¹⁾ “pharmacist” means a pharmaceutical practitioner as pharmaceutical law.

“medicinal formula” means a formula of preparation regardless of form or description which contains narcotics, and includes narcotics in the form of finished pharmaceutical products ready for human or animal use :

⁽¹²⁾ “information” includes an act to be displaced by alphabet, picture, film, light, sound, symbol or any act which communicates matters to the understanding of many people.

⁽¹³⁾ “advertisement” includes any act in any method which people can see or know the information for commercial purpose unless the technical document or textbook.

(5) see the Notification of the Ministry of Public Health No.135 (B.E.2539) specifying names and categories of narcotics according to Narcotics Act B.E.2522 (1979) amended by Narcotics Act No.150 (B.E.2541), No.154 (B.E.2542), No.158 (B.E.2542) and No.170 (B.E.2544)

(6) Repealed and Replaced by section 3 of the Narcotics Act (No.3) B.E.2530 (1987), published in the Government Gazette Vol.104, Part 269, dated 28th December B.E.2530 (1987)

(7) Added by section 4 of the Narcotics Act (No.3) B.E.2530 (1987)

(8) Added by section 3 of the Narcotics Act (No.5) B.E.2545 (2002)

(9) Added by section 4 of the Narcotics Act (No.3) B.E.2530 (1987)

(10)-(11) Repealed and Replaced by section 4 of the Narcotics Act (No.5) B.E.2545 (2002)

(12)-(13) Added by section 5 of the Narcotics Act (No.5) B.E.2545 (2002)

“licensee” means a holder of a licence under this Act;

“licensing authority” means the Secretary-General of the Food and Drug Board or person entrusted by the Secretary-General of the Food and Drug Board ;

“Committee” means the Narcotics Control Committee under this Act ;

“competent official” means a person appointed by the Minister for the execution of this Act ;

“Secretary-General” means the Secretary-General of the Food and Drug Board;

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

Section 5 This Act shall not apply to the Office of the Food and Drug Board, Ministry of Public Health but the Office of the Food and Drug Board shall submit semi-annual report on the receipt, distribution, storage and other operational procedures pertaining to the control of narcotics to the Committee for information, and the Committee shall submit such reports together with its opinions to the Minister for further issue of orders.

Section 6 The Minister of Public Health shall have charge and control of the execution of this Act and the power to appoint competent officials, issue Ministerial Regulations prescribing fees not exceeding the rates provided in the schedules hereto attached, granting exemption from fees, and prescribing other activities, and to issue Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

Section 7 Narcotics shall be classified into 5 categories, viz :

(1) category I consists of dangerous narcotics such as heroin;

(2) category II consists of ordinary narcotics such as morphine, cocaine, codeine, medicinal opium; ⁽¹⁴⁾

⁽¹⁵⁾(3) category III consists of narcotics which are in the form of medicinal formula and contain narcotics of category II as ingredients in accordance with the rules prescribed by the Minister and published in the Government Gazette;

(4) category IV consists of chemicals used for producing narcotics of category I or category II such as acetic anhydride, acetyl chloride ;

(5) category V consists of narcotics which are not included in category I to category IV such as marijuana, kratom plant. ⁽¹⁶⁾

(14) See Lists under the Notification of the Ministry of Public Health No.135 (B.E.2539), Category II of Narcotics No.100

(15) Repealed and Replaced by section 5 of the Narcotics Act (No.3) B.E.2530 (1987)

(16) See the Notification of the Ministry of Public Health No.135 (B.E.2539), Category V of Narcotics No.3 and No.4

Provided that the names of narcotics shall be specified by the Minister in accordance with section 8 (1).

For the purpose of this section, medicinal opium means processed opium to be used for medicinal purposes.

Section 8 The Minister, with the approval of the Committee, shall have the power to notify the following in the Government Gazette.

(1) specifying the names of narcotics in order to indicate the category of narcotics under section 7;⁽¹⁷⁾

(2) revoking or altering the name or category of narcotics under (1) ;

(3) prescribing standards on quantity, ingredients, quality, purity or other descriptions of narcotics as well as packaging and storage of narcotics ;⁽¹⁸⁾

(4) prescribing the quantity and additional quantity of narcotics to be used annually for medicinal and scientific purposes throughout the Kingdom ;

⁽¹⁹⁾ (5) prescribing rules and procedure of prescribing quantity of narcotics which a licensing authority may permit to produce, import, dispose or possess;

⁽²⁰⁾ (6) prescribing rules concerning narcotics of category III under section 7(3);

(7) establishing medical establishments ;

(8) prescribing rules and regulations for the control of treatment and disciplinary rules for medical establishment.

(17) See the Notification of the Ministry of Public Health No.135 (B.E.2539), Specifying names and categories of narcotics according to Narcotics Act B.E.2522 (1979)

(18) See the Notification of the Ministry of Public Health No.66 (B.E.2529),

(19) Repealed and Replaced by section 6 of the Narcotics Act (No.5) B.E.2545 (2002)

(20) Added by section 6 of the Narcotics Act (No.3) B.E.2530 (1987)

CHAPTER 1

Narcotics Control Committee

Section 9 There shall be a Committee called the "Narcotics Control Committee" consisting of the Under-Secretary of State for Public Health as Chairman, Director-General of the Medical Service Department or representative, Director-General of the Medical Science Department or representative, Director-General of the Health Department or representative, Director-General of the Police Department or representative, Director-General of the Department of Public Prosecutions or representative, Director-General of the Customs Department or representative, Secretary-General of the Council of state or representative, Secretary-General of the Narcotics Control Board or representative, a representative from the Ministry of Defence and not more than seven qualified members appointed by the Minister, as members, the Secretary-General of the Food and Drug Board shall be member and secretary and the Chief of the Narcotics Control Division, Office of the Food and Drug Board shall be member and assistant secretary.

Section 10 A qualified member shall hold office for a term of two years.

An outgoing member may be re-appointed.

Section 11 A qualified member vacates his office upon :

- (1) death;
- (2) resignation;
- (3) being removed by the Minister;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person ;
- (6) being imprisoned by a final judgment to a term of imprisonment, except for an offence committed through negligence or petty offence; or
- (7) having his licence to practise the art of healing or licence to engage in the medical profession suspended or revoked.

When a qualified member vacates his office before the expiration of his term the Minister may appoint another person to replace him.

In the case where a member is appointed during the term of members already appointed notwithstanding it is a new appointment or replacement, the appointee shall hold office for the remaining term of the members already appointed.

Section 12 At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum. If the Chairman is not present at the meeting or is unable to perform his duties, the members present shall elect one among

themselves to preside over the meeting.

The decision of the meeting shall be made by a majority of votes.

Each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as the casting vote.

Section 13 The Committee shall have the duty:

- (1) to submit opinions to the Minister in accordance with section 5;
- (2) to give approval for the Minister to act in accordance with section 8;
- (3) to give approval for the licensing authority to suspend or revoke licences;
- (4) to give approval for the Minister to designate the positions and levels of the competent officials for the execution of this Act;

(5) to submit opinions to the Minister in the regulation of government services in cooperation with the office of the Narcotics Control Board and other Ministries, Sub-ministries and Departments;

(6) to give approval for the Minister to issue licences to produce, dispose of, import, export or possess narcotics of category IV and category V;

⁽²¹⁾ (7) to perform other duties by this Act or virtue of other laws to be the authorities and responsibilities of the Committee or entrusted by the Minister.

Section 14 The Committee may appoint a sub-committee to carry out any matter as entrusted by the Board.

Section 12 shall be applied mutatis mutandis to the meetings of the sub-committee.

CHAPTER 2

Application for an Issuance of Licences Concerning Narcotics

⁽²²⁾ **Section 15** No person shall produce, import, export, dispose of or possess narcotics of category I, unless the Minister permits for the necessity of the use for government service.

The application for a licence or the permission shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

The production, import, export or possession of narcotics of category I in quantity as the followings shall be regarded as production, import, export or possession for the purpose of disposal

- (1) Dextrolyzer or LSD is of the quantity computed to be pure substances of zero point seventy five milligrams or more or is of narcotics substances thereof of fifteen doses or more or is

(21) Repealed and Replaced by section 7 of the Narcotics Act (No.5) B.E.2545 (2002)

(22) Repealed and Replaced by section 8 of the Narcotics Act (No.5) B.E.2545 (2002)

of pure weight of three hundred milligrams or more.

(2) Amphetamine or derivative amphetamine is of the quantity computed to be pure substances of three hundred seventy five milligrams or more or is of narcotics substances thereof of fifty doses or more or is of pure weight of one point five grams or more.

(3) Narcotics of category I unless (1) and (2) is of the quantity computed to be pure substances of three grams or more.

⁽²³⁾ **Section 16** No person shall produce, import, or export narcotics of category II, unless he has obtained the licence from licensing authority for the necessity of the use for government service.

The application for and the issuance of a licence shall be in accordance with the rules, procedure and conditions prescribed in Ministerial Regulations.

In considering a licence to a person under paragraph one, the person who apply for a licence shall be responsible for expenses in analysis or accession of technical document in accordance with rules and procedure prescribed by the Committee by publication in the Government Gazette.

Section 17 No person shall dispose of or possess narcotics of category II unless he has obtained a licence.

The possession of narcotics of category II in quantity computed to be pure substances of one hundred grams or more shall be regarded as possession for the purpose of disposal.

The application for and the issuance of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 18 The provision of section 17 shall not apply to:

(1) the possession of narcotics of category II in quantity not exceeding that which is necessary for personal use as certified by a medical practitioner or first-class modern medical practitioner in the branch of dentistry who is in charge of the treatment;

(2) the possession of narcotics of category II in quantity not exceeding that which is necessary for ordinary first-aid treatment or in case of emergency occurring on board a ship, aircraft or any other vehicle which is used in international public transport and is not registered within the Kingdom; but if the said vehicle is registered in the Kingdom, the application for a licence shall be filed in accordance with section 17.

Section 19 The licensing authority may issue a licence to dispose of or possess narcotics of category II, if it appears that the applicant is:

(1) Ministry, Sub-Ministry, Department, local administrative organization including Bangkok Metropolitan Administration, Thai Red Cross Society or Pharmaceutical Organization;

(23) Repealed and Replaced by section 8 of the Narcotics Act (No.5) B.E.2545 (2002)

(2) person engaging in the international public transport; or

⁽²⁴⁾ (3) medical profession, pharmaceutical practitioner, dental practitioner, first-class veterinary practitioner and

(a) having place of residence in Thailand.

(b) not having been convicted by a final judgement of the law on narcotics, the law on psychotropic substances, the law on Controlling the Use of Volatile Substances, the law on measures for the suppression of offenders in an offence relating to narcotics and the law on medicine.

(c) not having his licence to engage in the medical profession or licence to engage in pharmaceutical practitioner, licence to engage in dental practitioner or first-class veterinary practitioner or licence under this Act suspended or revoked and the period of suspension or revocation has not been elapsed.

(d) not being a person of unsound mind or mental infirmity.

(e) not being an incompetent or quasi-incompetent.

In considering a licence to a person under paragraph one, the licensing authority shall consider the necessity of the possession for the purpose of disposal or the possession of narcotics and may provide any condition as it thinks fit

⁽²⁵⁾ **Section 20** No person shall produce, import, export, dispose of or possess for the purpose of disposal narcotics of category II, unless he has obtained the licence from the licensing authority

The provisions of paragraph one shall not apply to:

(1) The disposal or the possession for the purpose of disposal of narcotics of category III which pharmaceutical practitioner, dental practitioner dispose or possess only for the patient under his treatment,

(2) The disposal or the possession for the purpose of disposal of narcotics of category III which first-class veterinary practitioner dispose or possess for the purpose of disposal only for the animal under his cure.

Provide that the medical profession, dental practitioner, first-class veterinary practitioner shall possess the qualifications as prescribed in section 19 (3).

The application for and issuance of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

(24) Repealed and Replaced by section 9 of the Narcotics Act (No.5) B.E.2545 (2002)

(25) Repealed and Replaced by section 10 of the Narcotics Act (No.5) B.E.(2002)

The possession of narcotics of category III which is higher than the quantity of the Minister prescribed by the approval of the Committee shall be presumed as possessing for disposal.

Section 21 The licensing authority may issue a licence to produce, dispose of, import or export narcotics of category III when it appears that the applicant;

(1) has obtained a licence to produce or sell modern drugs or to import or order modern drugs into the Kingdom under the law on drugs; and

(2) has a pharmacist on regular duty at all time during the hours of operation.

The licensee to produce or import narcotics of category III shall dispose of the said narcotics without being obliged to obtain a licence to dispose of narcotics.

Section 22 Each time a licensee under section 20 imports or exports narcotics of category III, the licensee shall obtain an export or import licence from the licensing authority.

The application for and the issuance of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 23 The licence issued under section 17 and section 20 shall be valid until 31st December of the year the licence was issued. If the licensee wishes to apply for a renewal of his licence, he shall file an application before the expiration thereof. Having filed the application, he may carry on his business until such time when the licensing authority makes an order refusing the application.

If the licensee does not apply for a renewal of a licence or the licensing authority makes an order refusing the application under paragraph one, all narcotics which the licensee or the applicant for a renewal of licence has in his possession shall become the property of the Ministry of Public Health, and the Ministry of Public Health shall pay the compensation as it thinks fit.

The application for a renewal of licence and the permission thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 24 The licence issued under section 20 and section 22 shall extend to employees or agents of the licensee.

It shall be presumed that an act of the employee or agent of the licensee done in accordance with the duties so entrusted is also the act of the licensee.

Section 25 The licensee under this Act shall be exempted from compliance with the law on drugs and the law on psychotropic substances.

Section 26 No person shall produce, dispose of, import, export or possess narcotics of category IV or category V unless the Minister has issued the licence with the approval of the Board for each case.

The possession of narcotics of category IV or category V in quantity of ten kilograms upwards shall be regarded as possessing for disposal.

The application for a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

⁽²⁶⁾ **Section 26/1** The quantity of narcotics which is permitted by this chapter shall be in accordance with Section 8(5).

CHAPTER 3

Duties of Licensees

Section 27 No licensee under section 17 shall dispose of narcotics of category II outside the place specified in the licence.

Section 28 The licensee under section 17 shall:

- (1) keep narcotics of category II in separate storage at a secure and safe place under lock or protected by other devices of the same nature;
- (2) promptly notify the licensing authority in writing in the case where narcotics of category II are stolen or lost or destroyed.

Section 29 The licensee to produce narcotics of category III shall:

- (1) provide a signboard in conspicuous place at his place of production showing that it is a place for producing narcotics. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;
- (2) provide an analysis of the narcotics of category III produced each time before bringing them out of the place of production and such analysis shall be evidenced by a report showing the detailed analysis which must be kept for not less than three years from the date of making such analysis;
- (3) provide a label and leaflet for the narcotics of category III or a statement of warning or caution for the use of narcotics attached to the container or package containing narcotics of category III so produced, in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation;
- (4) keep narcotics of category II to be used for producing narcotics of category III in separate storage at a secure and safe place under lock or protected by other devices of the same nature;

(26) Added by section 11 of the Narcotics Act (No.5) B.E.2545 (2002)

(5) promptly notify the licensing authority in writing in the case where the narcotics of category II under (4) are stolen or lost or destroyed.

Section 30 The licensee to import or export narcotics of category III shall:

(1) provide a signboard in a conspicuous place at his place of business of the licensee showing that it is a place for importing or exporting the narcotics of category III. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;

(2) provide a certificate to be issued by the original producer showing the detailed result of analysis of the quality of the narcotics of category III so imported or exported;

(3) provide a label on the container or package containing the narcotics of category III;

(4) provide a label and leaflet for the narcotics of category III or a statement of warning or caution for the use of narcotics on the container or package containing the narcotics of category III so imported or exported, in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 31 The licensee to dispose of the narcotics of category III shall:

(1) provide a signboard in a conspicuous place at his place of disposal showing that it is a place for disposing of the narcotics of category III. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;

(2) provide a separate storage for the narcotics of category III from other drugs or substances;

(3) ensure that there shall be perfect label, leaflet, statement of warning or caution for the use of narcotics of category III on the container or package containing the narcotics of category III.

Section 32 The licensee to produce narcotics of category IV shall:

(1) provide a signboard in a conspicuous place at his place of production showing that it is a place for producing narcotics of category IV. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;

(2) provide an analysis of the narcotics of category IV produced each time before bringing them out of the place of production such analysis shall be evidenced by a report showing the detailed analysis which must be kept for not less than three years from the date of making such analysis;

(3) provide a label and leaflet for the narcotics of category IV or a statement of warning or caution on the container or package containing the narcotics of category III so produced, in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation;

(4) keep the narcotics of category IV so produced in separate storage at a secure and safe place under lock or protected by other devices of the same nature;

(5) promptly notify the licensing authority in writing in the case where the narcotics of category IV are stolen or lost or destroyed.

Section 33 The licensee to import or export the narcotics of category IV shall:

(1) provide a signboard in a conspicuous place at his place of business showing that it is a place for importing or exporting the narcotics of category IV. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;

(2) provide a certificate to be issued by the original producer showing the detailed result of analysis of the quality of the narcotics of category IV so imported or exported;

(3) provide a label on the container or package containing the narcotics of category IV or a statement of warning or caution on the container or package containing the narcotics of category IV so imported or exported in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation;

(4) keep the narcotics of category IV so imported or exported in separate storage at a secure and safe place under lock or protected by other devices of the same nature;

(5) promptly notify the licensing authority in writing in the case where the narcotics of category IV are stolen or lost or destroyed.

Section 34 The licence to dispose of narcotics of category IV shall:

(1) provide a signboard in a conspicuous place at his place of disposal showing that it is a place for disposing of the narcotics of category IV. The description and size of and statement on the signboard shall be prescribed in the Ministerial Regulation;

(2) provide a separate storage for the narcotics of category IV from other drugs or substance;

(3) ensure that there shall be perfect label, leaflet, statement of warning or caution for the use of narcotics of category IV on a container or package containing the narcotics of category IV:

(4) promptly notify the licensing authority in writing in the case where the narcotics of category IV are stolen or lost or destroyed.

Section 35 In the case where the licence is lost, destroyed or materially defaced, the licensee shall notify the licensing authority and file an application for a licence substitute within fifteen days from the day he is aware of the loss, destruction or defacement.

The application for and the issuance of a licence substitute shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

CHAPTER 4

Duties of Pharmacists

Section 36 The pharmacist who is under a duty to exercise control over the production of the narcotics of category III shall:

- (1) exercise control over the production so as to be in accordance with this Act;
- (2) exercise control in order that there shall be labels and leaflets for the narcotics of category III in accordance with section 29 (3);
- (3) exercise control over the packing and labelling of the container or package so as to be in accordance with this Act;
- (4) exercise control over the disposal of narcotics of category III so as to be in accordance with section 31;
- (5) be continuously on duty in exercising control over the business throughout the time of operation.

Section 37 The pharmacist who is under a duty to exercise control over the disposal of the narcotics of category III shall:

- (1) exercise control over the separate storage of the narcotics of category III in accordance with section 31 (2);
- (2) exercise control over the acts done in accordance with section 31 (3);
- (3) exercise control over the disposal so as to be in accordance with this Act;
- (4) be continuously on duty in exercising control over the business throughout the time of operation.

Section 38 The pharmacist who is under a duty to exercise control over the import or export of narcotics of category III shall:

- (1) exercise control over the imported or exported narcotics of category III, in order that they conform to the registration of medicinal formula;
- (2) exercise control over the acts done in accordance with section 30 (3) and (4);
- (3) exercise control over the disposal of the narcotics of category III so as to be in accordance with section 31;
- (4) be continuously on duty in exercising control over the business throughout the time of operation.

CHAPTER 5

Narcotics of category III

Fake Narcotics, Narcotics differing from Standards or Deteriorated Narcotics

Section 39 No person shall produce, dispose of, import or export the following narcotics of category III:

- (1) fake narcotics under section 40;
- (2) narcotics differing from the standards under section 41;
- (3) deteriorated narcotics under section 42;
- (4) narcotics, the medicinal formula of which are required to be registered but have not been registered under section 43;
- (5) narcotics, the medicinal formula of which have been removed from the register by order of the Minister under section 46

Section 40 The following narcotics of category III or substances shall be regarded as fake narcotics:

- (1) drugs or substances which show, by whatever manner, that they are narcotics of category III but in fact do not contain the narcotics of category III;
- (2) narcotics of category III bearing the names of another narcotics or showing the expiry month and year, which is false;
- (3) narcotics of category III bearing the name or mark of a producer, or the location of the place of production, which is false;
- (4) narcotics of category III or narcotics specified in the Notification of the Minister under section 8 (1) or those complying with the registered medicinal formula of the narcotics of category III, which is false;
- (5) narcotics of category III produced differently from the standards to the extent that the active ingredients are more than ten percent lower or higher than the quantity prescribed to be the minimum or maximum limit prescribed in the Notification of the Minister under section 8 (3) or prescribed in the registered medicinal formula of the narcotics of category III.

Section 41 The following narcotics of category III shall be regarded as narcotics differing from the standards:

- (1) narcotics of category III produced differently from the standards to the extent that the active ingredients are more than ten percent lower or higher than the quantity prescribed to be the minimum or maximum limit prescribed in the Notification of the Minister under section 8 (3) or prescribed in the registered medicinal formula of the narcotics of category III;

(2) narcotics of category III produced with the purity or other characteristics essential to the quality of the active ingredients different from the limits prescribed in the Notification of the Minister under section 8 (3) or prescribed in the registered medicinal formula of the narcotics of category III.

Section 42 The following narcotics of category III shall be regarded as deteriorated narcotics:

(1) narcotics of category III which have expired as shown on the label registered in the medicinal formula;

(2) narcotics of category III which have denatured to the extent that it has the same characteristics as fake narcotics under section 40 or narcotics differing from the standards under Section 41.

CHAPTER 6

Registration of a Medicinal Formula of the Narcotics of Category III

⁽²⁷⁾ **Section 43** The license to produce or import narcotics of category III, who wishes to produce or import the said narcotics, shall apply to the competent official for the registration of the medicinal formula of the said narcotics; and upon receipt of a certificate of registration of the medicinal formula of narcotics, he may then produce or import the said narcotics into the Kingdom.

The application for the registration of the medicinal formula of the narcotics of category III and the issuance of the certificate of registration of the medicinal formula of the said narcotics shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

⁽²⁸⁾ In considering the issuance under paragraph one, the person who apply to register for a medical fomular shall be responsible for expenses in analysis or accession of technical document in accordance with rules and procedure prescribed by the committee by publication in the Government Gazette.

⁽²⁹⁾ **Section 44** The licensee to produce or import narcotics of category III under section 43 may amend the particulars in the registration of the medicinal formula of the narcotics of Category III when he has obtained a written permission from the licensing authority.

(27) Repealed and Replaced by Section 8 of the Narcotics Act (No.3) B.E.2530 (1987)

(28) Added by section 12 of the Narcotics Act (No.5) B.E.2545 (2002)

(29) Repealed and Replaced by section 8 of the Narcotics Act (No.3) B.E.2530 (1987)

The application for amending the particulars and the issuance of the written permission to amend the particulars in the registration of the medicinal formula of the narcotics of category III shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 45 A certificate of registration of the medicinal formula of the narcotics of category III shall be valid for five years from the date of issuance. If the person holding the certificate wishes to apply for its renewal, he shall file an application before the expiration of the term of the certificate; and after having filed the application, he may carry on his business until the licensing authority makes an order refusing to renew the certificate.

The application for the renewal of a certificate of registration of the medicinal formula of the narcotics of category III, and the permission of the renewal thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 46 When the Committee is of the opinion that any narcotics of category III, the medicinal formula of which has been registered and the certificate of which has already been issued, do not possess the quality as declared in the registration of the medicinal formula or may be unsafe to the consumers or there is a reasonable cause to withdraw the permission, the Committee shall submit the matter to the Minister who shall have the power to revoke the registration of the medicinal formula of the narcotics of category III by publishing the order of revocation in the Government Gazette.

The order of the Minister shall be final.

Section 47 In the case where the certificate of registration of the medicinal formula of the narcotics of category III is lost, destroyed or materially defaced, the licensee shall notify the licensing authority and file an application for a substitute for the certificate within fifteen days from the date he is aware of the loss, destruction or defacement.

The application for a substitute for the certificate of registration of the medicinal formula of the narcotics of category III and the issuance thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

CHAPTER 7

Advertisement

⁽³⁰⁾ **Section 48** No person shall advertise narcotics for commercial purpose unless:

(1) the advertisement of narcotics of category II or category III is made directed to a medical practitioner, dental practitioner, pharmaceutical practitioner, first-class veterinary practitioner or

(2) it is a label or leaflet for the narcotics of category II, category III or category IV on the container or package thereof.

The advertisement which is document, picture, film, voice or picture record, under paragraph one shall be permitted by licensing authority before advertising.

The application for and the issuance of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

⁽³¹⁾ **Section 48/1** No person shall advertise relating to treatment or allow anyone to act thereof by using his name or the name or location or business of his medical establishment or qualifications or abilities of practitioners in his medical establishment unless he is permitted by the licensing authority.

The application for and the issuance of licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

The provisions of paragraph one shall not apply to the medical establishment of the State.

⁽³²⁾ **Section 48/2** In case when the licensing authority decides any advertisement violate Section 48 paragraph two or Section 48/1 paragraph two or there are usage of advertisement wording not in accordance with what has been permitted by the licensing authority, the licensing authority shall have the powers to issue an order or orders as follows:

- (1) to correct wording or methods of advertisement
- (2) to forbid the usage of some specific wording as appear on the advertisement
- (3) to forbid the advertisement or the use of such method for advertisement
- (4) to advertise in order to correct the misunderstanding that may happened

In the issuance of the order under (4) the licensing authority shall define the rules and methods of advertisement by taking into account of public interest and the good faith in the action of the advertising agency.

(30) Repealed and Replaced by section 13 of the Narcotics Act (No.5) B.E.2545 (2002)

(31) Added by section 14 of the Narcotics Act (No.5) B.E.2545 (2002)

(32) Added by section 14 of the Narcotics Act (No.5) B.E.2545 (2002)

CHAPTER 8

Competent Officials

⁽³³⁾ **Section 49** In the execution of this Act, the competent official shall have the powers as follows:

(1) to enter the place of business of the import or export licensee, the place of production, and the place of disposal, the storage of narcotics or the premises that require a permission under this Act, in order to inspect compliances with this Act.

(2) to enter the dwelling place, or any place to search when there is a reasonable grounds to believe that there is property which is possessed to be an offence or acquired by committed an offence, or used or will be used to commit an offence this Act or which may be used as evidence, and there are reasonable grounds to believe that by reason of the delay in obtaining a warrant of search the property is likely to be removed hidden, or destroyed or diverted original condition.

(3) to search any person and vehicle when there are reasonable grounds for suspecting that there are narcotics hidden unlawfully.

(4) to search in accordance with the provisions of the Criminal Procedure Code

(5) to seize or attach unlawfully possessed narcotics, or any other properties which is used or will be used to commit an offence in accordance with this Act.

The usage of the power under the paragraph one (2), the competent official making the search shall act compliance with the regulation promulgated by the Committee to identify good faith before searching, to reports reasons and results to the higher commanding official, to records the reasonable grounds to believe and the competent official shall show the document to identify himself and the document of searching power including the reasonable cause to believe that be entitled to do so and submit a document issued to the occupier of the dwelling place, searched place, unless there is no occupier at that place, the competent official making the search shall submit the copy of such papers and documents to the occupier immediately as soon as possible. And in case of a search made during night time, the competent official who is the chief of that search must be a civil official at position of level 7 upward or a police Chief officer or equivalent that has the rank of Lieutenant Colonel or higher.

The competent official of what rank and of what level, who shall have the power and duties as prescribed in paragraph one, wholly or in part, or must be authorized by any person before taking action, shall be designated by the Minister, with the approval of the Committee, who

(33) Repealed and Replaced by section 15 of the Narcotics Act (No.5) B.E.2545 (2002)

shall issue a document of authorization to the competent official.

In the performance of duties of the competent official under paragraph one, the person concerned shall afford him every reasonable facility.

The Minister shall file a report of the result of the action according to this Section to the cabinet for reporting the annual performance which shall include the facts, problems and obstacles, the amount of performance and the success of the operation in details, for the cabinet to forward the report with its comment to the House of People's Representative and the House of Senate.

Section 50 In the performance of duties, the competent official must provide his identity card and the document of authorization under section 49 paragraph two to the person concerned.

The identity card of the competent official shall be in the form prescribed in the Ministerial Regulation.

Section 51 In the performance of duties, the competent official shall be official under the Penal Code.

CHAPTER 9

Suspension and Revocation of Licences

Section 52 When any licensee violates or does not comply with this Act or Ministerial Regulation or Notification issued under this Act, the licensing authority, with the approval of the Committee, shall have the power to suspend the licence for a period of not more than one hundred and eighty days each time; but in the case where the licensee is prosecuted in the court for an offence under this Act, the licensing authority may suspend the licence pending the final judgment of the court.

The person whose licence has been suspended may not apply for any licence under this Act during the period of such suspension.

Section 53 If it appears that any licensee lacks any qualification under section 19 or commits an offence under section 39, the licensing authority, with the approval of the Committee, shall have the power to revoke his licence.

The person whose licence has been revoked may not apply for any licence under this Act until the period of two years from the date of the revocation has elapsed.

Section 54 The licensee shall be notified of the order of suspension and the order of revocation in writing. In the case where the person whose licence has been suspended or revoked is not found or refuses to receive the said order, it shall be conspicuously posted at the

place specified in the licence, and the licensee shall be deemed to have the knowledge thereof from the date of receiving or posting the order.

Section 55 The competent official shall seize the narcotics of the person whose licence has been suspended or revoked, and his licence which has been suspended or revoked for safe keeping at the office of the Food and Drug Board, Ministry of Public Health, or in case of necessity, at any other place which the Ministry of Public Health may prescribe.

In the case where a licence is revoked, the narcotics seized under paragraph one shall become the property of the Ministry of Public Health.

Section 56 After the lapse of the suspension period, the competent official shall return the narcotics and licence seized under section 55 to the licensee.

CHAPTER 10

Special Measures of Control

Section 57 No person shall consume narcotics of category I or category V.

Section 58 No person shall consume narcotics of category II unless it is for the purpose of curing diseases upon the prescription of a medical practitioner or first-class modern medical practitioner in the branch of dentistry who has obtained a licence under section 17.

⁽³⁴⁾ **Section 58/1** In case of necessity and there are reasonable grounds to believe that any person or any group of persons consumes narcotics of category I, category II, or category V which is the offence in accordance with this Act in dwelling place, any place, or vehicle, the administrative official, or police official or competent official under this Act shall have the powers to examine or test or order to receive examination or test that if whether such person or group of persons have narcotics within their body.

The administrative official, or police official or competent official under this Act of what rank and of what level, who shall have the powers and duties as prescribed in paragraph one, wholly or in part, or must be authorized by any person before taking action, shall be as designated by the Minister, with approval of the Committee, who shall issue a document of authorization to the administrative official, or police official or competent official of this Act.

The method of examination or test under paragraph one shall be in accordance with the rules, procedure and conditions notified by the Committee as published in the Government Gazette. Whereas in the notification, shall at least state the procedure of showing good faith of administrative official, or police official, or competent official when carry out their duties,

(34) Added by section 16 of the Narcotics Act (No.5) B.E.2545 (2002)

and the procedure related to non-disclosure of the examination and test resulting to any person who does not have relevant duty, when it appears at the first place that it is suspect that there is narcotics within the body, until there is examination for the final result

Section 59 The Minister shall prescribe the quantity of narcotics of category II to be used annually for medical and scientific purposes throughout the Kingdom by notifying in the Government Gazette not later than January each year, and prescribe the additional quantity in case of necessity by notifying in the Government Gazette in the same manner.

⁽³⁵⁾ **Section 60** In case when the licensee would like to dispose of or possess narcotics of category II exceeding the quantity prescribed in Section 8(5), he may apply especially for the licence.

The application and the issuance of licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

The provisions of Section 8(5) shall be applied mutatis-mutandis.

Section 61 In the case where the licensee to dispose of or possess narcotics of category II died before the licence expires, the heir or the possessor or the administrator shall notify the licensing authority within ninety days from the date the licensee died, and the competent official shall have the power to seize the narcotics of the licensee left for safe keeping at the Office of the Food and Drug Board, Ministry of Public Health, the Ministry of Public Health shall pay compensation for the seized narcotics as it thinks fit.

Section 62 The licensee under section 17, section 20 and section 26 shall make receipted and expenditure accounts of narcotics, and submit monthly and yearly reports to the Secretary General. The said accounts shall be kept ready for showing to the competent official at any time during the office hours for a period of five years from the date of entering the final item on the accounts.

The receipted and expenditure accounts of narcotics under paragraph one shall be in accordance with the form prescribed in the Ministerial Regulation.

Section 63 when a medical establishment for the treatment of the narcotic addicts has been established under section 8 (7), the Minister shall designate rules and regulations for the control of such treatment, and disciplinary rules for the said medical establishment.

(35) Added by section 17 of the Narcotics Act (No.5) B.E.2545 (2002)

CHAPTER 11

Carriage of Narcotics in Transit

Section 64 In carrying narcotics of category I category II, category IV, and category V in transit, the carrier must obtain a licence issued by the competent authority of the exporting country accompanying the narcotics, and must produce the said licence to the customs official and consent to the keeping of or having the narcotics in custody by the customs official.

The customs official shall keep or control the narcotics of category I, category II, category IV and category V in safe custody at a proper place until such time when the carrier of narcotics in transit shall carry the said narcotics out of the Kingdom.

In the case where the carrier of the narcotics of category I, category II, category IV and category V in transit does not carry the said narcotics out of the Kingdom within the period of thirty days from the date the narcotics are imported, the customs official shall report to the Secretary-General for information. The Secretary-General has the power to order the carrier of narcotics in transit to carry the said narcotics out of the Kingdom within the period of sixty days from the date of the order. In the case where the person so ordered fails to comply therewith, the said narcotics shall become the property of the Ministry of Public Health.

⁽³⁶⁾ CHAPTER 11/1

APPEAL

⁽³⁷⁾ **Section 64/1** In case when the person who takes the order from the licensing authority according to Section 48/2 disagrees with such order, he shall have the right to appeal to the Committee.

⁽³⁸⁾ **Section 64/2** The appeal under Section 64/1 shall be submitted to the Committee within fourteen days from the date of obtaining the order of the licensing authority.

Rules and method of appeal and trial procedure shall be prescribed in the Ministerial Regulations.

The appeal of order according to the first paragraph shall not be a stay of execution of the order from the licensing authority, except when the Committee shall order otherwise for a temporary period before consideration of appeal.

The decision of the Committee shall be final.

(36)-(38) Added by section 18 of the Narcotics Act (No.5) B.E.2545 (2002)

CHAPTER 12

Penalties

⁽³⁹⁾ **Section 65** Any person who produces, imports or exports the narcotics of category I in violation of Section 15, shall be liable to imprisonment for life and to a fine of one million to five million baht.

If the commission of the offence under paragraph one is committed for the purpose of disposal, the offender shall be liable to death penalty.

If the commission of the offence under paragraph one is a production by retailing or whole-selling and in quantity computed to the pure substances, or in number of used dosage, or in net weight, that does not reach the quantity prescribed in Section 15 paragraph three, the offender shall be liable to imprisonment for a term of four years to fifteen years, or to a fine of eighty thousand to three hundred thousand baht or to both.

If the commission of the offence under paragraph three is committed for the purpose of disposal, the offender shall be imprisonment for a term of four years to life and to a fine of four hundred thousand to five million baht.

⁽⁴⁰⁾ **Section 66** Any person who disposes of or possesses for disposal narcotics of category I without permission and in quantity computed to be pure substances, or in number of used dosage, or in net weight, that does not reach the quantity prescribed in Section 15 paragraph three, shall be liable to imprisonment for a term of four to fifteen years, or to a fine of eighty thousand to three hundred thousand baht, or to both.

If the narcotics under paragraph one is in quantity computed to be pure substances of the quantity prescribed in Section 15 paragraph three, but not over twenty grams, the offender shall be liable to imprisonment for a term of four years to life and to a fine of four hundred thousand to five million Baht.

If the narcotics under paragraph one is in quantity computed to be pure substances of the quantity over twenty grams, the offender shall be liable to imprisonment for life and to a fine of one million to five million baht, or death penalty.

⁽⁴¹⁾ **Section 67** Any person who possesses narcotics of category I without permission and in quantity computed to be pure substances, or in number of used dosage, or in net weight, that does not reach the quantity prescribed in Section 15 paragraph three, shall be liable to imprisonment for a term of one year to ten years, or to a fine of twenty thousand to two hundred thousand baht, or to both.

(39)-(40) Repealed and Replaced by section 19 of the Narcotics Act (No.5) B.E.2545 (2002)

(41) Repealed and Replaced by section 19 of the Narcotics Act (No.5) B.E.2545 (2002)

⁽⁴²⁾ **Section 68** Any person who, in violation of Section 16, produces, imports, or exports the narcotics of category II, shall be liable to imprisonment for a term of one year to ten years and to a fine of one hundred thousand to one million baht.

If the narcotics which constitute the corpus delicti are morphine, opium, or cocaine, the offender shall be liable to imprisonment for a term of twenty years to life and to a fine of two million to five million baht.

⁽⁴³⁾ **Section 69** Any person who, in violation of Section 17, possesses narcotics of category II, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

Any person who, in violation of Section 17, disposes of or possesses for disposal narcotics of category II, shall be liable to imprisonment or a term of one year to ten years or to a fine of twenty thousand to two hundred thousand baht or to both.

If the Narcotics which constitute the corpus delicti are morphine, opium, or cocaine, in quantity computed to be pure substances of the quantity of less than one hundred grams, the offender shall be liable to imprisonment for a term of three to twenty years or to a fine of sixty thousand to four hundred thousand baht, or to both. But if such morphine, opium, or cocaine, in quantity computed to be pure substances of the quantity of one hundred grams upward, the offender shall be liable to imprisonment for a term of five years to life and to a fine of five hundred thousand to five million baht.

If the licensee under Section 17 has committed an act in violation of paragraph one, paragraph two, or paragraph three, he shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht.

⁽⁴⁴⁾ **Section 70** Any person who, in violation of Section 20, produces or imports the narcotics of category III, shall be liable to imprisonment for a term of one year to three years and to a fine of one hundred thousand to three hundred thousand baht.

⁽⁴⁵⁾ **Section 71** Any person who, in violation of Section 20 paragraph one, disposes of, possesses for disposal, or exports the narcotics of category III, in the amount not exceeding as prescribed in Section 20 paragraph four shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht, or to both.

In case of paragraph one, if the narcotics of category III is exceeding the amount of Section 20 paragraph four, the offender shall be liable to imprisonment for a term not exceeding two years and to a fine of not exceeding two hundred thousand baht.

(42) -(43) Repealed and Replaced by section 20 of the Narcotics Act (No.5) B.E.2545 (2002)
 (44)- (45) Repealed and Replaced by section 21 of the Narcotics Act (No.5) B.E.2545 (2002)

⁽⁴⁶⁾ **Section 72** Any person who, in violation of Section 22, imports or exports the narcotics of category III shall be liable to imprisonment for a term not exceeding one year and to a fine not exceeding one hundred thousand baht.

⁽⁴⁷⁾ **Section 73** Any person who, in violation of Section 26, produces, imports, exports, disposes of or possesses for disposal narcotics of category IV shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

In the case of paragraph one, if the narcotics of category IV are in quantity of ten kilograms upward, the offender shall be liable to imprisonment for a term of one to fifteen years and to a fine of one hundred thousand to one million and five hundred thousand baht.

⁽⁴⁸⁾ **Section 74** Any person who, in the violation of Section 26, possesses narcotics of category IV shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

⁽⁴⁹⁾ **Section 75** Any person who, in violation of Section 26, produces, imports or exports narcotics of category V shall be liable to imprisonment for a term of two to fifteen years and to a fine of two hundred thousand to one million and five hundred thousand baht.

If the narcotics which constitute the corpus delicti is Kratom plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment not exceeding two years and to a fine not exceeding two hundred thousand baht.

⁽⁵⁰⁾ **Section 76** Any person who, in violation of Section 26, possesses narcotics of category V shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If the narcotics which constitute the corpus delicti as defined in paragraph one is Kratom plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁽⁵¹⁾ **Section 76/1** Any person who, in violation of Section 26 paragraph one, disposes of or possesses for disposal narcotics of category V in quantity of less than ten kilograms shall be liable to imprisonment for a term of two to ten years or to a fine of forty thousand to two hundred thousand baht or to both.

In the case under paragraph one, if the narcotics of category V are in quantity of ten kilograms upward, the offender shall be liable to imprisonment for a term of two to fifteen years and to a fine of two hundred thousand to one million and five hundred thousand baht.

(46-48) Repealed and Replaced by section 21 of the Narcotics Act (No.5) B.E.2545 (2002)

(49) Repealed and Replaced by section 22 of the Narcotics Act (No.5) B.E.2545 (2002)

(50) Repealed and Replaced by section 22 of the Narcotics Act (No.5) B.E.2545 (2002)

(51) Added by section 23 of the Narcotics Act (No.5) B.E.2545 (2002)

If the narcotics which constitute the corpus delicti as defined in paragraph one is Kratom plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

If the narcotics which constitute the corpus delicti as defined in paragraph two is Kratom plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment for a term not exceeding two years and to a fine not exceeding two hundred thousand baht.

⁽⁵²⁾ **Section 77** Any licensee who violates Section 27 shall be liable to a fine not exceeding twenty thousand baht.

⁽⁵³⁾ **Section 78** Any licensee who violates Section 29, Section 30, or Section 31 shall be liable to a fine not exceeding forty thousand baht.

⁽⁵⁴⁾ **Section 79** Any licensee who violates Section 32, Section 33, or Section 34 shall be liable to a fine not exceeding one hundred thousand baht.

⁽⁵⁵⁾ **Section 80** Any licensee who does not comply with Section 35 paragraph one shall be liable to a fine not exceeding twenty thousand baht.

⁽⁵⁶⁾ **Section 81** Any pharmacist who, having the duty to exercise control, does not act in accordance with Section 36, Section 37 or Section 38 shall be liable to a fine not exceeding twenty thousand baht.

⁽⁵⁷⁾ **Section 82** Any person who, in violation of Section 39(1), produces, imports or exports fake narcotics of category III shall be liable to imprisonment for a term of three to twenty years and to a fine of three hundred thousand to two million baht.

⁽⁵⁸⁾ **Section 83** Any person who, in violation of Section 39(1), disposes of fake narcotics of category III shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding five hundred thousand baht.

⁽⁵⁹⁾ **Section 84** Any person who, in violation of Section 39(2) or (3), produces, imports or exports narcotics of category III which differ from their standard or are deteriorated shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

⁽⁶⁰⁾ **Section 85** Any person who, in violation of Section 39(2) or (3), disposes of narcotics of category III which differ from their standard or are deteriorated shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁽⁶¹⁾ **Section 86** Any person who, in violation of Section 39(4) or (5), produces, imports or exports narcotics of category III which the medicinal formula of which is required to be

(52)-(56) Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

(57)-(61) Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

registered but in fact has not been registered or the registration of the medicinal formula of which has been revoked by the Minister shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding five hundred thousand baht.

⁽⁶²⁾ **Section 87** Any person who, in violation of Section 39(4) or (5), disposes of narcotics of category III which the medicinal formula of which is required to be registered but in fact has not been registered or the registration of the medicinal formula of which has been revoked by the Minister shall be liable to imprisonment for a term not exceeding three years and to a fine not exceeding three hundred thousand baht.

⁽⁶³⁾ **Section 88** Any person who, in violation of Section 44 paragraph one, amends any particular in the registration of the medicinal formula of narcotics of category III shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁽⁶⁴⁾ **Section 89** Any person who violates Section 48 or Section 48/1 or fails to comply with the Ministerial Regulations issued under Section 48 or Section 48/1 or fails to comply with the order of the licensing authority under Section 48/2 shall be liable to imprisonment for a term not exceeding two years or to a fine of twenty thousand to two hundred thousand baht or to both

⁽⁶⁵⁾ **Section 89/1** If the commission under Section 89 is committed by an advertising agency or a media planner, he shall be liable to one half of the punishment as provided for such offence.

⁽⁶⁶⁾ **Section 89/2** If the commission of the offence under to Section 89 or Section 89/1 is the connected offence, the offender shall be liable to a fine not exceeding five thousand baht per day or not exceeding double expense for such advertisement for the duration of the violation or the failure to comply.

⁽⁶⁷⁾ **Section 90** Any person who does not provide reasonable facilities for the competent official who is performing the duties under Section 49 or obstructs the performance of duties of the competent official under Section 55 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

⁽⁶⁸⁾ **Section 91** Any person who consumes narcotics of category I in violation of Section 57 or consumes narcotics of category II in violation of Section 58 shall be liable to imprisonment for a term of six months to three years or to a fine of ten thousand to sixty thousand baht or to both.

(62)-(64) Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

(65)-(66) Added by section 25 of the Narcotics Act (No.5) B.E.2545 (2002)

(67)-(68) Repealed and Replaced by section 26 of the Narcotics Act (No.5) B.E.2545 (2002)

⁽⁶⁹⁾ **Section 92** Any person who, in violation of Section 57, consumes narcotics of category V shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

If the narcotics which constitute the corpus delicti as aforesaid is Kraton plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding two thousand baht.

⁽⁷⁰⁾ **Section 92/1** Any person who fails to comply with the order, which is given under Section 58/1, of the administrative official, the police official or the competent official shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht.

⁽⁷¹⁾ **Section 93** Any person who deceives threatens uses violent force against exercise under influence over or coerces other persons by whatever means to consume narcotics shall be liable to imprisonment for a term of one year to ten years and to a fine of one hundred thousand to one million baht.

If such act is committed by the use of weapons or committed jointly by two persons or more, the offender shall be liable to imprisonment for a term of two to fifteen years and to fine of two hundred thousand to one million and five hundred thousand baht.

If such act under paragraph one or paragraph two is committed against a women or person who is not sui juris, or committed for the purpose of persuading other persons to commit a crime or facilitating himself or other persons to committed a crime, the offender shall be liable to imprisonment for a term of three years to imprisonment for life and to a fine of three hundred thousand to five million baht.

If the narcotics which constitute the corpus delicti under paragraph three are morphine or cocaine, the offender shall be liable to additional penalty on one half of the normal penalty, and if the offence is committed against a women or person who is not sui juris, the offender shall be liable to imprisonment for life and to a fine of one million to five million baht.

If the narcotics which constitute the corpus delicti under paragraph three is Heroin, the offender shall be liable to double penalty of the normal penalty, and if the offender is committed against a women or person who is not sui juris, the offender shall be liable to death penalty.

(69) Repealed and Replaced by section 27 of the Narcotics Act (No.5) B.E.2545 (2002)

(70) Added by section 28 of the Narcotics Act (No.5) B.E.2545 (2002)

(71) Repealed and Replaced by section 29 of the Narcotics Act (No.5) B.E.2545 (2002)

⁽⁷²⁾ **Section 93/1** Any person who, in violation of the provisions of this Act, instigates another person to consume narcotics of category I or category II shall be liable to imprisonment for a term of one year to five years or to a fine of twenty thousand to one hundred thousand baht or to both.

If such act under paragraph one is committed instigating another person to consume narcotics of category V, the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁽⁷³⁾ **Section 93/2** Any person who deceives threatens uses violent force against exercises under influence over or coerces other persons by whatever means to produce, import, export, dispose of, possess for disposal or possess narcotics shall be liable to double penalty of the normal penalty imposed by the law for such offence.

⁽⁷⁴⁾ **Section 94** Any person who consumes, consumes and possesses, consumes and possesses for disposal, or consumes and disposes of narcotics in accordance with description, type, category and quantity prescribed in the Ministerial Regulations, and applies for a treatment in a medical establishment before his offence is discovered by the competent official or administrative official or police official, and has also strictly complied with the rules of the medical establishment, and has obtained a certificate from the competent official as prescribed by the Minister shall be relieved from the offence prescribed by the law, but all these, the case that the offense is committed after applying for treatment shall not be included.

Applying for the treatment in the medical establishment under paragraph one shall be in accordance with rules and procedure prescribed by the Committee.

⁽⁷⁵⁾ **Section 94/1** Any person who, in the ordinary course of business, gives treatment to a narcotics addict by using drugs under the law on drugs, psychotropic substances under the law on narcotics, or gives treatment to narcotics addict by any other means, which does not take place in the medical establishment prescribed by this Act, whether or not a consideration is obtained, shall be liable to imprisonment for a term of six months to three years or to a fine of fifty thousand to three hundred thousand baht.

⁽⁷⁶⁾ **Section 95** Any heir, possessor or administrator violates Section 61 shall be liable to a fine not exceeding two thousand baht.

⁽⁷⁷⁾ **Section 96** Any licensee who does not comply with Section 62 paragraph one shall be liable to a fine not exceeding ten thousand baht.

