

## **Field Dykes and Ditches Act B.E. 2505 (1962)**

**Translation**

In the name of his Majesty King Bhumibol Aduladej Sangwalaya Regent

Given on the 21st Day of March B.E. 2505 (1962);

Being the 17th Year of the Present Reign.

Whereas it is expedient to have a law on field dykes and ditches;

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

### **Section 1**

This Act is called the "Field Dykes and Ditches Act, B.E. 2505 (1962)"

### **Section 2**

This Act shall come into force as from the day following the date of its publication in the Government Gazette<sup>1</sup>, and its enforcement in any locality and any area shall be by a Royal Decree.

The Royal Decree issued under the preceding paragraph shall have a map showing the boundary of area annexed thereto and shall be posted at the Office of Amphur as well as the Office of Kamnan in that locality.

### **Section 3**

The Dykes and Ditches for Paddy Fields Act, B.E. 2484 shall be repealed.

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

### **Section 4**

In this Act,

"Field dyke" means a dyke made of earth or permanent material on the land having description as prescribed in this Act in order to store or block water for cultivation;

"Ditch" means a channel having description as prescribed by the Director-General in order to draw water into and drain water off the land;

"Owner of the land" means a person having ownership of the land or having possessor right in the land which does not belong to another person;

"Occupier of the land" means a lessee, a resident or a person cultivating land belonging to another person;

"Competent official" means a person appointed by the Director-General for the execution of this Act.

"Director-General" means the Director-General of the Royal Irrigation Department.

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

### **Section 5**

The field dyke must be secured and able to store water not lower than twenty centimeters and not higher than thirty centimeters above ground level.

### **Section 6**

Upon the issuance of the Royal Decree under Section 2, the owner of the land shall, within two years from the date this Act comes into force for that locally, complete the

construction of a field dyke surrounding the land, which he has ownership or possessor right inside the boundary of the map annexed to the Royal Decree.

In the case where the construction of the field dyke surrounding the land under the preceding paragraph is inadequate, the owner of the land must construct dividing field dykes in order to store water as specified in Section 5.

In case where several owners of the land ask permission to jointly construct the field dyke which is at variance with the boundary of each plot of land, the competent official may, if he deems it appropriate, issue a written permission to such owners of the land.

### **Section 7**

Upon the publication of the Royal Decree under Section 2 and after one year enforcement of this Act in any locality, if the Director-General is of the opinion that the owner of the land will not be able to complete the construction of any field dyke within the period of two years or the construction of any field dyke has not been completed after the lapse of two year, the Director-General shall have the power to order the competent official to complete its construction and the cost thereof shall be charged to the owner of the land.

### **Section 8**

Upon the publication of the Royal Decree under Section 2, the competent official shall have the power to survey the land inside the boundary of the map annexed to the Royal Decree for the purpose of planning and specifying description of ditches.

After the competent official has already surveyed the entire or part of the land, the Director-General shall determine the plan and description of ditches for the surveyed land and have them published at the Office of Amphur and Office of Kamnan in that locality.

The plan and description of ditches published under paragraph two may be amended by reasons of necessity and expediency.

### **Section 9**

Upon the publication of the plan and description of ditches under Section 8 paragraph two, the owner of the land shall complete the construction of the ditches in accordance with the published plan and description within two years from the date of the publication.

### **Section 10**

Upon the publication of the amendment of the plan or description of ditches under Section 8 last paragraph, the owner of the land who has not yet started the construction of the ditches shall complete the construction of the ditches in accordance with the plan and description as amended within two year from the date of the publication of the amendment.

In the case where the owner of the land has partially constructed the ditches before the date of the publication of the amendment, he must then complete the construction of the remaining ditches in accordance with the plan and description as amended within two years from the date of the publication of the amendment.

In the case where the owner of the land has entirely or partially completed the construction of the ditches before the date of the publication of the amendment, the competent official shall have the power to modify the ditches which have been constructed by the owner of the land so that they comply with the plan and description as amended.