(72) Repealed and Replaced by section 30 of the Narcotics Act (No.5) B.E.2545 (2002)

(73) Added by section 31 of the Narcotics Act (No.5) B.E.2545 (2002)

(74) Repealed and Replaced by section 32 of the Narcotics Act (No.5) B.E.2545 (2002)

(75) Repealed and Replaced by section 33 of the Narcotics Act (No.5) B.E.2545 (2002)

(76)-(77) Repealed and Replaced by section 34 of the Narcotics Act (No.5) B.E.2545 (2002)

Section 97 If any person who, having been sentenced by a final judgment to a term of imprisonment for an offence under this Act, commits an offence under this Act again during the punishment period or within five years from the date he has been released from the punishment, and if the Court decides to sentence him to imprisonment for the latter offence, the punishment to be inflicted upon him shall be increased by one-half of the penalty determined by the Court for the latter offence.

Section 98 An offender who has been convicted of the offence under Section 91 or Section 92 for the third time shall, upon his release, be detained by the competent official, upon order of the Minister at a medical establishment specifically established by the Notification of the Minister, and such person shall be given a treatment until he has obtained a certificate from the competent official designated by the Minister to the effect that he has received a complete treatment in accordance with the rules and regulations for the control of treatment and disciplinary rules of the said medical establishment.

⁽⁷⁸⁾ **Section 99** Any person who escapes during the detention period from a medical establishment under Section 98 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁽⁷⁹⁾ **Section 100** Any member of the Committee and competent official under this Act or Government official or official of a State organization or State agency who produces, imports, exports, disposes of or possesses for disposal narcotics or supports the commission of such act as an offence under this Act shall be liable to treble penalty imposed for such offence.

⁽⁸⁰⁾ **Section 101/1** wherever this Act determines that the punishment for an offence is both imprisonment and fine, the Court shall inflict both punishments and fine with regard to the punishment relating to property for controlling the commission of offence relating to narcotics.

The Court may, when having regard to the gravity of the commission of offence, status of the offender and the concerning circumstances, if it thinks fit in a specific case, inflict less punishment of fine than the minimum punishment as provided for the committed offence.

⁽⁸¹⁾ **Section 100/2** If the Court is of opinion that any offender has given the important information for the very benefit of suppressing the commission of offence relating to narcotics to administrative official or police official or inquiry official, the Court may inflict less punishment of fine than the rate of minimum punishment as provided for such the committed offence.

⁽⁸²⁾ **Section 101** In the case where there is a seizure of narcotics of category I, category II or category III under section 49(2) or by virtue of other laws, and no court proceeding has been

(78)-(79) Repealed and Replaced by Section 35 of the Narcotics Act (No.5) B.E.2545 (2002)

(80)-(81) Added by section 36 of the Narcotics Act (No.5) B.E.2545 (2002)

(82) Repealed and Replaced by section 11 of the Narcotics Act (No.3) B.E.2530 (1987)

instituted, if, within the period of six months from the date of the seizure, no person claims to be the owner thereof, such narcotics shall become the property of the Ministry of Public Health.

⁽⁸³⁾ **Section 101 bis** In the case where there is a seizure of narcotics of category IV or category V under section 49 (2) or by virtue of other laws, whether or not a court proceeding has been instituted, the Ministry of Public Health or person entrusted by the Ministry of Public Health, after having verified the type and quantity to be narcotics of the said category by recording the verification in the report, may destroy or utilize them in accordance with the rules prescribed by the Ministry of Public Health.

Section 102 All the narcotics of category I, category II, category IV or category V, equipment, tools, vehicles or other articles with the offender used in committing an offence relating to narcotics, which is an offence under this Act, shall be forfeited.

Section 102 bis In the case where the Court proceeding has been instituted for the narcotics of category I or category II, and no contend about the type, quantity or weight of the narcotics, if the Court of First Instance has a decision or an order to seize of the said narcotics under section 102 or by virtue of other laws and, within the period of thirty days from the date of the decision or the order to seize the narcotics, there is no offer that the real owner does not connive at the commission of the offence, the Ministry of Public Health or person entrusted by the Ministry of Public Health may destroy or utilize them in accordance with the rules prescribed by the Ministry of Public Health.

Transitory Provisions

⁽⁸⁴⁾ **Section 103** Pending the publication of the Notification specifying the names of narcotics under Section 8 (1) under this Act ;

(1) heroin or salts of heroin as provided in Section 4 bis of the Narcotics Act, B.E. 2465 as amended by the Narcotics Act (No.4), B.E. 2504 shall be narcotics of category I;

(2) narcotics the names of which appear in the schedule attached to the following Ministerial Regulation and in the following Notifications of the Ministry of Public Health shall be narcotics of category II:

(a) in the schedule attached to the Ministerial Regulation (No.7), B.E. 2507 issued under the Narcotics Act, B.E. 2465;

(83) Added by section 12 of the Narcotics Act (No.3) B.E.2530 (1987)

(84) Added by section 3 of the Narcotics Act (No.4) B.E.2543 (2000) published in the Government Gazette Vol.117 Part 111A, dated 29th November B.E.2543 (2000)

(b) in the Notifications of the Ministry of Public Health specifying the additional names of narcotics issued under the Narcotics Act, B.E. 2465 dated 4th April B.E. 2511, dated 4th March B.E. 2512, dated 30th July B.E. 2512, dated 26th April B.E. 2514, dated 19th September B.E. 2516, and dated 24th December B.E. 2516;

(3) Acetic Anhydride and Acetyl Chloride shall be narcotics of category IV;

(4) marijuana under the Marijuana Act, B.E. 2477 and Kratom plant under the Kratom Plant Act, B.E. 2486 shall be narcotics of category V.

Section 104 The drugs which are exempted under the laws on narcotics before this Act comes into force shall be narcotics of category III under this Act.

The licensee to produce, sell or import the narcotics of category III referred to in paragraph one under the law on drugs shall file an application for a licence to produce, dispose of or import narcotics of category III under Section 20, and in case of the producer or importer, he shall file an application for the registration of the medicinal formula of the narcotics of category III under section 43 within one hundred and eighty days from the date this Act comes into force, and upon the filing of the applications for a licence and the registration of the said medicinal formula, the applicant may carry on his business temporarily; But If the licensing authority by a written order refuses to issue the licence or such person has neither filed an application for a licence to produce, dispose of or import nor filed an application for the registration of the medicinal formula within the said period, his rights under this section shall terminate as from the date of receiving the notice of the order or the day after the expiration of the period of one hundred and eighty days from the date this Act comes into force, as the case may be, and the provision of Section 55 shall be applied mutatis mutandis.

Section 105 The licensee to import the exempted drugs into the Kingdom in accordance with form No.9 attached to the Ministerial Regulation of the Ministry of Interior issued under the Narcotics Act, B.E. 2465 as amended by the Narcotics Act (No.2), B.E. 2479 shall be permitted to import the said drugs under the licence but he shall be required to comply with Section 104.

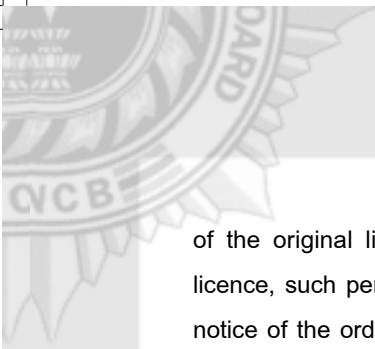
Section 106 The licensee to buy, have and distribute narcotics, or a special licence to buy, have and distribute narcotics in excess of the quantity prescribed under the laws on narcotics in force before the date this Act comes into force shall retain the narcotics in possession and carry on the business until such licence expires: and if he wishes to carry on the business, he shall file an application in accordance with the provision of this Act before the expiration

of the original licence. But, If the licensing authority by a written order refuses to issue the licence, such person shall not be entitled to carry on the business as from the date of receiving notice of the order, and the provision of Section 55 shall be applied **mutatis mutandis**.

Countersigned by:

S.Hotrakitya

Duputy Prime Minister



The rate of fee⁽⁸⁵⁾

(1) licence to produce of narcotics of category II	1,000	Baht each
(2) licence to import of narcotics of category II	1,000	Baht each
(3) licence to export of narcotics of category II	1,000	Baht each
(4) licence to dispose of narcotics of category II	1,000	Baht each
(5) licence to process of narcotics of category III	200	Baht each
(6) licence to dispose of narcotics of category III	1,000	Baht each
(7) licence to produce of narcotics of category III or category IV	6,000	Baht each
(8) licence to import of narcotics of category III or category IV	6,000	Baht each
(9) licence to export of narcotics of category III or category IV	200	Baht each
(10) licence to process of narcotics of category IV	200	Baht each
(11) licence to each import of export of narcotics of category III	100	Baht each
(12) licence to dispose or possession of narcotics of category II more than as provided by the Minister under section 60	200	Baht each
(13) the certificate of registration of the medicinal formula of the narcotics of category III	2,000	Baht each
(14) licence to advertise narcotics for commercial purpose under section 48 and 48/1	3,000	Baht each
(15) licence substitute	100	Baht each
(16) a substitute for the certificate of registration of the medicinal formula of narcotics of category III	100	Baht each
(17) licence to amend the particular in the registration under section 44	1,000	Baht each
(18) the application for a renewal of a licence or the certificate of registration of the medicinal formula of narcotics	as each licence or licence substitute mentioned above	

(85) The rate of fee shall be repealed and replaced by section 37 of Narcotics Act (No.5) B.E.2545 (2002)

THE SCHEDULE*
ANNEXED TO

**The Notification of the Ministry of Public Health , No.135 (B.E. 2539) , in regard with
Specifying The names and the categories of Narcotics nuder the Narcotics Act B.E.2522
(1979)**

Schedule 1

1. Acetorphine (3-0-acetyltetrahydro-7a-(1-Hydroxy-1-methylbutyl)-6,14-endoetheno-
oripavine)
2. Acetyl-alpha-Methylfentanyl (N-[1-(a-methylphenethy)-4-piperidyl] acetanilide)
3. Alpha-methylfentanyl(N-[1-(a-methyl-phenethy)-4-piperidyl] propionanilide)
4. Alpha-methylthiofentanyl (N-[1-[1-Methyl-2(2-thienyl)ethyl]-4-piperidyl]propionanilide)
5. Amphetamine ((±)-2-amino-1-phenyl-propane)
6. Beta-hydroxy-3-methyfentanyl (N-[1-(beta-hydroxyphenethyl)-3-methyl-4 piperidyl]
propionanilide)
7. Beta-hydroxyfentanyl (N-[1-(beta-hydroxyphenethyl)-4-piperidyl] propionanilide)
8. Desomorphine (dihydrodeoxymorphine)
9. Dexamphetamine ((±)-2-amino-1-phenyl-propane)
10. 2,5-dimethoxy-4-ethylamphetamine,DOET ((±)-2,5-dimethoxy-4-ethyl-alpha-
methylphenylethylamine)
11. Dimethoxyamphetamine, DMA ((+)-2,5-dimethoxy-4-alpha-methylphenylethylamine)
12. Dimethoxybromoamphetamine, DOB (2,5-dimethoxy-4-bromoamphetamine)
13. Etorphine (tetrahydro-7a-(1-hydroxy-1-methylbutyl)-6,14-endoetheno-oripavine)
14. Heroin (diacetylmorphine)
15. Ketobemidone (4-meta-hydroxyphenl-1-methyl-4-propionylpiperidine)
16. Levamphetamine ((-)-alpha-methyl-phenylethylamine)
17. Levomethamphetamine ((-)-N-alpha-dimethylphenylethylamine)
18. Lysergide or LSD or LSD 25 ((±)N,N-diethyllysergamide (d-lysergic acid diethyla-
mide))
19. Mecloqualone (3-(O-cholrophenyl)-2-methyl-4-(3H)-quinazolinone)
20. Methamphetamine ((+)-2-Methylamino-1-phenylpropane)
21. Methaqualone (2-methyl-3-O-tolyl-4-(3H)-quinazolinone)

(*) Published in the Government Gazette , Vol.113 , part 23 D (Special Issue) , date 16th August B.E. 2539 (1996).

22. 5-methoxy-3,4-methylene-dioxyamphetamine, MDMA ((+)-5-methoxy-3,4-methylenedioxy-alpha-methylphenylethylamine)
23. Methylenedioxyamphetamine, MDA (3,4-methylenedioxyamphetamine)
24. 3-4-methylenedioxymethamphetamine, MDMA ((+)-3,4-methylenedioxy-N, alpha-dimethylphenylethylamine)
25. 3-methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl) propionanilide)
26. methythiofentanyl (N-[3-methyl-1-[2-(2-thienyl)ethyl-4-piperidyl] propionanilide)
27. MPPP (1-methyl-4-phenyl-4-piperidinolpropionate (ester))
28. Para-fluorofentanyl (4'-fluoro-N-(1-phenethyl-4-piperidyl) propionanilide)
29. Paramethoxyamphetamine, PMA (4-methoxy-alpha-methylphenylethylamine)
30. PEPAP (1-phenethyl-4-phenyl-4-piperidinolacetate (ester))
31. Thiofentanyl (N-[1-[2-(2-thienyl) ethyl]-4piperidyl] propionanilide)
32. Trimethoxyamphetamine, TMA ((+)-3,4,5 trimethoxy-alpha-methylphenylethylamine)
- ⁽¹⁾33. N-ethyl MDA or MDE ((±)-N-Ethyl-a-methyl-3,4-(methylenedioxy) phenethylamine)
34. N-hydroxy MDA or N-OH MDA ((±)-N-[α-Methyl-3,4- (methylenedioxy) phenethyl] hydroxy-lamine)
35. STP or DOM ((2-amino-1-(2,5-Dimethoxy-4-methyl)phenyl)propane)
36. 2CB (4-bromo-2,5 dimethoxyphenethylamine)
37. 2CD (2,5-dimethoxy-4-methylphenethylamine)
- ⁽²⁾38. Dihydroetorphine (7,8-dihydro-7-a-[1-(R)-hydroxy-1-methylbutyl]-6,14-endo-ethanotetrahydrooripavine)
- ⁽³⁾39. 4-MTA (4-methylthioamphetamine)

Schedule 2

1. Acetyldihydrocodeine(6-acetoxy-3-methoxy-N-methyl-4,5-epoxy-morphinan)
2. Acetylmethadol (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
3. Alfentanil (N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl) ethyl]-4(methoxymethyl)-4-piperidyl]-N-phenylpropanamide)
4. Allylprodine (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)
5. Alphacetylmethadol (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

(1) serial number 33 to 37 was added by the Notification of the Ministry of Public Health (Number 154) B.E. 2542, published in the Government Gazette , vol.116 , Part 65 D , date 17th August B.E. 2542 (1999).

(2) Serial number 38 was added by the Notification of the Ministry of Public Health (Number 158) B.E. 2542 (1999), published in the Government Gazette , Vol.116 , Part 86 D , date 7th October B.E. 2542 (1999)

(3) Serial number 38 was added by the Notification of the Ministry of Public Health (Number 175) B.E. 2545 (2002), published in the Government Gazette , Vol.119 , Part 47 D , date 31st May B.E. 2545 (2002).

6. Alphamethadol (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
7. Alphamethadol (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)
8. Alphaprodine (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
9. Anileridine (1-para-aminophenethyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester)
10. Benzetnidine (1-(2-benzyloxyethyl)-4-phenyl-piperidine-4-carboxylic acid ethyl ester)
11. Benzylmorphine (3-benzylmorphine)
12. Betacetylmethadol (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
13. Betameprodine (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
14. Betamethadol (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)
15. Betaprodine (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
16. Bezitramide(1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1 benzimidazoliny)-piperidine)
17. Clonitazene (2-para-chlorbenzyl-1-diethyl-aminoethyl-5-nitrobenzimidazole)
- ⁽⁴⁾18. (repealed)
19. Cocaine (methyl ester of benzoylecgonine)
20. Codeine (3-methylmorphine)
21. Codoxime (dihydrocodeinone-6-carboxy methyloxime)
22. Concentrate of poppy straw
23. Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
24. Dextropropoxyphene (-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-butanol propionate)
25. Diampromide (N-[(2methylphenethyl-amino) propyl] propionanilide)
26. Diethylthiambutene (3-diethyl-amino-1,1-di-(2'-thienyl)-1-butene)
27. Difenoxin (1-(3-cyano-3,3-diphenylpropyl-4-phenylisonipecotic acid)
28. Dihydrocodeine (4,5-epoxy-3-methoxy-17methyl-morphinan-6-o1)
29. Dihydromorphine (4,5-epoxy-17-methyl-morphinan-3,6-diol)
30. Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
31. Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
32. Dimethylthiambutene (3-dimethylamino-1,1-di-(2'-thienyl)-1-butenen)
33. Dioxaphetyl butyrate (ethyl-4-morphonlino-2,2-diphenylbutyrate)

(4) Serial number 18 was repealed by the Notification of the Ministry of Public Health (Number 170) B.E. 2544 (2001) , published in the Government Gazette Vol.118 , Part 41 D (Special Tissue) , date 3rd May B.E. 2544 (2001).

34. Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidien-4-carboxylic acid ethyl ester)
35. Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)
36. Drotebanol (3,4-dimethoxy-17-methyl-morphinan-6b,14-diol)
37. Ecgonine (3-hydroxy-2-tropane carboxylic acid)
38. Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(e'-thienyl)-1-butene)
39. Ethylmorphine (3-ethylmorphine)
40. Etonitazene (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)
41. Etoxidien (1-[2-(2-hydroxyethoxy) ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
42. Fentanyl (1-phenethyl-4-N-propionyl-anilino-piperidine)
43. Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidien-4-carboxylic acid ethyl ester)
44. Hydrocodone (dihydrocodeinone)
45. Hydromorphenol (14-Hydroxydihydromorphine)
46. Hydromorphone (dihydromorphinone)
47. Hydroxypethidine (4-meta-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
48. Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
49. Levomethorphan ((-)-3-methoxy-N-methyl-morphinan)
50. Levomoramide((-)-4-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidiny) butyl] morpholine)
51. Levophenacylmorphan ((-)-3-hydroxy-N-phenacylmorphinan)
52. Levorphanol ((-)-3-hydroxy-N-Methylmorphinan)
53. Medicinal Opium
54. Metazocine (2-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
55. Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
56. Methadone-Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)
57. Methyl-desorphine (6-methyl-delta-6-deoxymorphine)
58. Methyl-dihydromorphine (methyl-dihydromorphine)
59. Metopon (5-methyl-dihydromorphinone)
60. Moramide-Intermediate (2-methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid)
61. Morpheridien (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
62. Morphine (3,6-dihydroxy-N-methyl-4,5-epoxy-morphinen-7)
63. Morphine Methobromide (Morphine-N-Oxide),(Codeine-N-Oxide)
64. Morphine-N-Oxide (3,6-dihydroxy-N-Methyl-4,5-epoxy-morphinen-4-N-Oxide)

65. Myrophine (myristylbenzyl-morphine)
66. Nicocodine (6-nicotinylcodeine or 6-(pyridine-3-carboxylic acid)-codeine ester)
67. Nicodicodine (6-nicotinyldihydrocodeine or Nicotinic acid ester of dihydrocodeine)
68. Nicomorphine (3,6-dinicotinylmorphine)
69. Noracymethadol (-Alpha-3-acetoxy-6-methylamino-4,4-di-phenylheptane)
70. Norcodeine (N-demethylcodeine)
71. Norlevorphanol ((-)-3-hydroxymorphinan)
72. Normethadone (demethylmorphine or N-demethylated morphine)
73. Normorphine (demethylmorphine or N-demethylated morphine)
74. Norpipanone (4,4-diphenyl-6-piperidino-3-hexanone)
75. Oxycodone (14-hydroxydihydrocodeinone)
76. Oxymorphone (14-hydroxydihydromorphinone)
77. Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
78. Pethidine-Intermediate-A (4-cyano-1-methyl-4-phenylpiperidine)
79. Pethidine-Intermediate-B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
80. Pethidine-Intermediate-C (1-methyl-4-phenylpiperidine-4-carboxylic acid)
81. Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)
82. Phenampromide (N-(1-methyl-2-piperidinoethyl) propionanilide)
83. Phenazocine (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
84. Phenomorphan (3-hydroxy-N-phenethyl-morphinan)
85. Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
86. Pholcodine (morpholinylethylmorphine)
87. Piminodine (4-phenyl-1-(3-phenyl aminopropyl) piperidine-4-carboxylic acid ethyl ester)
88. Piritramide (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide)
89. Proheptazine (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
90. Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
91. Propiram (N-1-methyl-2-piperidionethyl-N-2-pyridylpropionamide)
92. Racemethorphan ((±)-3-methoxy-N-methylmorphinan)
93. Racemoramide ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]-morpholine)
94. Racemorphan (3-hydroxy-N-methylmorphinan)
95. Sufentanil (N-[4-(methoxymethyl)-1-[2-(2-theinyl)-ethyl]-4-piperidyl] propionanilide)

96. Thebacon (acetyldihydrocodeinone)
97. Thebaine (3,6-dimethoxy-N-methyl-4,5-epoxy-morphinadien-6,8)
98. Tilidine ((±)ethyl trans-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate)
99. Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine)
100. Opium
- ⁽⁵⁾101. Remifentanil (4-(methoxycarbonyl)-4-[(1-oxopropyl)phenylamino]-1-piperidine-propanoic acid methyl ester)
- ⁽⁶⁾102. Coca bush, The plant of any species of the genus Erythroxylon

Schedule 4

1. Acetic Anhydride (acetic oxide)
2. Acetyl Chloride (ethanoyl chloride)
3. Anthranilic Acid (2-aminobenzoic acid)
4. Chlorpseudoephedrine (1-phenyl-1-chloro-2-methylaminopropane)
- ⁽⁷⁾5. (repealed)
- ⁽⁸⁾6. (repealed)
7. Ethylidine Diacetate (1,1-ethanediol diacetate)
8. Isosafrole ((1,3-benzodioxole,5-(1-propenyl)-))
9. Lysergic Acid (((8b)-9,10-didehydro-6-methylergoline-8-carboxylic acid))
10. 3,4-methylenedioxyphenyl-2-propanone ((2-propanone,1-[3,4(methylenedioxy)phenyl]-))
11. N-acetylanthranilic Acid ((benzoic acid,2-(acetylamino)-))
12. 1-phenyl-2-propanone (1-phenyl-2-propanone)
13. Phenylacetic Acid (benzeneacetic acid)
14. Piperonal (1,3-benzodioxole-5-carboxaldehyde)
15. Safrole (1,3-benzodioxole,5-(2-propenyl)-)
- ⁽⁹⁾16. Elymoclavine (8,9-Didehydro-6-methylergoline-8-methanol)
- ⁽¹⁰⁾17. Ergocornine (5'((α)-12'-hydroxy-2',5'-bis(1-methylethyl) ergotaman-3',6',18-trione.)
- ⁽¹¹⁾18. Ergocristine (12'-hydroxy-2'-(1-methylethyl)-5'-(phenylmethyl)ergotaman-3',6',18-trione)

(5) Serial number 101 was added by the Notification of the Ministry of Public Health (Number 150) B.E. 2541, published in the Government Gazette, Vol.116, Part 21 D, date 16th March B.E. 2542 (1999).

(6) Serial number 102 was added by the Notification of the Ministry of Public Health (Number 170) B.E. 2544, published in the Government Gazette, Vol.118, Part 41 D, date 3rd May B.E. 2544 (2001).

(7)(8),(9)-(11) Serial number 5, 6 was repealed and serial number 16 -18 was added by the Notification of the Ministry of Public Health (Number 150) B.E. 2541, published in the Government Gazette, Vol.116, Part 21 D, date 16th March B.E. 2542 (1999).

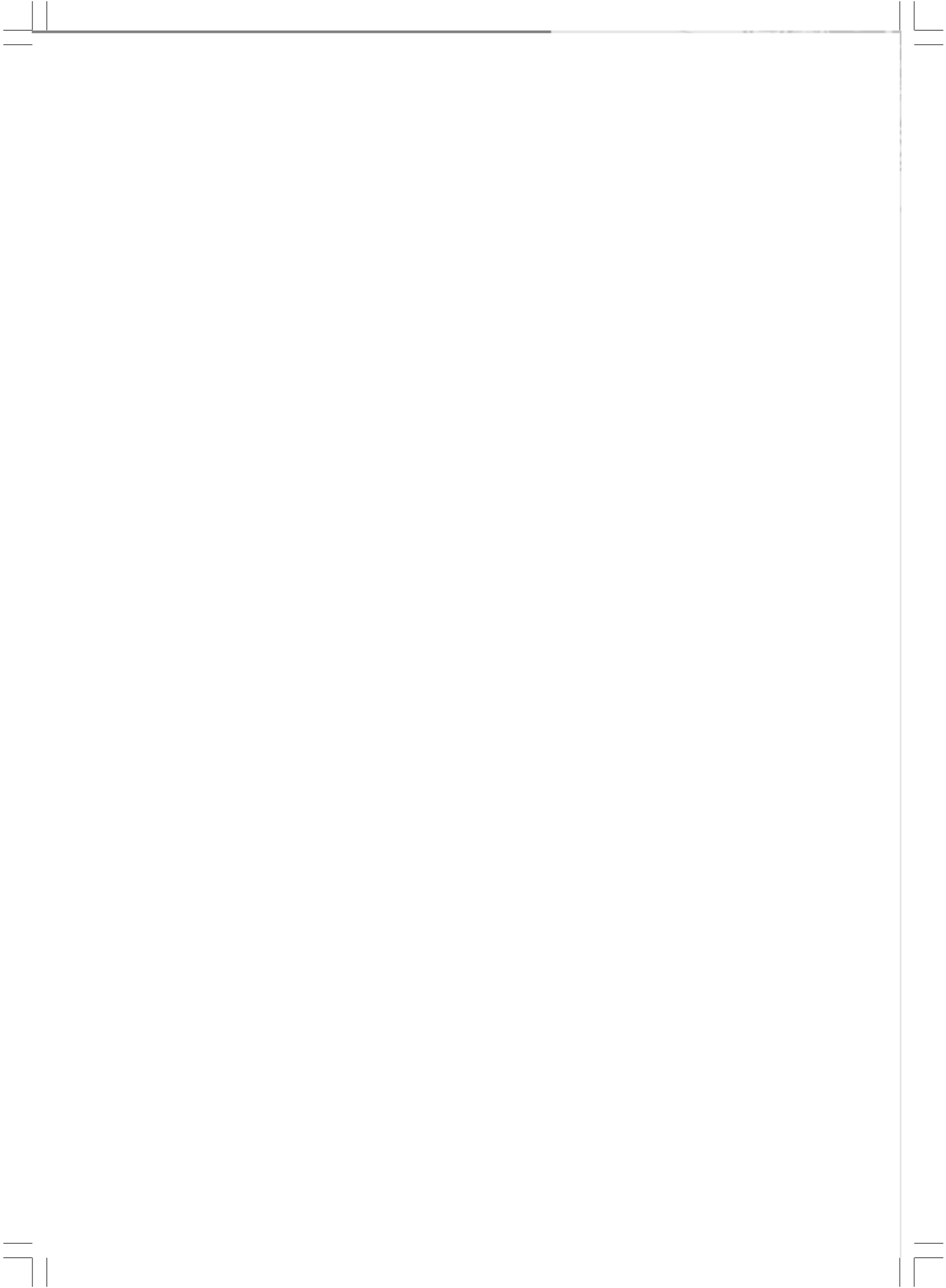
- ⁽¹²⁾19. Ergocristinine (12'-Hydroxy-2 η -(l-methylethyl)-5'a-(phenylmethyl)-8a-ergotaman-3',6',18-trione)
- ⁽¹³⁾20. (a-Ergocryptine) ((5' α)-12'-Hydroxy-2'-(l-methylethyl)-5'-(2-methylpropyl)ergotaman-3',6',18-trione.)
- ⁽¹⁴⁾21. (b-Ergocryptinine) ([5' α (s)]-12'Hydroxy-2'-(l-methylethyl)-5'-(2-methylpropyl) ergotaman-3',6',18-trione.)
- ⁽¹⁵⁾22. (a-Ergocryptinine) ((5' α -12'-Hydroxy-2'-(l-methylethyl)-5'?(2-methylpropyl)-8a-ergotaman-3',6',18-trione.)
- ⁽¹⁶⁾23. (b-Ergocryptinine) (12'-hydroxy-2-(l-methylethyl)-5'?(l-methylpropyl)-8a-ergotaman-3',6',18-trione.)
- ⁽¹⁷⁾24. (Ergometrine) ([8b(s)]-9,10-Didehydro-N-(2-hydroxy-1-methylethyl)-6-methylergoline-8-carboxamide)
- ⁽¹⁸⁾25. (Ergometrinine) ([8a(s)]-9,10-Didehydro-N-(2-hydroxy-1-methylethyl)-6-methylergolinecarboxamide)
- ⁽¹⁹⁾26. (Ergosine) (12'-Hydroxy-2-methyl-5' α -(2-methylpropyl)ergotaman-3',6',18-trione)
- ⁽²⁰⁾27. (Ergosinine) (12'-hydroxy-2'-methyl-5' α -(2-methylpropyl)-8a-ergotaman-3',6',18-trione)
- ⁽²¹⁾28. (Ergosterol) ((3b,22E)-Ergosta-5,7,22-trien-3-ol)
- ⁽²²⁾29. (Ergotamine) (12'-Hydroxy-2-methyl-5' α -(phenylmethyl) ergotaman-3',6',18-trione)
- ⁽²³⁾30. (Ergotaminine) (12'-hydroxy-2-methyl-5' α -(phenylmethyl)-8a-ergotaman-3',6',18-trione)
- ⁽²⁴⁾31. (Ergothioneine) ((S)-a-Carboxy-2,3-dihydro-N,N,-N-trimethyl-2-thioxo-1h-imidazole-4-ethanaminium inner salt)
- ⁽²⁵⁾32. (Lysergamide) (9-10-Didehydro-6-methylergoline-8b-carboxamide)

Schedule 5

1. Cannabis (Cannabis sativa L. and Cannabis indica Auth)
2. Mitragyna speciosa Korth
3. Papaver somniferum Linn and Papaver bracteatum
4. Psilocybe cubensis, Sing (Psilocybin or Psilocin)

(12) Serial number 19 was added by the Notification of the Ministry of Public Health (Number 150) B.E. 2541, published in the Government Gazette , Vol.116, Part 21 D , date 16th March B.E. 2542 (1999).

(13)-(25) Serial number 20-32 was added by the Notification of the Ministry of Public Health (Number 150) B.E. 2541, published in the Government Gazette , Vol.116, Part 21 D , date 16th March B.E. 2542 (1999).



Psychotropic Substances Act B.E. 2518 (1975)





Psychotropic Substances Act

B.E. 2518 (1975)

BHUMIBOL ADULYADEJ, REX.

Given on 4th January B.E. 2518;

Being the 30th year of the present Reign.

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

whereas it is expedient to have a law on psychotropic substances :

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

Section 1 This Act is called the “Psychotropic Substances Act, B.E. 2518”.

Section 2 This Act shall come into force after ninety days from the date of its publication in the Government Gazette.

Section 3 All other laws, rules and regulations in so far as they have been provided in this Act or are contrary to or inconsistent with the provisions of this Act shall be replaced by the Act.

Section 4 In this Act,

“psychotropic substance” means such a psychotropic substance which is natural or derived from nature, or synthetic as the Minister notifies in the Government Gazette;

“preparation” means any solution or mixture, in whatever physical state, containing a psychotropic substance including a psychotropic substance in dosage form ready for applying to human being or animal;

“exempt preparation” means a preparation notified by the Minister in the Government Gazette to be exempted from certain measures of control of a psychotropic substance containing therein;

“accompanying leaflet for psychotropic substance” means a piece of paper or anything on which any picture, imprint or statement concerning a psychotropic substance is shown, which has been inserted in or put together with a container or package of the psychotropic substance :

“produce” means manufacture, mix, prepare, or convert and includes transform, repack or pack :

“sell” includes dispose of, dispense, distribute, exchange, deliver, or possess for sale;

“import” means bring or order into the kingdom;

“export” means carry or send from the kingdom to a foreign country;

“carry across” means bring or send through the kingdom but excludes bring or send

active ingredients through the kingdom without transshipping from the aircraft used for international public transport :

⁽²⁾ “consume” means take in psychotropic substance by whatever means or whatever ways;

⁽³⁾ “Psychotropic substance addiction” means habitually consuming psychotropic substance so far as being in the state of psychotropic substance dependence whereby such state is capable of being identified on a technical basis;

⁽⁴⁾ “treatment” means the treatment of psychotropic substance addict which also includes the rehabilitation to return that addict to the state of normal person;

⁽⁵⁾ “medical establishment” means the medical establishment or convalescent home of the treatment or rehabilitation for psychotropic substance addicts as notified by the Minister under section 6.

“place” includes a building or a part thereof and its compound;

“pharmacist” means a first-class practitioner in the branch of pharmacy;

“licensee” means a person receiving a licence under this Act and includes, in the case of a juristic person being a licensee, a person appointed by such juristic person to carry out the business concerning psychotropic substances;

“grantor” means

(1) The Secretary-General of the office of the Food and Drug Board or the person entrusted by him

(a) for the grant of permission to possess or utilize psychotropic substances in all Schedules :

(b) for the grant of permission to produce, import or export psychotropic substances in Schedule III and Schedule IV or carry across psychotropic substances in all Schedules;

(c) for the grant of permission to sell psychotropic substances in Schedule III and Schedule IV in Bangkok Metropolis;

(2) the Governor of Changwat or the person entrusted by him for the grant of permission to sell psychotropic substances in Schedule III and Schedule IV in Changwat under his jurisdiction except Bangkok Metropolis;

“Board” means the Psychotropic Substances Board;

“competent official” means a person appointed by the Minister for the execution of this Act;

(2) added by psychotropic substances Act (No.3) B.E.2535, section 3, published in the Government Gazette Vol.109, Part 14, dated 27th February B.E.2535 (1992).

(3)-(5) added by Psychotropic Substances Act (No.3) B.E.2535, section 3

“Secretary-General” means the Secretary-General of the Office of the Food and Drug Board;

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

Section 5 The Minister of Public Health shall have charge and control of the execution of this Act and shall have the power to appoint competent officials, issue Ministerial Regulations determining fees not exceeding the rates annexed to this Act, exempting fees, and determining other activities as well as to issue Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

Section 6 The Minister shall have the power to issue Notifications in the Government Gazette :

(1) specifying the names of and classifying psychotropic substances into Schedule I, Schedule II, Schedule III or Schedule IV;

(2) prescribing the standard on the quantity of ingredients, quality, purity, or other description of psychotropic substances under (1);

(3) revoking or changing the names or Schedules of psychotropic substances under (1);

(4) specifying the names and Schedules of psychotropic substances which shall not be produced, sold, imported, exported, carried across, or kept in possession;

⁽⁶⁾ (4 bis) Specifying the names of psychotropic substances of Schedule II which are granted permission to produce for exportation and to export;

(5) specifying the names and Schedules of psychotropic substances which require the warning or caution in the form of statement or picture in order that the user may take necessary precaution for his own safety;

(6) specifying the names and Schedules of psychotropic substances which require the statement of their expiration on the labels;

(7) specifying any preparation as an exempt preparation;

⁽⁷⁾ (7 bis) prescribing the quantity of psychotropic substances of Schedule I or Schedule II for possession or utilization under section 106 (bis);

(8) specifying the names and Schedules of psychotropic substances which shall not be exported to any country under Section 83;

(9) specifying the official institutions under section 15 (2); Section 17 (2) and Section 63 (3);

(6) added by Psychotropic Substances Act (No.3) B.E.2535, section 4.

(7) added by Psychotropic Substances Act (No.3) B.E.2535, section 5.

⁽⁸⁾ (10) Prescribing the medical establishment for psychotropic substance addicts;

⁽⁹⁾ (11) Prescribing rules and regulations for the control of treatment and disciplinary rules for medical establishment.

CHAPTER 1

Psychotropic Substances Board

⁽¹⁰⁾ **Section 7** There shall be a committee called the “Psychotropic Substances committee” consisting of the Permanent Secretary of the Ministry of Public Health as chairman, Director-General of the Department of Medical Services or representative, Director-General of the Department of Health or representative, Director-General of the Royal Thai Police Department or representative, the Attorney General or representative, Director-General of the Customs Department or representative, Secretary-General of the Juridical Council or representative, Secretary-General of the Narcotics Control Board or representative, Director of Mental Health Division of the Department of Medical Services and not more than seven qualified members appointed by the Minister as members.

The Secretary-General shall be the member and secretary, and the Director of the Narcotics Control Division of the Food and Drug Board shall be the member and assistant secretary.

Section 8 A qualified member shall be in office for a term of two years.

A member who vacates office may be reappointed.

Section 9 A qualified member vacates office before the expiration of term of office upon:

- (1) death :
- (2) resignation :
- (3) being retired by the Ministers :
- (4) being an incompetent or quasi-incompetent person ;
- (5) having been imprisoned by a final judgement of imprisonment except a punishment for an offence committed through negligence or petty offence; or
- (6) having his licence to practice the medical profession or licence to practice the art of healing suspended or revoked.

(8)-(9) added by Psychotropic Substances Act (No.3) B.E.2535, section 6.

(10) repealed and replaced by Psychotropic Substances Act (No.3) B.E.2535, section 7.

If a qualified member vacates his office before the expiration of term office, the Minister shall appoint another person to replace him and such person shall hold office for the remaining term of the member he replaces.

Section 10 A meeting of the Board requires the presence of not less than one-half of the total number of its members to constitute a quorum. If the Chairman is absent or unable to perform his duty, the members present shall elect one of them to preside over the meeting.

A decision of the meeting shall be made by a majority of votes.

In casting votes, each member shall have one vote. In case of an equality of votes, the chairman of the meeting shall have another vote as a casting-vote.

Section 11 The Board shall have the duty to give opinion, advice, or approval in respect of the following matter :

(1) the production, sale, importation, exportation, carrying across, or possession, of psychotropic substances or registration of preparations;

(2) the suspension of licences, revocation of licence revocation of registration of preparations, or revocation of exempt preparations.

(3) the prescription of rules, procedure and conditions concerning the production, sale, importation, exportation, carrying across, possession, or sampling of psychotropic substances or exempt preparations and the inspection of place of production, place of sale, storage and place for conducting other activities regarding the said substances or preparations;

(4) the issue of Ministerial Regulations or Notifications which are required to be published in the Government Gazette for the execution of the Act;

(5) other matters as entrusted by the Ministers or as the Board thinks fit.

Section 12 The Board shall have the power to appoint a sub-committee to consider, study or research into any matter under the jurisdiction of the Board and the provisions of Section 10 shall apply mutatis mutandis to the meeting of the sub-committee.

CHAPTER 2

Application for and issue of licences concerning Psychotropic Substances

⁽¹¹⁾ **Section 13** No person shall produce, sell, import or export any psychotropic substance in Schedule I.

(11) repealed and replaced by Psychotropic Substances Act (No.3) B.E.2535, section 8.

The provision of paragraph one shall not apply to the Ministry of Public Health or the person entrusted by the Ministry of Public Health unless otherwise provided by this Act.

⁽¹²⁾ **Section 13 bis** No person shall produce, sell, import or export any psychotropic substance in Schedule II, except for the production for exportation and the exportation of that sort of the psychotropic substance in Schedule II notified by the Minister under section 6 (4 bis) as he has obtained a licence.

The application for and issuance of a licence shall be in accordance with the rules, procedures and conditions prescribed the Ministerial Regulation.

The provisions of paragraph one and paragraph two shall not apply to the Ministry of Public Health or the person entrusted by the Ministry of Public Health unless otherwise provided by this Act.

Section 14 The Ministry of Public Health may permit a vehicle used for international public transport registered in the Kingdom to import or export an appropriate quantity of psychotropic substance in Schedule II in so far as it is necessary for first aid use or for use in case of emergency in such vehicle.

The application for and the issue of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

⁽¹³⁾ **Section 15** The provision of section 13 bis shall not apply to :

(1) The sale of psychotropic substances in Schedule II by a medical practitioner or a first class modern practitioner in the branch of dentistry to his patient or by a first class veterinarian for use in curing or preventing animal from diseases;

(2) the sale of psychotropic substances in Schedule II by the Ministries, Sub-Ministries, Departments, Thai Red Cross Society or other official institutions as the Minister notifies in the Government Gazette;

(3) the carrying of psychotropic substances in Schedule II into or out of the Kingdom not exceeding the quantity required for self treatment for a period of thirty days with a certificate of medical doctor; or

(4) the importation or exportation of an appropriate quantity of psychotropic substances in Schedule II in so far as it is necessary for first aid use or for use in emergency case in a ship, aircraft or vehicle used in international public transport and not registered in the Kingdom; but if the said vehicle is registered in the Kingdom, an application for a licence shall be filed under section 14.

(12) added by Psychotropic Substances Act (No.3) B.E.2535, section 9.

(13) repealed and replaced by Psychotropic Substances Act (No.3) B.E.2535, section 10.

Section 16 A person shall not produce, sell, import or export any psychotropic substance in Schedule III or Schedule IV or carry across a psychotropic substance of any Schedule unless he has received a licence.

The application for a licence and the issue of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 17 The provisions of Section 16 shall not apply to

(1) the production of drug containing a psychotropic substance in Schedule III or Schedule IV according to a prescription of a medical practitioner or first-class practitioner in the branch of dentistry for a specific patient or first-class veterinarian for a specific animal;

(2) the production, sale, importation or exportation of psychotropic substances in Schedule III or Schedule IV by the Ministries, Sub-Ministry, Departments, Thai Red Cross Society, Pharmaceutical Organization, or such other official institutions as the Minister notifies in the Government Gazette;

(3) the sale of psychotropic substances in Schedule III or Schedule IV by a medical practitioner or a first-class practitioner in the branch of dentistry to his patient or by a first-class veterinarian for use in curing or preventing animal from diseases;

(4) the taking of psychotropic substances in Schedule III or Schedule IV into or out of the Kingdom not exceeding the quantity required for self-treatment within thirty days with a certificate of physician;

(5) the importation or exportation of an appropriate quantity of psychotropic substances in Schedule III or Schedule IV for first aid use or for use in case of emergency on a ship, aircraft or any international public transport not registered in the kingdom; if the said vehicle has been registered in the Kingdom, an application for a licence shall be filed under section 16.

Section 18 The grantor may issue a licence to produce, sell or import psychotropic substances in Schedule III or Schedule IV only when it appears that the applicant

(1) has received a licence to produce, sell or import modern drugs under the law on drugs, as the case may be and

(2) has a full-time pharmacist on duty during the working hours.

A licensee to produce or import psychotropic substances may sell the psychotropic substances he produces or imports without having to apply for a licence to sell them again.

Section 19 The grantor may, at each particular time, issue a licence to export psychotropic substances in Schedule III and Schedule IV or a licence to carry across psychotropic substances of all Schedules to any person and may stipulate any condition as he thinks fit.

Section 20 Licences under Section 16 and Section 19 shall also extend to employees or agents of the licensees.

Any act done by an employee or agent of the licensee to whom the licence is extended under paragraph one shall be regarded as that done by the licensee unless he can prove that the said act was done without his knowledge or beyond his control.

Section 21 Licences under Section 16 and Section 19 shall be valid until 31st December of the year of issue. If a licensee wishes to renew his licence, he must file an application before the expiration of his licence and he may, after having filed the application, carry on his business until the grantor refuses to renew the licence.

The application for renewal of a licence and the granting thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

Section 22 In the case where the grantor refuses to issue or renew a licence, the person who applies for a licence or for a renewal of a licence has the right to submit a written appeal to the Minister within thirty days from the date of receipt of the letter of the grantor advising him of the refusal to issue or renew the licence.

The decision of the Minister shall be final.

In the case where there is an appeal in respect of the application for renewal of a licence to produce a psychotropic substance under paragraph one, the Minister may, before making the decision on the appeal, authorize the appellant to carry on his business for the time being if he so requests.

Section 23 A licensee under this Act shall be exempted from compliance with the law on drugs.

CHAPTER 3

Duties of Licensee

Section 24 A licensee shall not produce, sell, import or store psychotropic substances in Schedule III or Schedule IV outside the place specified in his licence.

Section 25 The grantor may authorize a licensee to sell psychotropic substances in Schedule III or Schedule IV outside the place specified in his licence only in the following cases:

- (1) the direct wholesale to another licensee under this Act or to a medical practitioner, first-class practitioner in the branch of dentistry or first-class veterinarian.
- (2) the sale with the premise where there is a meeting of medical practitioners, first-class practitioners in the branch of dentistry, pharmacists, or first-class veterinarians.

The application for a licence and the issue of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

Section 26 A licensee to produce, sell or import psychotropic substances in Schedule III or Schedule IV must provide a full time pharmacist to be in charge of the supervision of business throughout the working hours except in case of temporary necessity.

In the absence of a pharmacist in charge of the supervision of business, a person shall not proceed with the production or sale of psychotropic substances in Schedule III or Schedule IV.

Section 27 A licensee to produce psychotropic substances in Schedule III or Schedule IV shall

(1) provide a sign-board at a conspicuous place to be easily visible from outside the building of the place of production showing that it is the place of production of psychotropic substances, the description and size of a sign-board and the statement there on shall be prescribed in the Ministerial Regulations;

(2) provide an analysis of psychotropic substances who have been produced each time before taking out of the place of production together with evidence showing the details which must be kept for not less than ten years from the date of analysis;

(3) provide a label and accompanying leaflet or warning or caution for the use of a psychotropic substance on its container or package which must be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations;

(4) do other acts as prescribed in the Ministerial Regulations.

Section 28 A licensee to sell psychotropic substances in schedule III or Schedule IV shall

(1) provide a sign-board at a conspicuous place to be easily visible from outside the building of the place of sale showing that it is a place of sale of psychotropic substances, the description and size of a sign-board and the statement thereon shall be prescribed in the Ministerial Regulations;

(2) provide a separate storage for psychotropic substances from other drugs or materials;

(3) ascertain the existence of label, accompanying leaflet or warning or caution for the use of a psychotropic substance on its container or package;

(4) do other acts as prescribed in the Ministerial Regulations.

Section 29 A licensee to import psychotropic substances in Schedule III and Schedule IV shall

(1) provide a sign-board at a conspicuous place to be easily visible from outside the building of the place of importation showing that it is a place of importation of psychotropic substances, the description and size of a sign-board and the statement thereon shall be as

prescribed in the Ministerial Regulations;

- (2) provide a certificate of producer showing the details of the psychotropic substances imported;
- (3) provide a label on the container or package of psychotropic substances;
- (4) provide a label and accompanying leaflet for psychotropic substances in compliance with the registered preparation, the accompanying leaflet must be in Thai language but it may have translation in foreign language;
- (5) do other acts as prescribed in the Ministerial Regulations.

Section 30 In the case where a licence is lost or materially damaged, the licensee shall inform the grantor of it and file an application for a substitute of the licence within fifteen days from the date of the knowledge of such loss or damage.

The application for and the issue of a substitute of a licence shall be in accordance with the rules, procedure, and conditions prescribed in the Ministerial Regulations.

Section 31 A licensee must have his license conspicuously exhibited at the place specified in the licence.

Section 32 A licensee shall not move, change or make an extension of the place of production, place of sale, place of importation or storage of psychotropic substances in Schedule III and Schedule IV unless he has received a written permission from the grantor.

The application for and the granting of permission shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

CHAPTER 4

Duties of Pharmacist

Section 33 A pharmacist in charge of the supervision of the production of psychotropic substances in Schedule III or Schedule IV shall;

- (1) supervise the production in compliance with this Act;
- (2) ascertain the existence of labels and accompanying leaflets for psychotropic substances under Section 27(3);
- (3) supervise the repacking and labelling of containers or packages in compliance with this Act;
- (4) supervise the sale of psychotropic substances under Section 34;
- (5) be in charge of supervision of the business all the time during working hours;
- (6) do other acts as prescribed in the Ministerial Regulations.

Section 34 A Pharmacist in charge of the supervision of the sale of psychotropic substances in Schedule III or Schedule IV shall:

- (1) supervise separate storage for psychotropic substances under Section 28 (2);
- (2) supervise the execution under Section 28 (3);
- (3) supervise the sale in compliance with this Act;
- (4) supervise the preparation of psychotropic substances in accordance with the prescriptions of the persons referred to in (5);
- (5) as certain the existence of labels on the containers or packages of psychotropic substances prepared in accordance with the prescriptions of medical practitioner, first-class practitioner in the branch of dentistry, or first-class veterinarian so as to be in compliance with the rules, procedure and conditions prescribed in the Ministerial Regulations;
- (6) supervise the delivery of psychotropic substances in accordance with the prescriptions of the persons referred to in (5);
- (7) supervise the keeping of record of acquisition and disposal of psychotropic substances in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations;
- (8) ensure that psychotropic substance is not sold to a person without a prescription issued by the persons referred to in (5) or to a person without a licence to produce, sell, or import psychotropic substances;
- (9) be on duty of supervision of the business all the time during working hours;
- (10) do other acts as prescribed in the Ministerial Regulations.

Section 35 A pharmacist in charge of the duty of supervision of the importation of psychotropic substances in Schedule III or Schedule IV shall:

- (1) as certain that the imported psychotropic substances be in conformity with the formula of the registered preparation thereof;
- (2) supervise the execution in connection with the labels and accompanying leaflets under Section 29 (3) and (4);
- (3) supervise the sale of psychotropic substances under Section 34;
- (4) be on duty of supervision of the business all the time during working hours;
- (5) do other acts as prescribed in the Ministerial Regulations.

CHAPTER 5

Fake psychotropic substances, psychotropic substances not being in conformity with standard and deteriorated psychotropic substances

Section 36 A person shall not produce, sell or import psychotropic substances as follows:

- (1) a fake psychotropic substance;
- (2) a psychotropic substance which is not in conformity with its standard;
- (3) a deteriorated psychotropic substance;
- (4) a psychotropic substance which must be registered but has not been registered;
- (5) a psychotropic substance the registration of preparation of which has been revoked by the Minister.