### **Section 11**

Upon the lapse of one year after the publication of the plan and description of ditches under Section 8 paragraph two or paragraph three, if the Director-General is of the opinion that construction of any ditch by an owner of the land will not be completed within the period of two years ditch by an owner of the land will not be completed within the period of two years or after the lapse of two years the construction of any ditch has not been completed, the Director-General shall have the power to order the competent official to complete its construction and the cost thereof shall be charged to the owner of the land.

## **Section 12**

For the purpose of allocating water to every part of the land, the Director-General shall have the power to direct the competent official to construct the regulators or other barriers used in regulation the water in the ditches and the owners of the land who benefit therefrom shall individually or jointly pay for the cost prorate.

In constructing the regulator or other barrier uses in regulating the water under the preceding paragraph, the owners of the land may, at their own expense, individually or jointly carry out the construction as specified by the competent official.

## **Section 13**

In order to expedite the completion of construction of the ditches so as to accelerate the fulfillment of the plan to provide water for irrigation projects, the Director-General with the approval of the Minister shall have the power to direct the competent official to carry out construction of the ditches in accordance with the published plan and description.

After direction the competent official to construct the ditches in any locality, the Director-General shall have it published at the Office of Amphur and Office of Kamnan in that locality.

## **Section 14**

The owner and occupier of the land shall maintain in working conditions the field dykes, the ditches and the regulators or other barriers used in regulating the water within the land which he owns or occupies, especially the dredging of the ditches at least once a year.

If the owner or occupier of the land ignores or fails to comply with the preceding paragraph, the competent official shall have the power to carry out the work himself and the cost thereof shall be charged to the owner or occupier of the land.

## **Section 15**

The owner or occupier of the land shall not breach the field dykes, obstruct the ditches, open or close the regulators or other barriers used in regulating the water unless he has received a written permission from the competent official or the act is in compliance with the order of the competent official.

## **Section 16**

No one shall commit any act which will obstruct or hinder the use of the field dykes, the ditches, the regulators or other barriers used in regulating the water.

## **Section 17**

In carrying out the works under Section 7, Section 8, Section 10, Section 11, Section 13 or Section 14, the competent official shall have the power to enter the land concerned at reasonable time.

The owner or occupier of the land shall provide facilities for the competent official in the performance of duty under the preceding paragraph.

## **Section 18**

The Director-General shall have the power to appoint competent official for the execution of this Act.

## **Section 19**

The competent official shall have the power to appoint an inspector for the area of land not exceeding one thousand rais. The inspector is required to be the owner or occupier of the land situated in that area.

## **Section 20**

The inspector is the assistant of the competent official and has the power and duty to carry out the executing of this Act as entrusted in writing by the competent official.

The owner or occupier of the land shall provide facilities for the inspector in the performance of duty under the preceding paragraph.

#### **Section 21**

The inspector vacates his position at the end of two year from the date of his appointment unless his appointment is revoked earlier. The inspector who vacates his position may be re-appointed.

#### **Section 22**

The inspector may receive remuneration in accordance with the rates prescribed in the Ministerial Regulations.

#### **Section 23**

Whoever violates Section 6, Section 9 or Section 10 shall be liable to a fine not exceeding 100 (one thousand) Baht.

#### **Section 24**

Whoever violates Section 14 shall be liable to a fine not exceeding 200 (two hundred) Baht.

#### **Section 25**

Whoever violation 15 shall be liable to a fine not exceeding 500 (five hundred) Baht.

#### **Section 26**

Whoever violates Section 16 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding 1,000 (one thousand) Baht or to both.

#### **Section 27**

Whoever violates Section 17 paragraph two or Section 20 paragraph two shall be liable to a fine not exceeding 100 (one hundred) Baht.

#### **Section 28**

The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations for the execution of this Act.

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

Countersigned by

Field Marshal S. Thanarajata

Prime Minister

#### **Disclaimer**

This translation is intended to help Thais or foreigners to understand Thailand laws and regulations only, not to use as references, because it is only the original Thai version of legislation that carries legal effect. [www.ThaiLaws.com](http://www.ThaiLaws.com), therefore, shall not be held responsible in any way for any damage or otherwise the user may incur as a result of or in connection with any use of this publication for any purposes. It's the responsibility of the user to obtain the correct meaning or interpretation of this publication or any part thereof from Thai version or by making a formal request to the appropriate or related authorities.