Section 37 The following psychotropic substances or articles shall be considered as fake psychotropic substances:

- (1) an article which is totally or partly an imitation of a psychotropic substance;
- (2) a psychotropic substance which shows the name of another psychotropic substance or the expiration date which is overstated;
- (3) a psychotropic substance which shows a name or mark of its producer or the location of the place of production, which is false;
- (4) a psychotropic substance which must be registered but has not been registered;
- (5) a psychotropic substance which is produced not in conformity with the standard to such an extent that its active ingredient is less or more than ten percent of the minimum or maximum limit as prescribed in a Notification of the Minister under Section 6 (2) or as prescribed in the formula of the registered preparation.

Section 38 The following psychotropic substances shall be considered as psychotropic substances which are not in conformity with the standard:

- (1) a psychotropic substance which is produced not in conformity with the standard to an extent that it is less or more than ten percent of the minimum or maximum limits as prescribed in a Notification of the Minister under Section 6 (2) or according to the formula of the registered preparation but not to the extent referred to under Section 37 (5);
- (2) a psychotropic substance which is produced with the purity or any other characteristic, which is essential to its quality differing from the limits prescribed in a Notification of the Minister under Section 6 (2) or according to the formula of the registered preparation.

Section 39 The following psychotropic substances shall be deteriorated psychotropic substances:

- (1) a psychotropic substance which has expired as shown on the label of the registered preparation;
- (2) a psychotropic substance which has transformed so that it is the same as a fake psychotropic substance under Section 37 (5) or a psychotropic substance which is not in conformity with its standard under Section 38.

CHAPTER 6

Registration of Preparation

Section 40 A licensee to produce or import psychotropic substances in Schedule III or Schedule IV who wishes to produce or import any preparation containing the aforesaid psychotropic substances must first apply to the competent official for registration of such preparation and after having received a certificate of registration of the preparation, he may then produce or import such preparation.

The application for registration of preparation and the granting of a certificate of registration of preparation shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulations.

The provisions of paragraph one shall not apply to a licensee to produce or import samples of authorized preparation; provided that he complies with the rules, procedure and conditions as prescribed in the Ministerial Regulations.

Section 41 The application for registration of a preparation under Section 40, must contain the following particulars:

- (1) the name of the preparation;
- (2) the name and quantity of ingredients which are composition of the preparation;
- (3) the content;
- (4) the method of analysing the standard of composition of the preparation in case of applying a method which is not in the pharmacopoeia specified and notified by the Minister under the law on drugs;
- (5) the label;
- (6) the accompanying leaflet (if any);
- (7) the name of its producer and the country where the place of production is located; and
- (8) other items as prescribed in the Ministerial Regulations.

Section 42 An amendment of any particular of a registered preparation may be made only after having received a written permission from the competent official.

The application for amendment of a particular and the permission to amend a particular of a registered preparation shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulations.

Section 43 The competent official shall not accept a preparation for registration in the case where he, with the approval of the Board, is of the opinion that:

- (1) the application for registration of the preparation is not in accordance with Section 41 or with the Ministerial Regulations issued under Section 40;
- (2) the preparation under the application for registration has unreliable properties or may be unsafe to the users;
- (3) the name of the preparation under the application for registration is boastful, impolite, or may be misleading; or
- (4) the preparation under the application for registration is a fake psychotropic substance under Section 37 or is a preparation which has been revoked by the Minister under Section 46.

The order refusing to accept the preparation for registration by the competent official shall be final.

Section 44 The provisions of Section 43 shall apply mutatis mutandis to the amendment of a particular of registered preparation.

Section 45 A certificate of registration of preparation shall be valid for five years from the date of issue. If a person receiving a certificate wishes to renew it, he must file an application before its expiration and after having filed it, he may continue his business until there is an order refusing to renew it.

The application for and the renewal of a certificate of registration of preparation shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

In the case where the applicant has received the order refusing to renew a certificate, the provisions of Section 22 shall apply mutatis mutandis.

Section 46 If the Board is of the opinion that any registered preparation does not contain properties as registered or may be unsafe to the users or is a fake psychotropic substance or uses a name different from that which has been registered, the Board shall advise the Minister who shall have the power to revoke the registration of such preparation by issuing a Notification in the Government Gazette.

The decision of the Minister shall be final.

Section 47 In the case where a certificate of registration of preparation is lost or materially damaged the licensee shall inform the competent official of it and file an application for a substitute of certificate of the registration of preparation within fifteen days from the date of the knowledge of such lose of damage.

The application for and the issue of a substitute of certificate of registration of preparation shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

CHAPTER 7

Advertisement

Section 48 A person shall not advertise the psychotropic substances for commercial purpose unless

- (1) such advertisement is made directly to a medical practitioner, first-class practitioner in the branch of dentistry pharmacist or first-class veterinarian or
- (2) it is a label or accompanying leaflet for a psychotropic substance on its container or package.

CHAPTER 8

Competent officials

Section 49 In the performance of duties, a competent official has the power to enter a place of production, place of sale, place of importation, or storage of psychotropic substances during office hours for inspection so as to ensure the execution in accordance with this Act and the power to take an appropriate quantity of psychotropic substances as samples for examination, or may in the case where there is reasonable ground to suspect that an offence under this Act has been committed, seize or attach the psychotropic substances relating to the offence including the containers or packages thereof and relevant documents for the purpose of instituting prosecution.

In the performance of duties of the competent official under paragraph one, the licensee and all persons having the duties in connection with the production, sale importation or storage of psychotropic substances in the place of sale, place of importation, or storage shall provide him with appropriate facilities.

Section 50 In the performance of duties a competent official must produce his identity card at the request of the licensee or the persons concerned.

An identity card of a competent official shall be in accordance with the form prescribed in the Ministerial Regulation.

Section 51 As for the psychotropic substances including the containers or packages thereof and documents seized or attached under Section 48 or in the case of exportation or carrying across of psychotropic substances in violation of this Act. If the owner is not found or the public prosecutor has given the final order of non-prosecution or the Court has not forfeited them in its judgement and the owner or possessor has not claimed them within ninety days from the date of the seizure or attachment or knowledge of the final order of non-prosecution or of the final judgement of the Court they shall become the property of the Ministry of Public Health.

If the thing seized or attached is perishable or if the delay involves risks or storage expenses out of proportion to the price of psychotropic substances, the competent official may, before the expiration of the period under paragraph one, cause the thing seized or attached to be sold and the net proceeds of sale shall be seized in substances, the competent official may, before the expiration of the period under paragraph one, cause the thing seized or attached to be sold and the net proceeds of sale shall be seized in substitute thereof.

Section 52 In the performance of duties, the competent officials shall be officials under the Penal Code.

CHAPTER 9

Suspension and Revocation of Licences

Section 53 Any licensee who violates or fails to comply with this Act or Ministerial Regulations or Notifications issued under this Act, the grantor, upon the recommendation or advice of the Board, has the power to suspend his licence for a period not exceeding recommendation one hundred and twenty days each time but in the case where a licensee has been prosecuted for having committed an offence under this Act, the grantor may suspend his licence pending the final judgement.

The person whose licence has been suspended may not apply for any licence during the suspension thereof.

Section 54 Any licensee who is disqualified or is under any prohibition under Section 14 of the Drugs Act, B.E. 2510 or fails to provide a full-time pharmacist to supervise the business during the working hours under Section 26 paragraph one, the grantor, upon the recommendation or advice of the Board, has the power to revoke his licence.

The person whose licence had been revoked may not apply for any licence until the lapse of two years from the date of revocation, and the grantor may or may not issue him a licence as he thinks fit.

Section 55 The order suspending or revoking a licence shall be made in writing and served to the licensee: in the case where he is not found or refuses to receive the said order, it shall be conspicuously posted at the place of production place of sale or place of importation of psychotropic substance and it shall be deemed that the licensee has been informed of such order as from the date of the posting.

The order suspending or revoking a licence upon paragraph one may be advertised in newspaper or by any other method.

Section 56 The grantor, upon the recommendation or advice of the Board, has the power to cancel the order suspending the licence before the due date when he is satisfied that the licensee whose licence has been suspended has complied with this Act or Ministerial Regulations or Notifications issued under this Act.

Section 57 The licensee whose licence has been suspended or revoked has the right to appeal to the Minister within thirty days from the date of the knowledge of the order. The Minister has the power to dismiss the appeal or amend the order of the grantor in such a way as to be favourable to the appellant.

The decision of the Minister shall be final.

The appeal under paragraph one shall not stay the execution of the order suspending or revoking a licence.

Section 58 The person whose licence has been revoked may sell his remaining psychotropic substance to any other licensee or to a person the grantor thinks fit within sixty days from the date of the knowledge of the order revoking his licence or of the decision of the Minister unless the grantor has granted an extension for a period not exceeding sixty days.

CHAPTER 10

Special Measures of Control

Section 59 It shall be deemed that a preparation containing a psychotropic substance in any Schedule shall also be a psychotropic substance in such Schedule.

Section 60 In the case where a preparation containing psychotropic substances which are specified in more than one Schedule, it shall be deemed that such preparation is the psychotropic substance in the Schedule which is under stricter control than the others.

Section 61 In the case where any preparation.

- (1) contains one or more psychotropic substances in Schedule II, Schedule III or Schedule IV;
- (2) is not likely to be abused;
- (3) contains a psychotropic substance which cannot be extracted for use in such quantity that it is likely to be abused; and
- (4) does not cause danger to health and the public;

The Minister may issue a Notification in the Government Gazette designating it as an exempt preparation: provided that shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

The Minister may issue a Notification cancelling an exempt preparation notified in paragraph two when it appears that such preparation is not in conformity with the rules prescribed under paragraph one.

Section 62 No person except the Ministry of Public Health or the person entrusted by it shall have in possession or utilize any psychotropic substance in any Schedule unless he has received a licence.

The application for and the granting of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

The provisions of Section 20, Section 21, and Section 22 shall apply thereto mutatis mutandis.

⁽¹⁴⁾ **Section 62 bis** No person shall consume any psychotropic substance in Schedule I.

Section 62 ter No person shall consume any psychotropic substance in Schedule II unless he consumes under an order of a medical practitioner or a first class modern practitioner in the branch of dentistry for the purpose of his treatment.

Section 62 quarter No person shall induce, pander to, instigate, deceive or threaten another person to consume any psychotropic substance.

A medical practitioner or a first class modern medical practitioner in the branch of dentistry may advice or compel another person to consume any psychotropic substance for the purpose of his treatment.

Section 63 The provision of section 62 paragraph one shall not apply to

- (1) the possession or utilization in the business of a licensee to produce, sell, import, export or carry across psychotropic substances in Schedule III or Schedule IV;

(14) Section 62 bis, section 62 ter and section 62 quarter have been added by Psychotropic substances Act (No.3) B.E.2535, section 11.

(2) the possession by a person for consumption ingestion or application by any other method of an appropriate quantity of any psychotropic substance in Schedule II, or Schedule III, or Schedule IV; provided that it shall be in accordance with the prescription of a medical practitioner first-class veterinarian in the branch of dentistry or first-class veterinarian in connection with the analysis, healing, relief, cure or prevention of diseases or sickness of such person or his animals;

(3) the possession or utilization in the performance of duties of psychotropic substances in Schedule II, Schedule III, or Schedule IV by the Ministries, Sub-Ministries, Departments, Thai Red Cross Society, Pharmaceutical Organization or such other official institutions as the Minister notifies in the Government Gazette;

(4) the possession or utilization in the performance of duties of psychotropic substance in Schedule I or Schedule II by the person entrusted by the Ministry of Public Health;

(5) the possession of psychotropic substances in Schedule II, Schedule III or Schedule IV in an appropriate quantity necessary for first aid use or for an emergency occurring on a ship, aircraft or other vehicle used in international public transport not registered in the Kingdom if such vehicle is registered in the Kingdom, and application for a licence shall be filed under section 62.

Section 64 In the case where the Minister thinks fit, he may issue a Notification specifying any psychotropic substance in Schedule II, Schedule III or Schedule IV which a medical practitioner first-class practitioner in the branch of dentistry, or first-class veterinarian may, without permission, have in possession the quantity as prescribed by the Minister.

Section 65 A licensee to produce sell, import, export, carry across or have in possession or utilize psychotropic substances must provide adequate measures of control in order that they may not be lost or used illegally.

Section 66 A person who is not a full-time pharmacist supervising the business at the place of production, place of sale, or place of importation of psychotropic substances shall not sell such substance in such place to another person unless it is made under close supervision of the full-time pharmacist of such place.

⁽¹⁵⁾ **Section 67** Under the enforcement of section 68 pharmacists will sell psychotropic substances in schedule III or IV only to Ministries, Sub-Ministries, Departments, Thai Red Cross Society, Pharmaceutical Organization or such other official institutes as Minister notifies the Government Gazette medical practitioners, first class practitioners in the branch of dentistry, first class veterinarians, holders of such prescriptions or persons who have licenses to manufacture, sell or hold psychotropic substances in schedule III or IV only and must have records showing

(15) repealed and replaced by Psychotropic Substances (No.2) B.E.2528, section 3.

the details every sales prescribed in the Ministerial Regulations.

Prescriptions in clause I can be used only one time except prescribes write that they may be repeated but not more than three times and quantities of drugs for each prescription must not be more than quantities that shall be consumed within less than thirty days.

Each prescription must be used not more than thirty days after the issue.

Section 68 In the case where there is no medical practitioner, first-class practitioner in the branch of dentistry, or first-class veterinarian within the radius of five kilometres from an authorized place of sale of psychotropic substances, the full-time pharmacist supervising the business of such place of sale may sell, without a prescription issued the said person, psychotropic substances in Schedule III or Schedule IV for a patient or a sick animal provided that he may, in each case, sell it for use not more than three days a month and shall record the particulars of each sale in the form prescribed in the Ministerial Regulations.

Section 69 In the delivery of psychotropic substances under Section 67 or Section 68, the pharmacist must also deliver to the buyer a warning or caution according to the Notification of the Minister under Section 6 (5).

CHAPTER 11

International Trade

Section 70 In each importation or exportation of psychotropic substances in Schedule I or Schedule II, the person entrusted by the Ministry of Public Health must have first received a specific licence from the grantor.

The application for and the granting of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

Section 71 In each importation of psychotropic substance in Schedule I or Schedule II, the person entrusted by the Ministry of Public Health must cause one copy of the licence issued by the authority of the exporting country to be transmitted together with the psychotropic substances and two copies thereof transmitted directly to the Secretary-General.

The competent official shall endorse the copies of licence under paragraph one by specifying the date of importation and the quantity of the psychotropic substances actually imported and return one copy to the authority of the country granting the licence and return one copy at the Ministry of Public Health.

Section 72 A person shall not send a psychotropic substance in Schedule I or Schedule II to a person or place other than the person or place specified in the licence to import.

Section 73 In the exportation of psychotropic substances in Schedule I or Schedule II,

the person entrusted by the Ministry of Public Health must deliver a licence to import issued by the authority of such country to the Ministry of Public Health in order that his application for a specific licence to export may be considered and the licensee shall in the exportation, enclose one copy of such licence with the psychotropic substance exported.

The Ministry of Public Health shall cause two copies of the specific licence to export the psychotropic substance to be transmitted to the authority of the importing country and the Secretary-General shall cause the examination of the copy of the licence which will be returned later.

Section 74 In carrying across a psychotropic substance in Schedule I or Schedule II, the licensee must have a licence issued by the authority of the exporting country together with the psychotropic substance and must accordingly inform the person in charge of the vehicle carrying it before entering the Kingdom and the person in charge of the vehicle shall take an appropriate measure to prevent the loss or illegal use of the psychotropic substance in the vehicle.

In the case where the active ingredients have been transhipped from a vehicle used for its carriage to another vehicle, the person in charge of such vehicle shall first inform a customs officer at the place accordingly and the customs officer

shall have the duty to supervise such psychotropic substance during the trans-shipment. After the trans-shipment the person in charge of the vehicle receiving the trans-shipment of psychotropic substance shall have the same duty as the person in charge of the vehicle under paragraph one.

Section 75 The provisions of the law on customs in so far as the inspection seizure confiscation or arrest of offenders are concerned shall apply to the importation, exportation or carrying across of psychotropic substances in all Schedules under this Act.

Section 76 In the carrying across of a psychotropic substances in all Schedules, a person shall not change the destination of the psychotropic substance to another destination which is not specified in the export licence which is enclosed with the psychotropic substance unless he has received a written permission from the authority of the country granting such licence and the Secretary General has also given approval thereto.

Section 77 In the case where there is a change in the destination of the psychotropic substance under Section 76 it shall be deemed that such psychotropic substance has been exported from the country granting the licence into the Kingdom and the competent official shall endorse the copies of licence issued by the authority of the exporting country by specifying the date of importation and the quantity of the psychotropic substance actually carried across and return one copy to the authority of the country granting the licence and retain one copy at the Ministry of Public Health.

In the exportation of psychotropic substance to the new destination under paragraph one, the licensee must first deliver the licence issued by the authority of the new importing country to the Ministry of Public Health in order that this application for a specific licence to export may then be considered, and the licensee shall enclose a copy of such licence with the psychotropic substance which will be exported to the new destination.

The Ministry of Public Health shall cause two copies of the specific licence to export the psychotropic substance to be transmitted to the authority of the new importing country and the Secretary-General shall cause the examination of the copy of the licence which will be returned later.

Section 78 In the course of the carrying across of a psychotropic substance in Schedule I or Schedule II or while the psychotropic substance is under the supervision of the customs officer under Section 74 paragraph two, a person shall not convert or transform it or change its package unless he has received a written permission from the Secretary-General.

Section 79 In the case of emergency or necessity, the Secretary-General has the power to relax the measures of control under Section 74 and Section 77 with regard to the carrying across of psychotropic substances as he thinks fit.

⁽¹⁶⁾ **Section 80** In the cases of importations of psychotropic substances in schedule III, holders of such licences and competent officials must practice as according to rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 81 In the importation of psychotropic substance under Section 80, a person shall not send the psychotropic substance in Schedule III to a person or place other than the person or place specified in the declaration of exportation issued by the proper authority of the exporting country.

⁽¹⁷⁾ **Section 82** In the cases of each particular of psychotropic substances in schedule III, a holder of such licence must have one copy of export declaration together with psychotropic substance and send directly two copies to Secretary-General.

The Ministry of Public Health must send one copy of export declaration as first class to competent official of importer.

Section 83 When the Ministry of Public Health has been informed of the prohibition of importation of any psychotropic substance in any Schedule by a foreign country which reports to the Secretary-General of the United Nations of the prohibition of importation thereof into such country, the Minister shall issue a Notification prohibiting such importation in the Government Gazette.

(16) repealed and replaced by Psychotropic Substances Act (No.2) B.E.2528, section 4.

(17) repealed and replaced by Psychotropic Substances Act (No.2) B.E.2528, Section 5.

Section 84 A person shall not export a psychotropic substance to a country which prohibits the importation thereof under Section 83 unless he has received a specific licence from such country and specific license from the Secretary-General.

The application for and the granting of a licence shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

Section 85 The possession of a psychotropic substance in Schedule II, Schedule III or Schedule IV in an appropriate quantity needed for first aid use or for an emergency occurring on a ship, aircraft, or any other vehicle used in international public transport shall be exempted from the measures of control for the importation, carrying across or exportation under this Act.

Section 86 A person in charge of a vehicle under section 85 must provide an appropriate measure to prevent the loss or illegal use of the psychotropic substance in such vehicle.

Section 87 Persons entrusted by the Ministry of Public Health or licensees under Section 16, Section 19 or Section 62, including the Ministries, Sub-Ministry, Departments, Thai Red Cross Society, Pharmaceutical Organization and other official institutions as the Minister notifies in the Government Gazette, which carry out the business with regard to the production, sale, importation, carrying across or possession of psychotropic substances which are not exempt preparations must cause the acquisition and disposal of psychotropic substances to be recorded and submit monthly and annual reports to the Secretary-General. Such record shall, at least within two years from the date of the last entry of a particular be kept and available for production to a competent official all the time during the office hours.

The record of acquisition and disposal or psychotropic substances and the reports under paragraph one shall be in accordance with the forms prescribed in the Ministerial Regulations.

Section 88* When it appears that a person is addicted to a psychotropic substance, the Secretary-General or the person entrusted by him upon the recommendation or advice of the Board, has the power to commit such person for treatment or rehabilitation and restoration of ability for a period of one hundred and eighty days in a clinic or rehabilitation home as he thinks fit. In the case where it is necessary for the treatment or rehabilitation and restoration of ability, the Secretary-General or the person entrusted by him may grant an extension for a period of not more than one hundred and eighty days.

The Ministry of Public Health shall have the duty to provide appropriate treatment, education, training, after-care or rehabilitation and restoration of ability for the persons referred

* paragraph three of section 88 has been repealed by Psychotropic Substances (No.3) B.E.2535, section 12.

to in paragraph one in order that such person may be socially reintegrated, free from addiction to the psychotropic substance.

CHAPTER 12

Penalties Provisions

⁽¹⁸⁾ **Section 89** Any person who violates section 13 paragraph one or section 13 bis paragraph one shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand Baht.

Section 90 Any person who violated Section 16 paragraph one shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand Baht.

Section 91 Any licensee under Section 16 or who continues the business after the expiration of his licence without filing an application for its renewal shall be liable to a fine of two hundred Baht a day as from the day following the date of the expiration of the licence until the date of the application for its renewal is filed.

Section 92 Any licensee who violates Section 24 or Section 32 paragraph one or fails to comply with Section 67 shall be liable to a fine not exceeding fifty thousand Baht.

Section 93 Any licensee who fails to comply with Section 26 paragraph one shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

Section 94 Any person who violates Section 26 paragraph two shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

Section 95 Any licensee who fails to comply with Section 27, Section 28 or Section 29 shall be liable to a fine of twenty thousand Baht to one hundred thousand Baht.

⁽¹⁹⁾ **Section 96** Any licensee who fails to comply with Section 30 paragraph one, Section 31 or Section 47 paragraph one shall be liable to a fine not exceeding ten thousand Baht.

Section 97 Any pharmacist in charge of duties who deserts his duties in respect of the supervision of the business of the licensee without justification or fails to discharge his duties under Section 33, Section 34 or Section 35 shall be liable to a fine of ten thousand to fifty thousand Baht.

(18) repealed and replaced by Psychotropic Substances Act (No.3) B.E.2535, section 13.

(19) repealed and replaced by Psychotropic Substances Act (No.3) B.E.2535, section 14.

Section 98 Any person who produces or imports any fake psychotropic substance in violation of 36 (1) shall be liable to imprisonment for a term of five to fifteen years and to a fine of one hundred thousand to three hundred thousand Baht.

Any person who sells any fake psychotropic substance in violation of Section 36 (1) shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht.

Any person who sells or imports any fake psychotropic substance without the knowledge of it being fake shall be liable to a fine of ten thousand to fifty thousand Baht.

Section 99 Any person who produces or imports any psychotropic substance, which is not in conformity with the standard or any psychotropic substance the registration of preparation of which has been revoked by the Minister, which is in violation of Section 36 (2) or (5), shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht.

Any person who sells any psychotropic substance which is not in conformity with the standard or any psychotropic substance the registration of preparation of which has been revoked by the Minister, which is in violation of Section 36 (2) or (5), shall be liable to imprisonment for a term of six months to five years and to a fine of ten thousand to one hundred thousand Baht.

Any person who sells or imports any psychotropic substance which is not in conformity with the standard or any psychotropic substance the registration of preparation of which has been revoked by the Minister, without the knowledge of it not being in conformity with the standard or that the registration of preparation of which has been revoked by the Minister shall be liable to a fine not exceeding fifty thousand Baht.

Section 100 Any person who sells or imports any deteriorated psychotropic substance in violation of Section 36 (3), shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

If the offender under paragraph one did it without the knowledge of it being a deteriorated psychotropic substance, he shall be liable to a fine not exceeding thirty thousand Baht.

Section 101 Any person who produces, sells or imports any psychotropic substance which must be registered but has not yet been registered, which is in violation of Section 36 (4), shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both.

Section 102 Any licensee who fails to comply with Section 40 paragraph one, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both.

Section 103 Any person who violates Section 42, paragraph one shall be liable to a fine not exceeding twenty thousand Baht.

⁽²⁰⁾ **Section 104** Any person who violates section 48, section 72, section 76, section 78 or section 84 paragraph one shall be liable to imprisonment for less than three years or a fine for less than sixty thousand Baht or both.

Section 105 Any person who fails to provide appropriate facilities to a competent official in the performance of his duties under Section 49 paragraph two shall be liable to a fine not exceeding one thousand Baht.

⁽²¹⁾ **Section 106** Any person who has in possession or utilizes any psychotropic substance in Schedule I or Schedule II in violation of section 62 paragraph one shall be liable to imprisonment for a term of one to five years and to a fine not exceeding twenty thousand Baht or to both.

Any person who has in possession or utilizes any psychotropic substance in Schedule III or Schedule IV in violation of section 62 paragraph one or any person who violates section 81 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

⁽²²⁾ **Section 106 bis** Any person who has in possession or utilizes any psychotropic substance in Schedule I or Schedule II, which violates section 62 paragraph one, in quantity exceeding that prescribed by the Minister under section 6 (7 bis)* shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand Baht.

Section 106 ter Any person who violates section 62 bis, or section 62 ter shall be liable to imprisonment for a term of one to five years and to a fine of twenty thousand to one hundred thousand Baht.

Section 106 quarter Any person who violates section 62 quarter shall be liable to imprisonment for a term of two to ten years and to a fine of forty thousand to two hundred thousand Baht.

In the case where the act in violation of section 62 quarter is committed against a woman or person who is not sui juris or committed for the purpose of persuading other persons to commit a crime or facilitating himself or other persons to commit a crime, the offender shall be

(20) repealed and replaced by Psychotropic Substances Act (No.2) B.E.2528, section 6.

(21) repealed and replaced by Psychotropic Substances Act (No.3) B.E.2535, section 15.

(22) Section 106 bis, section 106 ter and section 106 quarter have been added by Psychotropic Substances Act (No.3) B.E.2535, section 16.

liable to imprisonment for a term of three years to imprisonment for life and to a fine of sixty thousand to five hundred thousand Baht.

Section 107 Any person who violates Section 66 shall be liable to a fine of ten thousand to fifty thousand Baht.

Section 108 Any pharmacist who sells psychotropic substance in violation of Section 67 paragraph one or Section 68 shall be liable to a fine of ten thousand to fifty thousand Baht.

Section 109 Any pharmacist who fails to record items under Section 67 paragraph one or Section 68 or fails to comply with Section 69 shall be liable to a fine not exceeding one thousand Baht.

Section 110 Any licensee who fails to comply with Section 71 paragraph one, Section 73 paragraph one, Section 74 paragraph one, Section 77 paragraph two or Section 82 paragraph one shall be liable to a fine not exceeding one thousand Baht.

Section 111 Any person in charge of a vehicle who fails to perform his duty under Section 74 shall be liable to a fine not exceeding fifty thousand Baht.

Section 112 Any person in charge of a vehicle used in international public transport who fails to comply with Section 86 shall be liable to a fine not exceeding fifty thousand Baht.

Section 113 Any licensee who fails to comply with Section 87 paragraph one shall be liable to a fine not exceeding twenty thousand Baht.

Section 114 Any addict to a psychotropic substance who refuses to accept treatment or rehabilitation and restoration of ability according to an order of the Secretary-General or the person entrusted by him under Section 88 paragraph one shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding ten thousand Baht or to both, and such person shall, after having been punished, be committed for treatment or rehabilitation and restoration of ability in accordance with the original order.

Section 115 Any person under treatment or rehabilitation and restoration of ability according to an order of the Secretary-General or the person entrusted by him under Section 88 paragraph one, escapes from the clinic or rehabilitation home shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding ten thousand Baht or to both, and such person shall, after having been punished, be committed for treatment or rehabilitation and restoration of ability in accordance with the original order.

Section 116 Whenever a punishment has been inflicted under Section 89, Section 90, Section 98, Section 99, Section 100 or Section 101, all psychotropic substances, tools and equipment used in their production including containers or packages connected with the offence shall be forfeited and forwarded to the Ministry of Public Health for destruction or management as it thinks fit.

Section 117 The Secretary-General or the person entrusted by him shall have the power to settle all offences punishable only with fines under this Act.

Transitory Provisions

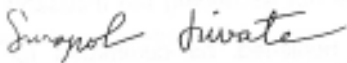
Section 118 A licensee to produce, sell or import any drug which is psychotropic substance or contains a psychotropic substance under the law on drugs on the date this Act comes into force may continue his business until his licence expires and if he wishes to continue business thereafter, he shall file an application for a licence under this Act within sixty days from the date this Act comes into force. Within the aforesaid period, the applicant may continue his business for the time being, but if the grantor issues a written order refusing to grant him a licence, such person shall not be entitled to continue his business as from the date of the knowledge of the order and the provisions of Section 58 shall apply mutatis mutandis thereto.

Section 119 All drugs which, being psychotropic substances or containing psychotropic substances, have been duly produced, sold or imported under the law on drugs or the law on harmful habit forming drugs on the date this Act comes into force shall not be required to have the statement "psychotropic substance" under Section 27 (3) within one year from the date this Act comes into force.

Countersigned by

Sanya Dharmasakti
Prime Minister

Certified correct translation



(Surapol Trivate)

Legal and Scientific Detection Division
Office of the Narcotics Control Board
Office of the Prime Minister



THE SCHEDULE ANNEXED TO

The Notification of the Ministry of Public Health, No. 97 (B.E.2539) in regard with specifying the names and the categories of psychotropic substances under the Psychotropic Substances Act B.E.2518 (1975).

Schedule 1

1. CATHINONE ((-)-a-Amino-propiofenone)
2. DET (N,N-Diethyltryptamine)
3. DMHP (3-(1,2Dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)
4. DMT (N,N-Dimethyltryptamine)
- ⁽¹⁾5. (repealed)
6. 4-METHYL AMINOREX((+)-cis-2-Amino-4-methyl-5-phenyl-2-oxazoline or (+)-cis-4,5-Dihydro-4-methyl-5-Phenyl-2-oxazolamine)
- ^(*)7. (repealed)
- ^(*)8. (repealed)
9. PARAHXYL (3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d]pyran)
10. PCE (N-ethyl-1-phenylcyclohexylamine)
11. PHP or PCPY (1-(1-Phenylcyclohexyl)pyrrolidine)
12. PSILOCINE (3-(2-Dimethylaminoethyl)-4-hydroxyindole)
13. PSILOCYBINE (3-(2-Dimethylaminoethyl)-indol-4-yl dihydrogen phosphate)
- ^(**)14. (repealed)
15. TCP (1-[1-(2-Thienyl)cyclohexyl]piperidine)
16. TETRAHYDROCANNABI-NOL (1-hydroxy-3-pentyl-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)

Published in the Government Gazette, Vol. 92 (Special Edition) Part. 5, dated 9th January B.E.2518 (1975).

(1) serial Number 5 was repealed by the Notification of the Ministry of Public Health (Number 110) B.E.2542, published in the Government Gazette, Vol. 116, Part. 78D, dated 30th September 2542, and was moved in serial number 19 of the same category

(*) (**) Serial number 7, 8, 14 was repealed by the Notification of the Ministry of Public Health (Number 109) B.E. 2542, published in the Government Gazette, Vol.116, Part 48 D, dated 17th June B.E. 2542 (1999).

- ⁽²⁾17. ETRYPTAMINE (3-(2-aminobutyl)indole)
 18. METHCATHINONE (2-(methylamino)-1-phenylpropan-1-one.)
⁽³⁾19. Mescaline and Mescaline Derivatives (3,4,5-Trimethoxy phenethylamine)
⁽⁴⁾20. GHB (Gamma-hydroxybutyrate)

Schedule 2

1. AMFEPRAMONE (2-(Diethylamino)propio-phenone)
2. BROtizolam (2-Bromo-4-(2-chlorophenyl)-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo-[4,3-a][1,4]diazepine)
3. CATHINE or NORPSEUDOEPHEDRINE (d-threo-2-Amino-1-hydroxy-1-phenylpropane)
4. EPHEDRINE (1R,2S)-2-methylamino-1-phenylpropan-1-ol hemihydrate)
5. ESTAZOLAM (8-chloro-6-phenyl-4H-s-triazolo[4,3-a][1,4] benzodiazepine)
6. N-ETHYLAMPHETAMINE (N-Ethyl-α-methylphenethylamine)
7. FENCAMFAMIN ((+)-N-Ethyl-3-phenylbicyclo-(2,2,1)-heptan-2-amine)
8. FENETHYLLINE ((+)-3,7-Dihydro-1,3-dimethyl-7-(2-[(1-methyl-2-phenyl-ethyl)amino]-ethyl)-1H-purine-2,6-dione)
9. FLUNITRAZIPAM (5-(o-Fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one)
10. FLURAZEPAM (7-chloro-1-[2-(diethylamino)ethyl]-5-(o-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one dihydrochloride)
11. HALOXAZOLAM (10-Bromo-11 b-(o-fluorophenyl)-2,3,7,11 b-tetrahydrooxazolo [3,2-d][1,4]-benzodiazepin-6(5H)-one)
12. LOPRAZOLAM (6-(o-Chlorophenyl)-2,4dihydro-2-[(4-methyl-1-piperazinyl) methylene]-8-nitro-1H-imidazo[1,2-a][1,4]benzodiazepin-1-one)
13. LORMETAZEPAM (7-Chloro-5-(o-Chbrophephenyl)-1,3-dihydro-3-hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one)
14. MAZINDOL (5-(p-Chlorophenyl)-2,5-dihydro-3H-imidazo-[2,1-a]-isondol-5-OI)
15. METHYLPHAENIDATE (2-Phenyl-2-(2-piperidyl) acetic acid, methyl ester)

(2) Serial number 17-18 was added by the Notification of the Ministry of Public Health (Number 97) B.E.2540, published in the Government Gazette, Vol.114, Part.18D.Dated 4th March B.E.2540 (1997)

(3) Serial number 19 was added by the Notification of the Ministry of Public Health (Number 110) B.E.2542, see further detail in the schedule annexed to the Notification of the Ministry of Public Health

(4) Serial number 20 was added by the Notification of the Ministry of Public Health (Number 118) B.E.2544, published in the Government Gazette, Vol. 118 Part.115D,Dated 22nd November B.E.2544 (2001)

16. MIDAZOLAM (8-Chloro-6-(2-fluorophenyl)-1-methyl-4H-imidazo-(1,5-a)(1,4) benzodiazepine)
17. NIMETAZEPAM (1,3-Dihydro-1-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one)
18. NITRAZEPAM (1,3-Dihydro-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one)
19. PEMOLINE (2-Amino-5-phenyl-4(5H)-oxazolone)
20. PHENCYCLIDINE (1-(1-Phenyl-cyclohexyl)-piperidine)
21. PHENDIMETRAZINE ((+)-3,4-Dimethyl-2-phenylmorpholine)
22. PHENMETRAZINE (3-Methyl-2 phenylmor-pholine)
23. PHENTERMINE (a,a-Dimethylphenethylamine)
24. PIPRADROL (1,1-Diphenyl-1-(2-piperidyl)-methanol)
- ⁽⁵⁾25. (repealed)
26. QUAZEPAM (7-Chloro-5-(2-fluorophenyl)-1,3-dihydro-1-(2,2,2-trifluoroethyl)-2H-1,4-benzodiazepine-2-thione)
27. SECOBARBITAL (5-Allyl-5-(1-methylbutyl)barbituric acid)
28. TEMAZAPAM (7-Chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one)
29. TRIAZOLAM (8-Chloro-6-(o-Chlorophenyl)-1-methyl-4H-S-triazolo[4,3-a][1,4] benzodiazepine)
30. ZOPIDEM (N,N,6-Trimethyl-2-(4-methylphenyl)-imidazo[1,2-a]pyridine-3-acetamide)
31. ZOPICLONE (4-Methyl-1-piperazinecarboxylic acid-6-(5-chloro-2-pyridinyl)-6,7-dihydro-7-oxo-5H-pyrrolo[3,4-b]pyrazin-5-yl ester)
- ⁽⁶⁾32. ZIPEPROL (a-(a-methoxybenzyl)-4-(b-methoxy-phenethyl)-1-piperazineethanol)
33. AMINOREX (2-amino-5-phenyl-2-oxazoline)
34. MESOCARB (3-(methylphenethyl)-N-(phenyl-carbamoyl) sydnone imine)
- ⁽⁷⁾35. KETAMINE (Cyclohexanone,2-(2-chlorophenyl)-2-(methylamino))
36. BUTORPHANOL (17-cyclobutymethyl)morphinan3,14-diol)
- ⁽⁸⁾37. (repealed)

(5) Serial number 25 was added by the Notification of the Ministry of Public Health (Number 117) B.E.2544, published in the Government Gazette, general edition, Vol. 118, Part 20D (Special Issue), dated 28th February 2544 (2001)

(6) Serial number 32, 33 and 34 was added by the Notification of the Ministry of Public Health (Number 98) B.E.2540, published in the Government Gazette, Vol. 114, part 18D, dated 4th March 2540 (1997)

(7) Serial number 35 was added by the Notification of the Ministry of Public Health (Number 106) B.E.2541, published in the Government Gazette, Vol.115 .Part .87D (Special Issue), dated 30th September B.E.2541 (1998)

(8) Serial number 37 was added by the Notification of the Ministry of Public Health (Number 117) B.E.2544, Published in the Government Gazette, (Special Issue) general edition, Vol. 118, Part.20D, dated 28th February 2544 (2001)

- ⁽⁹⁾38. ZALEPLON (N-(3-(3-Cyanopyrazolo(1,5-a)pyrimidin-7-yl)phenyl)-N-ethylacetamide)
- ⁽¹⁰⁾39. PSEUDOEPHEDRINE ((+)-(1S,2S)-2-Methyl-amino-1-phenylpropan-1-ol) except Combined Drug
40. PHENYLPROPANOLAMINE (a-1-Amino-ethyl)enzenemethanol)
- ⁽¹¹⁾41. Amineptine(7-[10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid)

Schedule 3

1. AMO BARBITAL (5-Ethyl-5-(3-methylbutyl)barbituric acid)
2. BUPRENORPHINE (21-Cyclopropyl-7-a-[(s)-1-hydroxy-1,2,2-trimethylpropyl]-6,14-endo-ethano6,7,8,14-tetrahydrooripavine)
3. BUTALBITAL (5-Allyl-5-isobutylbarbituric acid)
4. CYCLOBARBITAL (5-(1-Cyclohexen-1-yl)-5-ethylbarbituric acid)
5. GLUTETHIMIDE (2-Ethyl-2-phenyl-glutarimide)
6. MEPROBAMTAE (2-Methyl-2-propyl-1,3-propanediol dicarbamate)
7. PENTAZOCINE (1,2,3,4,5,6-Hexahydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6methano-3-benzanocin-8-ol)
8. PENTOBARBITAL (5-Ethyl-5-(1-methylbutyl)barbituric acid)

Schedule 4

1. ALLOBARBITAL (5,5-diallylbarbituric acid)
2. ALPRAZOLAM (8-Chloro-1-methyl-6-phenyl-4H-s-trizolo[4,3-a][1,4]benzodiazepine)
3. BARBITAL (5,-5-diethylbarbituric acid)
4. BENZPHETAMINE (N-benzyl-N,a-dimethyl-phenethylamine)
5. BROMAZEPAM (7-bromo-1,3-dihydro-5-(2-Pyridyl)-2H-1,4-benzodiazepin-2-one)
6. BUTOBARBITAL (5-butyl-5-ethylbarbituric acid)
7. CAMAZEPAM (7-Chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4 benzodiazepin-2-one dimethylcarbamate)

(9) Serial number 38 was added by the Notification of the Ministry of Public Health (Number 113) B.E. 2543, Published in the Government Gazette, general edition, Vol. 117, Part.83D (Special Issue), dated 22nd August 2543 (2000)

(10) Serial number 39 and 40 was added by the Notification of the Ministry of Public Health (Number 117) B.E.2544, published in the Government Gazette, general edition, Vol.118, Part.20D (Special Issue), dated 28th February 2544 (2001)

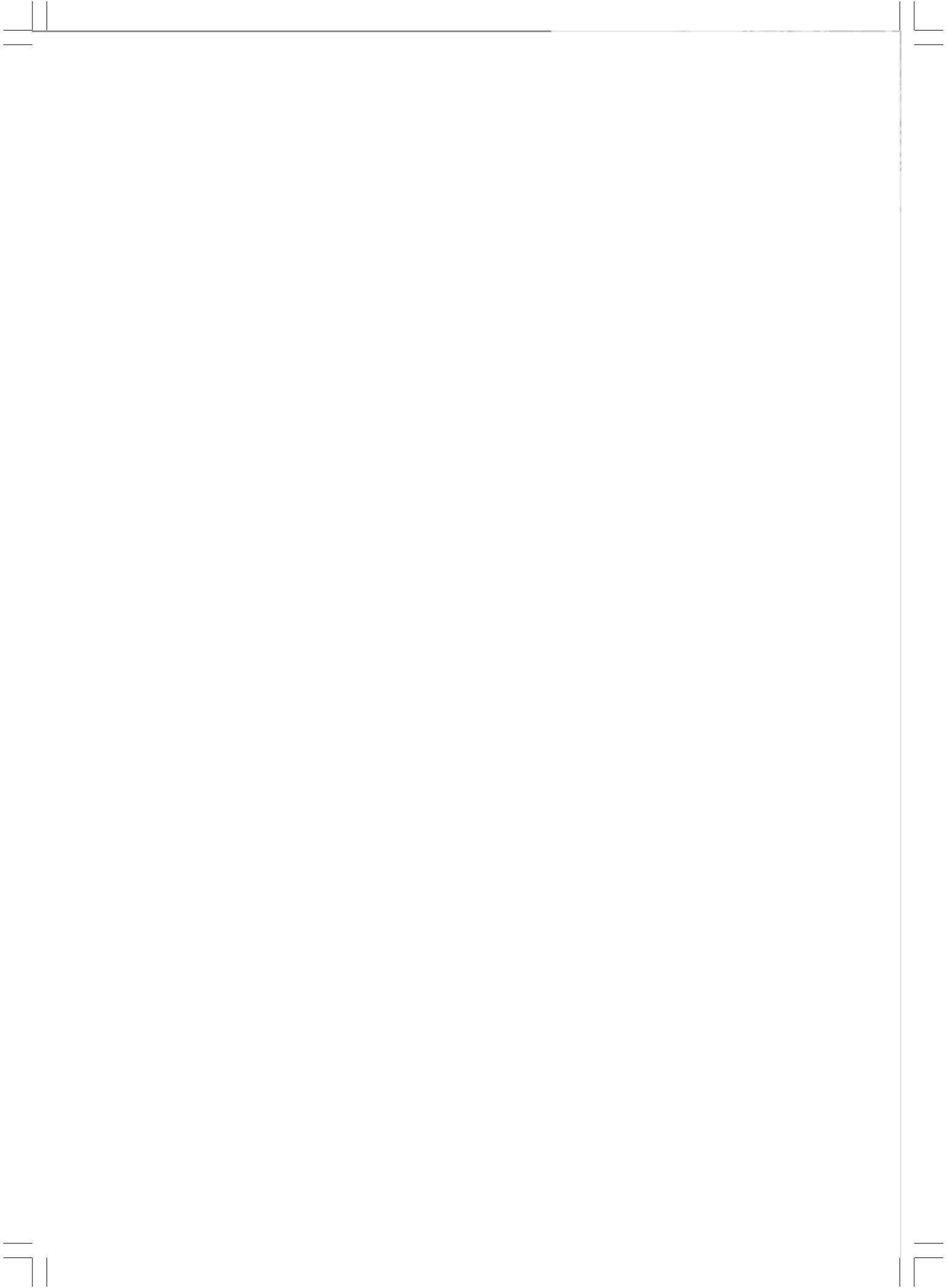
(11) Serial number 41 was added by the Notification of the Ministry of Public Health (Number 122) B.E.2547, in regard with specifying the names and the categories of psychotropic substance (addition) issuance by the psychotropic substances, Act B.E.2518, published in the Government Gazette, Vol.121, Part.37D (Special Issue), dated 31st March 2547(2006)

8. Chloral hydrate and its adducts
9. CHLORDIAZEPOXIDE (7-chloro-2-(methylamino-5-phenyl)-3H-1,4-benzodiazepine-4-oxide)
10. CHLORPHENTERMINE (4-chloro- α,α -dimethylphenethylamine)
11. CLOBAZAM (7-Chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepine-2,4-(3H,5H)-dione)
12. CLONAZEPAM (5-(o-Chlorophenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one)
13. CLORAZEPATE (Potassium 7-Chloro-2,3-dihydro-2-oxo-5-phenyl-1H-1,4-benzodiazepine-3-carboxylate or Potassium 7-Chloro-2,3-dihydro-2-oxo-5-phenyl-1H,1,4-benzodiazepine-3-carboxylate compound with potassium hydroxide (1:1))
14. CLORTERMINE (2-chloro- α,α -demethyl benzeneethanamine)
15. CLOTIAZEPAM (5-(o-Chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno[2,3-e]-1,4-diazepin-2-one)
16. CLOXAZOLAM (10-Chloro-11b-(o-chlorophenyl)-2,3,7,11b-tetrahydro-oxazolo[3,2-d][1,4]-benzodiazepin-6(5H)-one)
17. DIAZEPAM (7-Chloro-1,3-hydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one)
18. DELORAZEPAM (7-Chloro-5(o-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one)
19. ETHCHLORVYNOL (ethyl-2-chlorovinyl-ethinylcabinol)
20. ETHINAMATE (1-ethinylcyclohexanol carbamate)
21. ETHYL LOFLAZEPATE (Ethyl-7-chloro-5-(o-fluorophenyl)2,3-dihydro-2-oxo-1H,4-benzodiazepine-3-carboxylate)
22. FENPRORPOREX (\pm)-3-[(α -methylphenethyl)amino]propionitrile)
23. FLUDIZEPAM (7-Chloro-5-(o-fluorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one)
24. HALAZEPAM (7-Chloro-1,3-dihydro-5-phenyl-1-((2,2,2)-trifluoroethyl)-2H-1,4-benzodiazepin-2-one)
25. INORGANIC BROMIDES except Lithium Bromide and Potassium Bromide Technical grade
26. KETAZOLAM (11-Chloro-8,12b-dihydro-2,8-dimethyl-12b-phenyl-4H-[1,3]-oxazino[3,2-d]-[1,4]benzodiazepine-4,7(6H)-dione)
27. LORAZEPAM (7-Chloro-5(o-chlorophenyl)-1,3-dihydro-3-hydroxy-2H-1,4-benzodiazepin-2-one)
28. MEDAZEPAM (7-Chloro-2,3-dihydro-1-methyl-5-phenyl-1H-1,4-benzodiazepine)

29. MEFENOREX ((±)-N(3-Chloropropyl)-OC-methyl-5-phenyl-1H-1,4-benzodiazepine)
30. METHYPRYLON (3,3-diethyl-5-methyl-2,4-piperidinedione)
31. METHYPHENO BARBITAL (5-ethyl-1-methyl-5-phenylbarbituric acid)
32. NORDAZEPAM (7-Chloro-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one)
33. OXAZEPAM (7-Chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1,4-benzodiazepin-2-one)
34. OXAZOLAM (10-Chloro-2,3,7-11b-tetrahydro-2-methyl-11b-phenyloxazolo[3,2-d][1,4] benzodiazepin-6(5H)-one)
35. PERLAPINE (6-(4-methyl-1-piperazinyl)-11H-bidenz[b,e]azepine)
36. PHENOBARBITAL (5-ethyl-5-phenylbarbituric acid)
37. PINAZEPAM (7-Chloro-1,3-dihydro-5-phenyl-1-(2-propynyl)-2H-1,4-benzodiazepin-2-one)
38. PRAZEPAM (7-Chloro-1-(cyclopropylmethyl)-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one)
39. PROPYLHEXEDRINE ((±)-N,a-Dimethyl-cyclohexamne-ethylamine)
40. PYROVALERONE ((±)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-pentanone)
41. SEC BUTABARBITAL (5-sec-butyl-5-ethylbarbituric acid)
42. SPA ((-)-1-dimethylamino-1,2-diphenylethane)
43. TETRAZEPAM (7-Chloro-5(cyclohexen-1-yl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one)
44. TOFISOPAM (1-(3,4-Dimethoxyphenyl)-5-ethyl-7,8-dimethoxy-4-methyl-5H-2,3-benzodiazepine)
45. VINYLBITAL (5-(1methylbutyl)-5-vinylbarbituric acid)

Emergency Decree on Controlling the Use
of Volatile Substances B.E. 2533 (1990)





**Emergency Decree on
Controlling the Use of Volatile
Substances B.E. 2533* (1990)**

BHUMIBOL ADULYADEJ, REX.

**Given on the 17th Day of January B.E. 2533;
Being the 45th Year of the Present Reign.**

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that :
Whereas it is expedient to have a law on controlling the use of volatile substances;
By virtue of section 157 of the Constitution, be it, therefore, enacted by the King as follows;

Section 1 This Emergency Decree is called the “Emergency Decree on Controlling the Use of Volatile Substances B.E. 2533”.

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

Section 3 In this Emergency Decree,
“volatile substances” means chemicals or materials as notified by the Minister in the Government Gazette; ⁽¹⁾

“volatile substance addict” means a person who takes volatile substance regularly to satisfy physical or mental need and this can be proved according to theory;

“produce” means manufacture, mix or prepare and includes transform, repackage or combine-package;

“treatment” means any act for the treatment of volatile substance addict including rehabilitation and follow-up of the treatment result;

“sell” includes dispose, distribute, give away indiscriminately or exchange but all these for commercial purpose or for the purpose of sale;

“import” means bring or order into the Kingdom;

“institutions for treatment” means institutions for treatment as notified by the Minister under section 4;⁽²⁾

* Published in the Government Gazette Vol.107, Part 13, dated 19th January B.E.2533 (1990).

(1) Notification of Ministry of Public Health and Ministry of Industry No.14 (B.E.2538) Specifying names, categories and containing quantities of volatile substances.

(2) Notification of Ministry of Public Health and Ministry of Industry No.4 (B.E.2533) and No.6 (B.E.2534) prescribing institutions for treatment of volatile substance addict.

“Committee” means Volatile Substance Control Committee;

“competent official” means a person appointed by the Minister for the execution of this Emergency Decree;

“Minister” means the Minister having charge and control of the execution of this Emergency Decree.

Section 4 The Minister shall have the power to notify in the Government Gazette,

(1) to specify names, categories and containing quantities of volatile substances which the Minister considered that they can be used or have been used to satisfy physical or mental need;

(2) to repeal or modify names, categories or containing quantities of volatile substances;

(3) to prescribe institutions for treatment of volatile substance addict;

(4) to prescribe other rules for the execution of this Emergency Decree.

⁽³⁾ **Section 5** There shall be the “Volatile Substance Control Committee”, consisting the Permanent-Secretary of Ministry of Public Health as Chairman, representative of Ministry of Commerce, representative of Ministry of Education, representative of Ministry of Industry, Director-General of the Police Department or representative, Director-General of Department of Medical Services or representative, Director-General of Department of Probation or representative, Director-General of Department of Public Welfare or representative, Director-General of Department of Medical Sciences or representative, Secretary-General of Narcotics Control Board or representative, Secretary-General of the Food and Drug Administration or representative and not more than five but not exceed seven qualified members appointed by the minister, as members.

The Deputy Secretary-General of the Food and Drug Administration assigned by the Secretary-General of the Food and Drug Administration shall be member and secretary and the Director of Narcotics Control Division of the Food and Drug Administration shall be member and assistant secretary.

Section 6 Ex-officio members shall hold office for a term of two years, and members who vacate office may be reappointed.

Section 7 An ex-officio member vacates office before the end of term upon :

(1) death;

(2) resignation;

(3) being removed by the Council of Ministers;

(4) being an insolvent person;

(3) repealed and replaced by the Act for Amending Emergency Decree on Controlling the Use of Volatile Substances B.E.2533, B.E.2542, section 3.

- (5) being an incompetent or quasi-incompetent person;
- (6) being imprisoned by a final judgement to a term of imprisonment with the exception of an act committed by negligence or a petty offence;
- (7) being suspended or revoked the licence for conducting medical services or medical treatment.

The member who is appointed to fill the vacancy or as additional member shall hold office for the remaining term of other members.

Section 8 At a meeting of the Committee, the presence of not less than one-half of the total number of members of the Committee is required to constitute a quorum. If the Chairman does not attend or cannot perform the duty, the members present shall elect one among themselves to preside over the meeting.

The decision shall be made by a majority of votes.

Each member shall have one vote. In case of an equality of votes, the Chairman shall have an additional vote as a casting vote.

Section 9 The Committee shall have powers and duties to submit recommendations and opinions to the Minister in the following matters :

- (1) to issue notification under section 4;
- (2) to issue policy or measures for controlling of volatile substances or treatment;
- (3) to issue rules regarding treatment and restraint of volatile substance addicts in the institution for treatment;
- (4) to issue Ministerial Regulations under this Emergency Decree;
- (5) other matters as assigned by the Minister.

Section 10 The Committee may appoint a sub-committee to carry out any act under its powers and duties as entrusted, and section 8 shall apply to the meeting of sub-committee *mutatis mutandis*.

Section 11 After prescribing the institutions for treatment of volatile substance addicts, the Minister shall issue rules regarding treatment and restraint of volatile substance addicts therein.

The rules in paragraph one shall come into force after its publication in the Government Gazette.

⁽⁴⁾ **Section 12** Producer of volatile substances shall provide picture, sign or content on container or package of volatile substances for the purpose of warning the use of volatile

(4) Ministerial Regulation issued section 12 and section 13 is the Ministerial Regulation No.1 (B.E.2534) by virtue of Emergency Decree on Controlling the Use of Volatile Substances B.E.2535 (1990).

substances according to rules, methods and conditions as prescribed in the Ministerial Regulation.

⁽⁵⁾ **Section 13** Importer of volatile substances shall provide picture, sign or content on container or package of volatile substances for the purpose of warning the use of volatile substances according to rules, methods and conditions as prescribed in the Ministerial Regulation.

Section 14 Volatile substances for sale shall have picture, sign or content which the producer or importer provides on container or package according to section 12 or section 13.

Section 15 No person shall sell any volatile substance to a person not exceeding 17 years of age except in case of sale by educational institute for the purpose of education.

Section 16 No person shall sell, provide or give volatile substance to a person whom he knows or should know that such person is a volatile substance addict.

Section 17 No person shall use volatile substance for treatment of bodily or mental need whether by inhaling, smelling or by whatever means.

Section 18 No person shall induce, instigate or use fraudulent or deceitful means to cause other person to use volatile substance for treatment of bodily or mental need whether by inhaling, smelling or by whatever means.

Section 19 In performing duties, competent officials may enter the producing, importing, selling or storing place of volatile substances during its business hours to inspect the execution of this Emergency Decree and in case where there is a reasonable ground to believe that an offence under this Emergency Decree has been committed, the competent officials may seize the volatile substance, container or package of volatile substance or any relevant documents for the purpose of prosecution.

In carrying the duties under paragraph one, the producer, importer or seller of volatile substances and any other concerned persons in the producing, importing or selling place shall render facilities to the competent officials as may be reasonable.

Section 20 In performing the duties, the competent officials shall produce the identification document when the relevant person requests so.

Section 21 In carrying out duties, the competent officials shall be the competent officials under the Penal Code.

Section 22 Any producer, importer or seller of volatile substance who violates section 12, section 13 or section 14 shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand Baht or both.

(5) Ministerial Regulation issued section 12 and section 13 is the Ministerial Regulation No.1 (B.E.2534) by virtue of Emergency Decree on Controlling the Use of Volatile Substances B.E.2535 (1990).

⁽⁶⁾ **Section 23** Any person who violates section 15 shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand Baht or both.

⁽⁷⁾ **Section 23 bis** Any person who violates Section 16 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand Baht or both.

⁽⁸⁾ **Section 24** Any person who violates section 17 or section 18 shall be liable to imprisonment of not exceeding two years or a fine not exceeding twenty thousand Baht or both.

Section 25 Any person who impedes or fails to render facilities to the competent officials according to section 19 paragraph two shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding one thousand Baht or both.

⁽⁹⁾ **Section 25 bis** In the case where there is the seizure of volatile substances under section 19 paragraph one or by virtue of other laws and no court proceeding has been instituted on account of no offender and staying the inquiry by the prosecutor or on account of a non-prosecution order by the prosecutor, if within ninety days as from the date of the seizure, no person claims to be the owner thereof, such volatile substances shall devolve on the Ministry of Public Health, then they may be destroyed or utilized by the Ministry of Public Health or person entrusted in accordance with the rules prescribed by the Ministry of Public Health.

In the case where person who claims to be the owner under paragraph one can prove to the Committee that he is a real owner and does not connive at the commission of the offence, the committee shall order to return the volatile, substances to the owner, if, such volatile substances are still in possession of the Competent official.

⁽¹⁰⁾ **Section 25 tri** In the case where the court proceeding has been instituted for volatile substances and no contend about the types categories or the containing quantities of volatile substances, if the court of First Instance has a decision or an order to seize the volatile substances under criminal law or by virtue of other laws and, within the period of thirty days from the date of decision or the order to seize such volatile substances, there is no offer that the real owner does not connive at the commission of the offence, the Ministry of Public Health or person entrusted by the Ministry of Public Health may destroy or utilize them in accordance with the rules prescribed by the Ministry of Public Health.

(6) repealed and replaced by the Act for Amending Emergency Decree on Controlling the Use of Volatile Substances B.E.2533, B.E.2542, section 4.

(7) added by the Act for Amending Emergency Decree on Controlling the Use of Volatile Substances B.E.2533, B.E.2542, section 5.

(8) repealed and replaced by the Act for Amending Emergency Decree on Controlling the Use of Volatile Substances B.E.2533, B.E.2542, section 6.

(9) Added by section 3 of the Emergency decree on controlling the use of volatile Substances (No.2) B.E.2543 (2000).

(10) Added by section 3 of the Emergency Decree on Controlling the Use of Volatile Substances (No.2) B.E.2543 (2000)

Section 26 In case that offender under section 17 does not exceed seventeen years of age, he shall not be punished under section 24, but the court may proceed as follows :

(1) give an admonition and release him. If the court thinks fit, it may also gives admonition to his parents, guardian or person whom the offender lives with;

(2) if the court considers that the offender is a volatile substance addict, it shall make an order to transfer the offender to be treated in the institution for treatment until the end of the treatment process.

Section 27 In case that offender under section 17 does not exceed seventeen years of age and is under the treatment process in the institution for treatment. If such person escapes from the institution and the competent official can rearrest him, the competent official shall proceed according to the rules regarding treatment and restraint of volatile substance addicts under section 11.

Section 28 In case that the court has given a judgement sentencing the offender to imprisonment, or that such person is guilty, but the determination of the punishment is to be suspended, or the punishment is determined, but the infliction of the punishment is to be suspended, or inflicting the punishment of fine only; if the court considered that the offender is a volatile substance addict, it may make an order to transfer the offender to be treated in the institution for treatment until the end of the treatment process. In case that the court has given a judgement inflicting the punishment of imprisonment or confinement in lieu of fine, the period of treatment in the institution for treatment shall be included in the period of imprisonment or confinement, as the case may be.

Section 29 In case that the offender under section 17 exceeds seventeen years of age and is under the treatment process in the institution for treatment. If such person escapes from the institution, he shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding ten thousand Baht or both and if the court considers that the offender is still a volatile substance addict, it may make an order according to section 28.

Section 30 If the offender under section 17 and not exceeding seventeen years of age, commits the offence under section 17 again after recovering from addiction, the court shall increase the punishment by one half of the punishment for the latter offence.

Section 31 The Minister of Public Health and Minister of Industry shall have charge and control of the execution of this Act and the power to appoint competent officials, issue Ministerial Regulations and Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

**Lists of Volatile Substances under the Notification of Ministry
of Public Health and Ministry of Industry No. 14 (B.E. 2538)*
Specifying names, categories and containing
quantities of volatile substances**

1.14 chemicals as follows:

- (1) Aliphatic Hydrocarbon and Aromatic Hydrocarbon
 - 1.1 Toluene (Methylbenzene, $C_6H_5CH_3$)
- (2) Ketone
 - 2.1 Acetone or Dimethyl Ketone (2-Propanone, CH_3COCH_3)
 - 2.2 Methyl Ethyl Ketone or MEK or Ethyl Methyl Ketone (2-Butanone, $CH_3COCH_2CH_3$)
 - 2.3 Isopropylacetone or Methyl Isobutyl Ketone or MIBK (2-Methyl-2-Pentanone, $CH_3COCH_2CH(CH_3)_2$)
- (3) Ester
 - 3.1 Ethyl Acetate or Acetic Ether or Acetic Ester (Acetic Acid Ethyl Ester, $CH_3COOC_2H_5$)
 - 3.2 Cellosolve Acetate or Ethylene Glycol Monoethyl Ether Acetate (2-Ethoxy ethyl Acetate, $CH_3COOCH_2CH_2OC_2H_5$)
 - 3.3 Methyl Acetate (Methyl Acetate, CH_3COOCH_3)
 - 3.4 n-Butyl Acetate (Acetic Acid Butyl Ester, $CH_3COO(CH_2)_3CH_3$)
 - 3.5 sec-Butyl Acetate or Acetic Acid sec-Butyl Ester (Acetic Acid 1-Methylpropyl Ester, $CH_3COOCH(CH_3)CH_2CH_3$)
 - 3.6 n-Butyl Nitrite (Nitrous Acid Butyl Ester, $CH_3CH_2CH_2CH_2ONO$)
 - 3.7 iso-Butyl Nitrite (Nitrous Acid Isobutyl Ester, $(CH_3)_2CHCH_2ONO$)
- (4) Ether
 - 4.1 Butyl Cellosolve or Ethylene Glycol Monobutyl Ether (2-Butoxyethanol, $HOCH_2CH_2OC_4H_9$)
 - 4.2 Cellosolve or 2-Ethoxyethanol (Ethylene Glycol Monoethyl Ether, $HOCH_2CH_2OC_2H_5$)
 - 4.3 Methyl Cellosolve or Ethylene Glycol Monomethyl Ether (2-Methoxyethanol, $HOCH_2CH_2OCH_3$)

* Published in the Government Gazette Vol.113, Part. 8 Ngor., dated 25th January B.E.2539 (1996).

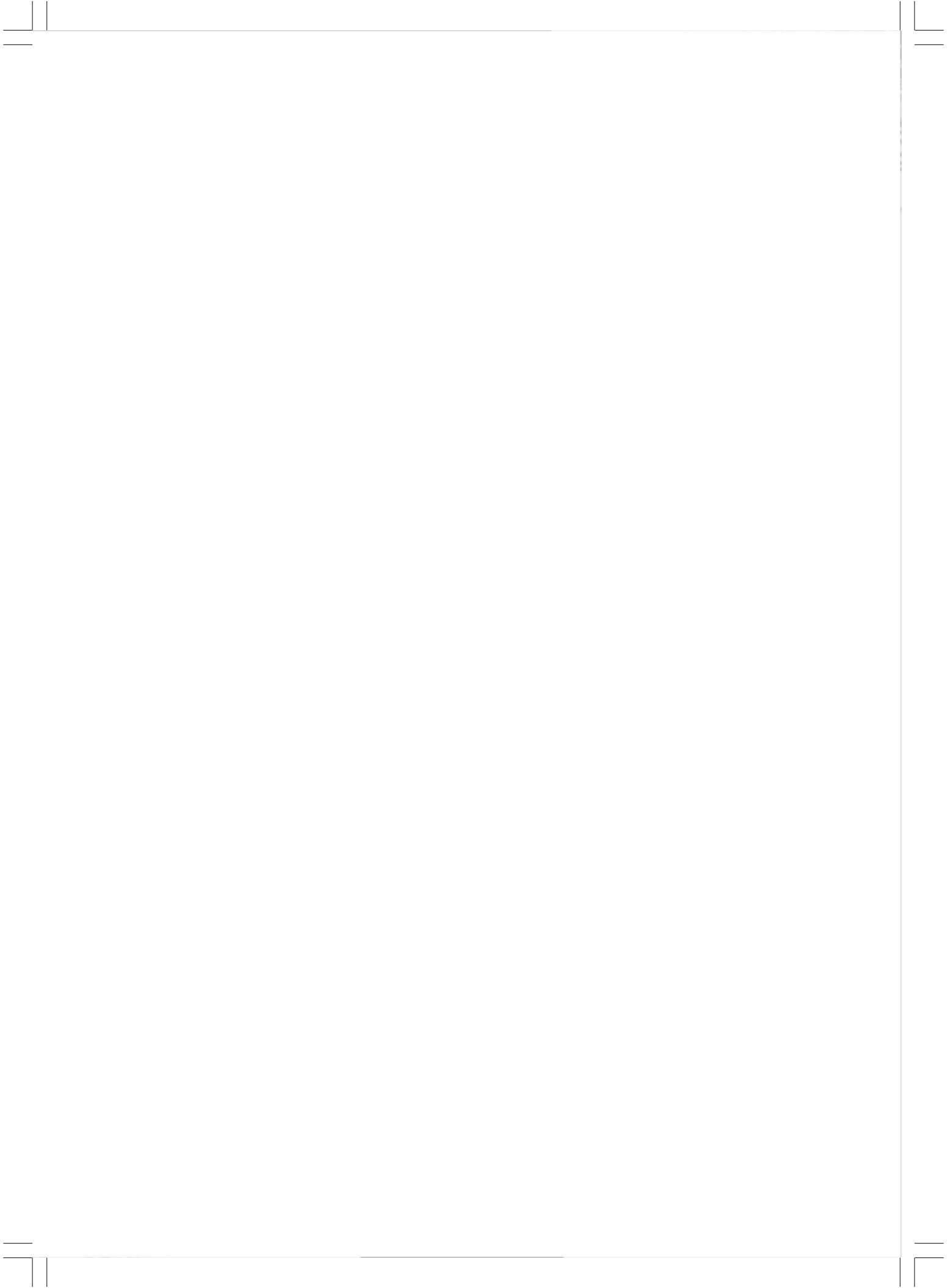
2.5 materials as follows:

- (1) Thinners
- (2) Lacquers
- (3) Synthetic Organic Adhesives
- (4) Natural Organic Adhesives
- (5) Blowing Balloon



Commodities Control Act B.E. 2495 (1952)





Commodities Control Act

B.E. 2495 (1952)

BHUMIBOL ADULYADEJ, REX.

Given on the 23rd day of February B.E. 2495;

Being the 7th Year of the Present Reign.

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

Whereas it is expedient to have the law on control of commodities for the sake of public safety in accordance with the prevailing condition;

Be it, therefore, enacted by the King, by and with the advice and consent of the Assembly of the People's -Representatives as follows;

Section 1 This Act is called the "Commodities Control Act, B.E. 2495".

Section 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette and shall be effective in the areas to be specified by Royal Decrees.

Section 3 In this Act,

"Commodities" means consumer goods, and also includes articles as specified by Ministerial Regulations issued under this Act;

"Competent official" means a person appointed by the Minister for the execution of this Act or Royal Decrees issued under this Act;

"Dispose" includes the transfer of right, proprietary right and ownership whatsoever the case may be;

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

Section 4 If the prevailing conditions render it the most appropriate means of protecting the public safety, the national economics and stability, the Government shall have the power to control commodities.

Section 5 The exercise of control as stated in Section 4 shall be specified by Royal Decrees for the following purposes;

1. To limit the quantities of commodities which a person will be able to have in his possession;
2. To limit the quantities of commodities which a person will be able to obtain;
3. To lay down regulations in trade, disposal, keeping in storage and whatsoever activities concerning commodities as well as the exercise of control over all the trading places which sell commodities;

4. To determine the time, the premise and activities in disposal of commodities;
5. To determine kind, quantities and type of commodities which will be allowed for disposal;
6. To prohibit disposal or use of commodities;
7. To determine methods of commodities sharing;
8. To determine business and other method for the attainment of the objectives set forth in Section 4.

Section 6 Kind and type of commodities to be controlled shall be specified by Ministerial Regulations.

Section 7 The competent officials in charge of the execution of this Act or Royal Decrees issued under this Act shall have identification cards as prescribed by Ministerial Regulation.

Section 8 For the execution of this Act and Royal Decrees issued under this Act, the competent official shall have the power to search any dwelling or places in the day-time between sunrise and sunset where there is a reasonable ground to suspect that Royal Decrees issued under this Act have been violated.

Section 9 Any person who violates Royal Decrees issued under this Act shall be liable to imprisonment for a term of not exceeding ten years or a fine of not exceeding fifty thousand baht or to both. If that person commits an offence hereunder again, the punishment shall be double.

The commodities which constitute the corpus delicti shall be forfeited.

Section 10 In the execution of this Act and Royal Decrees issued under this Act, any competent official whose act constitutes an offence under the Penal Code, Book II, Part I, Chapter II from Section 129 to Section 146, shall be liable to double penalty imposed for such offence.

Section 11 The Minister of Interior and the Minister of Commerce shall have charge and control of the execution of this Act and the power to appoint competent officials by issuing Ministerial Regulations and prescribe other activities for the execution of this Act.

Ministerial Regulations when published in the Government Gazette shall be effective.

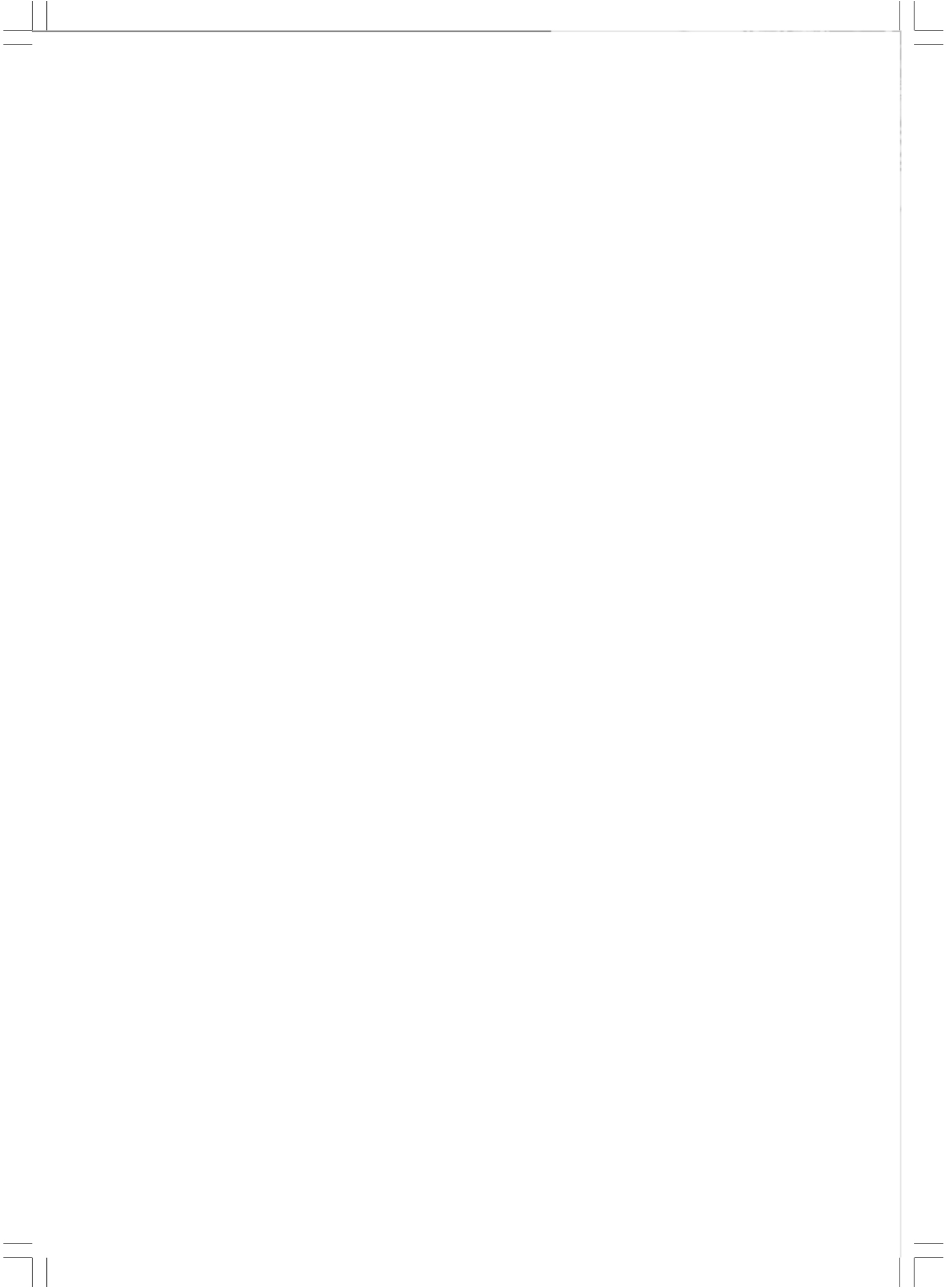
Countersigned by
Field Marshall P. Pibulsonggram
Prime Minister

(Published in the Government Gazette Vol. 69, Part 12, dated 26th February B.E. 2495)



Act on Measures for the Suppression of
offenders in an offence relating to narcotics
B.E. 2534 (1991)





**ACT ON MEASURES FOR THE SUPPRESSION OF
OFFENDERS IN AN OFFENCE RELATING TO NARCOTICS,
B.E. 2534 (1991)**

BHUMIBOL ADULYADEJ, REX.

Given on the 19th Day of September B.E. 2534;

Being the 46th Year of the Present Reign.

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

Whereas it is expedient to have a law on measures for the suppression of offenders in an offence relating to narcotics;

⁽¹⁾ This Act contains provisions relating to the restriction of rights and liberties of the people which section 29 together with section 48 of the Constitution of the Kingdom of Thailand allow to be done by virtue of provisions of law;

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

Section 1 This Act is called the “Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics, B.E. 2534”.

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

Section 3 In this Act,

“narcotics” means narcotics under the law on narcotics, and narcotics under the law on narcotics control, as prescribed in the Ministerial Regulation;

“laws relating to narcotics” means the law on narcotics and the law on psychotropic substances;

“offence relating to narcotics” means the production, importation, exportation, disposition of or possession for disposition of narcotics, and shall also include conspiracy, aiding and abetting, assisting or attempting to commit such offence;

“properties connected with the commission of an offence” means money or properties obtained through the commission of an offence relating to narcotics, and shall include money

(1) Added by Act on Measure for the Suppression of offenders in an Offence Relating to Narcotics (No.2) B.E.2543 (2000) published in the Government Gazette Vol.117 Part 37 Ngor., dated 28th April B.E.2543

(2) Published in the Government Gazette Vol.108, Part 170 Special Issue, 27th September B.E.2534 (1991).

or properties which are obtained by means of using such money or properties to purchase or by causing in any manner whatsoever to transform such money or properties irrespective of the number of such transformation and whether or not such money or properties will be in the possession of, or transferred to or apparently evidenced on the register as belonging to other persons;

“Committee” means the Properties Examination Committee;

“Member” means a member of the Committee, and shall include the Chairman;

“Fund” means the Narcotics Control Fund;

“competent official” means a person appointed by the Minister for the execution of this Act;

“Secretary-General” means the Secretary-General of the Narcotics Control Board;

“Office” means the office of the Narcotics Control Board;

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

Section 4* The Minister of Justice shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and issue Ministerial Regulations and Rules for the execution of this Act.

Such Ministerial Regulations and Rules shall come into force upon their publication in the Government Gazette.

CHAPTER 1

General Provisions

Section 5 Any person who commits an offence relating to narcotics, despite the fact that the offence is committed outside the Kingdom, shall be punished in the Kingdom, if it appears that:

(1) the offender or any accomplice is a Thai person or has a place of residence in Thailand; or

(2) the offender is an alien and intends its consequence to occur within the Kingdom or the Thai Government is the injured person; or

(3) the offender is an alien and such act is an offence under the law of the State in the jurisdiction of which the offence is committed, if such offender has appeared in the Kingdom and has not been extradited under the law on extradition;

* Revired by the Act Amending Ministry, Sub-ministry and Department B.E.2545 (2002), Section 47, 48, 49 and Royal Decree on Transferring the Administration Duty of Government Organization according to the Act Amending Ministry, subministry and Department B.E.2545 (2002) Section 87

provided that, section 10 of the Penal Code shall apply mutatis mutandis.

Section 6 In an offence relating to narcotics, any person who does any of the following acts shall likewise be liable to the same penalty as a principal:

(1) aiding and abetting or assisting the offender before or at the time of such commission;

(2) providing or giving money or properties, conveyance, premises or any article for the purpose of the commission of an offence, or for facilitating the commission thereof or for preventing the offender from being punished;

(3) providing or giving money or properties, meeting place, lodging or hiding place in order to assist or facilitate the offender or to help him from being arrested;

(4) accepting money, properties or any other benefits from the offender for the purpose of the commission of an offence or for facilitating the commission thereof or for preventing the offender from being punished;

(5) concealing, hiding or taking away narcotics or any article used in the commission of an offence in order to help the offender;

(6) suggesting or contacting other persons for the purpose of the commission of an offence.

In the case where any person provides or gives money or properties, lodging or hiding place in order to help his father, mother, child, husband or wife from being arrested, the Court may impose no punishment or impose less punishment than that provided by law for such offence at his discretion.

Section 7 Any person who attempts to commit an offence relating to narcotics shall likewise be liable to the same penalty imposed for such offence as the offender who has accomplished the offence.

Section 8 Whenever two or more persons, with manifest intention, agree to commit an offence relating to narcotics, every such person is said to conspire to commit such offence, and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand Baht or to both.

If an offence relating to narcotics has actually been committed on account of the conspiracy under paragraph one, every such conspirator shall be liable to the penalty imposed for such offence.

Section 9 Any person who commits an offence relating to narcotics by wearing uniform or dressing in such a manner as to cause any person to believe that he is an official, government official, local government official, official of a State organization or State agency, or official of a State enterprise shall be liable to additional penalty of one-half of the penalty imposed for such offence.

Section 10 Any Member, or member of the sub-committee under this Act or under the laws relating to narcotics, official, member of the National Legislative Assembly, member of the Provincial Council, member of the Municipal Council or other local assemblies, government official, local government official, official of a State organization or State agency, or official of a State enterprise who commits an offence relating to narcotics or commits the offence under section 42 shall be liable to treble penalty imposed for such offence.

Section 11 Any Member, or member of the sub-committee under this Act or under the laws relating to narcotics, official, or government official who commits an offence of malfeasance in office or commits an offence of malfeasance in judicial office as provided in the Penal Code in connection with the commission of an offence relating to narcotics shall be liable to treble penalty imposed for such offence.

Section 12 The penalty of imprisonment to be imposed upon the offender under section 9, section 10 or section 11 shall not exceed fifty years.

Section 13 In the execution of this Act, the Members, the members of the sub-committee, the Secretary-General and competent officials shall be officials under the Penal Code.

Section 14 The approval of the Secretary-General shall be obtained prior to making the arrest of the offender or informing the offender of the offence charged under section 6 or section 8. After having executed such act as approved, it shall be reported forthwith to the Secretary-General for information.

A request for approval, the approval and the report under paragraph one shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulation.

CHAPTER 2

Properties Examination Committee

⁽³⁾ **Section 15** There shall be the Properties Examination Committee, consisting of the Permanent Secretary of the Ministry of Justice as Chairman, Attorney General as Vice Chairman, Commissioner of Thai Royal Police, Director General of Lands Department, Director General of the Legal Execution Department, Director General of Customs Department, Director General of Revenues Department and Governor of the Bank of Thailand as members, and Secretary General shall be member and secretary.

The Committee may appoint any government Official of the Office to be assistance secretary.

(3) Repealed and replaced by the Act on Measure for the Suppression of Offenders in an Offence Relating to Narcotics (No.2) B.E.2543, section 3.

In case where members under paragraph one, unless the Chairman, does not attend any meeting, he shall delegate his subordinate who holding the vice position or likewise or who is acknowledgeable on the performance of the duties of the Committee to attend that particular meeting.

Section 16 The committee shall have the following powers and duties:

- (1) to submit recommendations to the Minister in respect of the issuance of Ministerial Regulations under section 14, section 21, section 22, section 23 and section 33;
- (2) to examine the properties connected with the commission of an offence relating to narcotics;
- (3) to decide whether or not any properties of the alleged offender or other persons are the properties connected with the commission of an offence relating to narcotics;
- (4) to seize or attach the properties under section 22;
- (5) to issue the Rules relating to the custody, sale by auction and utilization of the properties under section 24, and the Rules relating to the Fund under section 37 and section 38.

The Committee may entrust a member of the sub-committee or the Secretary-General to examine the properties under (2) or to seize or attach the properties under (4), and then report for its information.

Section 17 At a meeting of the Committee, the presence of not less than two-thirds of the total number of members is required to constitute a quorum.

The Chairman shall preside over the meeting. In the case where the Chairman does not attend or is unable to perform his duty, the Vice-Chairman shall preside over the meeting. If the Vice-Chairman does not attend or is unable to perform the duty, the members present shall elect one among themselves to preside over the meeting.

The decision of the meeting shall be made by two-thirds of the votes of the members present. Each member shall have one vote.

Section 18 The committee may appoint a sub-committee to consider and submit opinions on any matter or carry out any act as entrusted, and the provisions of section 17 shall apply mutatis mutandis.

Section 19 In the case where there exists a reasonable ground to suspect that the properties of any alleged offender are the properties connected with the commission of an offence relating to narcotics, the Committee shall order the examination of the properties of such person.

In case of urgent necessity, the Secretary-General may issue a provisional order for the examination of the properties of the alleged offender, and then report to the Committee.

Section 20 In conducting the examination of the properties of the alleged offender, if there are evidences to believe that the properties of other persons are the alleged offender's properties connected with the commission of an offence relating to narcotics, and such persons have gratuitously obtained them or have obtained them knowingly that they are the properties connected with the commission of an offence relating to narcotics, the Committee shall also have the power to order the examination of the properties of such persons, and the provisions of section 19 paragraph two shall apply *mutatis mutandis*.

Section 21 The Committee or the Secretary-General may entrust the competent official to conduct the examination of the properties on its or his behalf, and then report thereto. For this purpose, the publication shall be made in order that a person who may claim to be the owner of the properties may submit an application together with the documents and evidences to the Committee for the restitution thereof.

The examination of the properties and the publication under paragraph one shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulation.

Section 22 In examining the properties, if the examinee or the person who claims to be the owner of the properties cannot adduce evidences to prove that the properties so examined are not connected with the commission of an offence relating to narcotics, or he has accepted the transfer of such properties in good faith and for value, or has reasonably acquired them on account of good moral or public charity, the Committee shall issue an order seizing or attaching such properties until the issuance of the final non-prosecution order which shall be no longer than one year as from the date of such seizure or attachment or until the passing of a final judgment dismissing the charge.

For the purpose of examining the properties, if there is a reasonable ground to believe that any properties may be transferred, removed, concealed, or there exists any other reasons and necessities, the Committee shall have the power to issue a provisional order seizing or attaching such properties until the decision under section 16 (3) is made: provided that, the examinee or the person who claims to be the owner of the properties shall not be prevented from submitting an application for staying the execution of the order in order to take the property back for utilization with or without bail or with bail and security, and the provisions of section 19 paragraph two shall apply *mutatis mutandis*.

After such provisional seizure or attachment, the Committee shall forthwith make an arrangement for the proof under paragraph one. In the case where the examinee or the person who claims to be the owner of the properties is able to prove under paragraph one, the properties shall be returned to such person. If such person is unable to prove, it shall be deemed that the seizure or attachment under paragraph two is the seizure or attachment under paragraph one.

The submission of an application for staying the execution of the order under paragraph two shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulation.

For the purpose of this section, the word “properties” shall include:

- (1) properties which have been transformed, claims, benefits and the fruits of such properties;
- (2) debts due to be paid by the third person to the alleged offender;
- (3) the alleged offender’s properties connected with the commission of an offence relating to narcotics which have been obtained, sold, disposed of, transferred or removed within the period of ten years before the issuance of the seizure or attachment order and thereafter, unless the transferee or beneficiary can prove to the satisfaction of the Committee that such transfer or such act has been made in good faith and for value.

Section 23 When the Committee or the Secretary-General, as the case may be, has already issued an order seizing or attaching any properties, the designated competent official shall forthwith execute the seizure or attachment order and assess the value of such properties, and then report for its or his information.

The seizure or attachment of the properties, and the assessment of the value thereof shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulation;

provided that, the Civil Procedure Code shall apply *mutatis mutandis*.

Section 24 The keeping in custody of the properties seized or attached by the order of the Committee shall be in accordance with the Rules prescribed by the Committee.

In the case where the properties under paragraph one are unsuitable for keeping in custody, or if the keeping in custody of such properties will be more burdensome to the official service than the utilization thereof for other purposes, the Secretary-General may issue an order for a sale by auction or for the utilization of such properties for official purposes, and then report to the Committee for information.

A sale by auction or the utilization of the properties under paragraph two shall be in accordance with the Rules prescribed by the Committee with the approval of the Ministry of Finance.

If it appears thereafter that the properties utilized for official purposes under paragraph two are not the properties connected with the commission of an offence relating to narcotics, such properties shall be returned to their owners or possessors together with the compensation and the depreciation value which shall be paid from the Fund in an amount determined by the Committee. If the restitution of the properties is impossible, the price of the properties as assessed

on the date of seizure or attachment or as received at the auction, as the case may be, shall be reimbursed.

The assessment of the compensation and the depreciation value under paragraph four shall be in accordance with the Rules prescribed by the Committee.

Section 25 For the purposes of the consideration, examination, seizure or attachment of properties under this act, the Members, the members of the sub- committee and the Secretary-General shall have the following powers:

(1) to issue a letter of inquiry requesting or issue an order requiring an official of a Government agency, State organization, State agency or State enterprise to give his statements or give explanations in writing, or to submit any account, document or evidence for examination or supplementing the consideration;

(2) to issue a letter of inquiry requesting or issue an order requiring any person concerned to give his statements or give explanations in writing, or to submit any account, document or evidence for examination or supplementing the consideration which also includes the examination by the banks, the Securities Exchange and the financial institutions;

(3) to enter, during day time and between sunrise and sunset, any dwelling place, premises or conveyance where there is a reasonable ground to suspect that an offence relating to narcotics is committed or the properties under section 22 are hidden therein, for the purposes of searching or examining, seizing or attaching the properties. In the case where there is a reasonable ground to believe that if a prompt action is not taken, the properties are likely to be removed, the entry may be made during night time.

In the case under (3), the Chairman of the Committee or the Secretary-General may entrust the competent official to act on his behalf, and then report to him.

In the performance of duty, the competent official entrusted under paragraph two shall produce the instrument of authorization to the person concerned each time.

Section 26 If a lawful seizure or attachment of properties under section 22 causes damage to any person, the person doing such act is not personally liable to pay compensation.

⁽⁴⁾ **Section 27** When the Public Prosecutor has issued a prosecution and the properties seized or attached by the order of the Committee under section 22 are the properties connected with the commission of an offence relating to narcotics, the Public Prosecutor shall file a motion with the Court to order the forfeiture thereof. The motion may be filed together with the charge or at any time before the Court of First Instance passes the judgment. In case where there is a reasonable ground to identified that he does not file the motion before the Court of First Instance

(4) Repealed and replaced by the Act on Measure for the Suppression of Offenders in an Offence Relating to Narcotics (No.2) B.E.2543, section 4.

passes the judgment, he shall be filed the motion within one years from the date that the Court of First Instance passed the judgment, unless there is the final judgment of acquit.

In case where it appears that there are additional properties connected with the commission of an offence relating to narcotics, a motion requesting the Court to issue the forfeiture order against such properties shall be filed within one year from the date that the Court of First Instance, unless there is the final judgment of acquit.

⁽⁵⁾ **Section 28** When the Court have an order to accepted the motion of Public Prosecutor under section 27, the Court shall be published in a newspaper which is widely distributed in the locality for at least two consecutive days in order that any person who may claim to be the owners of the properties may file the motion to entry into the case before the case becomes final. In case there is an evidence showing that any person may claim to be the owner of the properties, the Secretary General shall give a written notice to that person to exercise such his right, it shall be given through an A/V registered post to the most recent address of such person as appeared on evidence in the inquiry record.

The Cost on publication and inform shall be paid from the Fund.

Section 29 The Court shall conduct a trial in respect of all the properties which the Public Prosecutor has filed the motion under section 27 paragraph one. If there is a prima facie case that they are the properties connected with the commission of an offence relating to narcotics, the Court shall issue an order forfeiting the properties, unless the person who claims to be the owner of such properties submits an application for the restitution thereof before the case becomes final and proves to the Court that:

(1) he is the true owner and the properties are not connected with the commission of an offence relating to narcotics; or

(2) he is the transferee or the beneficiary, and has acquired the properties in good faith and for value or has reasonably acquired them on account of good moral or public charity.

For the purpose of this section, if there is an evidence showing that the accused or the examinee is involved or used to involve in the commission of an offence relating to narcotics, it shall be presumed that all money or properties possessed or acquired by him beyond his status or his capability of engaging in his occupation or other activities in good faith are the properties connected with the commission of an offence relating to narcotics.

⁽⁶⁾ **Section 30** All the instrument, equipment, conveyances, machines or any other properties used in the commission of an offence relating to narcotics or used as accessories for

(5) Repealed and replaced by the Act on Measure for the Suppression of Offenders in an Offence Relating to Narcotics (No.2) B.E.2543, section 4.

(6) Repealed and replaced by the Act on Measure for the Suppression of Offenders in an Offence Relating to Narcotics (No.2) B.E.2543, section 5.

producing the consequence of the commission of an offence relating to narcotics or processed for use in the commission of an offence relating to narcotics shall be forfeited, irrespective of whether or not any person is convicted by the judgment.

The Public Prosecutor shall file a motion with the Court that hearing such case to issue an order forfeiting the properties under paragraph one. And after the Court issue an order to accept that motion the Court shall order to publish in the newspaper which is widely distributed in the locality for at least two consecutive days in order that any person who may claim to be the owners of the properties may file the motion to entry into the case before the Court of First Instance passed judgment to order, all this is due irrespective of whether or not such case shall appeared the person who may claim to be the owner of the properties.

The Cost on publication shall be paid from the Fund.

In case where there is no any person claim to be the owner of the properties before the Court of First Instance passes the judgment or order or in case where it appears the owner but the owner does not proof that he have no opportunity to acknowledge or have no reasonable ground to suspect that there shall had the commission and shall took such properties to use in the commission or used as the accessories for producing the consequence of the commission or possessed for use in the commission, the Court shall be forfeited such properties when terminated thirty days from the day that is the date published in the daily newspaper under paragraph two, and in this case the section 36 of the Penal Code shall not apply.

Section 31 The properties forfeited by the order of the Court under section 29 and section 30 shall devolve on the Fund.

Section 32 In the case where there is a final non-prosecution order or where there is a final judgment dismissing the charge against any alleged offender or any accused, the seizure or attachment of his properties including the properties of other persons which have been seized or attached on account of their connection with the commission of the offence by the alleged offender of the accused shall terminate. With respect to the properties seized or attached on account of the commission of an offence by the alleged offender or the accused, the owner of which is not known, if no person makes an application for their restitution within one year as from the date of the final non-prosecution order or the final judgment dismissing the charge, the properties shall devolve on the Fund.

In the case where the criminal prosecution cannot be instituted within two years as from the date of the commission of an offence and the alleged offender or the accused can not be arrested, the properties seized or attached on account of the commission of the offence by the alleged offender or the accused shall devolve on the Fund. If the criminal prosecution

cannot continue owing to the death of any alleged offender or accused, the properties shall devolve on the Fund, unless, within two years as from the date of his death, his heirs can prove that the properties are not connected with the commission of an offence relating to narcotics or the alleged offender or the accused had acquired such properties in good faith and for value or had reasonably acquired them on account of good moral or public charity, such properties shall be returned to his heirs.

Section 33 The application for the restitution of properties shall be submitted together with documents and evidences to the Committee.

The application for the restitution of properties and the making of the restitution thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

CHAPTER 3

Narcotics Control Fund

Section 34 There shall be established a Narcotics Control Fund in the Office for the purpose of narcotics control.

Section 35 The Fund under section 34 shall consist of the following properties:

- (1) the properties devolved on the Fund under section 31 and section 32;
- (2) the properties donated by other persons;
- (3) the Government subsidies;
- (4) the benefits arising from the properties under (1), (2) and (3).

Section 36 The Fund under section 35 shall belong to the office without being remitted as State revenue.

Section 37 The receipt, payment and the keeping of money of the Fund shall be in accordance with the Rules prescribed by the Committee with the approval of the Ministry of Finance.

Section 38 The investment, management and disposal of properties of the Fund shall be in accordance with the Rules prescribed by the Committee with the approval of the Ministry of Finance.

Section 39 Within six months as from the last day of the calendar year, the Secretary-General shall submit to the Minister for resubmitting to the Council of Ministers the balance-sheet and the report on the receipt and payment of the money of the Fund in the foregoing year which have been audited and certified by the office of the Auditor-General of Thailand.

In the case where the Council of Ministers is of the opinion that the amount of the Fund is so large that, after its utilization under its objectives, the surplus is still enormous, the Council of Ministers may pass a resolution remitting any sum thereof as State revenue.

CHAPTER 4

Penalties

Section 40 Any person who does not give his statements or give explanations in writing or submit accounts, documents or evidences under section 25 (2), or who obstructs or does not provide facilities under section 25 (3) shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

Section 41 Any person who knows or is likely to know an official secret relating to the execution of this Act does an act in any manner causing other persons to know or likely to know such secret shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both, unless he does such act in the performance of his duties or in accordance with the law.

Section 42 Any person who, in any manner, removes, conceals, makes away with, damages, destroys, causes the loss of or renders useless, or unlawfully receives the properties which are subject to the seizure or attachment order or the properties which he knows that they will be seized or attached under this Act shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding thirty thousand Baht or to both.

Countersigned by:

Anand Panyarachun

Prime Minister

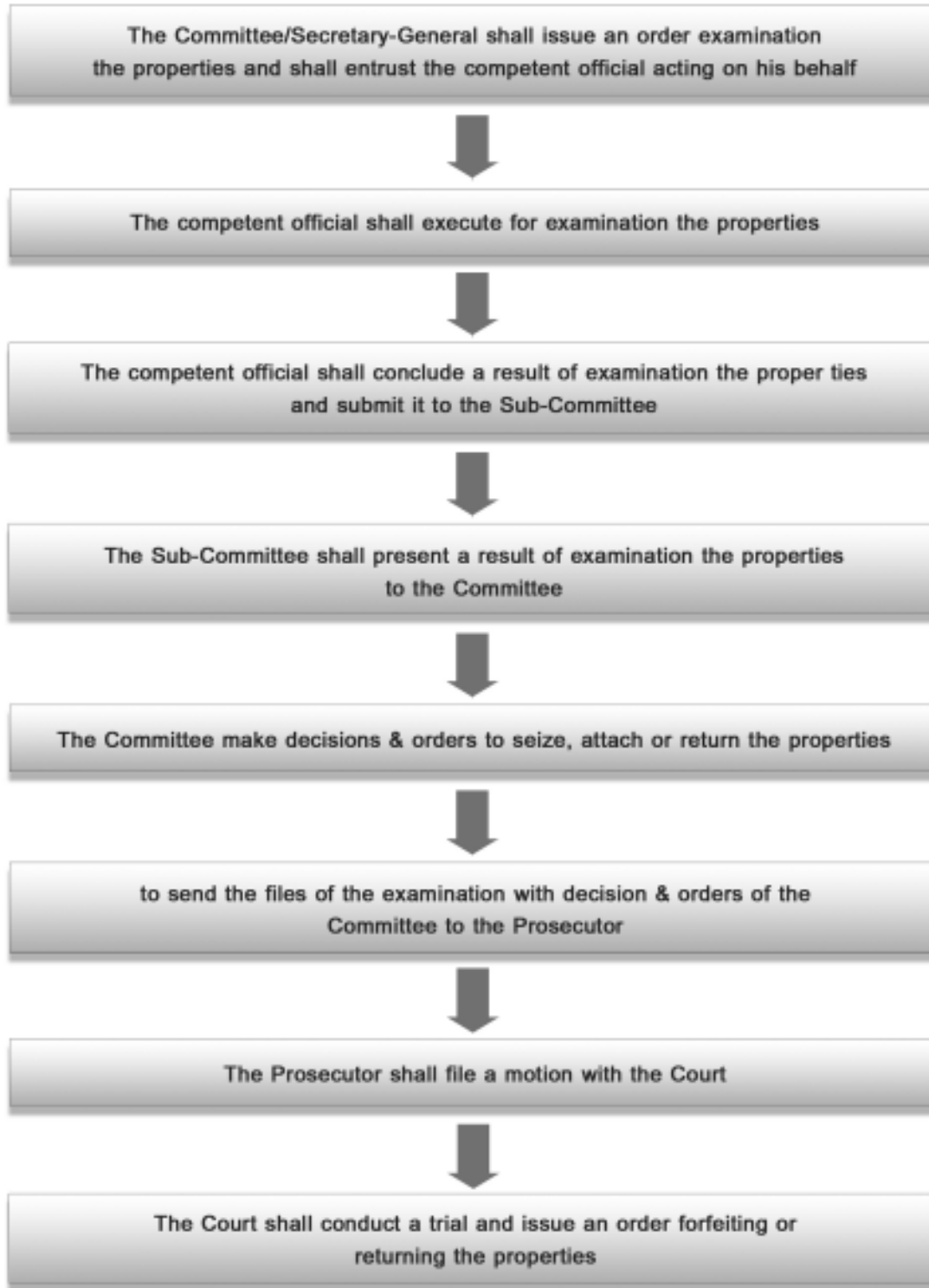
Certified correct translation

J. Pornthip

(Pornthip Jala)

Office of the Council of State

The Properties Forfeiture Procedure





Narcotics Addict Rehabilitation

Act B.E. 2545 (2002)





NARCOTICS ADDICT REHABILITATION ACT

B.E. 2545 (2002)

BHUMIBOL ADULYADEJ, REX.

Given on the 27 day of September B.E. 2545 (2002);

Being the 57th year of the Present Reign.

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

Whereas it is expedient to adjust a law on narcotic addict rehabilitation;

This Act contains provisions relating to the restriction of rights and liberties of the people which section 29 together with section 31 section 35 section 237 and 238 of the Constitution of the Kingdom of Thailand allow to be done by virtue of provisions of law;

Section 1 This Act is called the “Narcotic Addict Rehabilitation Act B.E. 2545.”

Section 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette, except that when and in what locality the provisions of Chapter 3 shall come into force shall be notified by the Minister in the Government Gazette, but all this is due to come into force within the period not exceeding one year as from the date that this Act come into forced.

Section 3 The Narcotic Addiction Rehabilitation Act B.E. 2534 shall be repealed.

Section 4 In this Act,

“narcotics” means the narcotics under the law on narcotics and narcotics under the law on narcotics control;

“narcotic addict” means habitually consuming narcotics and being in the state of narcotic dependence whereby such state is capable of being identified on a technical basis;

“rehabilitation” means any act for the treatment of narcotic addiction and for the rehabilitation of the physical and mental conditions of a narcotic addict including to cure of the physical and mental conditions of a narcotic addict to return to the normal state;

“Committee” means the Narcotic Addict Rehabilitation Committee;

“competent official” means the Director of rehabilitation centre or a person appointed by the Minister for the execution of this Act;

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

Section 5 The Minister of Justice shall have charge and control of the execution of this Act and shall have the power to appoint competent official and issue Ministerial Regulations and Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

CHAPTER 1

Narcotic Addict Rehabilitation Committee

Section 6 There shall be a Narcotic Addict Rehabilitation Committee, consisting of the Permanent-Secretary of the Ministry of Justice as Chairman, Permanent-Secretary of the Ministry of Education, Permanent-Secretary of the Ministry of Public Health, Supreme Commander, Police Commissioner General, Attorney-General, Secretary-General of Office of Judiciary, Director-General of the Department of Employment, Director-General of the Department of Provincial Administration, Director-General of the Department of Community Development, Director-General of the Department of Medical Services, Director-General of the Department of Disease Control, Director-General of the Department of Public Welfare, Director-General of the Department of Skill Development, Director-General of the Department of Corrections, Director-General of the Department of Medical Science Services, Director-General of the Department of Mental Health, Secretary-General of Narcotics Control Board, Secretary-General of Food and Drug Administration Board as members and not more than four other ex-officio members appointed by the Minister, whereby not less than two of this number of members shall be the representative of Private Individual Organization who perform on prevention or rehabilitation and have direct experience in working with narcotic addict and Director General of the Department of Probation as member and secretary.

The Committee may appoint a government official of the Department of Probation not exceeding two persons to be assistance secretary.

Section 7 The Committee shall have the following powers and duties :

- (1) to submit recommendations to the Minister to the Minister in respect of the issuance of Ministerial Regulations for the execution of this Act;
- (2) to submit recommendations to the Minister in Notifications related to rehabilitation centre under section 14 and section 16;
- (3) to appoint and dismiss the sub-committee of Narcotic Addict Rehabilitation;
- (4) to issue rules prescribing the rules and procedure in the consideration of the sub-committee of Narcotic Addict Rehabilitation under section 13;
- (5) to submit commendations to the Minister in the requirement of locality for identification, rehabilitation or detention;
- (6) to issue rules prescribing the rules and procedure on the identification of consumption or narcotic addiction, rehabilitation and the transference of the persons committed for rehabilitation to the inquiry official or prosecutor;

(7) to prescribe the rules relating to the detention and the transference of the alleged offenders during the identification or rehabilitation;

(8) to issue the rules prescribing the rules, procedure and conditions in the consideration of the grant provision release;

(9) to issue the rules prescribing the rules and conditions in the examination and follow-up the result of rehabilitation of the persons granted for provision release;

(10) to consider and decision the appeal of the decision or order of sub-committee of Narcotic Addict Rehabilitation under section 38;

(11) to prescribe the rules relating to the visit and communication with persons committed for identification or rehabilitation during the identification or rehabilitation;

(12) to issue rules prescribing the rules in the reduction and extension of the duration of the rehabilitation;

(13) to issue rules prescribing the rules and procedure on reporting the result of the rehabilitation to the Committee and the procedure on reporting the result of the identification including the result of the rehabilitation to the inquiry official or prosecutor;

(14) to issue rules prescribing the rules in the consideration of the infliction of the punishment for the persons violated or failed to comply under the rule, conditions and regulations under section 32;

(15) to prescribe the other rules for the execution of this Act;

(16) to consider the other matters as the Minister entrusted and to perform other acts according to the powers and duties of the Committee that prescribed by law.

Section 8 A member appointed by the Minister shall hold office for a term of two years. An outgoing member may be re-appointed.

Section 9 A member appointed by Ministry vacates office before the expiration of the term upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister
- (4) being a person of unsound mind or mental infirmity;
- (5) being a person of bankruptcy;
- (6) being imprisoned by a final judgement.

In the case where member vacates office before the expiration of this term, the Ministry may appoint other person to replace him.

In the case where there is an appointment of member during the term of the member already appointed, whether it is an appointment of an additional member or appointment of

the person to replace the outgoing member, the appointee shall hold office for the remaining term of the members already appointed.

Section 10 At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum. The Chairman of the Committee shall preside over the meeting. In case where the Chairman is not present at the meeting or is unable to perform his duty, the members present shall elect one member to preside over it.

The decision of the meeting shall be majority of votes. Each member shall have one vote. In case of an equally of votes, the person presiding over the meeting shall have an additional vote as the casting vote.

Section 11 The Committee may appointed a sub-committee to carry out any act as entrusted, and section 9 and section 10 shall apply *mutatis mutandis*.

Section 12 The Committee shall consider to appoint a sub-committee of Narcotic Addict Rehabilitation in the localities where appropriate, consisting of the representative of Ministry of Justice as the Chairman of the sub-committee of Narcotic Addict Rehabilitation, one medical doctor, one psychologist, one social worker and not exceeding two members appointed from the persons who have the qualification according to prescribed in Ministerial Regulation as member and one representative of the Department of Probation as member and secretary.

The medical doctor according to the paragraph one shall be considered to appoint from the psychiatry doctor, if may not appointed the psychiatry doctor it shall appoint from other medical doctor who is appropriate.

The number of sub-committee of Narcotic Addict Rehabilitation would be had how many, the Committee shall consider to appoint in regarding to the amount of cases relating to narcotics which occurred in accordance with that area.

The section 9 and section 10 shall apply to the sub-committee of Narcotic Addict Rehabilitation *mutatis mutandis*.

Section 13 The sub-committee of Narcotic Addict Rehabilitation shall have the following powers and duties:

- (1) to consider to decide whether the persons committed for identification is a consumer or an addiction or not;
- (2) to follow-up and supervise the detention of alleged offender during the identification or rehabilitation for the execution accordance with rules prescribed by the Committee.
- (3) to consider the transfer of persons committed for narcotics dependence treatment or committed for rehabilitation from a rehabilitation centre to another rehabilitation centre, including to consider to reduce or extend the duration of rehabilitation;

(4) to consider to grant provision release of the person committed for identification or the person committed for rehabilitation;

(5) to inform the result of identification or the result of rehabilitation to the Committee, inquiry official or prosecutor, in case depend upon.

(6) to consider the rehabilitation plan for the alleged offender who was charged to committed the offences that required under section 19;

(7) to follow-up and supervise the rehabilitation of the persons committed for rehabilitation within its territorial jurisdiction which in accordance with rehabilitation plan.

(8) to consider the result of rehabilitation under section 33;

(9) to submit the recommendations to the Committee in respect of the identification procedure and rehabilitation procedure;

(10) to perform other acts under the laws required for the powers and duties of the sub-committee of Narcotic Addict Rehabilitation;

(11) to consider other matters as entrusted by the Committee.

Rules and procedures in the consideration under section (1) (3) (6) and (8) shall be in accordance with the regulation prescribed by the Committee.

CHAPTER 2

Localities for Identification and Rehabilitation

Section 14 For the purpose of rehabilitation, the Minister shall have the power to establish and dissolve rehabilitation centres by notifying in the Government Gazette.

A rehabilitation centre shall be an institution for treatment under the Penal Code.

A rehabilitation centre shall be a unit of the Department of Probation of Ministry of Justice.

Section 15 The Notification establishing a rehabilitation centre shall have the following particulars:

(1) prescribing the exact territorial jurisdiction of the rehabilitation centre with the map specifying such territory attached to the Notification;

(2) prescribing the localities falling within the territorial jurisdiction of the rehabilitation centre under (1).

Section 16 In the case where there is the reasonable ground, the Minister may notify in the Government Gazette modifying the territorial jurisdiction of the rehabilitation centre under section 15 (1) or modifying the localities falling within the territorial of the rehabilitation centre under section 15 (2).

The modification of the territorial jurisdiction of the rehabilitation centre under the

paragraph one, its shall have a map clearly specifying the original territory and the modified one is required to be attached to the Notification.

Section 17 Each rehabilitation centre shall have one Director of the Rehabilitation Centre as the superior official responsible for the performance of official duties thereof and having the following powers and duties:

- (1) to identify the consumption or the narcotic addiction of the persons committed for rehabilitation where admitted under section 19;
- (2) to detain the persons committed for identification or the persons committed for rehabilitation during the identification or the rehabilitation and supervise such persons to comply with various rules, conditions and regulations;
- (3) to carry out the rehabilitation of the persons committed therefor in accordance with the rules prescribed;
- (4) to follow up the result of rehabilitation of the persons granted provisional release;
- (5) to prepare a report on the result of the consumption or the narcotic addiction identification, including the result of the rehabilitation to be submitted to the sub-committee of Narcotic Addict Rehabilitation;
- (6) to issue regulations of the rehabilitation centre for the execution of this Act;
- (7) to perform other duties as entrusted by the Committee or sub-committee of Narcotic Addict Rehabilitation.

Section 18 In the case where it is appropriate, the Minister shall have the power to notify in the Government Gazette requiring the institution for treatment, the institution for child and youth obligation and protection, the institution of government or other institutions to be the locality for identification, rehabilitation or detention where out of the rehabilitation centre. In this case, the sub-committee of Narcotic Addict Rehabilitation shall have the power to require the supervisors of such localities have any powers and duties likewise the Director of Rehabilitation Centre under section 17 which suitability for such localities.

CHAPTER 3

Rehabilitation

Section 19 Any person who is alleged to consume the narcotics, consume and have in possession the narcotics, consume and have in possession for the propose of disposal or consume and dispose the narcotics which character, type, category and quantity prescribed in the Ministerial Regulation, if he does not appear to be the alleged offender or to be prosecuted for other offences which punishable with imprisonment or to be imprisoned by judgement of

court. The inquiry official shall transfer the alleged offender to the court within forty eight hours from the time when such alleged offender came to the office of the inquiry official for the court to consider and issue the court order to transfer such alleged offender for the identification of narcotics consumption or narcotic addiction, except there is a crisis cause or other necessary cause risen from such alleged offender or from the changing of circumstance which can not transfer the alleged offender to the court within the time as above mentioned.

If the alleged offender has not yet completed eighteen years old of age, in the proceeding under paragraph one. The inquiry official shall transfer the alleged offender to the court for the court to issue the court order to identify within twenty four hours from the time when such alleged offender came to the office of the inquiry official.

The transference for identify of consumption or narcotic addiction, the court shall consider to transfer the alleged offender to detained for identify at the rehabilitation centre, the locality of identification, rehabilitation or the detention that prescribed in the Ministerial Notification. The court, when taken into consideration together with the age, gender and the individual specific character, shall inform the sub-committee of Narcotic Addict Rehabilitation to acknowledge.

The inquiry official, during the identification and the rehabilitation, shall continue the inquiry proceeding and when has inquired, the inquiry official shall consign such inquired record to the prosecutor without the transfer alleged offender together and inform to his acknowledge that the alleged offender was detained at the rehabilitation centre, the locality for identification, rehabilitation or detention at anywhere.

The inquiry official or prosecutor, during the alleged offender was detained under this Act, shall not carry out the committal or posting the prosecution under the law.

Section 20 The person who appear to be alleged offender, if appear to any alleged offender who consume narcotics, before, at the time or after arrested for the purpose of himself shall receive the transfer for rehabilitation and not to be prosecuted on the account of consume and have in possession, consume and have in possession for the purpose of disposal or consume and dispose the narcotics, shall not have the right to receive the rehabilitation under this Act. The sub-committee of Narcotic Addict Rehabilitation shall inform the inquiry official or prosecutor, in case of depend upon, to receive such alleged offender to continue the proceeding accordance with the law.

The localities where accepted the alleged offender for identify or rehabilitate, during of waiting the inquiry official or prosecutor, in case of depend upon, to receive the alleged offender to continue the proceeding, shall have the power, in necessary, to detain such alleged offender, all this is due to the inquiry official or prosecutor, in case depend upon, shall come to receive the alleged offender immediately where able to be done.

Section 21 The sub-committee of Narcotic Addict Rehabilitation, in the identification of the alleged offender under section 19, shall conduct to comply to the competent official to prepare the record on biography, behavior on committed the offences through out all circumstances of the alleged offender who committed for the identification, and identify of consumption or narcotics addiction.

The identification shall conducted within fifteen days from the date accepted such alleged offender into the locality for identify, except there is a necessary cause, the sub-committee of Narcotic Addict Rehabilitation may issue order to extent that time not exceeding thirty days.

Rules and procedures of identification shall be in accordance with the rules as prescribed by Committee.

Section 22 In the case where the sub-committee of Narcotic Addict Rehabilitation have decision to the alleged offender who committed for identification as to be a consumer or narcotic addict, its shall have the rehabilitation plan and shall inform the result of the identification to the prosecutor to acknowledge. In this case, the prosecutor shall issued the order to suspend the prosecution until he receipt the inform of result of rehabilitation from the sub-committee of Narcotic Addict Rehabilitation under section 33.

In the case where the prosecutor approve that the alleged offender whom he receipt the inform of result of the identification under paragraph one have no right to admitted the rehabilitation under this Act. The prosecutor shall continue the proceeding and inform the result to the sub-committee of Narcotic Addict Rehabilitation to acknowledge.

If the result of identification disappear that the alleged offender to be a consumer or narcotic addict, the sub-committee of Narcotic Addict Rehabilitation shall report the result of identification to the inquiry official or the prosecutor to consider to continue the proceeding under the law.

In the case where the transfer of the alleged offender back to the inquiry official or prosecutor to continue the proceeding, the provision of section 20 paragraph two shall apply mutatis mutandis.

Section 23 In the conducting of rehabilitation plan under section 22, its shall required locality and procedure for rehabilitation that suitable with the state of the person committed for rehabilitation, when taking into consideration together with the age, gender, biography, behavior on committed the offence related to narcotics through out all circumstances of such alleged offender.

The requirement of locality for rehabilitation under paragraph one may require to be a rehabilitation centre or the locality of rehabilitation which prescribed in the Ministerial

Notification where from the institution of treatment, the institution of child and youth obligation and protection, the locality of government or other localities where is appropriate.

The requirement of the procedure of rehabilitation shall require in respect of the following procedure:

(1) in the case where necessary to detain in restriction of the person committed for rehabilitation, shall transfer such person to admitted for rehabilitation in rehabilitation centre or the locality of rehabilitation where have the detention system to prevent the escape;

(2) in the case where unnecessary to detain in restriction of the person committed for rehabilitation, shall transfer such person to admitted for rehabilitation in the locality of rehabilitation that is suitable and shall require the conditions to the person who committed for rehabilitation to stay within the area that required during the rehabilitation;

(3) in the case where unnecessary to detain the person committed for rehabilitation, may require to the person committed for rehabilitation to conduct with any other procedure under the supervise of probation official;

(4) during the rehabilitation, may require to the person committed for rehabilitation trained in occupation, working on social service or to conduct any acts that is suitable for the security in the life which left away from the narcotics.

Section 24 In the case where the fact appear in after the court issue the court order under section 19 that the person who committed for the identification or the person committed for rehabilitation was alleged or prosecuted on other offences which such offences shall be liable for the imprisonment or to be imprisoned by judgement of court. The court shall consider to issue the court order to transfer such person to the inquiry official for continue the proceeding.

Section 25 A person committed for rehabilitation shall undergo the rehabilitation under the rehabilitation plan for a period not exceeding six months as from the date of the commission therefor.

In the case where it appears that the result of the rehabilitation is unsatisfactory, the sub-committee of Narcotic Addict Rehabilitation shall consider to extend the duration of rehabilitation.

During the rehabilitation, the sub-committee of Narcotic Addict Rehabilitation shall consider to reduce the duration of rehabilitation which appropriate.

The extension and reduction of duration of rehabilitation may be made in many times, but each extension shall not be longer than six months and the total duration shall not exceeding three years as from the date of transferring the person to commit for rehabilitation.

Section 26 In the case where there is a reasonable ground, the sub-committee of Narcotic Addict Rehabilitation may consider the provision release to the person committed for

identification or person committed for rehabilitation in accordance with the rules, procedures and conditions prescribed by Committee.

Section 27 In the case where the alleged offender have the domicile which not facilitate to admit for rehabilitation in the rehabilitation centre, the locality of rehabilitation or the detention of such alleged offender. The sub-committee of Narcotic Addict Rehabilitation itself approval or receipt the request from the alleged offender, may issue an order to transfer such alleged offender to admit for the rehabilitation or the detention at other locality, but there shall be appeared that such transference will make more useful for the rehabilitation for such alleged offender.

Section 28 Whereby the person committed for identification or person committed for rehabilitation that was detained likewise the custody, its shall be deemed the person committed therefor, in case depend upon, to be the person in custody under the Penal Code.

In the case where there is an escape from the detention of the rehabilitation centre, the locality of the identification, the rehabilitation or the detention of such person. The duration which he has been committed under the identification or the rehabilitation to the escaped date shall not included in the period of custody.

Section 29 During the identification or the rehabilitation, if any person committed for identification or rehabilitation escaped from the detention or escaped to outside the area of the rehabilitation centre, the locality of the identification, the rehabilitation or the detention of such person, its shall be deemed such person escape the custody under the Penal Code and the competent official shall inform the inquiry official to acknowledge immediately. In this case the competent official shall have the power to pursue and arrest such person.

The provision of the paragraph one which in the respect of the offence and punishment under the section 190 of the Penal Code shall not apply to forced with the person not yet completed eighteen years old of age, all this is due to the section 32 paragraph two shall apply mutatis mutandis.

In the commission under the paragraph one, the sub-committee of Narcotic Addict Rehabilitation shall have the power to settle accordance with rules, procedures and conditions prescribed by the Committee.

Section 30 A person committed for identification or a person committed for rehabilitation shall conduct in restriction according to the rules and other conditions prescribed by the Committee and the sub-committee of Narcotic Addict Rehabilitation, including the regulations of the rehabilitation centre, the locality of the identification, rehabilitation or the detention of such person.

Section 31 In the case where the person committed for identification or the person committed for rehabilitation which have provision released does not conducted or violated the rules, conditions or regulations that prescribed. The competent official, without warrant, shall arrest such person back to the rehabilitation centre, the locality of the identification, rehabilitation or the detention.

Section 32 Any person committed for identification or a person committed for rehabilitation violate the section 30, the Director of Rehabilitation Centre or the supervisor of the locality where accept such person shall have the power to inflict upon him any one or more of punishments as the following:

- (1) probation;
- (2) suspension of permission of being visited or communicated for not longer than three months;
- (3) solitary confinement not exceeding fifteen days for each confinement.

In the case where necessary to inflict the punishment to person under paragraph one, who has not yet completed eighteen years old of age, shall apply the measures of punishment under the law on the establishment of the youth and family court and procedure *mutatis mutandis*.

Section 33 When the sub-committee of Narcotic Addict Rehabilitation decided that any person committed for rehabilitation has finished all due to the rehabilitation that in specific require of the rehabilitation plan and the result of the rehabilitation is satisfactory. Its shall be deemed such person relieved from the alleged offence under section 19 and the sub-committee of Narcotic Addict Rehabilitation shall issue the order to release such person at liberty, then inform the result to the inquiry official or the prosecutor who still the proceeding to acknowledge, in case depend upon.

In the case where any person committed for rehabilitation, in spite of finished all duration under section 25, but the result of the rehabilitation is not satisfactory. The sub-committee of Narcotic Addict Rehabilitation shall report together with the opinion to the inquiry official or the prosecutor, in case depend upon, to supplement the consideration for continue the proceeding of such person and the section 22 paragraph four shall apply *mutatis mutandis*.

Section 34 In the trial and judgement to the alleged offender who has committed for rehabilitation under section 33 paragraph two, the court may inflict less punishment to any extent than that provided by the law for such offence or may not inflict, all this is due in respect of the duration that such person has been committed under the rehabilitation.

Section 35 In the execution for this Act, the Committee, the sub-committee and the competent official under this Act shall be the administrative official or police officer under the Criminal Procedure Code and shall be an official under the Penal Code.

CHAPTER 4

Competent Officials

Section 36 In the performance of duties, a competent official has the following powers:

- (1) to enter any dwelling place, premises or conveyance in order to search and arrest the person committed for rehabilitation who violated section 29 or section 31, where there is a reasonable ground to suspect that such person is hidden and together with a reasonable ground to believe that the delayed longer time than to take search warrant, such person would escape;
- (2) to issue a letter of inquiry to or summon any person who related to the person committed for identification or the person committed for rehabilitation to give statements, to submit a letter explanation or to submit documents or any evidence for examination to constitute the consideration in the performance under section 17;
- (3) to testify the person committed for identification, the person committed for rehabilitation or any other person where capability to give the fact relating to the case that prescribed under section 17;
- (4) to issue an order or provide to the person committed for identification or the person committed for rehabilitation to has examined or tested whether has the narcotic internal body or not;

A competent official of any position and at any level who is to have all or part of such powers as referred to in paragraph one or would have approved by any person before performance shall prescribed by Committee that appear in the identification card of competent official who is such entrusted.

In the performance of duties of competent official under paragraph one, the person who concerned shall facilitate as appropriate.

Section 37 In the performance of duties, the competent official shall produce the identification card of authorization to the person concerned each time.

Identification card of competent official shall be in form prescribed by the Committee which notify in Government Gazette.

CHAPTER 5

Appeal

Section 38 In the case where the sub-committee of Narcotic Addict Rehabilitation have decision under section 22 that the person committed for identification is consumed or

addicted or issue the order not granted the provision release to the person committed for identification or the person committed for rehabilitation under section 26 or issue the order to extension the duration of rehabilitation under section 25, such person shall have the right to appeal such decision to the Committee within fourteen days from the date that acknowledge the decision or order, in case depend upon.

The appeal under the paragraph one shall not be the cause to delay the performance under the decision of the sub-committee of Narcotic Addict Rehabilitation.

The decision of the Committee is final.

Section 39 Rules and procedures to submit appeal and appeal proceeding shall be prescribed by Ministerial Regulation.

Section 40 In the trial of appeal, the Committee shall have the following powers:

- (1) to inform the appellant to give the summon or to submit material, document or any evidence concerned to supplementing the consideration;
- (2) to issue a letter of summon person concerned to give testify or submit the material, document or evidence to supplement the consideration.

In the case where the appellant not come to give testify or submit the material, document or evidence according to the Committee order under (1) whereby does not informed the necessary cause in the written letter to the Committee within three days from the day accept the Committee order, shall be deemed that appellant not willing to come to give more testify or submit material, document or evidence and the Committee shall continue to consider the appeal as it is appropriate.

The letter of summon to give testify or submit the material, document or evidence under (2) shall specific as that to come to give testify or submit the material or evidence in any matters.

CHAPTER 6

Penalties

Section 41 Any person who brought any fact or document of evidence which is a personal information derived in the execution for this Act, disclosure to other person shall be liable to imprisonment for a term not exceeding five years or to a fine of not exceeding one hundred thousand Baht or both, except the disclosure in the performance of duties, inquiry or court trial or permitted by the Committee or the sub-committee of Narcotic Addict Rehabilitation.

Any person who derived or acknowledged any fact from a person under paragraph one then disclosure such fact shall be liable likewise, except in case where it may disclosure under paragraph one.

Section 42 Any person who refuses to conduct accordance with letter of competent official under section 36 (2) or refuses to facilitate to competent official under section 36 paragraph three or refuses to conduct accordance with letter of summon of the Committee under section 40 shall be liable to imprisonment for the term not exceeding six months or to a fine of not exceeding ten thousand Baht or both.

Section 43 Offences under section 42, the Committee shall have the power to settle and in this case the Committee shall have the power to entrust the sub-committee of Narcotic Addict Rehabilitation or competent official to conduct with the settlement according to the rule or condition prescribed by the Committee.

When the offender paid the fine under of settlement, it shall be deemed quittance under the Criminal Procedure Code.

If the offender refuses to consent according to the settlement or when consented then after refuses to paid the fine within the required period, it shall continue the proceeding.

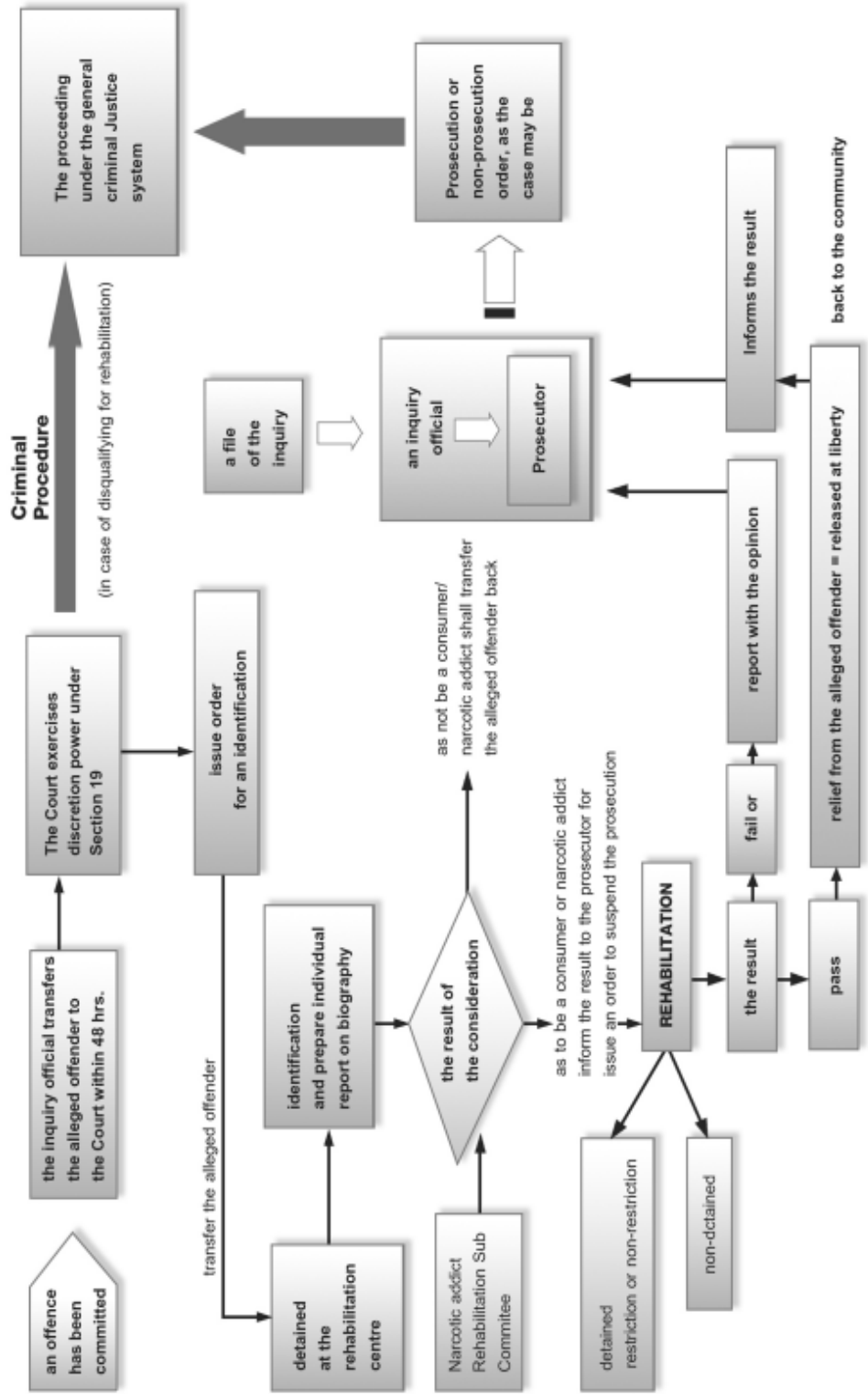
Countersigned by
Pol.Lt.Col. Thaksin Shinawatra
Prime Minister

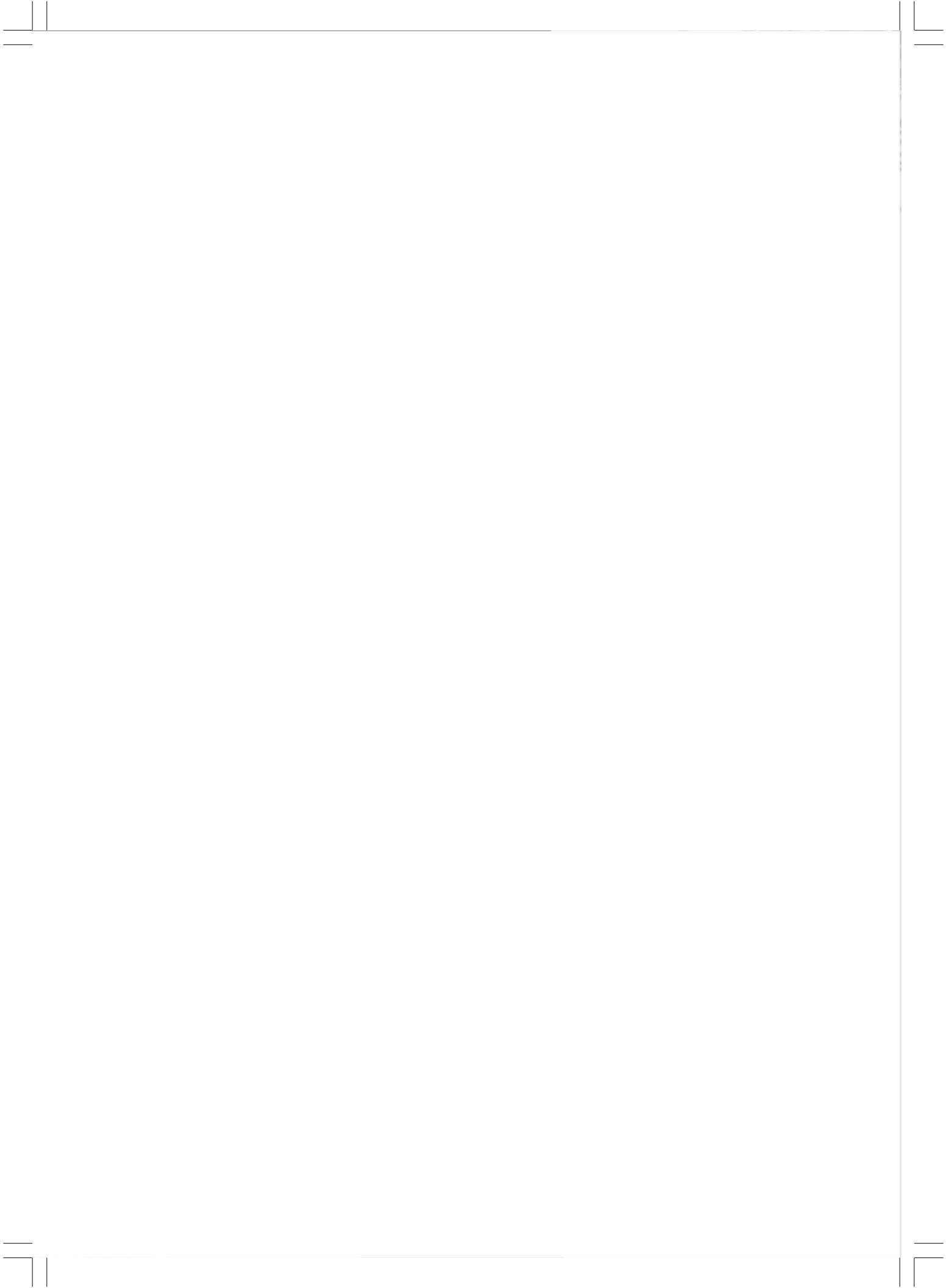
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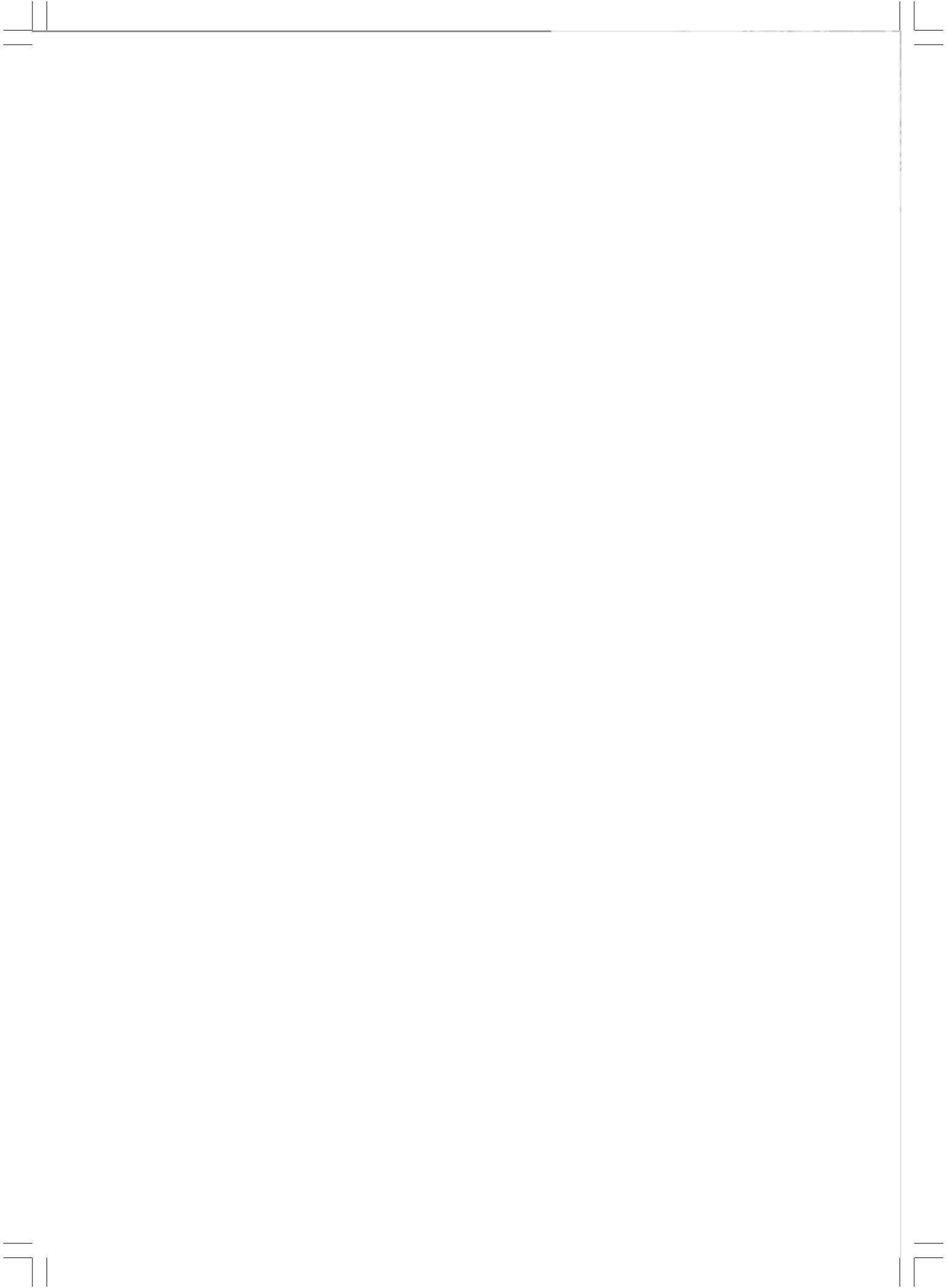
PROCEDURE OF ADDICT REHABILITATION UNDER THE NARCOTIC ADDICT REHABILITATION ACT 2002





E_xtradition Act B.E. 2472 (1929)





EXTRADITION ACT B.E. 2472 (1929)

BY THE KING'S MOST EXCELLENT MAJESTY

Whereas it is deemed expedient to declare the right of the Royal Siamese Government, irrespective of treaty obligations, to surrender to foreign States persons accused or convicted of crimes committed within the jurisdiction of such States, and also to provide for a uniform procedure to be followed in all extradition cases,

It is hereby enacted as follows :-

Article 1 This Act shall be called the "Extradition Act B.E. 2472."

Article 2 It shall come into force on the day of its promulgation in the government gazette.

Article 3 This Act shall be applicable to all extradition proceedings in Siam so far as it is not inconsistent with the terms of any Treaty, Convention or Agreement with a foreign State, or any Royal Proclamation issued in connection therewith.

Article 4 The Royal Siamese Government may at its discretion surrender to foreign States with which no extradition treaties exist persons accused or convicted of crimes committed within the jurisdiction of such States; provided that by the laws of Siam such crimes are punishable with imprisonment of not less than one year.

Article 5 Extradition will not be granted if the person claimed has already been tried and discharged or punished in any country for the crime for which his extradition is requested.

Article 6 Proceedings shall commence with a request from a foreign government to the Royal Siamese Government through the diplomatic agents of such Government for the extradition of a certain person, or in the absence of such diplomatic agents through the Competent Consular Officers.

Article 7 The request for extradition must be accompanied by,

(a) in the case of a person who has been convicted of a crime, a duly authenticated copy of the judgement of the Court which tried him;

(b) in the case of a person charged with crime, a warrant of arrest issued by the Competent Authority of the country making the request, or a duly authenticated copy thereof, and by such evidence as would justify the commitment for trial of the accused if the crime had been committed in Siam.

Article 8 Unless the Royal Siamese Government decides otherwise, the request together with the accompanying documents shall be transmitted to the Ministry of the interior in

order that the case may be brought before the Court by the Public Prosecutor. The Ministry of the Interior may order the accused to be arrested or may apply to the Court for a warrant of arrest.

Article 9 When an extradition case is entered the Court must notify the Minister of Justice and proceed with the hearing.

Article 10 In case of urgency a request for the provisional arrest and detention of the accused may be made by the foreign government. Such a request must clearly state the nature of the offence and that a warrant of arrest has been issued. Upon the receipt of such a request, the Ministry of Foreign Affairs shall, unless the Royal Siamese Government decides otherwise, notify the Ministry of the Interior who may order the accused to be arrested or may apply to the Court for a warrant of arrest. The accused must be as soon as possible sent before a proper Court.

The Court shall order the accused to be detained pending the arrival of the formal requisition and the necessary documents providing (a) there is evidence (Which may be contained in the letter of the Ministry of Foreign Affairs) that a warrant has been issued for the arrest and that the nature of the crime is clearly stated; (b) that the offence charged is extraditable; and (c) that the offence is not one of a political character.

If the formal requisition and the necessary documents have not been received by the Court within two months from the date of the order for detention or within such further time as the Court may for sufficient reason direct, the accused shall be set at liberty.

Article 11 After arrest the accused must be brought without unnecessary delay before the Court and a preliminary investigation must be made in accordance as far as possible with the Siamese rules of procedure in criminal cases. The Court may order a remand from time to time on the request of either party and for good and sufficient reasons but the Court should not allow bail in these cases.

Article 12 The Court must be satisfied:

- (1) That the identity of the accused is established;
- (2) That there is sufficient evidence against him to commit him for trial, if the offence had been committed in Siam;
- (3) That the offence is extraditable and is not one of a political character.

The evidence may be given either orally by witnesses or by means of depositions (Properly authenticated).

Article 13 The Court need not hear evidence for the accused in his defence except upon the following points:

- (1) That he is not the person wanted;
- (2) That the offence is not extraditable or is of a political character;
- (3) That his extradition is in fact being asked for with a view to punishing him for an

offence of a political character;

- (4) His nationality.

Article 14 If the Court is of opinion that the evidence is insufficient it shall order the accused to be discharged at the end of forty-eight hours after such order has been read, unless within this period the Public Prosecutor notifies his intention to appeal. The appeal must be filed within fifteen days and the Court shall order the accused to be detained pending the hearing of such appeal.

Article 15 If the Court is satisfied that the evidence is sufficient its shall make an order authorising the accused to be detained with a view to being surrendered. The accused shall not be sent out of the country for fifteen days and within that period he has a right to appeal.

If the accused has not been surrendered within three months from the date when the order of the Court becomes final or within such further time as the Court may for sufficient reason direct, the accused shall be set at liberty.

Article 16 In all cases in which the Court is of opinion that the accused is a Siamese subject and in all cases in which doubt or technical difficulty arises as to the authority of the documents or the method of making the requisition, reference must be made to the Minister of Justice before making an order for the release of the accused.

Article 17 Appeals in extradition cases lie to the Appeal Court and its decision upon all questions both of fact and of law shall be final.

If there was any evidence as to the facts found by the lower Court to justify the order made, the Appeal Court has no power to interfere, the Appeal Court will only see that the lower Court had such evidence before it as to give it authority and jurisdiction to make the order and for this purpose may review the evidence and consider arguments :

- (1) As to the nationality of the accused;
- (2) That the crime charged is not extraditable;
- (3) That the offence is of a political character ; or that the requisition was in fact made with a view to punish the accused for a political offence; or
- (4) That there was no evidence before the lower Court upon which such Court could exercise its discretion whether to make the order or not.

Given on the 15th day of December, B.E. 2472, being the 5th year of the Present Reign.



Mutual Assistance in Criminal Matters

a) General Information

b) Acts and Regulations

1. The Act on Mutual Assistance in Criminal Matters B.E. 2535 (1992)
 - 1.1 Ministerial Regulation B.E. 2537 (1994) issued under the Act on Mutual Assistance in Criminal Matters B.E. 2535 (1992)
 - 1.2 Ministerial Regulation No. 2 B.E. 2537 (1994) issued under the Act on Mutual Assistance in Criminal Matters B.E. 2535 (1992)
 - 1.3 Regulation of the Central Authority Related on Providing and Seeking Assistance Under the Act on Mutual Assistance in Criminal Matters B.E. 2537 (1984)
2. Act on Procedure for Cooperation between States in the Execution of Penal Sentences B.E. 2527 (1984)

c) Treaties

1. Treaty between the Government of the Kingdom of Thailand and the Government of the United States of America on Mutual Assistance in Criminal Matters B.E. 2529 (1986)
2. Treaty between the Government of the Kingdom of Thailand and the Government of Canada on Mutual Assistance in Criminal Matters B.E. 2537 (1994)
3. Treaty between the Government of the Kingdom of Thailand and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Assistance in Criminal Matters B.E. 2537 (1994)
4. Treaty between the Government of the Kingdom of Thailand and the Government of France on Mutual Assistance in Criminal Matters
5. Treaty between the Government of the Kingdom of Thailand and the Government of the Kingdom of Norway on Mutual Assistance in Criminal Matters B.E. 2542 (1999)
6. Treaty between the Kingdom of Thailand and the People's Republic of China on Mutual Assistance in Criminal Matters B.E. 2546 (2003)
7. Treaty between the Government of the Kingdom of Thailand and the Republic of Korea on Mutual Assistance in Criminal Matters B.E. 2546 (2003)
8. Treaty between the Kingdom of the Kingdom of Thailand and the Government of the Republic of India on Mutual Assistance in Criminal Matters B.E. 2547 (2004)
9. Treaty between the Kingdom of Thailand and the Republic of Poland on Mutual Assistance in Criminal Matters B.E. 2547 (2004)

10. Treaty between the Government of the Kingdom of Thailand and the Government of the Democratic Socialist Republic of Sri Lanka on Mutual Legal Assistance in Criminal Matters B.E. 2547 (2004)

Extradition

a) Acts

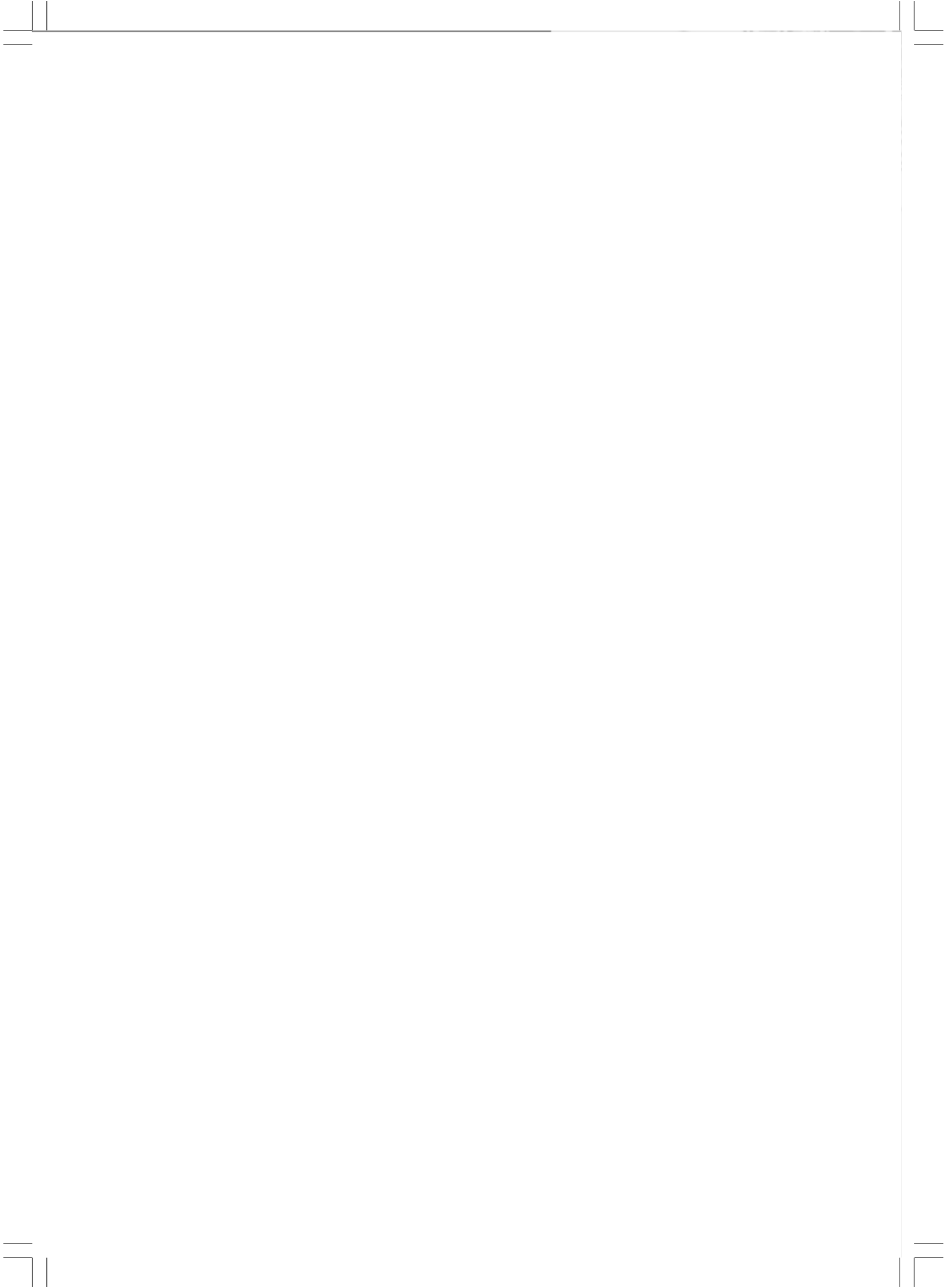
1. Extradition Act B.E. 2472 (1929)
2. The Act on Extradition between the Government of the Kingdom of Thailand and the Government of the United States of America B.E. 2533 (1990)

b) Treaties

1. Treaty between the Government of the Kingdom of Thailand and the Government of the United States of America Relating to Extradition B.E. 2526 (1983)
2. Treaty between the United Kingdom and Siam Respecting the Extradition of Fugitive Criminals Ror. Sor. 129 (1911)
3. Treaty between the Government of the Kingdom of Thailand and the Government of the Kingdom of Belgium Relating to Extradition B.E. 2479 (1936)
4. Treaty between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia Relating to Extradition B.E. 2519 (1976)
5. Treaty between the Government of the Kingdom of Thailand and the Government of the Republic of the Philippines Relating to Extradition B.E. 2524 (1981)
6. Treaty between the Kingdom of Thailand and the People Republic of China on Extradition B.E. 2536 (1993)
7. Treaty between the Kingdom of Thailand and the Kingdom of Cambodia on Extradition B.E. 2541 (1998)
8. Treaty on Extradition between the Kingdom of Thailand and the Republic of Korea B.E. 2542 (1999)
9. Treaty between the Kingdom of Thailand and the People's Republic of Bangladesh Relating to Extradition B.E. 2541 (1998)
10. Treaty between the Kingdom of Thailand and the Lao People's Democratic Republic on Extradition B.E. 2542 (1999)

c) Other

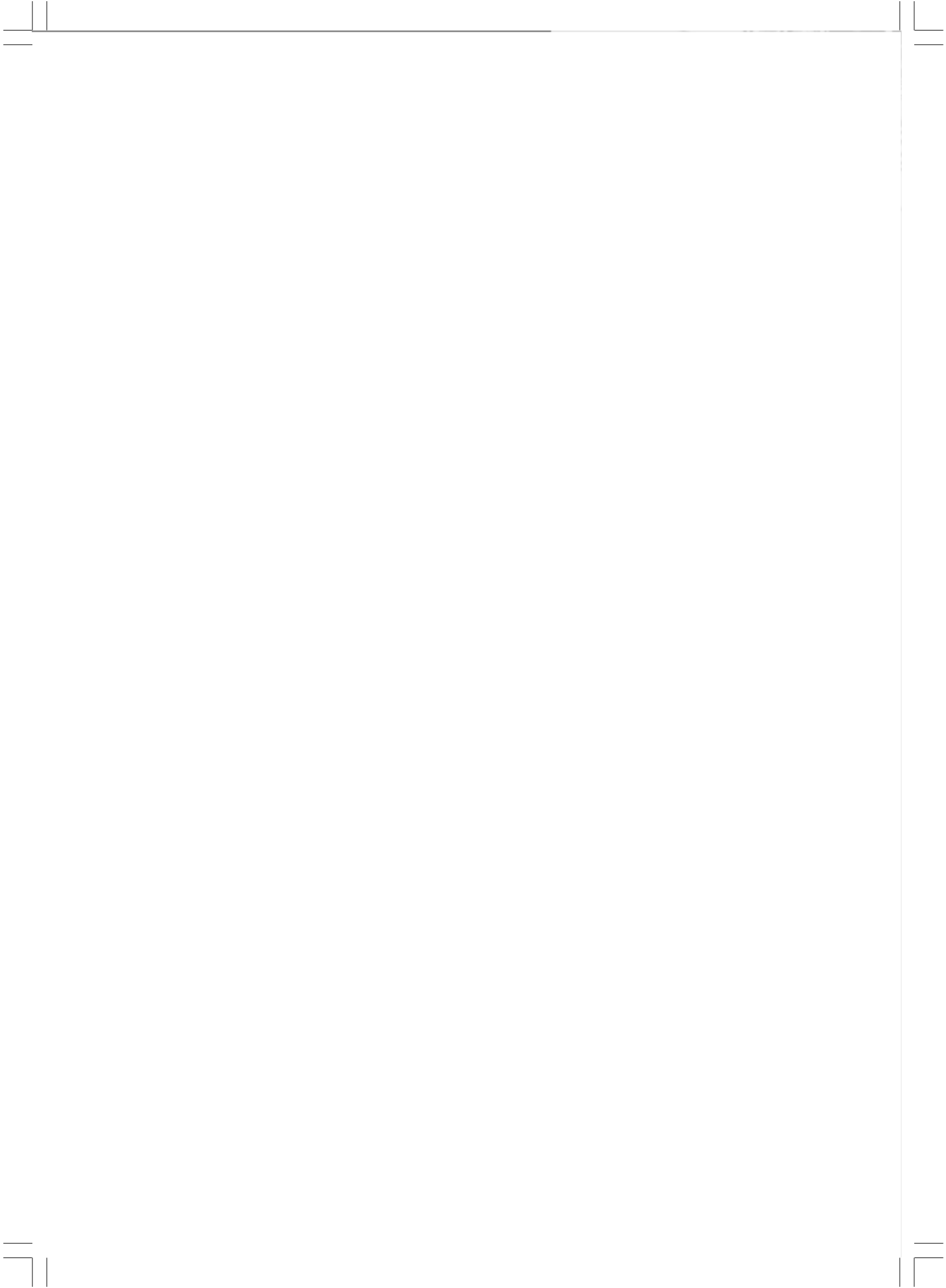
1. The Constitution of the Kingdom of Thailand B.E. 2540 (1997)



● **A**ct on Procedure for Cooperation
Between States in the Execution of Penal
Sentences B.E. 2527 (1984)



ONCB



ACT ON PROCEDURE FOR COOPERATION BETWEEN STATES IN THE EXECUTION OF PENAL SENTENCES

B.E. 2527 (1984)

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is deemed appropriate to enact the law governing the procedure for cooperation between states in the execution of penal sentences:

Be it, therefore, enacted an Act by the King by and with the advice and consent of the Parliament, as follows.

Section 1 This legislation shall be called “The Procedure for Cooperation between States in the Execution of Penal Sentences” B.E. 2527 (1984)

Section 2 This Act shall enter into force on the date after its publication in the Government Gazette.

Section 3 All laws, rules, regulations, procedures and other announcements which are specified in this Act or which contravene or conflict with this Act shall be superseded by this Act.

Section 4 In this Act:

“The Transferring State” means the country which transfers the prisoner to the Receiving State.

“The Receiving State” means the country to which the prisoner is transferred from the Transferring State.

“Thai prisoner” means an individual holding Thai nationality, regardless whether such individual may hold any other nationality, who is subject to sentence or final court order of punishment and who is now serving such sentence abroad.

“Foreign prisoner” means an individual not holding Thai nationality who is subject to sentence or final court order of punishment and who is now serving such sentence in the Kingdom.

“Punishment” means imprisonment or confinement and shall also mean inclusively security measures, probation, procedures for juvenile offenders, suspended sentence, suspended confinement and reduction in the length of sentence.

“Committee” means the Committee for Consideration of the Transfer of Prisoners.

“Responsible Officials” means the persons appointed by the Minister to implement this Act.

Section 5 The Minister of Defense, the Minister of Foreign Affairs, the Minister of Interior, and the Minister of Justice shall be responsible for the implementation of this Act. The Minister of each Ministry is empowered to appoint responsible officials and to issue Ministerial Regulations for the purpose of implementing this Act particularly for those provisions which pertain to the respective Ministries.

The Ministerial Regulations shall enter into force upon publication in the Government Gazette.

CHAPTER 1

General

Section 6 The transfer of Thai prisoners in foreign countries to continue to serve their sentences in the Kingdom or the transfer of foreign prisoners in the Kingdom to continue to serve their sentences abroad shall be subject to the following provisions:

(1) The Transferring State and the Receiving State shall enter into a bilateral treaty for cooperation between States in the execution of penal sentences.

(2) The transfer of any prisoner shall take place with the consent of the Transferring State and the Receiving State and of the prisoner who shall be transferred.

(3) The offense which has been committed by the Thai prisoner or by the foreign prisoner must be a criminal offense under the law of the Receiving State.

(4) The prisoner to be transferred shall not be the subject of an outstanding criminal case on other charges more in the process of a retrial of a criminal case in the Transferring State.

(5) The transfer must be either beneficial to or in the best interest of the prisoner to be transferred.

(6) The transfer of any prisoner shall take into account the nature and severity of the crime and the effect of the criminal situation and the morale of the populace in the Transferring State and in the Receiving State.

The provisions of (3) shall not apply in the event that the international treaty executed between the Transferring State and the Receiving State does not stipulate such provisions or the provisions are stated otherwise.

Section 7 The various expenses associated with the transfer of prisoners shall be administered in accordance with the applicable Ministerial Regulations.

Section 8 The transfer of prisoners under this Act shall not serve to curtail the rights of such prisoners to subsequent pardon, commutation of sentence and reduction of sentence to be granted by the Transferring State after the transfer.

CHAPTER 2

The Committee for Consideration of the Transfer of Prisoners

Section 9 There shall be appointed a committee to be called "The Committee for Consideration of the Transfer of Prisoners" consisting of the Permanent Secretary of State for Justice as Chairman of the Committee and the Judge Advocate General, the Chief Justice of the Criminal Court, the Chief Justice of the Central Juvenile Court, the Director-General of the Department of Public Prosecution, the Director-General of Police Department, the Director-General of the Corrections Department, and the Director-General of the Treaty and Legal Department as members of the Committee; the Director of the Penology Division of the Corrections Department shall serve concurrently as member and Secretary of the Committee and the Director of the Treaty Division of the Treaty and Legal Department shall serve concurrently as member and assistant secretary of the Committee.

The Committee shall exercise full authority under this Act:

Section 10 Not less than one half of the total membership of the total membership of the Committee must be present at each meeting to form a quorum.

If the chairman of the Committee is absent from the meeting or is unable to perform his duty as chairman of the meeting, the meeting shall then elect any one member of the Committee present to assume the chair at the meeting.

Resolutions of the meeting shall be adopted by a majority vote.

Each member of the Committee shall have one vote in a ballot. In the case of a tie vote, the chairman of the meeting shall cast an additional vote which shall be the deciding vote.

Section 11 The Committee shall be empowered to appoint sub-committees to carry out such functions as shall be assigned by the Committee.

The provisions of section 10 shall apply to the meeting of the sub-committees.

CHAPTER 3

The Transfer of Thai Prisoners

Section 12 A Thai prisoner who desires to be transferred to continue his sentence in the Kingdom shall be required to submit a petition, together with supporting documents as prescribed by the Committee, to the responsible official at the Royal Thai Embassy or Royal Thai Consulate having jurisdiction in the Transferring State or to the responsible official at the Ministry of Foreign Affairs as circumstances dictate.

Section 13 If the Thai prisoner is unable to submit the petition by himself or if the prisoner is a minor or youth under the jurisdiction of the Juvenile Court, then the spouse or relative or other interested party shall be empowered to submit the petition on behalf of the Thai Prisoner, in accordance with the provisions of Section 12.

Section 14 If the prisoner is unable to prepare the documents necessary to support a petition pursuant to Section 12 or Section 13, then the responsible official shall be authorized to prepare the documents on behalf of the prisoner.

Section 15 Upon receipt of the petition complete with all supporting documents, the responsible official shall forward the petition and supporting documents to the Secretary of the Committee for submission to the Committee for consideration.

The Committee shall consider the petition and issue an order approving or disapproving the transfer of the Thai prisoner without delay and such order shall be made known to the petitioner through the Ministry of Foreign Affairs. Should the Committee disapprove the petition for noncompliance with the provisions of this Act, the Committee shall provide the reasons for such disapproval.

The order of the Committee shall be final.

Section 16 In the event the Committee has approved a petition for the transfer of a Thai prisoner, the Committee shall forward the case for action to the Ministry of Foreign Affairs to seek approval for the transfer of the Thai prisoner from the Transferring State. When the Transferring State has informed the Ministry of Foreign Affairs of its decision the Ministry of Foreign Affairs shall forward the decision to the Committee and to the petitioner without delay.

Section 17 When the Committee receives notification from the Ministry of Foreign Affairs that the Transferring State has approved the petition for transfer of a Thai prisoner from the Transferring State, pursuant to Section 16, the Committee shall arrange for the transfer of the Thai prisoner without delay.

Upon arrival of a Thai prisoner in the Kingdom if a court of the Transferring State has imposed a sentence of incarceration or detention, the responsible officials shall issue a written

order for the detention of the Thai prisoner at a facility provided for under the applicable laws.

If the Thai prisoner is subject to security controls, probation, the procedures for juveniles, or suspended sentence or confinement, the procedures provided for in the applicable laws currently in force in the Kingdom shall be applied as appropriate in each case.

Section 18 For purposes of the transfer of Thai prisoners to continue their sentences in the Kingdom under this Act, it shall be considered that the judgement or order of the Court of the Transferring State is the judgment or order of the Court having jurisdiction in the Kingdom.

An appeal to the Appeals Court, an appeal to the Supreme Court, or a request for retrial of a criminal case in the court having jurisdiction in the Kingdom for reconsideration of the judgment or order of the Court pursuant to paragraph one shall not be permitted.

Section 19 When agreement to transfer the Thai prisoner has been reached, the Committee shall avail itself of the supporting documents concerning the sentence officially certified by the Transferring State, as a basis for consideration. If it appears that the sentence imposed by the judgment or order of the Court of the Transferring State is compatible with the sentence prescribed by the law currently in force in the Kingdom, then the Committee shall issue a written order to the prison officer or the responsible officials authorized to carry out the procedures for security controls, probation, the procedures for juveniles, suspended sentence, and suspended detention as appropriate to fulfill the requirements of the applicable law.

In the event it appears that the sentence imposed or the conditions for serving sentence under the law of the Transferring State are not compatible with the sentence or conditions of punishment as prescribed by the law currently in force in the Kingdom, the Committee shall forward the case to the Public Prosecutor for submission of a petition to the Criminal Court or to the Central Juvenile Court for consideration of an adjustment to the sentence or conditions of sentence to have them common to the law currently in force in the Kingdom. For this purpose, the adjusted sentence or conditions of punishment shall not be more severe than the sentence or conditions of punishment imposed on the Thai prisoner in the Transferring State.

In the event that it appears that the offense for which the Thai prisoner has been sentenced according to the judgment or order of the Court of the Transferring State is not a chargeable offense under the laws currently in force in the Kingdom, the fact that the Thai prisoner been sentenced by such judgment or order shall be considered the basis on which the Court is empowered to order security controls. The Court shall adjust the judgment or order to apply such security controls as the Court shall deem appropriate but the security controls shall not be more severe than the sentence or conditions of sentence that the Thai prisoner

would receive in the Transferring State. For this purpose, the provisions of paragraph two shall apply *mutatis mutandis*.

The order of the Criminal Court or the Central Juvenile court shall be final.

Section 20 It shall be considered that a Thai prisoner who has been transferred to continue a sentence in the Kingdom is a prisoner subject to final sentence or is a prisoner subject to security controls, probation, provisions for juveniles, suspended sentence, or suspended detention according to the applicable laws currently in force in the Kingdom.

Section 21 Pardon, amnesty, commutation of sentence, reduction of sentence, suspension of sentence suspension of detention, and reduction of the length of sentence for the Thai prisoner who continues a sentence in the Kingdom shall be subject to the law currently in force in the Kingdom, except as stipulated otherwise by treaty in which case the provisions of the treaty shall pertain.

Section 22 In continuing the sentence in the Kingdom, the Thai prisoner being transferred shall benefit from the following:

(1) The reduction in the length of the sentence imposed on the Thai prisoner according to the law of the Transferring State until the date of transfer of the prisoner.

(2) Pardon, commutation of sentence and reduction of length of sentence granted by the Transferring State, particularly as such applies to the Thai prisoner.

(3) The subsequent enactment of a law of the Transferring State which stipulates that the offense committed by the Thai prisoner for which he was sentenced is no longer an offense or which includes provisions beneficial to the Thai prisoner.

(4) The amendment, revision or revocation of the judgment or order of the Court of the Transferring State.

(5) The reduction of the length of sentence from the date of transfer of the Thai prisoner to the date the Thai prisoner has recommenced the sentence in the Kingdom.

When the provisions of paragraph one become known to the Committee or when the Thai prisoner or authorized person submitting the petition pursuant to Section 13 has so requested, the Committee shall be empowered to order that the Thai prisoner receive the appropriate benefit.

The order of the Committee shall be final.

CHAPTER 4

The Transfer of Foreign Prisoners

Section 23 The petition for the transfer of foreign prisoners to serve their sentence in the Receiving State shall be submitted by the Receiving State through diplomatic channels to the responsible officials of the Ministry of Foreign Affairs in accordance with the procedures and in the documentary format specified by the Committee.

Section 24 When the petition has been received complete with all prescribed documents, the responsible officials shall forward the petition and aforementioned documents to the Secretary of the Committee for submission to the Committee for consideration.

Section 25 The transfer of foreign prisoners shall not take place under any one of the following circumstances:

(1) When the sentence received by the foreign prisoner, whether in whole or in part involves an offense against the person of the Monarch, the Queen, or the Monarch, the Queen, or the Monarch's son or daughter, an offense against national security from within the Kingdom; an offense against national security from outside the Kingdom; or an offense against the laws governing national art treasures.

(2) (a) A foreign prisoner who has served a prison sentence in the Kingdom less than one third of the total sentence imposed or ordered or less than four years, whichever period is less.

(b) A foreign prisoner who has served a prison sentence in the Kingdom less than eight years for charges of production, distribution, import for distribution or possession for distribution of narcotics, as proscribed by the Narcotics Act, and the sentence imposed to him is life imprisonment.

(3) When the remainder of the total sentence imposed or ordered the foreign prisoner must serve in the Kingdom is less than one year.

Section 26 The Committee may disapprove the transfer of a foreign prisoner when it appears that the transfer would threaten the national security or stability of the Kingdom or domestic civil order.

Section 27 In any case in which a foreign prisoner is required to pay a fine, make restitution of property, or pay compensation for the cost of damages according to a Court's judgment in a criminal case or according to the order of a competent authority, then the foreign prisoner shall be required to make full payment of the fine, restitution of the property, or compensation for the damages before the Committee shall issue the order approving the transfer.

Section 28 The Committee shall issue an order approving or disapproving the transfer of a foreign prisoner and the Receiving State shall be informed of the order through the Ministry of Foreign Affairs.

The order the Committee shall be final and the Committee order of approval shall be considered authorization for the transfer of a foreign prisoner to the Receiving State.

CHAPTER 5

Procedures for the Receipt and Delivery of Prisoners

Section 29 The receipt and delivery of the Thai and foreign prisoners to be transferred shall be conducted through diplomatic channels according to the procedures prescribed by the Committee.

Section 30 When a Thai prisoner has been received in the Transferring State, the responsible official shall arrange for the Thai prisoner to travel from the Transferring State to the Kingdom without delay and except in the case of extraordinary circumstances, within not more than three days from the date of receipt. Upon arrival in the Kingdom, the Thai prisoner shall recommence the sentence immediately.

Section 31 When a foreign prisoner has been delivered, the foreign prisoner must depart the Kingdom within 24 hours from the time the delivery of the prisoner is completed, except that the Committee or a party authorized by the Committee may extend this period as necessary.

CHAPTER 6

Penalty Clause

Section 32 Any Thai prisoner who shall escape from custody in the course of travel from the Transferring State to the Kingdom or any foreign prisoner who shall escape in the course of travel out of the Kingdom shall be punishable by not more than five years imprisonment or fine of not more than fifty thousand Baht.

If the offense cited in paragraph one has been committed by force or threat of force or has involved three or more accomplices, the offender shall be punishable by not more than seven years imprisonment or fine of not more than seventy thousand Baht or both imprisonment and fine.

If an offense under this Section has been committed by the possession of or with the use of weapons or explosives, the offender shall be punishable by a penalty more severe by half than that prescribed in the preceding two paragraphs.

Section 33 Any Thai prisoner who shall resist or fail to comply with the arrangements made by the responsible official pursuant to Section 17 or Section 30 or any foreign prisoner who shall resist or fail to comply with the provisions of Section 31 shall be punishable by not more than one year imprisonment or fine of not more than ten thousand Baht.

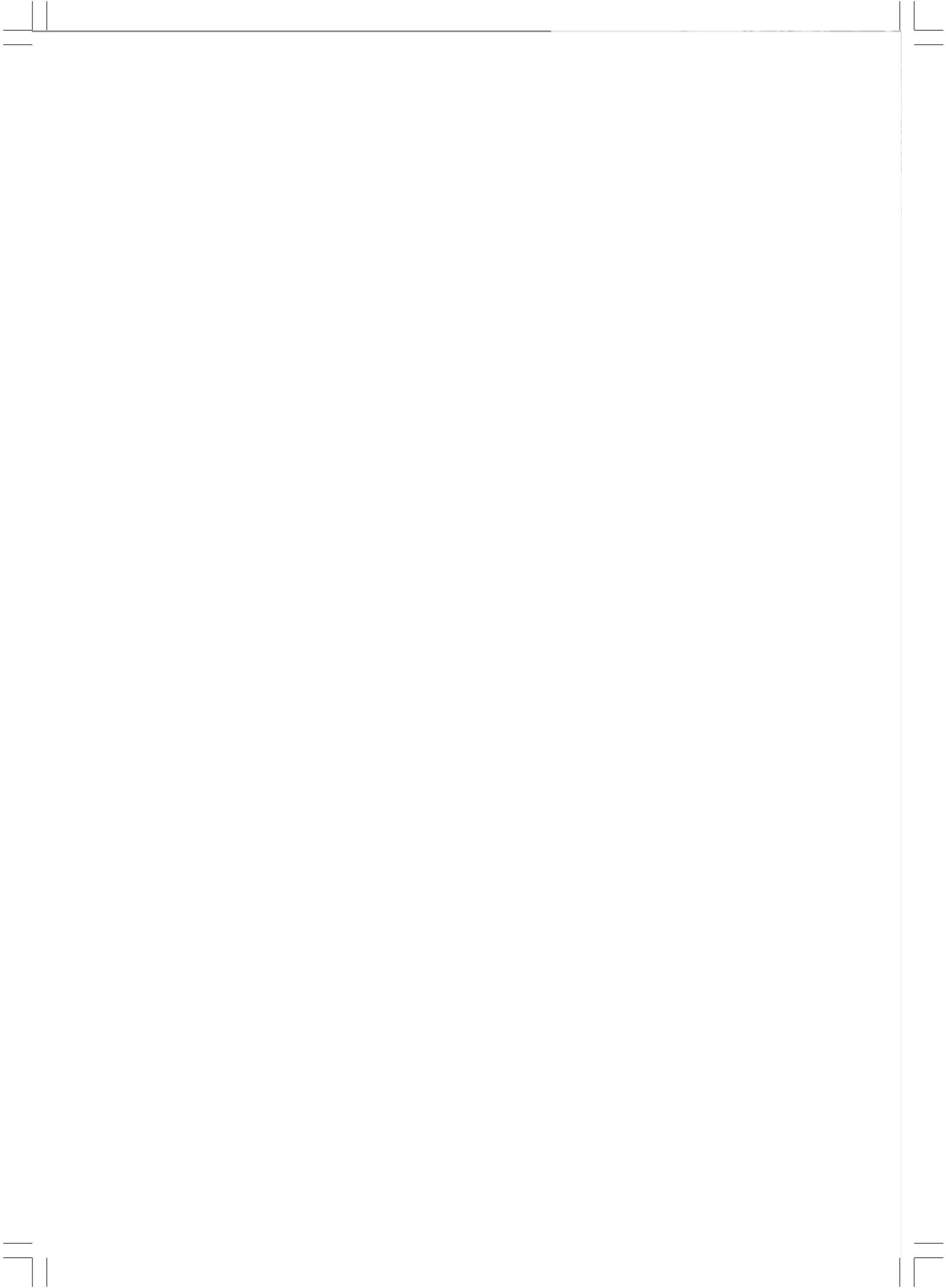
Section 34 With respect to a Thai prisoner, an offense against Section 32 or Section 33, albeit committed outside the Kingdom, shall be considered an offense committed within the Kingdom.

Section 35 The Committee shall be empowered to settle an offense under Section 33 and for this purpose the Committee shall be empowered to authorize responsible officials or investigators to settle the offense, by prescribing to the authorized officials the criteria and provisions of settlement, as appropriate.

When the offender has paid a fine prescribed by the settlement, the case shall be considered closed in accordance with the Criminal Procedures Code and the transfer of the prisoner shall proceed accordingly.

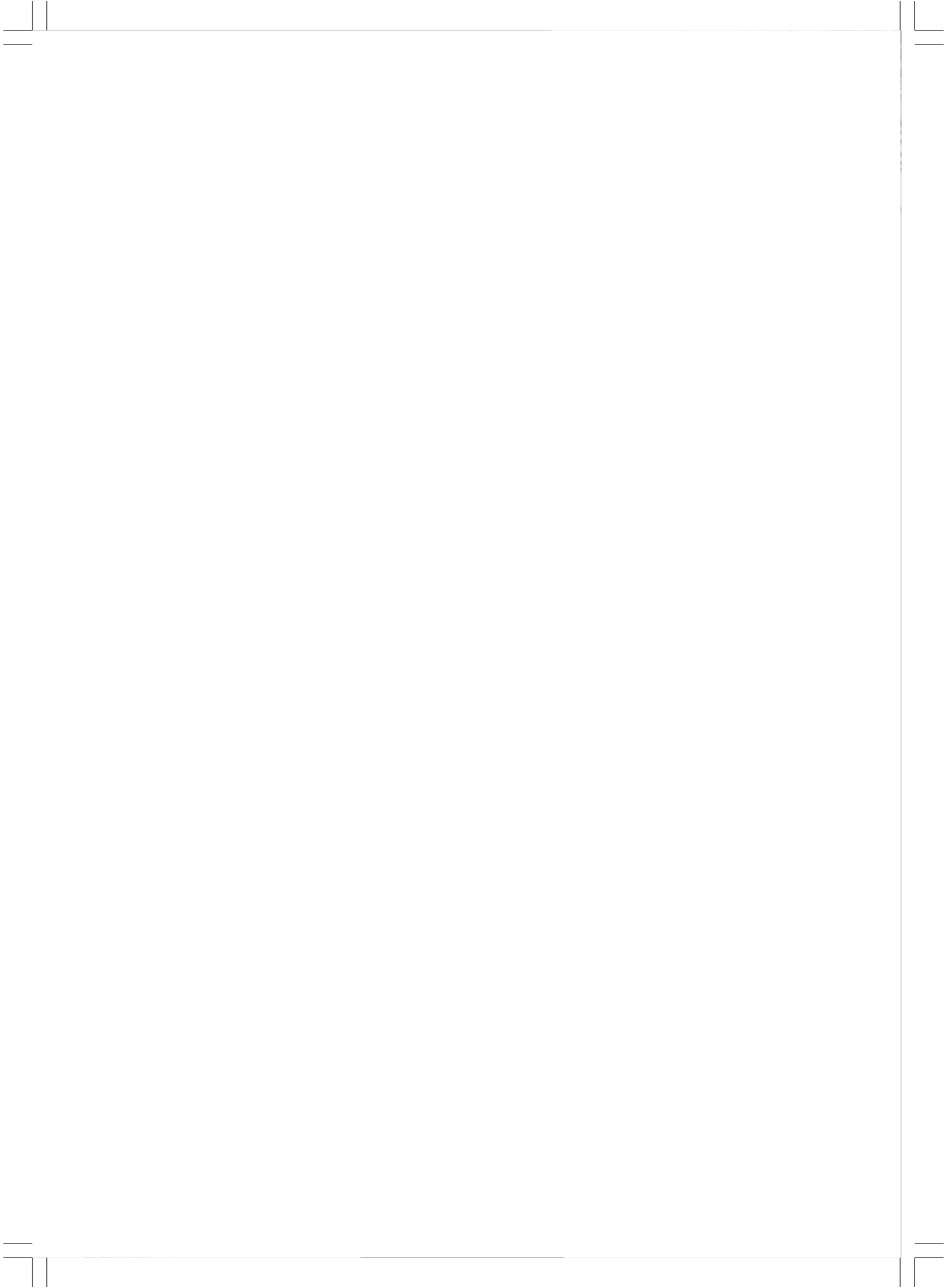
If the offender does not pay the fine prescribed by the settlement, the Committee or the authorized official shall deliver the offender to the investigators for further legal proceedings.





The Act on Mutual Assistance
in Criminal Matters B.E. 2535 (1992)





THE ACT
on
MUTUAL ASSISTANCE IN CRIMINAL MATTERS
B.E. 2535 (1992)

Section 1 This Act shall be called the “Act on Mutual Assistance in Criminal Matters, B.E. 2535.”

Section 2 This Act shall come into force after ninety days upon its publication in the Government Gazette.

Section 3 All other laws, regulations, rules, decrees, and announcement already provided in or inconsistent to this Act shall be replaced by this Act.

Section 4 In this Act :

“Assistance” means assistance regarding investigation, inquiry, prosecution, forfeiture of property and other proceedings relating to criminal matters;

“Requesting State” means the state seeking assistance from the Requested State;

“Requested State” means the state from whom an assistance for the Requesting State is sought;

“Central Authority” means the person having authority and function to be the coordinator in providing assistance to a foreign state or in seeking assistance from a foreign state under this Act;

“Competent Authorities” means the official having authority and function to execute the request for assistance from a foreign state as notified by the Central Authority under this Act.

Section 5 The Prime Minister shall be the guardian of this Act and shall have the authority to issue Ministerial Regulations necessary for the implementation of this Act.

Ministerial Regulations shall become effective upon publication in the Government Gazette.

CHAPTER 1
Central Authority

Section 6 The Central Authority shall be the Attorney General or the person designated by him.

Section 7 The Central Authority shall have the following authority and functions:

- (1) To receive the request for assistance from the Requesting State and transmit it to the Competent Authorities;
- (2) To receive the request seeking assistance presented by the agency of the Royal Thai Government and deliver to the Requested State;
- (3) To consider and determine whether to provide or seek assistance;
- (4) To follow and expedite the performance of the competent Authorities in providing assistance to a foreign state for the purpose of expeditious conclusion;
- (5) To issue regulations or announcement for the implementation of this Act;
- (6) To carry out other acts necessary for the success of providing or seeking assistance under this Act.

Section 8 There shall exist a board comprising representatives from the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice, the Office of the Attorney General, as well as other distinguished people not more than four persons as its members and one public prosecutor designated by the Board as its Secretary. The Board shall provide opinion to assist the Central Authority in consideration and determination of the providing for or seeking assistance from foreign states where such matter may affect national sovereignty or security, crucial public interests, international relation, or relate to a political or military offence.

When an assistance is sought under Section 10 or Section 36 and the process under Section 11 has already been completed, the Central Authority shall promptly refer the matter to the Board for its opinion unless the process has been otherwise established by the Board.

If there shall be a dissent between the opinion of the Board and the determination of the Central Authority, then the latter shall refer the case to the Prime Minister for his ruling in accordance with Section 11 paragraph five or Section 38 paragraph two as the case may be.

CHAPTER 2

Providing of and Seeking for Assistance.

PART 1

General Provisions

Section 9 The providing of assistance to a foreign state shall be subject to the following conditions:

(1) Assistance may be provided even there exists no mutual assistance treaty between Thailand and the Requesting State provides that such state commits to assist Thailand under the similar manner when requested;

(2) The act which is the cause of a request must be an offence punishable under Thai laws unless when Thailand and the Requesting state have a mutual assistance treaty between them and the treaty otherwise specifies provides, however, that the assistance must be conformed to the provisions of this Act;

(3) A request may be refused if it shall affect national sovereignty or security, or other crucial public interests of Thailand, or relate to a political offence;

(4) The providing of assistance shall not be related to a military offence.

Section 10 The state having a mutual assistance treaty with Thailand shall submit its request for assistance directly to the Central Authority. The state which has no such treaty shall submit its request through diplomatic channel.

A request for assistance shall conform to the forms, regulations, means and conditions defined by the Central Authority.

Section 11 Upon receipt a request for assistance from a foreign state, the Central Authority shall consider and determine whether such request is eligible for the providing of assistance under this Act and has followed the process correctly as well as accompanied by all appropriate supporting documents.

If such request is eligible for the providing of assistance, and in line with the process, as well as accompanied by all appropriate supporting documents, the Central Authority shall transmit the said request to the Competent Authorities for further execution.

If such request is not eligible for the providing of assistance, or must be subject to some essential conditions before the assistance is provided, or if it is not in line with the process or has not been accompanied by all appropriate supporting documents required, the Central Authority shall refuse to provide assistance and notify the Requesting State the reasons thereof, or indicate the required conditions, or the causes of impossibility to execute the request.

If the Central Authority is of the view that the execution of a request may interfere with the investigation, inquiry, prosecution, or other criminal proceeding pending its handling in Thailand, he may postpone the execution of the said request or may execute it under certain conditions set by him and notify the Requesting State about that.

A determination of the Central Authority with regard to the providing of assistance shall be final, unless otherwise altered by the Prime Minister.

Section 12 The Central Authority shall transmit the request for assistance from a foreign state to the following Competent Authorities for execution:

(1) The request for taking statement of persons, or providing documents, articles, and evidence out of Court, the request for serving documents, the request for searches, the request for seizures documents or articles, and the request for locating persons shall be transmitted to the Director General of the Police Department;

(2) The request for taking the testimony of persons and witnesses or adducing document and evidence in the Court, as well as the request for forfeiture or seizure of properties shall be transmitted to the Chief Public Prosecutor for Litigation;

(3) The request for transferring persons in custody for testimonial purposes shall be transmitted to the Director General of the Correctional Department.

(4) The request for initiating criminal proceedings shall be transmitted to the Director General of the Police Department and the Chief Public Prosecutor for Litigation.

Section 13 Upon receipt a request for assistance from the central Authority, the Competent Authorities shall execute such request and, after completion, submit a report together with all documents and articles concerned to the Central Authority.

In case of impediment or impossibility to execute the request, the Competent Authorities shall report to the Central Authority the causes thereof.

Section 14 When the Competent Authorities finished the execution of a request and have already reported to the Central Authority, the Central Authority shall notify the result thereof as well as deliver all documents and articles concerned to the Requesting State.

PART 2

Inquiry and Producing Evidence

Section 15 Upon receipt the request for assistance from a foreign state to take statement of persons or gathering evidence located in Thailand at the stage of inquiry, the Competent Authorities shall direct an inquiry official to execute such request.

The Inquiry Official shall have authority to take statement of persons or gathering evidence as requested under paragraph one and, if necessary, to search and seize any document or article in accordance with rules, means, and conditions set forth in the Criminal Procedure Code.

When the taking statement of persons or gathering evidence has been finished, the Inquiry Official shall report and deliver all evidence derived therefrom to the Competent Authorities.

Section 16 If the mutual assistance treaty between Thailand and the Requesting State requires a document to be authenticated, the Competent Authorities shall have the power

to instruct the person in charge of keeping the said document to attest it in accordance with the forms and means specified in the treaty or as defined by the Central Authority.

Section 17 Upon receipt the request for assistance from a foreign state to take the testimony of witness in Thai Court, the Central Authority shall direct the public prosecutor to execute such request.

The Public Prosecutor shall have the power to apply to the Court having jurisdiction over the domicile or residence of the person who will be the witness or who has in possession or keep the documents or other evidence, and request for the testimony or adducing of the evidence, and the Court shall have the power to try the case conforming to the provisions enshrined in the Criminal Procedure Code.

After the completion of testimony, the Public Prosecutor shall apply to the court requesting for the record of testimony as well as other evidence and deliver all to the Central Authority for further operation.

PART 3

Providing of Documents and Information in the Possession of Government Agencies

Section 18 Upon receipt the request for assistance from a foreign state to provide documents or information in the possession of the agencies of the Royal Thai Government, the Central Authority shall transmit the request to the agency having such documents or information in its possession, and the said agency shall submit the said documents or information to the Central Authority.

Section 19 If the documents or information sought under Section 18 are those should not be published and the agency maintaining such documents or information considers it impossible to disclose or should not disclose the said documents or information, or possible to disclose them under certain conditions, the said agency shall acknowledge the Central Authority the causes of impossibility or the conditions required for the disclosure of such documents or information.

Section 20 In providing of documents according to the request for assistance from a foreign state under this part, the official in charge of keeping such documents shall attest them, in accordance with the forms and means defined by the Central Authority unless otherwise specified by the treaty, then the provisions of the treaty shall prevail.

PART 4

Serving Documents

Section 21 Upon receipt the request for assistance from a foreign state to serve legal documents, the Competent Authorities shall execute such request and report to the Central Authority.

If the legal document to be served under the request is such that requiring the appearance of a person before an authority or the court in the Requesting State, the Competent Authorities shall serve the said document for a reasonable time prior to the scheduled appearance.

The result of service of documents shall be reported in accordance with the forms and means defined by the Central Authority unless otherwise specified in the treaty, then the provisions of the treaty shall prevail.

Section 22 The provisions regarding penalty in case of non-compliance with the lawful instruction of the authority or of the Court shall not be applied to the person served with a document calling for his appearance before an authority or the court in the Requesting State, if he is not a national of such state.

PART 5

Search and Seizure

Section 23 Upon receipt the request for assistance from a foreign state to search or seize and deliver any article, the Competent Authorities shall have the power to search or issue a warrant of search and seize in accordance with the law, if there shall be a reasonable ground to do so.

Section 24 As regards the search and seizure under Section 23, the provisions relating to search under the Criminal Procedure Code shall be applied, *mutatis mutandis*.

Section 25 The Competent Authorities conducting search or seizure of article in compliance with the request for assistance shall certify the continuity of custody, identity of the article, as well as integrity of its condition, and shall deliver the said article together with the certificate thereof to the Central Authority.

The certificate thereof shall be in the form and in line with the means defined by the Central Authority.

PART 6

Transferring Persons in Custody for Testimonial Purposes

Section 26 Upon receipt the request for assistance from a foreign state to transfer a person in custody in Thailand to testify in the requesting State or to transfer a person in custody in the Requesting State to testify in Thailand, the Central Authority, upon determining it necessary and the person to be transferred consents thereto, shall notify the Competent Authorities to transport or admit the said person.

The transportation and admission of the person under paragraph one shall be in line with the rules, means and conditions set forth in the Ministerial Regulations.

Section 27 The period during which a person is transferred to testify in a foreign state under the custody of the Requesting State shall be deemed as the period he is in custody in Thailand.

Section 28 The Competent Authorities shall have the power to keep the person transported from a foreign state in custody for the purpose of testimony during his presence in Thailand, and shall report to the Central Authority when such testimony has been finished.

Section 29 Upon receipt the report from the Competent Authorities under Section 28, the Central Authority shall promptly return the transferred person to the Requesting State.

PART 7

Locating Persons

Section 30 Upon receipt the request for assistance from a foreign state to locate the person, required by the Requesting State for the purpose of investigation, inquiry, prosecution or other criminal proceedings, who is believed to be in Thailand, the Competent Authorities shall detect his location and report to the Central Authority.

PART 8

Initiating Proceedings upon Request

Section 31 Upon receipt the request for assistance from a foreign state which is competent to initiate criminal proceeding but wishes the proceeding which is subject to the jurisdiction of Thai Court to be initiated in Thailand, the Central Authority shall consider whether it is appropriate to initiate the proceeding requested, if so shall notify the Competent Authorities under the Criminal Procedure Code to carry out the said proceeding and shall have such Competent Authorities to report the result thereof.

PART 9

Forfeiture or Seizure of Properties

Section 32 Upon receipt the request for assistance from a foreign state to forfeit or seize properties located in Thailand, the Competent Authorities shall apply to the Court having jurisdiction over the location of the properties for passing the judgement forfeiting such properties or for the issuance of an order seizing them.

Under paragraph one, the Competent Authorities shall, if it is necessary, conduct an inquiry himself or authorizes any inquiry official to conduct an inquiry on his behalf.

Section 33 The properties specified in the request for assistance from a foreign state may be forfeited by the final judgement of the Court if such properties have been priorly adjudicated to be forfeited by the final judgement of a foreign court and they are forfeitable under Thai laws.

If the properties were adjudged to be seized by a foreign court before the Court passed its judgement or after the passing of the judgement to forfeit such properties but the judgement has not become final yet, the Court may deem it appropriate to order the properties to be seized provides that they are seizable under Thai laws.

The forfeiture or seizure of properties by the judgement or order of the Court under this Section shall be effective even the offence which is the cause of such forfeiture or seizure may not have taken place in the territory of Thailand.

Section 34 The provisions related to forfeiture of properties set forth in the Criminal Procedure Code and the Penal Code shall be applied to the inquiry, the application of motion, the trail, the adjudication, an the issuance of an order to forfeit or seize of properties in this regard, mutatis mutandis.

Section 35 The properties forfeited by the judgement of the Court under this part shall become the properties of the State, but the Court may pass judgement for such properties to be rendered useless, or to be destroyed.

PART 10

Seeking Assistance

Section 36 The agency seeking assistance from a foreign state shall present its request to the Central Authority.

Section 37 The request to seek assistance from a foreign state including all documents to be sent thereto shall be in line with the forms, rules, means, and conditions

defined by the Central Authority.

Section 38 The Central Authority shall consider whether it is appropriate according to regulations, details, facts and supporting documents, to request assistance from a foreign state, and then notify the requesting agency his determination thereof.

A determination of the Central Authority in regard to the request seeking for assistance shall be final unless otherwise instructed by the Prime Minister.

Section 39 The requesting agency shall comply with the commitment of Thailand towards the Requested State regarding the use of information or evidence for the purposes specified in the request.

The requesting agency shall also comply with the commitment of Thailand towards the Requested State regarding the confidentiality of the requested information or evidence unless such information or evidence is necessary for the public trial which is the consequence of the investigation, inquiry, prosecution or other criminal proceeding referred to in the request.

Section 40 No person entering to testify or give statement in Thailand in accordance with this Act shall be subject to service of process or be detained or subject to any other restriction of personal liberty by reason of any acts which preceded his departure from the Requested State.

The safeguard in paragraph one shall cease when the person, having had the opportunity to leave Thailand within fifteen consecutive days after notification that his presence was no longer required by the appropriate authorities, shall have nonetheless stayed in or voluntarily returned after having left Thailand.

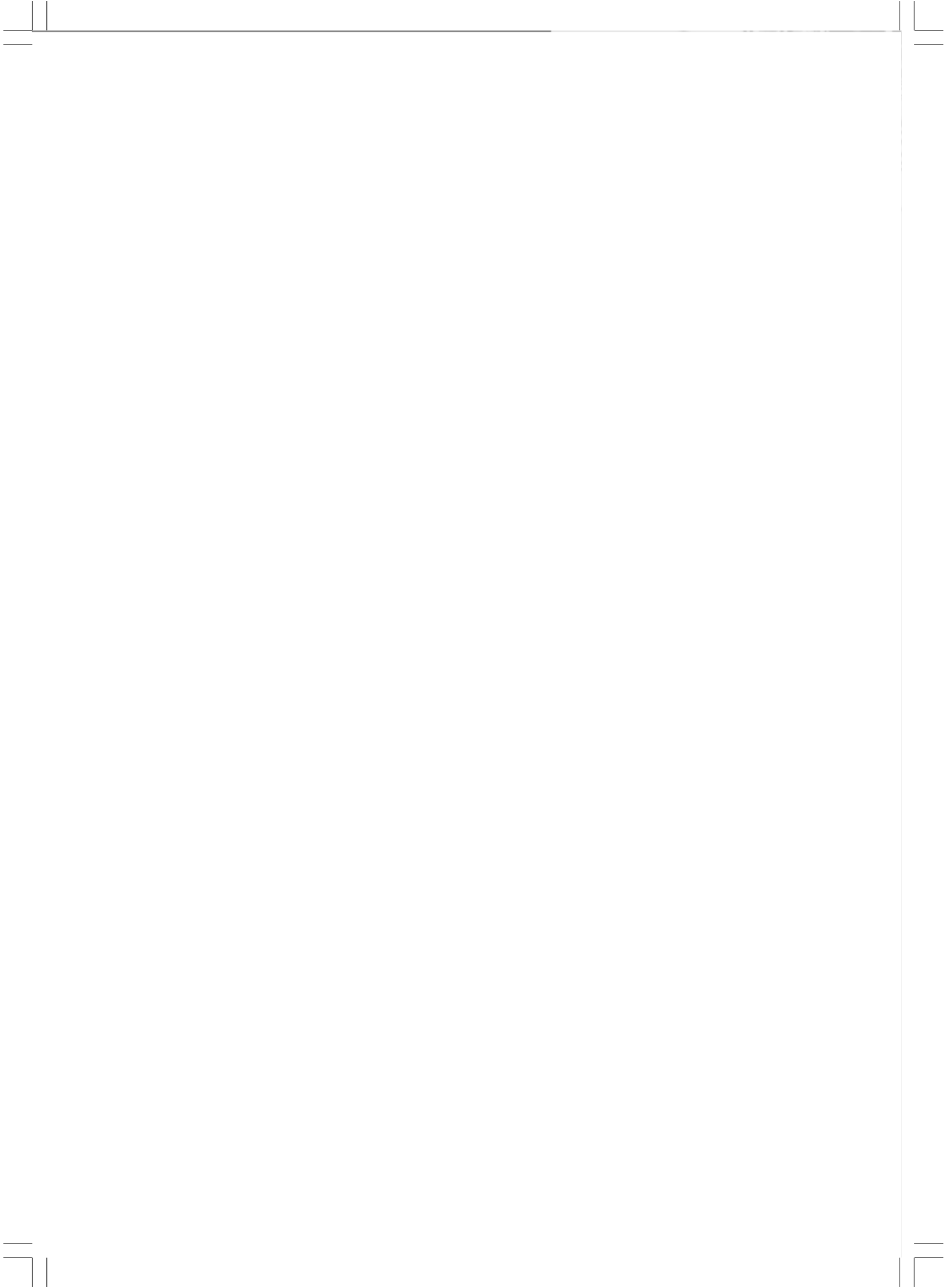
Section 41 All evidence and documents derived under this Act shall be deemed as admissible for hearing.

CHAPTER 3

Costs

Section 42 All costs related to the providing of assistance to a foreign state and in requesting assistance from a foreign state shall be in line with rules, means, and conditions set forth in the Ministerial Regulations.

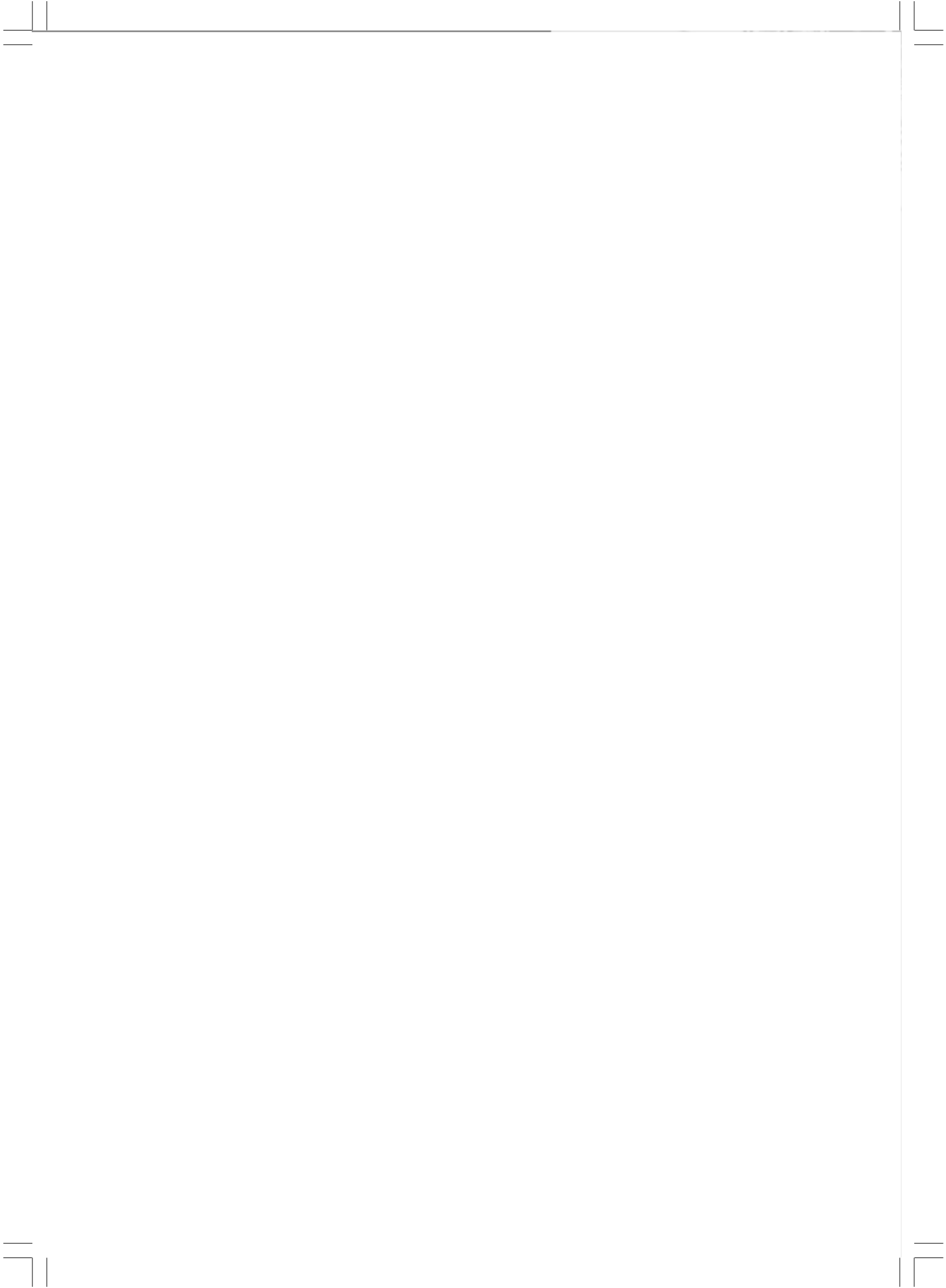




Recommendations on Mutual Legal Assistance In Drug-Related Offences



ONCB



Recommendations on Mutual Legal Assistance In Drug-Related Offences

Adopted in Bangkok, Thailand, on 17 November 2000
as amended and approved in Hanoi, Vietnam, on 7 June 2001
and as amended and confirmed in Beijing, China, on 9 August 2002

By the Mutual Legal Assistance Advisory Committee (MLAAC)

The Mutual Legal Assistance Advisory Committee of the Six signatory countries to the Memorandum of Understanding (Kingdom of Cambodia, People's Republic of China, Lao People's Democratic Republic, Union of Myanmar, Kingdom of Thailand and the Socialist Republic of Vietnam; hereinafter "the MOU-countries"), established under the UNDCP project AD/RAS/97/C74 ("Strengthening of Judicial and Prosecutorial Drug Control Capacity in East Asia").

Aware of the determination of all MOU-countries to enhance co-operation among themselves in their combat against drug-related crimes;

Mindful of the fact that effective mutual legal assistance (MLA) with respect to these crimes constitutes the cornerstone of any international co-operation in this field;

Emphasising the significance of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, (hereinafter "the 1988 Convention"), and particularly Article 7 on MLA;

Noting that some of the MOU-countries have not yet ratified the 1988 Convention, but Article 7 in that Convention is generally considered by these countries as an appropriate frame-work for any MLA scheme in this field;

Noting with satisfaction that those MOU-countries that are not yet parties to the 1988 Convention are seriously considering ratification of the same;

Noting also that the majority of the MOU-countries do not yet have specific legislation facilitating MLA;

Realising that there is a need for an agreed arrangement among all MOU-countries with respect to MLA to be made as soon as possible;

Recognising that MLA complements existing Law Enforcement co-operation mechanisms;

Believing that an agreed arrangement that takes into account the special needs of the MOU-countries can at any rate function as an independent scheme or a desirable complement or even substitute to Article 7 of the 1988 Convention,

has decided to recommend to all MOU-countries to expeditiously provide for the

implementation of the MLA principles and procedures set out in this document as follows:

ARTICLE 1 - Scope of application

1. The MOU-countries shall afford to each other the widest possible measure of MLA in investigations, prosecutions and judicial proceedings in relation to drug-related offences, as defined in Article 3, paragraph 1, of the 1988 Convention. If necessary, countries shall create the appropriate legal framework.

2. MLA to be afforded in accordance with the principles laid down in these Recommendations should include the following measures:

- a) Taking evidence or statements from persons;
- b) Effecting service of judicial documents;
- c) Execution of searches and seizures, and freezing of assets;
- d) Examining objects and sites;
- e) Providing information, evidentiary items, and expert evaluations;
- f) Providing originals or certified copies of relevant documents and records, including official, bank, financial, corporate or business records;
- g) Identifying or tracing proceeds, property, instrumentalities or other things for evidentiary purposes;
- h) Locating or identifying persons or objects;
- i) Assisting in the availability of detained persons or others to give evidence or assist in investigations; and
- j) Providing any other type of MLA allowed by the national law of the requested State.

3. In the framework of the applicable domestic law, the competent authorities of one country should, without prior request, transmit information relating to drug-related offences to the competent authorities in another State where they believe that such information could assist the authority in initiating, undertaking, or concluding inquiries and criminal proceedings or could facilitate the formulation of a request by that authority pursuant to these Recommendations.

ARTICLE 2 - Other arrangements

These Recommendations shall not affect obligations already stipulated or to be stipulated in the future among MOU-countries.

ARTICLE 3 - Designation of central authorities

1. Each MOU-country shall designate a central authority that shall have the responsibility and power to make and receive requests for MLA and either to execute them or to transmit them to the competent authorities for execution. The central authority shall play a crucial role in ensuring the speedy execution of requests, controlling quality, and setting priorities.

2. Such authorities shall be designated as soon as possible and UNDCP shall be informed accordingly.

ARTICLE 4 - Contents of requests

1. Requests for MLA shall be made in writing or by any means capable of producing a written record. A MLA-request shall contain:

- a) The identity of the authority making the request;
- b) The name and the functions of the authority conducting the investigation, prosecution, or proceeding;
- c) The subject matter and nature of the investigation, prosecution or proceeding to which the request relates;
- d) A description of the facts alleged to constitute the offence and a statement of the relevant laws except in relation to requests for the purpose of service of judicial documents;
- e) A brief description of the assistance sought;
- f) The identity, location, and nationality of the person concerned, where necessary;
- g) The reasons for and details of any procedure or requirement that the Requesting State wishes to be followed;
- h) Specification of any time-limit to be complied with;
- i) Other necessary information.

2. Requests and supporting documents shall be written in or accompanied by a translation into the official language of the Requested State or the English language.

3. The Requested State may request additional information.

4. A request for assistance shall not require certification or authentication.

ARTICLE 5 - Refusal of assistance

1. Assistance may be refused if:
 - a) The Requested State is of the opinion that the request, if granted, would prejudice its sovereignty, security, public order or other essential public interests;
 - b) There are grounds to believe that the request has been made for the purpose of prosecuting a person on account of race, sex, religion, nationality, ethnic origin or political opinions or that person's position may be prejudiced for any of those reasons;
 - c) The Requested State is required to carry out compulsory measures inconsistent with its law;
 - d) The request is not made in conformity with the provisions of Art. 4 of these Recommendations.
2. States shall not decline to render MLA on the grounds of bank secrecy.
3. Before refusing a request, the Requested State shall consider whether assistance may be granted subject to certain conditions. If the Requesting State accepts assistance under these conditions, it shall comply with them.
4. Reasons shall be given for any refusal of mutual assistance.

ARTICLE 6 - Execution of requests

1. Requests for assistance shall be carried out in accordance with the domestic law of the Requested State. To the extent not contrary to the law of the Requested State, it shall carry out the request in the manner and within the time limits specified in the request.
2. Execution of assistance may be postponed if the request relates to an offence subject to investigation or prosecution in the Requested State. The Requested State shall inform the Requesting State of the reasons for the postponement.

ARTICLE 7 - Return of material to the Requested State

Any property, records or documents handed over to the Requesting State for evidentiary purposes shall be returned as soon as possible unless such right of return is waived.

ARTICLE 8 - Limitation on use

The Requesting State shall not transmit or use information or evidence provided for investigations, prosecutions and proceedings other than those stated in the request without the prior consent of the Requested State. However, the disclosure of information or evidence that is exculpatory for an accused person is allowed.

ARTICLE 9 - Protection of confidentiality

Upon request, the Requested State shall endeavour to keep confidential the request for assistance and its contents. If the Requested State cannot comply with the requirement of confidentiality, it shall promptly inform the Requesting State.

ARTICLE 10 - Service of documents

The Requested State shall effect service of documents that are transmitted to it.

ARTICLE 11 - Obtaining evidence

1. The Requested State shall take sworn or affirmed testimony for transmission to the Requesting State.

2. Where possible and allowed for by domestic legislation, modern technologies, including telephone and video link, shall be considered as an option in the taking of statements or testimony.

3. Upon request and within the limits of the domestic law of the Requested State, the parties to the relevant proceedings in the Requesting State, their legal representatives and representatives of the Requesting State may be present at these proceedings.

ARTICLE 12 - Right or obligation to decline to give evidence

1. A person required to give evidence may decline to do so if the law of the Requested or that of the Requesting State permits or requires him/her to do so in similar circumstances.

2. If a person claims a right or obligation to decline to give evidence under the law of the other State, a certificate of the competent authority of that other State as to the existence or non-existence of that right or obligation shall be submitted and relied on.

ARTICLE 13 - Availability of persons in custody to give evidence or to assist in investigations

1. Upon request, and if the Requested State agrees and its law permits, any person in custody may, subject to his or her consent, be temporarily transferred to the Requesting State to give evidence or assist in the investigations. Transfer under this paragraph shall not be for the purpose of standing trial.

2. In a case coming within the immediately preceding paragraph, transit of a person in custody through the territory of another MOU-country shall be granted on application. A country may refuse to grant transit to its own nationals.

3. The Requesting State and the transit State shall hold that person in custody and shall return him or her at the conclusion of the matter under investigation or at such earlier time as that person's presence is no longer required.

4. Where the Requested State advises the Requesting State that the transferred person is no longer required to be held in custody, that person shall be set at liberty.

5. The person shall receive credit for service of the sentence being served for the time spent in custody in both transit and in the Requesting State.

ARTICLE 14 - Availability of other persons to give evidence or assist in investigations

1. The Requesting State may request the assistance of the Requested State in inviting a person:

- a) To appear in proceedings in relation to a drug-related offence, unless that person is the person charged; or
- b) To assist in the investigations in relation to a drug offence or another related criminal matter.

2. On receipt of the request, the Requested State shall facilitate the invitation of the person to appear as a witness or expert in proceedings or to assist in investigations.

3. The request or the summons shall indicate the approximate allowances and the travel and subsistence expenses payable by the Requesting State.

4. Upon request, the Requested State may grant the person an advance, to be refunded by the Requesting State.

ARTICLE 15 - Safe conduct

1. Where a person, whatever his/her nationality, is in the Requesting State or in the transit State pursuant to a request for MLA:

a) That person shall not be detained, prosecuted, punished, subjected to civil liability or to any restrictions of personal liberty in respect of any acts, omissions or convictions that preceded the person's departure from the Requested State;

b) That person shall not, without that person's consent, be required to give evidence or assist in any other investigation or proceeding other than that to which the request relates.

2. The immunity provided for in this Article shall cease to apply if that person, being free to leave, has not left the Requesting State within a period to 15 consecutive days after having been officially notified that his or her presence is no longer required by the Requesting State or, having left, has voluntarily returned.

3. A person, who does not consent to a request pursuant to Article 13 or accept an invitation pursuant to Article 14 shall not, by reason, thereof, be liable to any penalty or subjected to any coercive measure.

ARTICLE 16 - Provision of publicly available documents and other records

1. The Requested State shall provide copies of documents, information, or official records in its possession in so far as they are open to public access as part of a public register.

2. The Requested State may provide copies of any other document, information or official record in its possession under the same conditions as they would be provided to its own law enforcement and judicial authorities

ARTICLE 17 - Search and seizure; and freezing of assets

The Requested State shall, in so far as its law permits carry out requests for search and seizure, freezing of assets and delivery of any material to the Requesting State for evidentiary purposes, provided that the rights of bona fide third parties are protected.

ARTICLE 18 - Confiscation and sharing of assets

1. The Requested State shall, in so far as its law permits, carry out requests for the restraint or confiscation of proceeds, property, or instrumentalities of drug offences.

2. Where proceeds, property, or instrumentalities are confiscated in accordance with the preceding paragraph, the Requested State should give priority consideration to appropriate sharing with the Requesting State.

ARTICLE 19 - Costs

The ordinary costs of executing a request shall be borne by the Requested State, unless otherwise determined. The countries shall consult in advance to determine the terms and conditions under which costs of a substantial or extraordinary nature will be borne.

ARTICLE 20 - Consultation and co-operation

The MOU-countries shall consult and co-operate with each other on any issue arising in the facilitation of MLA.



Act on Authorizing the Naval Officers
for Suppressing Some Offences Committed
by Sea B.E. 2490 (1947)





**Act on Authorizing the Naval Officers
for Suppressing Some Offences Committed
by Sea B.E. 2490 (1947)**

IN THE NAME OF HIS MAJESTY KING BHUMIBOL ADULYADEJ, REX.

THE COUNCIL OF REGENCY

Given on 15th December B.E. 2490

Being the 2nd Year of the Present Reign.

Whereas it is expedient to facilitate the suppression of the smuggling of rice and some other commodities by sea.

His Majesty the King, with the advice and consent of the National Legislative Assembly, is therefore graciously pleased to proclaim as follows:

Section 1 : This Act is called the “Act on Authorizing the Naval Officers for Suppressing Some Offences Committed by Sea B.E. 2490”.

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

Section 3 : In this Act, “Naval Officer” means the naval officer in charge having the rank of Sub-Lieutenant and posting as Commanding Officer, Commander of Flotilla or other posts prescribed by the Commander-in Chief, Royal Thai Navy in the Government Gazette as its equivalent or the naval officer in charge having the rank of Sub-Lieutenant specifically appointed by the Commander-in-Chief, Royal Thai Navy and prescribed in the government Gazette.**

Section 4 : Where there is an act or reasonable ground to suspect that there is an act of smuggling of rice or other commodities or narcotics out of or into the Kingdom or the foreign national comes in or is brought in the Kingdom by sea, water way connected with foreign country or water way to the sea or there is an act of fishing in the sea as an offence under the law on surveying and forbidding the hoard of rice, law on controlling the commodities and food in crisis, law on exporting and importing of goods, law on minerals, law on narcotics, law on immigration or law on fishery; the naval officer shall have power to make an investigation and inquiry as well as perform or order the performance of the following activities, as may be necessary;

* Published in the Government Gazette Vol.64 Part 61 Page 735, dated 16th December B.E.2490 (1947).

** Lately amended by the Act on Authorizing the Naval Officers for Suppressing some Offences committed by Sea (No.4) B.E.2534 (published in the Government Gazette Vol.108 Part 240 (Special Edition) Page 73, dated 29 December B.E.2534)

(1) to inspect, search and force the captain and crews to tear down or carry things in the vessel for examining,

(2) to arrest the vessel and force the captain and crews to trail the vessel or conduct other things in order to bring the vessel to the place convenient to make an inspection, inquiry or prosecution,

(3) to seize the arrested vessel until there is a final non-persecution order or the court has the other order is case where the accused is prosecuted,

(4) to arrest and hold in custody the accused not exceeding seven days. After that the accused has to be released or sent to the inquiry official together with the file of inquiry.

Section 5 : In performing activities in section 4, the naval officer shall have power to order and force the captain and crews of the vessel that has been used or is suspect to be used in committing an offence to stop the vessel or bring the vessel to any specific place. If they resisted, the naval officer shall have power to do anything in order to force them to obey or bring the vessel or prevent any escape.

The order or force to stop the vessel or bring the vessel to any specific place according to the preceding paragraph may conduct through a sign or sings, but the applicable signs have to be published in the Government Gazette by the Commander in Chef, Royal Thai Navy.

Section 6 : Besides the power in section 4, the naval officer shall have the same power as the superior administrative or police official according to the Criminal Procedure Code.

Section 7 : In making an inquiry under section 4, the naval officer shall have the same power as the inquiry official according to the Criminal Procedure Code.

Section 8 : In objection of non-prosecution order of the public prosecutor according to the Criminal Procedure Code in case where the naval officer submits the file of inquiry and opinion that a prosecution order should be made to the public prosecutor, the Commander in Chief, the Royal Thai naval shall exercise the power of the Director-General of the Police Department or the Governor of such province, as the case may be.

Section 9 : In case where the naval officer send the accused to the inquiry official, the time for keeping the accused in custody before the inquiry official receives the accused shall not be included in the time for keeping the accused in custody of the inquiry official.

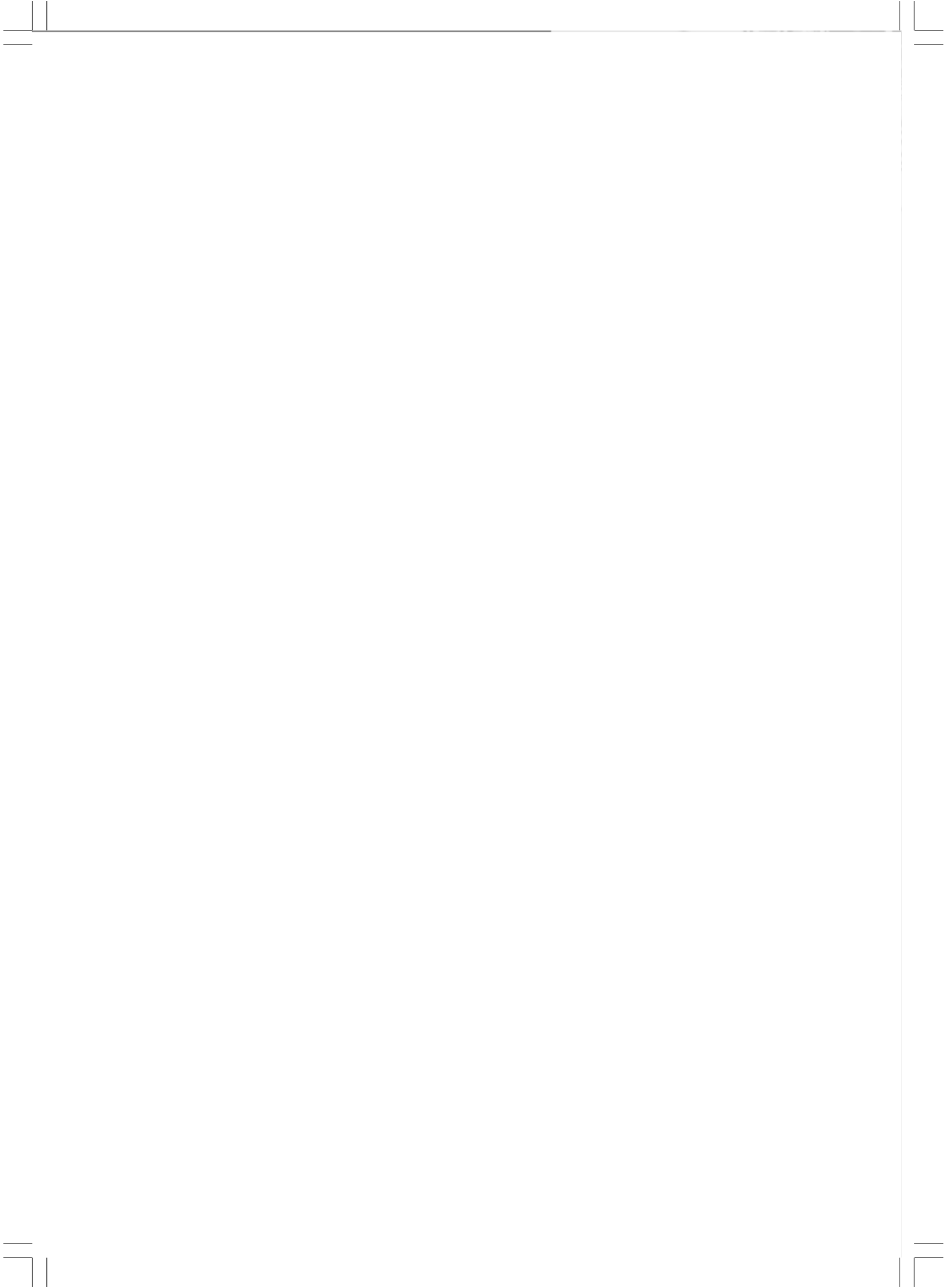
Section 10 : The Minister of Defence and Minister of Interior shall have charge and control of the execution of this Act.

Countersigned by
Kuang Apaivong
Prime Minister

The Witness Protection Act B.E. 2546 (2003)



ONCB



The Witness Protection Act B.E. 2546 (2003)

BHUMIBOL ADULYADEJ, REX

Given on the 13th June B.E. 2546 (2003)

Being the 58th Year of the Present Reign

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

Whereas it is expedient to enact a law on the witness protection;

Whereas it is aware that this Act contains some provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29 in conjunction with section 31, section 36 and section 39 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the House of Representatives, as follows:

Section 1 : This Act is called the “ Witness Protection Act B.E. 2546 “.

Section 2 : This Act shall come into effect after one hundred and eighty days as from the day following the date of its publication in the Government Gazette.

Section 3 : In this Act,

“Witness” means a person who will give or has given facts to competent investigation officials, inquiry officials, public prosecutors or the criminal court including special experts *in criminal prosecution*, but excluding an accused person who claimed himself/herself as a witness.

“Safety” means safety in life, body, health, liberties, fame, property or any rights of the witness before, during and after being a witness.

“Minister” means the Minister who is in charge of the enforcement of this Act.

Section 4 : A request or obtaining of rights or beneficial according to this Act shall not deprive rights or beneficial that are entitled to the witness according to other laws.

Section 5 : The Prime Minister, the Minister of Interior, the Minister of Defense and the Minister of Justice are in charge of the enforcement of this Act and has the power to issue ministerial regulations and rules, as well as appoint competent officials for the enforcement of this Act in relevant with duties and responsibilities of each ministry.

Such Ministerial Regulations and Rules shall come into force upon their publication in the Government Gazette.

Chapter 1

General Measures for the Witness Protection

Section 6 : In case when safety of the witness may be at risk, competent investigation officials, enquiry officials, public prosecutors, the criminal court or the Witness Protection Office may provide protection for the witness as deemed appropriate, or as requested by the witness or any interested persons. And such persons shall request police officers or other officials to provide protection for the witness when necessary and with the consent of the witness.

Notification and methods of the witness protection to be provided by police officers or other officials as requested, and termination of witness protection as specified in the first paragraph, shall be operated in accordance with the rules set by the Commissioner-General of the Royal Thai Police or Chief of government agency of concerned officials

The witness protection includes provision of safe accommodation for the witness, except without consent of the witness, and concealment of name, family name, address, photos or other information that may lead to identification of the witness. *Such provisions are operated* as deemed appropriate for status and situation of the witness, as well as nature of concerned criminal cases.

Section 7 : Upon request of the witness, concerned officials shall adopt general measures of protection as deemed appropriate for husband, wife, ascendant and descendant of the witness or other person who has close relation with the witness, if their safety is affected because of the witness's decision to participate in the protection program, except no consent of those persons.

Chapter 2

Special Measures for the Witness Protection

Section 8 : The witness of any following cases may receive special measures of protection.

- (1) Offences relating to drugs, law on money laundering control, law on counter corruption, or customs law
- (2) Offences relating to the security of the Kingdom according to the Criminal Code
- (3) Offences relating to sexuality according to the Penal Code, specifically on procuring, seducing or taking for sexual gratification of another person, as well as offences of taking away a child or a minor, offences prescribed in the law on measures in prevention and

suppression of trafficking in women and children, the law on prevention and suppression of prostitution, or offences relating to *being owner of prostitution activities, taking care of or management of prostitution activities or prostitution venue, or control of prostitutes in prostitution venue.*

(4) Offences relating to organized crime, such as offences of secret society and criminal association stipulated in the Penal Code. This also includes other offences collectively committed by a group of criminals that has systematic planning and network as a movement or complicated and proportional secret organization.

(5) Offences with penalty not less than ten years or more severe penalty

(6) Offences that the Office of the Witness Protection considered appropriate for providing the witness protection operation

Section 9 : When it is clear or there is reasonable ground that safety of the witness is at risk, the witness or other stakeholder, the competent crime investigating officer, the inquiry officer, or the public prosecutor may submit a request to the Minister for Justice or authorized person to adopt the special measures for the witness protection with the consent of the witness.

Upon receiving the request in the first paragraph, the Minister for Justice or designated person shall urgently consider the request. If there is reasonable ground that safety of the witness is at risk, applying the special measures for the witness protection shall be ordered.

Submitting the request in the first paragraph and operation in the second paragraph shall be done following criteria, procedures and conditions as stipulated in the ministerial regulation.

Section 10 : The Office of the Witness Protection is in charge of operating any special measures for the witness protection as follows.

(1) Relocating or providing suitable accommodation

(2) Paying appropriate daily expense for the witness or dependents of the witness for the period of no longer than one year, excepting the time has been extended. However each extension of the protection operation should not be longer than 3 months and totaling no longer than 2 years

(3) Coordinating with concerned agencies in order to change the witness's name and the registered information that identify the witness, as well as to facilitate the return of the witness's old status as requested by the witness

(4) Assisting the witness to have career, or to receive training or education or others in order that the witness could lead their life appropriately

(5) Assisting the witness to attain for their rights

(6) Assigning a safety protection officer when needed

(7) Implementing any other measures to help the witness gets assistance or protection as appropriate

If concerned agency provides operation in the first paragraph according to the request, such operation has to be kept confidential and the concerned agency is prohibited from revealing such operation, except the permission is granted by the Minister for Justice.

Section 11 : In case safety of husband, wife, ascendant and descendant of the witness, or another person who has close relation with the witness, may be at risk because of the fact that the witness will participate in the witness protection program, the special measures for witness protection shall be applied for those people upon request of the witness, except no consent of those people.

Section 12 : The Minister for Justice or assigned person may order the termination of implementing the special measures of the witness protection when there is any following incidents.

- (1) As requested by the witness
- (2) The witness dose not follow the Ministerial Regulation or the Ministry of Justice’s regulation on the Special Measures of the Witness Protection.
- (3) The witness’s behaviour concerning safety has changed and when the special measures of the witness protection are not necessary.
- (4) The witness does not want to give evidence with no reason.
- (5) The court has given the final judgment that the witness is guilty of giving false evidence and testimony to the court, or guilty of establishing false evidence in the case that the witness is under the witness protection program.

Chapter 3

Office of the Witness Protection and Criminal Prosecution

Section 13 : Office of the Witness Protection shall be established in the Ministry of Justice and has duties and responsibilities on providing witness protection of both general and special measures. This is included coordination its operation with concerned agencies of both government and non-governmental organizations for the safety of witness according to this Act.

Section14 : In case it is deemed necessary, the Ministry of Justice will be able to appoint its officials graduated at least bachelor degree of law, in order to proceed the civil case according to this Act through notification the matter to the court.

According to this Act, authorized official or the public prosecutor responsible for proceeding the case is exempt from all costs.

Chapter 4

Compensation and Expenses for the Witness

Section 15 : In case damages occurred to life, body, health, liberties, reputation, property or any rights of the witness or husband, wife, ascendant, descendant or another person who has close relation with the witness, from intentional criminal offence due to the willing to become witness or being the witness, such person is entitled to compensation as necessary and appropriate.

Compensation in the first paragraph is applied according to the Ministry of Justice's regulations with approval of the Ministry of Finance.

In case a person under the first paragraph denies the protection specified under sections 6, 7, 9 or 11 as the case may be, such person is not entitled to compensation.

Section 16 : The Injured persons are entitled to compensation specified under section 15 or heir is able to submit an application form to the Office of the Witness Protection within one year started from the date that the offense was known by such person.

Criteria, procedure and consideration of the application shall follow the Ministry of Justice's regulations

Section 17 : When the witness has given facts to the competent investigation officials, inquiry officials, public prosecutors or has testified to the court, the witness is entitled to compensation as deemed necessary and appropriate according to the Ministry of Justice's regulations with approval of the Ministry of Finance. However, in case the witness is being the witness for the prosecution of the compoundable offence case that the injured person is the plaintiff, or being the witness for the defence, the court shall use its discretion to order the compensation not exceed the rate specified in the Ministry of Justice's regulations with approval of the Ministry of Finance.

Section 18 : Expenses for the protection of the witness, husband, wife, ascendant, descendant or other person who has close relation with the witness, shall be paid according to the Ministry of Justice's regulations with approval of the Ministry of Finance.

Section 19 : If it appears later that the witness does not come, does not give a statement or does not testify without appropriate reason, or the final judgment of the court punishes the witness because of offence of giving false evidence to the court, or offence of

producing false evidence in the case that such person is the witness, such person has to return or pay the compensation under section 15 or section 17, or return or pay the expenses for the protection of the witness and for the protection of other person under section 18 correspondingly in the same amount that the state has already paid within 30 days from the date of receiving order from the Office of the Witness Protection.

An agency that paid the compensation or expenses shall coordinate with the Office of the Witness Protection to reimburse the agency for the paid compensation or expenses in the first paragraph.

Chapter 5

Appeals

Section 20 : In case a person receiving an order under sections 6,7,9,10,11,12,16,17 or section 19 that is not the court's order, but not satisfied with such order, is entitled to lodge an appeal against such order by submitting a petition to the Court of First Instance that is not the District Court but has the power to judge criminal cases or the Military Court of First Instance and the case is under its territorial jurisdiction, or where such person has residence within 30 days from the date of receiving the order.

All costs of the lodging of an appeal in the first paragraph are exempt.

The lodging of an appeal under section 19 shall be a stay of execution in accordance with the Office of the Witness Protection's order.

The court shall confidentially consider the lodging of an appeal under sections 6, 7, 9, 10, 11 or section 12. And only concerned parties with the case as the court considered appropriate are entitled to hear the judicial proceedings, but all these the court shall take into consideration and issue an order within thirty days from the date that the court received the appeal. This shall be exempted if there are reasonable grounds to extend duration of time as deem necessary by the court, however reasons for the exemption shall be recorded

In order to take the appeal into consideration, the court is empowered to request for document, information, or to issue a warrant for concerned authorities for a public examination without delay, and to take additional evidence as deemed appropriate.

The court order under this Section shall be final.

Chapter 6

Penalties

Section 21 : Any person disclose private secrets relating to residence, name, family name, address, photos or other information leading to the identification of the witness, husband, wife, ascendant, descendant of the witness, or other person having close relation with the witness, who have been under safety operation program under the sections 6, 7, 10 or 11, in a way that safety of those persons are at risk, shall be liable for imprisonment not exceeding one year or a fine not exceeding twenty thousand Baht, or both.

If the act under the first paragraph causes bodily harm or mental harm to such person, the perpetrator shall be liable for imprisonment not exceeding two years or a fine not exceeding forty thousand Baht, or both.

If the act under the first paragraph causes grievous bodily harm to such person, the perpetrator shall be liable for imprisonment not exceeding five years or a fine not exceeding one hundred thousand Bath.

If the act under the first paragraph causes death to such person, the perpetrator shall be liable for imprisonment not exceeding seven years or a fine not exceeding one hundred and forty thousand Baht, or both.

Section 22 : In case the act under section 21 has the intention to deprive safety of such person under such section, the perpetrator shall be liable to heavier punishment than that as stipulated under such section by one half.

Section 23 : Any person commits criminal offence against a person by reason of the fact that such person, husband, wife, ascendant or descendant of such person, will become or has become the witness, shall be liable to heavier punishment than that as stipulated under such section by one half.

Countersigned

Pol.Lt.Col Thaksin Shinawatra

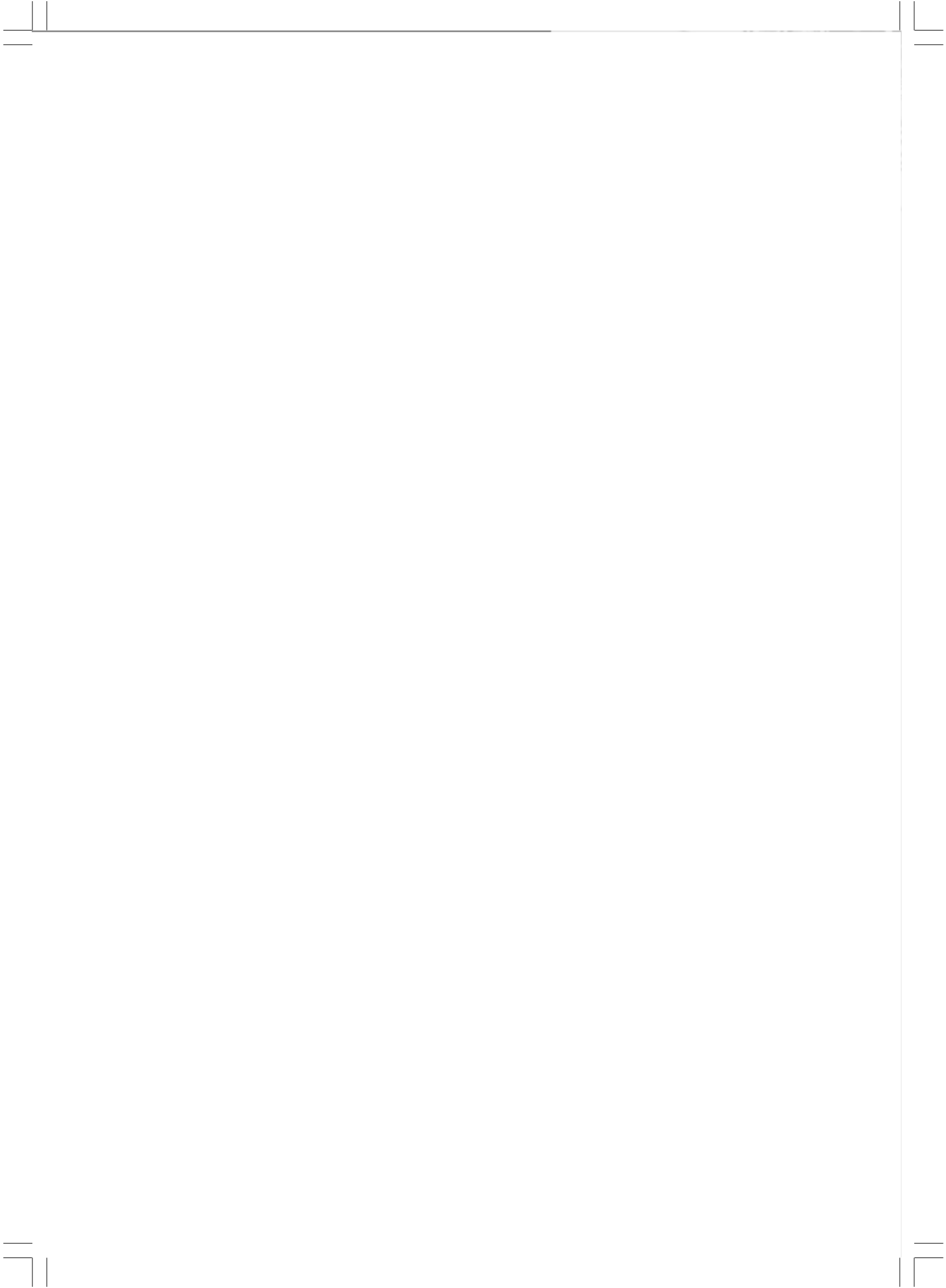
Prime Minister

Note : Whereas the law on Witness Protection has been in force for Section 244 of the Constitution of the Kingdom of Thailand has guaranteed the rights of persons who are witnesses in the criminal cases that they shall receive the protection, proper treatment and compensation as deemed necessary and appropriate from the State. However, at the present the witness has not yet received adequate protection, even though the witnesses are essential for establishing fact in the legal proceedings. This has a negative impact on the justice system. Therefore, in order to provide protection for the witness in line with provisions of the Constitution of the Kingdom of Thailand, it is necessary to enact this Witness Protection Act.



• **T**he Compensation for Injured Person and
the Accused Act B.E. 2544 (2001)
(Partial Extraction)





The Compensation for Injured Person and the Accused

Act B.E. 2544 (2001) Partial Extraction

1. Definition

“Injured Person” means any person suffers an injury to the life, body or mind on account of the commission of a criminal offence by other person without the injured person participating in such commission ;

“Accused” means any person has been charged in court with the commission of a criminal offence;

“compensation” (kha-tob-than) means money, property or any other benefit which the Injured Person has the right to receive for compensating the damage on account of the commission of a criminal offence by other person;

“expenses” (kha-thot-than) means money, property or any other benefit which the Accused has the right to receive on account of becoming the Accused in a criminal case and has been detained during the trial shall, if it appears from the final judgment of the case of that the Accused did not commit the offence or the act of the Accused does not constitute an offence;

“office” means the office of the compensation for Injured Person and the Accused;

“Committee” means the committee on the compensation consideration for Injured Person and the Accused;

“member” means a member who considers the compensation for Injured Person and the Accused;

“prosecutor” means the prosecutor under the law on prosecutor or military prosecutor under the law on the organization of Military Court;

“competent official” means a person appointed by the Minister for the execution of this Act;

“Minister” means the Minister having charge and control of the execution of this Act. **(Section 3)**

The Minister of Justice and the Minister of Finance shall have charge and control of the execution of this act and shall have the power to issue Ministerial Regulations and Notifications to appoint competent officials for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette. **(Section 4)**

2. General Provisions

A claim or an acquisition for any right or benefit of this Act shall not exclude the right or benefit which Injured Person or the Accused can receive by another Act. **(Section 5)**

In the case of Injured Person or the Accused was dead before receiving the compensation or expenses, as the case may be, the right to claim and receive the compensation or expenses devolve on the suffering heir of Injured Person or the Accused in accordance with the Regulations Prescribed by the Committee. **(Section 6)**

3. The Committee

There shall be a Committee called the "Committee on the compensation consideration for Injured Person and the Accused" consist of the Permanent Secretary of the Minister of Justice as chairperson, representative of the Royal Thai Police, the office of the Court of Justice, the office of the Attorney-General, Ministry of Finance, Department of Provincial Administration, Department of Probation, the office of Military Court, Department of Corrections, Department of Labour Protection and Welfare, the Lawyers Council and five qualified members appointed by the Council of Ministers, with the advice of the Minister, from the persons having apparent experts in the fields of medicine, social welfare and the protection of rights and liberties of the people.

The chairperson shall appoint the civil servant of the Ministry of Justice as secretary, and may appoint not more than two assistant secretaries. **(Section 7)**

The Committee shall have powers and duties as follows :

- (1) to consider and approve the compensation or expenses in this Act ;
- (2) to give opinions to the Minister relating the measures on the protection of the rights of Injured Person and the Accused in a criminal case, including the issuance the Ministerial Regulations and Notifications for the execution of this Act ;
- (3) to issue a letter of examination or to summon any person to give statement or to submit any concerning evidential documents or information or other substantial things for implement the consideration ;
- (4) to perform other duties for achieve the purpose under the provision of this Act.

In the performance of the duties under this section, the committee may entrust the office to act on his behalf. **(Section 8)**

4. The office of the Compensation for Injured Person and the Accused

There shall establish the "office of the compensation for Injured Person and the Accused "which is the Government agency in the Ministry of Justice having the following

powers and duties :

(1) to execute as secretarial body of the Committee and the Sub-Committee under this Act ;

(2) to accept an application for compensation or expenses with making the opinions to the Committee or the Sub-Committee ;

(3) to coordinate with the other Government agency or any person for ascertaining the facts or the opinions relating an application for compensation or expenses

(4) to collect and analyze the information concerning the payment of compensation or expenses ;

(5) to perform any activity as entrusted by the Minister, the Committee or the Sub-Committee. **(Section 15)**

In the case of necessity, the office have any opinions that there shall charge under this Act. The Ministry of Justice may appoint the qualified civil savant with bachelor of law degree or above, of the Ministry of Justice, for having the powers to charge with or any process concerning a case entrusted by the Ministry of Justice and then inform to the Court.

The charge under this section exempting of Court fees. **(Section 16)**

5. The compensation payment for Injured Person in a criminal case

An offence had been committed against Injured Person, which may apply for any compensation shall be an offence specified in the Schedule annexed to this Act. **(Section 17)**

The compensation under the section 17 as follows :

(1) any appropriate expenses for medical treatment and shall include in particular expenses for physical and mental rehabilitation ;

(2) any appropriate compensation in the case of Injured Person was dead, in amount of prescribing in the Ministerial Regulation,

(3) any appropriate damages for the loss of earning on account of disability to work normally,

(4) any appropriate compensation for the other damage in according with the Committee mention.

Provided that, shall be in accordance with the rules, procedures and the rates that prescribed by the Ministerial Regulation

The Committee shall determine the manner and the extent of compensation for Injured Person had been received, according to the circumstance and gravity of an offence and nature of damage which Injured Person was suffered including the opportunity of the Injured Person shall be remedied by other means. **(Section 18)**

If it appears afterward that the commission which Injured Person invokes to apply such compensation, was not guilty or without so that commission. The Committee shall issue a notice to Injured Person for returning the compensation which Injured Person had been received, to the Ministry of Justice, within thirty days from the date of the receipt thereof. **(Section 19)**

6. The compensation payment for the Accused in a criminal case

The Accused who have the right to receive compensation and the expenses in this Act shall

- (1) becoming the Accused who have been charged by prosecutor ;
- (2) has been detained during the trial;
- (3) it appears apparent evidences that the Accused did not commit the offence and issued withdrawal of a criminal prosecution during the trial, or it appears from the final judgement of the case of that the Accused did not commit the offence or the act of the Accused does not constitute an offence.

In the case has the several Accused, if an Accused was dead before the Court has the final judgment and the Committee considers to pay compensation and expenses for another Accused who still alive, on the ground relating to the nature of an offence, the so that Accused who was dead has the right to receive compensation and expenses in this Act. **(Section 20)**

The determination of compensation and expenses in the section 20 shall be determined as this follows :

- (1) any compensation for being detained shall be calculated from the number of days in custody at the rate prescribing for confinement in lieu of fine under the Penal Code ;
- (2) any appropriate expenses for medical treatment includes in particular expenses for physical and mental rehabilitation when the illness of the Accused was the direct cause of being charged ;
- (3) any compensation in the case of the Accused was dead and such death was the direct cause of being charged in amount of not exceed prescribing in Ministerial Regulation ;
- (4) any damages for the loss of earning during being charged ;
- (5) any necessity expenses for being charged.

Provided that, shall be in accordance with the rules, procedures and the rate prescribing in the Ministerial Regulation :

In the case of an application for the recovery of any right loss on direct cause of that judgment. The order for the recovery of any right loss according to so that application, if it can not recover any right, the Committee shall determine the expenses for any right loss in

according with its mention

The Committee may determine the manner and the extent of expenses for the Accused had been received, with regard to the circumstance of an offence, the misery which the Accused was suffered and the opportunity of the Accused shall be remedied the damage by other means. **(Section 21)**

7. The submission of application, determination of application and the appeal

Injured Person, the Accused or the heir who suffers from an injury, be entitled to receive compensation or the expenses in this Act, shall be submit an application to the Committee at the office according to the form by the office mention, in the period of one year from the date of Injured Person have known the commission of an offence or from the date of the Court have order to approve the withdrawal of prosecution when it appears apparent evidences that the Accused did not an offender or from the date of the final judgment of the case of that the Accused did not an offender or the act of the Accused does not constitute an offence, as the case may be. **(Section 22)**

In the case of Injured Person, the Accused or the heir who suffers from an injury was an incompetent person or unable to submit an application by oneself, the legal representative or the guardian, the ascendant, the descendant, husband or wife or any person who was appointed by written from Injured Person, the Accused or the heir who suffers an injury, as the case may be, may submit an application for compensation or expenses in according with the Regulation which the Committee mention. **(Section 23)**

Rules and Procedures of submission an application and procedures of determination an application shall be prescribed by the Committee mention with approved by the Minister. **(Section 24)**

In the case of an applicant disagree with the decision of the Committee, be entitled to appeal to the Court of Appeal within thirty days from the date of receiving the decision. The decision of the Court of Appeal was final

The submission of an appeal in the first paragraph, an appealant shall submit it to the office or the Provincial Court of Justice where a residence of an applicant was located in its jurisdiction, for serving it to the Court of Appeal, and it shall be deemed that was the submission an appeal to the Court of Appeal in the so that first paragraph

In considerations of an appeal in the first paragraph, the Court of Appeal has the power to hold preliminary examination to take additional evidences, it may either take such evidences itself or may direct the Court of First Instance to do so. **(Section 25)**

8. The competent official

In the execution of this Act, the competent official has the powers as follows :

- (1) to make an examination of an applicant relating the several facts according to an application ;
- (2) to issue the letter of questioning to or summon any person to give statement or to submit the concerning evidential documents or other substantial things for implement the considerations

In the execution of this Act, the competent official shall be a competent official under the Penal Code. **(Section 27)**

9. Penalties Provisions

Whoever submits an application for compensation and expenses with the assertion of a falsehood, shall be punished with imprisonment not exceeding three years or fine not exceeding sixty thousand baht, or both. **(Section 28)**

Whoever gives statement or produces a false evidence in order that an application for compensation and expenses in this Act, to the Committee, Sub-Committee or competent official, shall be punished with imprisonment not exceeding three years or fine not exceeding sixty thousand baht, or both. **(Section 29)**

Whoever refuses to give a statement or refuses to send a questioning letter, document, evidence or information or other necessity thing, according to the order of the Committee, the Sub-Committee or the competent official, without reason, shall be punished with imprisonment not exceeding six months or fine not exceeding ten thousand baht, or both. **(Section 30)**



The Schedule annexed to The Compensation for Injured Person and the Accused Act

Offences in the compensation for the Injured Person and the Accused Act referred to by section 17 in respect of which offences in **the Penal Code**, Book 2, offences:

Title 9 offences relating to Sexuality, section 276 to section 287;

Title 10 offences against Life and Body :

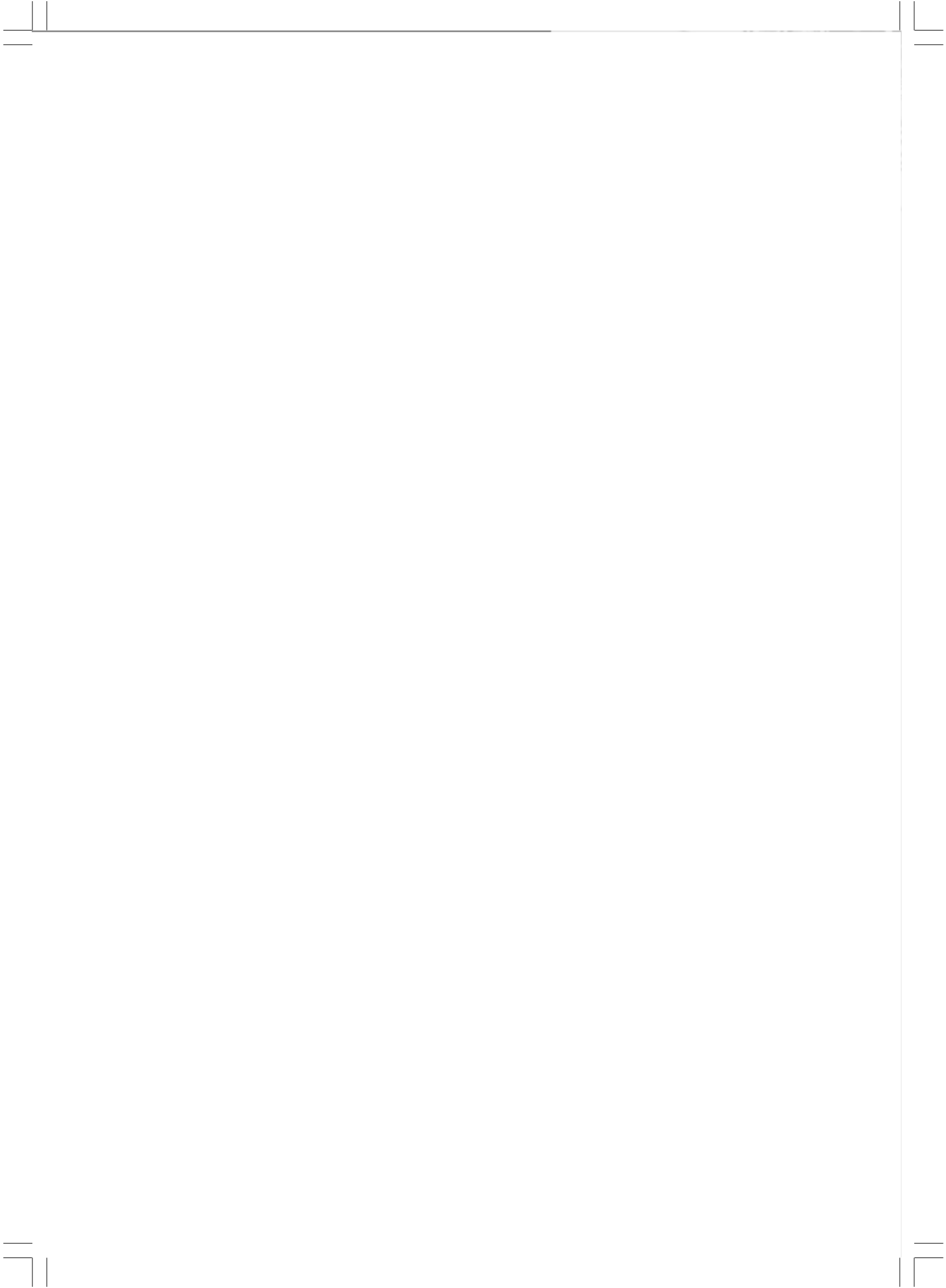
Chapter 1 offences causing Death, Section 288 to Section 294;

Chapter 2 offences against Body, Section 295 to Section 300;

Chapter 3 offences of Abortion, Section 301 to Section 305;

Chapter 4 offences of Abandonment of Children, Sick Persons or Aged Person, Section 306 to Section 308.





● **T**he Criminal Procedure Code
(Partial Extraction)





The Criminal Procedure Code (Partial Extraction)

DIVISION I PRELIMINARY

GENERAL PROVISIONS

Section 13 The inquiry, preliminary examination or trial shall be made in Thai ; but if it is necessary to translate Thai into a foreign language into Thai, an interpreter shall be required.

When there is an interpreter to interpret a plea, testimony or other matters, such interpreter must interpret. Correctly the interpreter must take an oath or make an affirmation that he shall perform his duty conscientiously without adding to or suppressing anything from what he interpretes.

The interpreter shall affix his signature on the translation.

“In case of the injured person, alleged offender, accused or witness cannot be able to speak or understand the Thai language and have no interpreter, the inquiry official, Public Prosecutor or Court shall procure an interpreter for him without delay.”

“The inquiry official, Public Prosecutor or Court shall pay allowances to the interpreter procured as this section according to the Rule prescribed by the Ministry of interior, the office of the Highest Public Prosecution or the Ministry of Justice, as the case may be, with the approval of the Ministry of Finance.”

Section 13 bis In case of the injured person, alleged offender, accused or witness cannot be able to speak or hear, or to converse a meaning and have no interpreter of hand sign language, the inquiry official, Public Prosecutor of Court shall procure the interpreter of hand sign language or shall prepare for him a question, answer or meaning conversation in other manner as it thinks fit.

The inquiry official, Public Prosecutor or Court shall pay allowances, as prescribed by the Rule of the Ministry of Interior, of the office of the Highest Public Prosecution or of the Ministry of Justice, as the case may be, with the approval of the Ministry of Finance, to interpreter of hand sign language procured according to this Section.”

Section 20 If an offence punishable under Thai law has been committed outside Thailand, the Director - General of the Public Prosecution Department* or the person in charge of his functions shall be the responsible inquiry official. He may, however, delegate such duty to any other inquiry official.

* WHEREABOUTS : "ATTOMEY GENERAL"

In case of necessity, the following inquiry officials have the power to hold an inquiry, pending instructions from the Director - General of the Public Prosecution Department or the person in charge of his functions :

- (1) the inquiry official within whose territorial jurisdiction the alleged offender has been arrested ;
- (2) the inquiry official who was requested by the foreign authorities or the injured person to prosecute the alleged offender.

COMPETENCY OF COURTS

Section 22 When an offence has been committed, alleged or believed to have been committed within the territorial jurisdiction of any Court, it shall be tried and adjudicated by such Court. However :

- (1) where the accused has residence or has been arrested in a locality or when the official is conducting the inquiry in a locality outside the territorial jurisdiction of the Court above mentioned, the case may be tried and adjudicated by the Court within whose territorial jurisdiction such locality is situated ;
- (2) Where the offence has been committed outside Thailand, it shall be tried and adjudicated by the Criminal Court. If the inquiry has been conducted in a locality situated within the territorial jurisdiction of any Court, the case may also be tried and adjudicated by such Court.

ARREST, DETENTION AND IMPRISONMENT

Section 78 The government official or police official will not be able to arrest anyone without an arrest warrant or the Court's order unless :

- (1) when such person has committed the flagrant offence as provided in Section 80 ;
- (2) when the person has been found by circumstance suitable to suspect that such person likely to cause a danger to person or property of other person by having an instrument, arms, or material else to be able to use in committing offence ;
- (3) when there is the cause issuing an arrest warrant to such person under Section 66 (2), but there is the expeditious necessity which it cannot let the Court issue an arrest warrant of such person ;
- (4) being an arrest of alleged offender or accused to have escaped or who will evade during to be released for the time being under Section 117."

SEARCH

Section 92 It is prohibited to search in private place without the search warrant or Court's order, unless the government official or police official is inspector, and in the following case :

(1) in case of scream to help from inside of the private place or any other voice or circumstance shows that there is danger occurred in such private place ;

(2) in case of offence appearing in the presence is being made in the private place ;

(3) in case of the person, who has committed in the presence, is being followed closely behind to arrest and take refuge or serious grounds for suspecting that to have entered in hiding within such private place ;

(4) in case of evidence as may be reasonable that chose to have in one's procession constitutes an offence or acquires with commission of an offence or having used or having had for using in commission of an offence or able to be the evidence proving commission of an offence to be hide or in such place. With reasonable grounds to be believed that on account of the delay more than the search warrant will be brought, such chose will be transferred or have been destroyed ;

(5) in case of such private place where the arrested person is host, and such arrest with the arrest warrant or the arrest under Section 78 ;

Exercise of power according (4), the government official or police official as inspector, shall deliver the copy of note inspecting and the list of chose aquired by inspection, including the list to be made to show the grounds for being able to search as book to occuper of the premises to be searched, if there is not occuper there, the book, as aforesaid, shall be delivered to person as aforesaid forth with being able to do, and the grounds and inspection-result shall be reported as book to comander in more rank than."

DIVISION II

INQUIRY

ORDINARY PROCEEDING OF INQUIRY

Section 134/1 In the case of rate of punishment of death, or in the case of alleged offender aged not more than eighteen years on date when the inquiry official to nitrify charge, Before beginning the quaere of plea, the inquiry officail shall ask the alleged offender that there is lawyer or not, if there is not lawyer, the state shall procure lawyer to one;

In the case of rate of imprisonment, before being quaere of plea, the inquiry official shall ask the alleged offender that there is lawyer or not, if there is not lawyer, and the alleged

offender wants lawyer, the State shall procure lawyer to one;

Procuring the lawyer according to paragraph 1 or 2, the inquiry official shall exercise the rule and procedure and condition as designated by Ministerial Regulation,

The lawyer procured by the State shall receive the gratuity and expense according to routine as designated by Ministry of Justice with the consent of Ministry of Finance;

When the lawyer has been procured to the alleged offender according to paragraph 1, 2 and 3, in case of expeditious necessity, if the lawyer may not meet the alleged offender without notice of objection to the inquiry official or notifying, but not coming to meet the alleged offender within the suitable time, the inquiry official shall inquire the alleged offender go on without waiting the lawyer, the inquiry official must note such grounds in the file of the inquiry;

Section 134/4 In asking the alleged offender's answer, the inquiry official shall notify the alleged offender before that :

(1) the alleged offender is entitled to make a statement or not. If the alleged offender makes a statement , such sayings as made by the alleged offender may exercise as evidence to try a case ;

(2) the alleged offender is entitled to let the lawyer or the trusted person hearing the interrogation of oneself ;

When the alleged offender is willing to make any statement, such plea shall be noted. If the alleged offender is not willing to make any statement at all, it shall be noted ;

Any of sayings, given by the alleged offender in the respect of the inquiry official before having the notice of right according to paragraph 1 or before proceedings under Section 134/1, Section 134/2 and Section 134/3, will not be able to admit as evidence in proof of such person's offence.

Section 135 The inquiry official shall be prohibited to make or to be made any act as deception or threat or promise to the alleged offender for inducing such person to make any particular statement in the charge against him.

**DIVISION III
PROCEDURE IN THE COURTS
OF FIRST INSTANCE**

TRIAL

Section 173 In the case of the rate of punishment of death, or in the case of accused aged not more than eighteen years on the date entered an action in Court, before beginning to

take into the consideration, the Court shall ask the accused that there is lawyer or not, if there is not lawyer, the Court shall appoint the lawyer for one;

In the case of the rate of imprisonment, before beginning to take into the consideration, the Court shall ask the accused that there is the lawyer or not, if there is not lawyer, and the accused want the lawyer, the Court shall appoint the lawyer for one;

The Court shall pay the gratuity and expense to the lawyer as appointed by the Court under this Section by taking into consideration of case-condition and economic-condition, but all these, as rule designated by, but all these, as rule designated by Administrative Committee of Court of justice with agreement of Ministry of Finance.

Section 173/2 In the date of inspecting the evidence, the parties shall send the documentary evidence and real evidence in one's possess to the Court for other party inspects, unless the Court will issue the order as atherwise on account of condition and necessity of such evidence or the evidence is note of plea of withness, after that each party makes a statement the way of offering the evidence to the Court, and the Court shall inquire the parties to relation with issue and necessity to take of evidence relied upon including the admission of other party's evidence, and then the Court shall designate the date taking of evidence. and notify parties before not less then seven days. In case of prosecutor does not appear to the Court in the date inspecting the evidence, the provision of Section 166 shall be forced mutatis mutandis;

In case of necessity, for the benefit of fair. When the Court deems suitablely or any of parties make a request, the Court will issue order to take of evidence in respect of important issue in the case before the date as designated to take of evidence.”

DIVISION V EVIDENCE

GENERAL PROVISIONS

Section 226 Any material, documentary or oral evidence likely to prove the guilt or the innocence of the accused is admissible, provide it be not obtained through any inducement, promise, threat, deception or other unlawful means ; such evidence shall be produced in accordance with the provisions of this Code or other laws governing production of evidence.

Section 227 The Court shall exercise its discretion in considering and weighing all the evidence taken. No judgment of conviction shall be delivered unless and until the Court is fully satisfied that an offence has actually been perpetrated and that the accused has committed that offence.

Where any reasonable doubt exists as to whether or not the accused has committed the offence, the benefit of doubt shall be given to him.

ORAL EVIDENCE

Section 237 bis Before the entry of the charge in Court, when there are reasonable grounds to believe that the witness will depart from the Kingdom, has no habitual residence, or has residence far from the Court of trial, or there are reasonable grounds to believe that he will be tampered directly or indirectly or there are other necessary causes which make it difficult to bring him to give testimony in the future, the Public Prosecutor, himself or on the application of the injured person or the inquiry official, may apply by motion specifying all the acts alleged to have been committed by the alleged offender to the Court to give order granting that his testimony be taken promptly. If the alleged offender has been ascertained and kept in custody of the inquiry official or the Public Prosecutor, the Public Prosecutor shall bring him to the Court. If he has been kept in custody of the Court, the Court shall further call him for trial.

When having received such application, the Court shall take the testimony of the witness promptly. The alleged offender may cross-examine or appoint a counsel to cross-examine the witness.

In the case according to the second paragraph, if it is the case where the alleged offender is alleged to commit the criminal offence which if the criminal prosecution is instituted, the Court has to appoint a counsel for him or the accused has right to apply to the Court to appoint one for him according to Section 173, the Court shall ask the alleged offender whether he has a counsel or not before the taking of the witness' testimony begins. In the case where the Court has to appoint a counsel for the alleged offender, if the Court is of opinion that it can appoint one for him in time, it shall do so and proceed with the taking of the witness' testimony promptly. But, if the Court is of opinion that it can not appoint a counsel for him in time, or the alleged offender can not appoint one in time, the Court itself shall examine the witness for him.

The memorandum of the witness' testimony shall be read out to him and if the alleged offender is in Court, the Court shall read it out before him.

If the alleged offender is then charged to be the accused in the commission of the criminal offence, such testimony may be admitted in the trial of the case.

In the case where an alleged offender is of opinion that if he has been charged as an accused, the person who is necessary to be adduced as his witness will depart from the Kingdom, has no habitual residence, or has residence far from the Court of trial, or there are reasonable grounds to believe that the witness will be tampered directly or indirectly, or there are other necessary causes which make it difficult to bring him to give testimony in the future, the alleged

offender may apply by motion showing reasons and necessities to the Court to give order granting to take the witness' testimony promptly.

When the Court thinks fit, it may give order granting to take the witness' testimony and it shall inform the inquiry official and the Public Prosecutor concerned. In the taking of the witness' testimony, the Public Prosecutor has right to cross-examine him, and the provisions of the third, fourth and fifth paragraph shall apply **mutatis mutandis**.

The provision of 172 ter shall apply **mutatis mutandis** to the taking of the testimony of the witness who is a child not yet over eighteen years of age."

DIVISION VI
ENFORCEMENT OF JUDGMENTS
AND COSTS

ENFORCEMENT OF JUDGMENTS

Section 247 In the case where the accused has been sentenced to death, the sentence shall not be executed until the provisions of this Code governing pardon have been complied with.

If a woman sentenced to death is found to be with child, execution of the sentence shall be suspended until after her delivery.

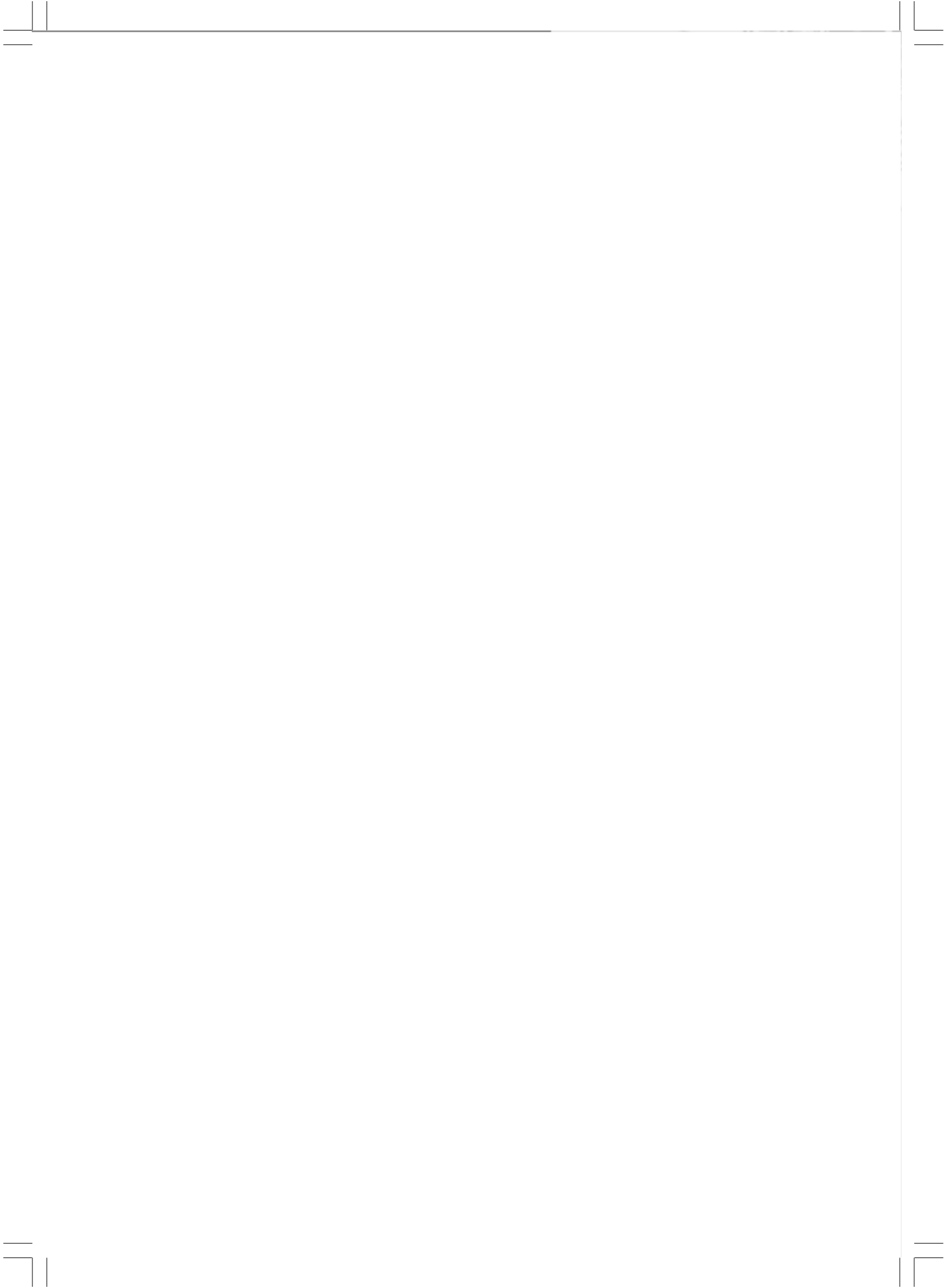
The execution shall take place at such time and place as the authorities think fit.





The Judiciary of Thailand





The Judiciary of Thailand

1. Introduction

The history of the Thai legal system and the judiciary can be dated back as far as the Sukhothai period (A.D. 1238 - 1350) where the King was the “Fountain of Justice” who himself adjudicated the disputes between his citizens. During the Ayutthaya period (A.D. 1250 - 1767), the Thai legal system developed and was crystalized in a form of which was to last until the close of the nineteenth century. The Dhammasattham derived from the ancient Hindu jurisprudence was established as the law code of the realm and formed part of the Thai national heritage. It was a fundamental law of individual liberty and private rights dealing with both civil and criminal matters. The concept of royal justice administered during the Sukhothai was also carried through the Ayutthaya. The reign of King Taksin the Great between A.D. 1767-1782 had little development in the legal field since the country was besetted with series of battle. Later at the beginning of the Chakri Dynasty in 1782, the laws derived from the Ayutthaya period were revised and completed in 1805 resulting the written form of law books called “ The Law of Three Seals.” It had been the authority of the land until the reign of King Rama V, when a reform of the legal and court system was introduced together with an open door policy of trading with foreign nations.

In 1882, King Rama V founded the first building of the Courts of Justice. Later, in 1892, the Ministry of Justice was established and brought about the centralization of all Courts of Justice. Meanwhile, the first law code was promulgated in 1908 on criminal law. The founder of modern Thai law was Prince Rabi of Ratchaburi who played a leading role in introducing a modern system of judicial administration. The drafting of the Civil and Commercial Code was started in the reign of King Rama V and was completed during the reign of King Rama VII. The Revolution of 1932 had an important effect on the Thai legal and judiciary system since it changed the form of government from an absolute monarchy to a constitutional monarchy. The Constitution vested the judiciary power with the Courts. Judges perform their duties in the name of the King and are assured of independence in adjudicating cases according to the law.



Statue of Prince Rabi of Ratchaburi

The Constitution is the supreme of the country that establishes the powers, functions and duties as well as the structure of the Executive, the Legislative and the Judiciary. The present constitution of Thailand, namely, the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) has substantial impact on the reorganization of the political system as well as the judicial system in Thailand. The types of courts recognized under the 1997 Constitution are: the Constitution Court, the Court of Justice, the Administrative Court and the Military Court. The Constitution Court and the Administrative Court were recently established as a result of the provisions of such constitution. Although this change decreases the scope of the jurisdiction of the Courts of Justice, most cases fall under the jurisdiction of the Courts of Justice.

2. Structure

The structure of the Courts of Justice is divided into two parts: administration and adjudication. Before August 20, 2000, the Ministry of Justice was responsible for the administration works of all courts. The main role of the Ministry of Justice was to provide courts supports, including budget, personnel and office equipment, to enable them to operate their works efficiently. At present, the Office of the Judiciary, an independent organization and a juristic person, is the only organization responsible for the administration of the Courts of Justice. This change will guarantee independence of the Thai Judiciary from political interference.

With respect to adjudication, the Courts of Justice have power to try and adjudicate criminal, civil, bankruptcy, and all cases which are not within the jurisdiction of other types of courts. When there is a problem of whether a particular case will fall under the jurisdiction of which type of courts, the Commission on Jurisdiction of Courts chaired by the President of the Supreme Court is authorized by the Constitution to make a decision. Such decision is final.

3. Judicial System

The Courts of Justice are classified into three levels consisting of the Courts of First Instance, the Courts of Appeal and the Supreme Court. The Courts of Justice have occasionally developed efficiency in handling cases. The developments fall into three ways, i.e., the increase of the number of courts, the emergence of the division and the branch of courts, and the establishment of the specialized courts.

3.1 The Courts of First Instance

The Courts of First Instance are categorized as general courts, juvenile and family courts and specialized courts. The general courts are ordinary courts which have authorities to try and adjudicate criminal and civil cases. Those courts are: Civil Courts, Criminal Courts, Provincial Courts and Kwaeng Courts.



A courtroom of the Criminal Court

3.1.1 General Courts

In the general courts, except the Kwaeng Courts, at least two judges form a quorum. An appeal against a judgment on both questions of law and, subject to some conditions, questions of fact or an order of the general courts lies to the Courts of Appeal.

With respect to the administration of the Provincial Courts and Kwaeng Courts, the Office of the

Court of Justice Region headed by the Chief Judge of that Region, is responsible for the courts in the Region in some extents.

In the case where the office of the Chief Judge of Region becomes vacant or in the case of the Chief Judge's inability to perform official duties, the President of the Supreme Court will appoint a judge to perform duties of such Chief Judge.

The Chief Judge of the Region is regarded as a judge of any court in his region with power to try and adjudicate particular cases, such as cases concerning offence against public security, serious criminal offence, high amount claim and contempt of court. When it is necessary, the Chief Judge of the Region has power to order a judge of the court in his region upon the latter's consent to work temporarily for not more than three month in another court. The Chief Judge, however, must immediately inform the President of the Supreme Court about such order.

3.1.1.1 In Bangkok Metropolis

Civil Courts

Under Thai Law, the plaintiff must bring a civil case to the court where the cause of action arises or where the defendant is domiciled. Where an immovable property is involved, the plaintiff has to bring a lawsuit to the court where such property is situated, or where the defendant is domiciled. In Bangkok, Courts of First Instance dealing with civil cases are the Civil Court, the Civil Court of Southern Bangkok, the Thon Buri Civil Court and the Min Buri Provincial Court depending on a district where the cause of action arises or where the defendant is domiciled. Before 1977, the Civil Court was only a court adjudicating civil cases in Bangkok; yet the high increase of caseload in the Civil Court led to the setting up of the other civil courts in Bangkok.



Inside the Civil Court Building

For disputes on civil matters occurring outside the territorial jurisdiction, the Civil Court has discretion either to try and adjudicate those cases or to transfer them to the court having territorial jurisdiction.

Criminal Courts

As regards criminal cases, the court in a district where an accused resides or is arrested, or where an inquiry official makes an inquiry has jurisdiction over the

cases. In Bangkok, Courts of First Instance handling criminal cases are the Criminal Court, the Criminal Court of Southern Bangkok, the Thon Buri Criminal Court and the Min Buri Provincial Court depending on a district where an accused resides or is arrested, or where an inquiry official makes an inquiry. Like the Civil court, the reason to establish other criminal courts in Bangkok was to alleviate the workloads of the Criminal Court. Also, the Criminal Court has a discretion either to try and adjudicate criminal cases arising outside its territorial jurisdiction but was brought before it or to transfer them to the court having territorial jurisdiction.



The Criminal Court Building

The Min Buri Provincial Court

The Min Buri Provincial Court, the only provincial court in Bangkok Metropolis, deals with both civil and criminal cases arising in the northern part of Bangkok Metropolis. The character of this court is the same as the general provincial courts.

Municipal Courts

The primary function of Municipal Courts is to dispose of small cases quickly with a minimum formality and expense. The jurisdiction of these courts covers both criminal and civil cases. Criminal cases fallen in the jurisdiction must deal with the criminal offence punishable with a maximum of three years imprisonment, or fine not exceeding 60,000 Baht or both. For civil cases, the amount of claims must not exceed 300,000 Baht. The proceeding in Municipal Courts is emphasized on the speedy trial, therefore, the trial is more simple and oral judgment or summarized judgment is issued.

3.1.1.2 In other Provinces

Provincial Courts

Provincial Courts exercise unlimited original jurisdiction in all general civil and criminal matters within their own districts which are generally the provinces themselves. For the purpose of expansion of services of the court to the distance area, some provinces may have more than one Provincial Court. For example, in Nakhon Ratchasima Province, there are three Provincial Courts, i.e., Nakhon Ratchasima Provincial Court, Sekew Provincial Court and Buayai Provincial Court. Where a case within the jurisdiction of Kwaeng Court brought to the Provincial Court, the latter has to transfer the case to the former. Each Provincial Court has a Chief Judge who is the head and responsible for the judicial work of the court. The Director of the Office of such Provincial Court (Registrar) under the supervision of the Chief Judge is responsible for administrative work of the court



Nakorn Ratchasima Provincial Court

Municipal Courts

The detail of Municipal Courts in other provinces is the same as Municipal Courts in Bangkok Metropolis explained above.



A courtroom of the Central Juvenile and Family Court

3.1.2 The Juvenile and Family Courts

The Juvenile and Family Courts consist of the Central Juvenile and Family Court, the Provincial Juvenile and Family Courts, and the Division of Juvenile and Family Court in the Provincial Courts. Two career judges and two associate judges, one of those must be a woman, constitute a quorum of the Juvenile and Family Courts. An appeal against a judgment or order of the Juvenile and Family Courts lies to the Courts of Appeal.

3.1.3 Specialized Courts

There are four specialized courts in Thailand, i.e, the Labour Court, the Tax Court, the Intellectual Property and International Trade Court, and the Bankruptcy Court. The establishment of the specialized courts is to ensure that specific or technical problems will be solved by an appropriate judge. A judge in the specialized courts is appointed from a judge who possesses competent knowledge of the specific matters.

A quorum of two specialized courts, namely, the Labour Court and the Intellectual Property and International Trade Court consists of both career judges and associate judges.



The Court of Appeal Building

Associate judges are laymen recruited separately to work together with career judges in adjudicating cases. It should be noted that at present each specialized court has only the central court, except the Labour Court which now has branches situated in other provinces.

3.2 The Courts of Appeal

The Courts of Appeal consist of the Court of Appeal and nine Regional Courts of Appeal. The Court of Appeal handles an appeal against the judgment or order of the Civil Courts and the Criminal Courts. Meanwhile, the Regional Courts of Appeal handle an appeal against the judgment or order of the other Courts of First Instance. The jurisdictions of the Regional Courts of Appeal are consistent with the jurisdictions of the Courts of First Instance Regions 1-9. Each Courts of Appeal is headed by the President of the Court assisted

by Vice Presidents of the Court. The Court is divided into divisions. Each division has one chief justice and two other justices. At least three justices form a quorum.

An appeal on point of law and, subject to certain specified restrictions, on point of fact lies from the Courts of Appeal to the Supreme Court.

Each Courts of Appeal has a Research Division consisting of research judges. Primary functions of the Division are to assist justices of the Courts of Appeal by examining all relevant factual and legal issues of the cases, conducting legal researches and discussing with those justices to ensure uniformity and fair results.



A plenary session of the Supreme Court

3.3 The Supreme Court

The Supreme Court is the final court of appeal in all civil and criminal cases in the whole Kingdom. The Court consists of the President, Vice-Presidents, the Secretary and a number of justices. It is divided into divisions with three justices in each division. The President of the Supreme Court is also the head of the Courts of Justice. In the present system of the Courts of Justice, the President of the Supreme Court plays a great role in judicial and administrative works.

Like the Courts of Appeal, the Supreme Court also has the Research Division consisting of research justices.

At least three justices of the Supreme Court form a quorum. The court may, however, sit in plenary session to determine cases of exceptional importance and cases where there are reasons for reconsideration or overruling of its own precedents. The quorum for the full Court is not less than half of the total number of justices in the Supreme Court.

As a result of the 1997 Constitution, the Criminal Division for Holders of Political Positions was set up in the Supreme Court to act as a trial court in a case where the Prime Minister, a minister, member of the House of Representatives, senator or other political official is accused of becoming unusually wealthy, committing malfeasance in office according to the Criminal Code, performing duties dishonestly, or being corrupted according to other laws.

In trial, a member of the House of Representatives or a senator is unable to claim the immunity provided in the constitution. The Criminal Division for Holders of Political Positions in the Supreme Court must rely on the record of the National Counter Corruption Commission and may investigate to receive additional facts and evidence as it thinks fit.



*The quorum of the Supreme Court Criminal Division for Holders of Political Position
Consisting of nine Justices of the Supreme Court*

The quorum of this special division of the Court consists of nine justices of the Supreme Court who hold position of not lower than justice of the Supreme Court, and are elected by a plenary session of the Supreme Court justices on a case by case basis. A judgment will be made by a majority of votes; provided that each justice constituting the quorum will prepare the written opinion and make oral statements to the meeting before making decision. Orders and decisions of the Criminal Division for Holders of Political Positions in the Supreme Court will be disclosed and final.

4. Judge

4.1 Types of Judge

There are four types of judge in the current system, namely, a career judge, senior judge, associate judge, and Datoh Yutithum or Kadis.

4.1.1 Career Judge

Career judges are recruited by the Judicial Commission and are appointed by His Majesty the King. Besides having certain qualifications such as being of Thai nationality, passing the examination of the Thai Bar Association to become a Barrister-at-law, and having not less than two years working experience in legal professions, a candidate must pass a high competitive examination given by the Judicial Commission. Once the candidates are recruited, they have to be trained as judge-trainees for at least one year. Those candidates who complete the training with satisfactory result will be approved by the

Judicial Commission and tendered to His Majesty the King for royal appointment to be a judge. A solemn declaration before His Majesty the King is also required before taking office as a judge.

Under Thai Law, a judge may be vacated from the office by the following reasons:

1. death;
2. resignation;
3. vacating from the office under the law on government pension fund;
4. being transferred to serve in a position of a government official which is not judicial position;
5. resignation for being in military service;
6. being ordered by law to resign;
7. being expelled, dismissed, or removed by law from the office;
8. being removed from office by a resolution of the Senate.

4.1.2 Senior Judge

According to the Rules of Appointing and Holding Senior Judge Position Act, B.E. 2542 (1999), when judges reach sixty years of age, they can remain in office to perform duties, but merely in the Courts of First Instance, provided that they are approved by the Judicial Commission and are appointed by His Majesty the King. When they become sixty-five years old, and pass the assessment of fitness performance, they are able to remain their senior judges status until they reach seventy years of age.

A senior judge cannot be appointed to hold an administrative position; namely, a Chief Justice, or even to perform duties in place of such person. Further, a senior judge is prohibited not only from being elected to be a Judicial Commissioner, but also to vote in electing such commissioner.

4.1.3 Lay Judge

Lay judges are laymen recruited separately to perform duties in the Juvenile and Family Courts, the Labour Court or the Intellectual Property and International Trade Court. The aim of having lay judges is to have an experienced person or an expert in a relevant field who can work closely with a career judge in adjudicating cases. Unlike a career judge, becoming a lay judge is not a permanent position. Each lay judge holds the office for a term of certain years depending on which specialized court he or she is working for.

4.1.4 Kadi

According to the Act on the Application of Islamic Law in the Territorial Jurisdictions of Pattani, Narathiwat, Yala and Satun Provinces, B.E. 2489, the Islamic Law on Family and Succession except the provisions on prescription in respect of succession shall apply instead of the Civil and Commercial Code in giving a judgment in civil cases concerning family and succession of Muslims. In such case, career judges and a Kadi who is an expert in Islam will sit on the bench together to adjudicate the case to comply with the principle of Islam. A kadi must not be less than thirty years of age, know Thai language at the prescribed level, and have knowledge in Islam to enable him to apply the Islamic laws relating to family and succession.



Office of the Judiciary at the Criminal Court Building

5. Office of the Judiciary

According to the 1997 Constitution, the Courts of Justice have an independent secretariat, namely, the Office of the Judiciary headed by the Secretary-General who will report directly to the President of the Supreme Court. The Office of the Judiciary has autonomy in personnel administration, budget, and other activities as provided by law. It has its own staffs and is divided into several offices and divisions. Office of Information Technology, Alternative Dispute Resolution Office, Office of Judicial Technical Affairs, and the Judicial Training Institute are also under the Office of the Judiciary. The work of the Office of the Judiciary concerning international judicial cooperation is under responsibility of the International Affairs Division.

In administering personnel and budget of the Courts of Justice, the Office of the Judiciary has done through three separate Commissions, i.e., the Judicial Commission, the Judicial Administration Commission, and the Commission for Judicial Service. The Judicial

Commission chaired by the President of the Supreme Court composed of the Commissioners elected from judges in all levels of the Courts of Justice deals with appointment, transfer, promotion and disciplines of judges whereas the Commission for Judicial Service chaired by the most senior Vice-President of the Supreme Court consisting of both the Commissioners appointed by the Judicial Commission from judges in all levels and the Commissioners elected from senior judicial officers handles appointment, transfer, promotion and disciplines of judicial officers. The Judicial Administration Commission chaired by the President of the Supreme Court composed of the Commissioners elected from judges in all levels of the Courts of Justice is mainly responsible for approving budget plan and managing the budget, issuing regulations and notifications concerning administrative and secretarial works of the Office of the Judiciary. The work of the three Commissions is transparency since the law requires that each Commission must have at least certain number of Commissioners who are qualified persons and are not judges.



*The official opening ceremony
of the Office of the Judiciary*

5.1 Vision

By B.E. 2555 (2012) the Courts of Justice will be an intelligence organization with systematic and efficient judicial and administrative works. This aim will be pursued with honesty, impartiality, equality, rightfulness, convenience, speed and modern in accordance with international standards towards leadership as a model in justice process, legal academic and services, ethic and virtue widely recognized domestically and internationally.



*A Judicial conference
on the continuous trial
which is one of the main
policies of the Office of
the Judiciary*

5.2 Mission

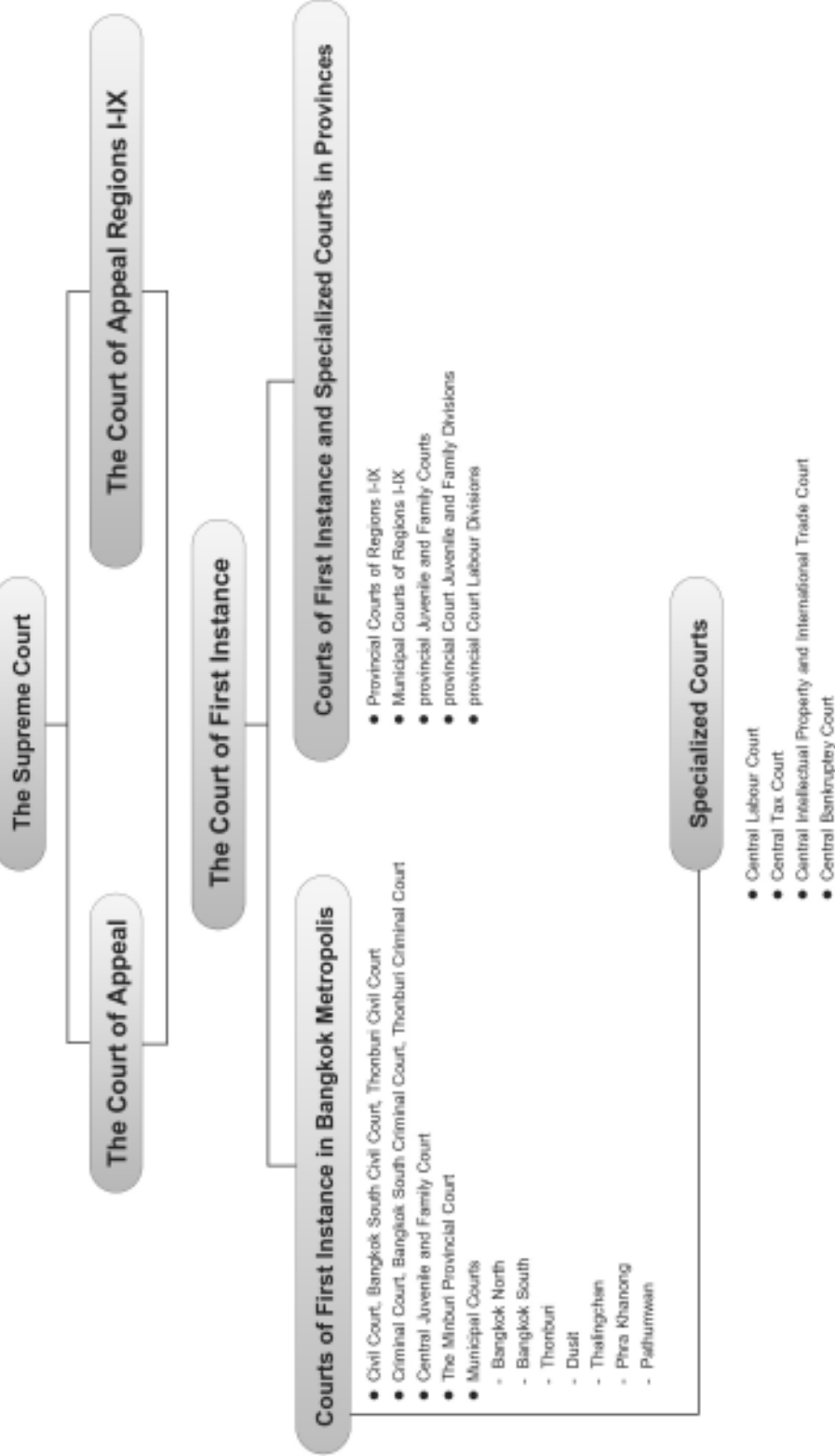
Missions of the Office of the Judiciary are as follows :

- Laying down policies concerning personnel, budget, and development plan in compliance with the principle of the Good Governance;
- Serving as a secretary to the Judicial Commission, the Judicial Administration Commission, and the Commission for Judicial Service;
- Recruiting qualified judges and judicial officials as well as developing the work potential and skills of those persons systematically and continuously;
- Promoting research programs for the development of laws and system of the Courts of Justice;
- Monitoring and evaluating the output of works, defining the effective indicators and unit cost;
- Cooperating with other relevant agencies for the purpose of human right protections.

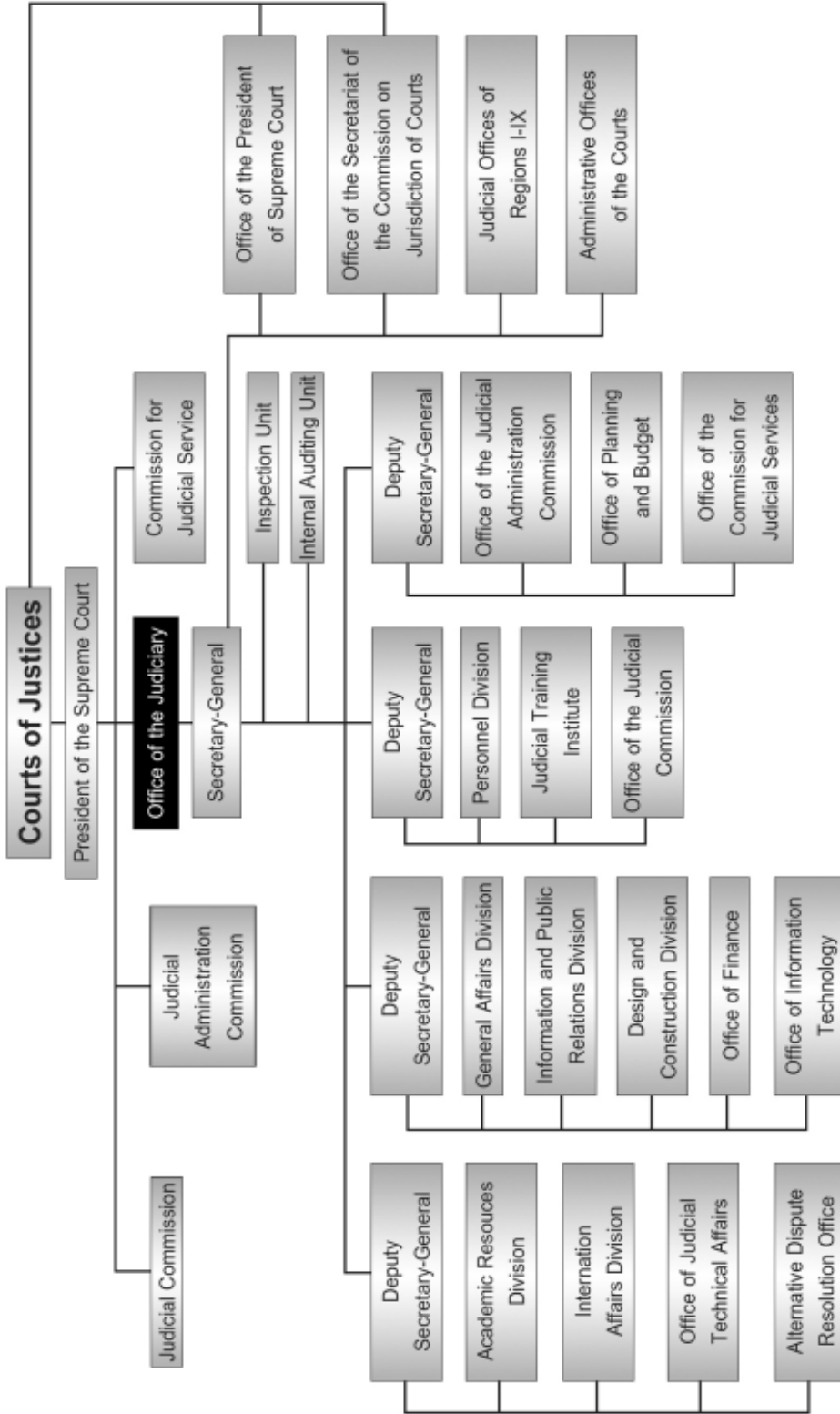


Website of the Office of the Judiciary

Organization Chart of the Courts of Justice



Organization Chart of the Office of the Judiciary



Judicial Gown of the Courts of justice

In the reign of King Rama VI, judges at all levels were required to wear barrister gowns when they adjudicated cases and to use the gowns in other formal occasions but there was no regulation mandating judicial gowns as symbols representing status of judges and kadis. In B.E. 2534 (1991) during the reign of the present King, the Act present, gowns for judges and Kadis must have features and components as follows:

1. A gown for a judge is a black robe at above ankles length. The body of the gown is slit from the breast level and connected with zipper. A long stripe of black velvet with 6.5 centimeters width surrounds the gown's neck and covers both slit sides to the lowest part. A round golden metal with 2.5 centimeters width is attached at the left of the breast of the gown.

The upper part of the metal has "Phra Maha Phichai" Crown over a badge and "Phra Dullapah" sign situated on top of a two-level tray with a supported base. The lower part of the metal has a Garuda holding a Naga (great snake) under its feet. Each left and right sides of the metal is surrounded by four budding lotuses.

2. A gown for a kadi has similar features and components to a gown for a judge. The only difference is the colour of the robe and that of the long stripe of velvet which are dark blue and blue purple respectively.

Judges and kadis of the Courts of justice may wear or use gowns in performing judicial functions or in other proper occasion but must not wear the gown when they appear in courts as parties or witnesses.



Judicial Gown of the Justic



Office of the Narcotics Control Board**Organization of the ONCB**

Since its establishment in 1976, the ONCB has been reorganized several times. At present, by virtue of the Article 8 i of Administration Organization of the State Act B.E. 2534 (1991), as amended by Administration Organization of the State Act B.E. 2543 (2000), Minister of Justice has issued the Ministerial Regulation, as announced in the Royal Gazette dated March 10, 2548 (2005) to reorganize the ONCB as follows:

Bangkok-based offices

1. General Administration
2. Legal Affairs Division
3. Information Technology Centre
4. Foreign Affairs Bureau
5. Assets Seizure Bureau
6. Narcotics Control Policy and Strategic Services Bureau
7. Narcotics Law Enforcement Bureau
8. Drug Demand Reduction Bureau
9. HRD Institute on Narcotics Control
10. Narcotics Analysis and Technical Services Institute
11. Bangkok Metropolitan Narcotics Control Office

Regional Offices

12. Narcotics Crop Survey and Monitoring Institute
13. Narcotics Control Office Region 1
14. Narcotics Control Office Region 2
15. Narcotics Control Office Region 3
16. Narcotics Control Office Region 4
17. Narcotics Control Office Region 5
18. Narcotics Control Office Region 6
19. Narcotics Control Office Region 7
20. Narcotics Control Office Region 8
21. Narcotics Control Office Region 9

Head Office (except Bangkok Metropolitan Narcotics Control Office)

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 Fax (0) 2589 7964

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 Fax (0) 2589 6495

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Narcotics Control Office Region 5

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 Fax (0) 5311 2470

Narcotics Control Offices Region 6

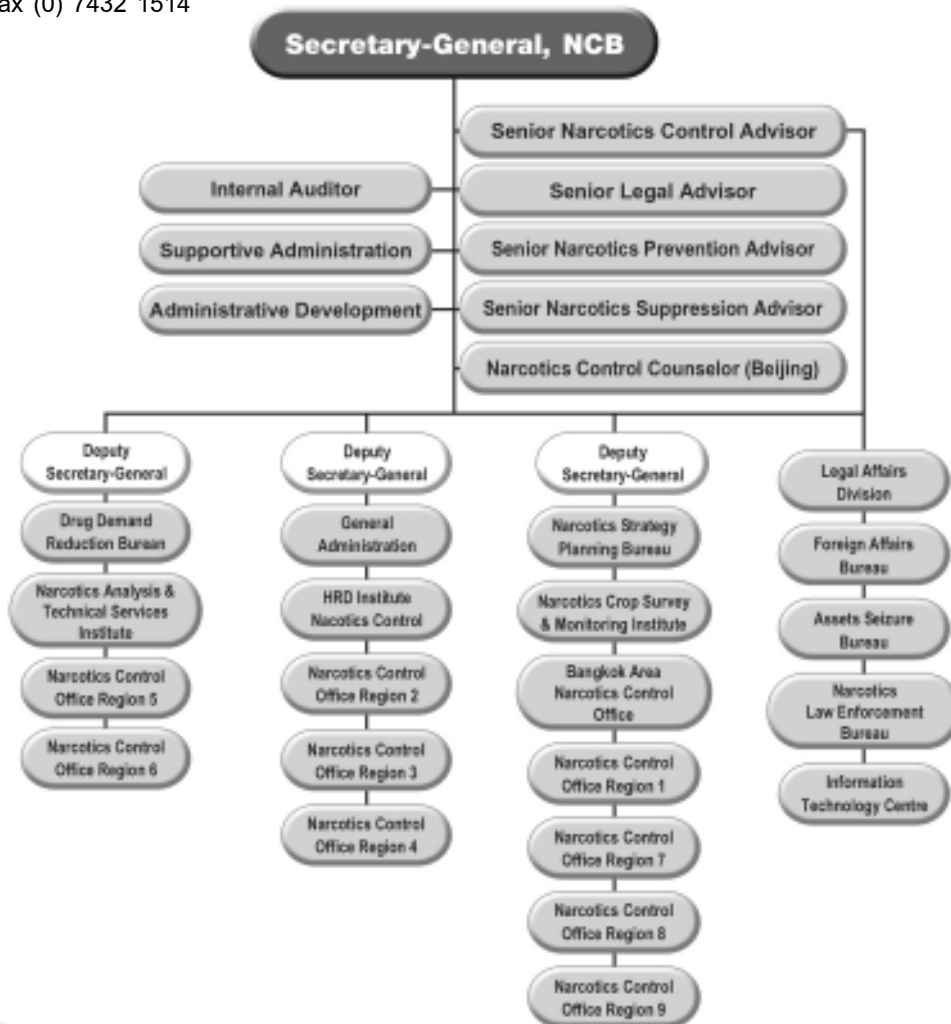
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 Songkhla 90000
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 Fax (0) 7432 1514



Narcotic Control Laws of Thailand

- Narcotics Control Act B.E. 2519 (1976)
- Narcotics Act B.E. 2522 (1979)
- Psychotropic Substances Act B.E. 2518 (1975)
- Emergency Decree on Controlling the Use of Volatile Substances B.E. 2533 (1990)
- Commodities Control Act B.E. 2495 (1952)
- Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics B.E. 2534 (1991)
- Narcotics Addict Rehabilitation Act B.E. 2534 (1991)
- Extradition Act B.E. 2472 (1929)
- Act on Procedure for Cooperation Between States in the Execution of Penal Sentences B.E. 2527 (1984)
- The Act to Mutual Assistance in Criminal Matters B.E. 2535 (1992)
- Recommendations on Mutual Legal Assistance In Drug-Related Offences.
- Act on Authorizing the Naval Officer for suppressing Some Offences Committee by Sea B.E. 2490 (1947)
- The Witness Protection Act B.E. 2546 (2003)
- The Compensation for Injured Person and the Accused Act B.E. 2544 (2001) (Partial Extraction)
- The Criminal Procedure Code (Partial Extraction)
- The Judiciary of Thailand
- O.N.C.B Structure

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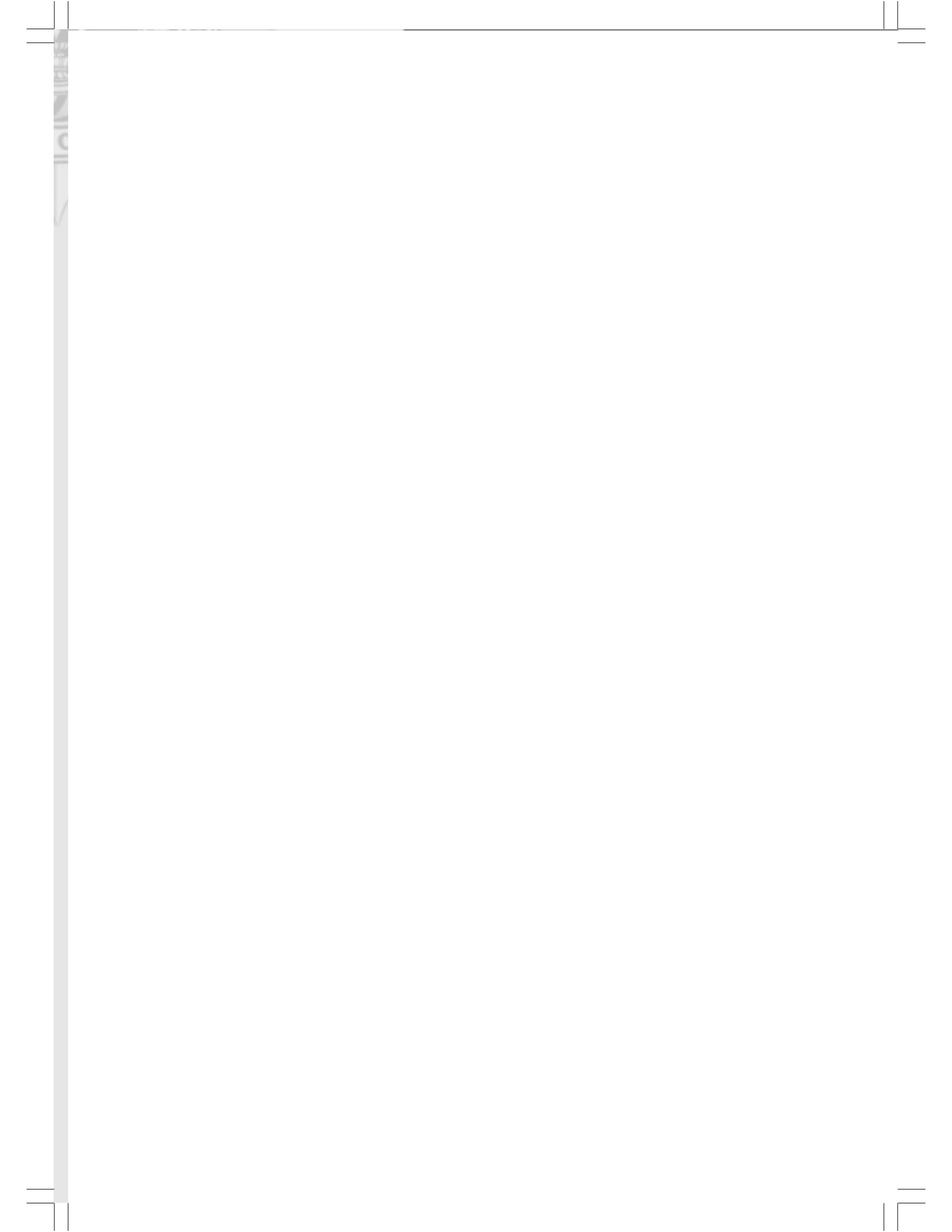
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“Eradication of illicit traffic
is a collective responsibility
of all states and that, to that
end, co-ordinated action within
the framework of international
co-operation is necessary”
(UN convention, 1988)

