

Forest Act, B.E. 2484 (1941)

Translation

In the Name of His Majesty King Ananda Mahidol:

Regents;

Arthityathiparpa;

General Pichayendrayodhin.

(According to the Announcement of the President of the House of Representatives Dated 4th August B.E. 2480 (1937)),

Given on the 14th Day of October B.E. 2484 (1941);

Being the 8th Year of the Present Reign.

Whereas the House of Representatives considered as to whether the law on forest should be amended for compliance with present condition;

Be it, therefore, enacted by the King, by and with the advice and consent of the House of Representatives, as follows:

Section 1

This Act is called the "Forest Act, B.E. 2484 (1941)".

Section 2

This Act shall come into force as from 1st January B.E. 2485 (1942).

Section 3

The followings shall be repealed:

- (1) The Royal Command on Duty on Teak and other hard woods as proclaimed on Sunday of the fourth months, the eighth day of the waning moon, year of Dog, J.S. 1236 (1874);
- (2) The Royal Command on Teak Trade as proclaimed on Wednesday of the ninth months, the first day of the waxing moon, year of Monkey, J.S. 1246 (1884);
- (3) The Royal Command on Teak as proclaimed on Sunday of the seventh months, the first day of the waxing moon, year of Pig, J.S. 1249 (1887);
- (4) The Royal Command on Teak (Additional Provisions) as proclaimed on Monday of the eleventh months, the first day of the waning moon, year of Pig, J.S. 1249 (1887);
- (5) Act on Log and Timber with Unclear Mark, R.S. 115 (1896);
- (6) Act on Forest Conservation, R.S. 116 (1897);
- (7) Act on Teak Conservation, R.S. 116 (1897);
- (8) Act on Prevention of Illegal Marking to Log and Timber, R.S. 117 (1898);
- (9) Act on Prevention of Hauling of Teak in which Cutting Fee and Tax are Unpaid, R.S. 118 (1899);
- (10) Ministerial Regulation of the Ministry of Interior on Drifted Timber, R.S. 119 (1900);
- (11) Regulation Allowing the Use of Teak for Construction of Government Office and other Public Utilities, R.S. 119 (1900);
- (12) Forest Preservation Act, B.E. 2456 (1913);

- (13) Regulation on Forest Preservation, B.E. 2456 (1913);
- (14) Collection of Forest Product Regulation on Honey Bee's Hive, B.E. 2464 (1921);
- (15) Collection of Forest Product Regulation on Screwing and Burning *Takhien*¹ for Resin within *Pattani* Province, B.E. 2465 (1922);
- (16) Collection of Forest Product Regulation on Screwing and Burning for Tree's Resin, B.E. 2465 (1922);
- (17) Act Amending Internal Tax Rate Act (Section 4 (a) and (b)), B.E. 2470 (1927);
- (18) Forest Preservation Act (No. 2), B.E. 2479 (1936);
- (19) Making of Turpentine Control Act, B.E. 2480 (1937);
- (20) All laws, rules and other regulations in so far as they have been provided in this Act, or are contrary to or inconsistent with the provisions of this Act.

Section 4

In this Act:

- (1) "Forest" means land which is not acquired by any person under the Land Code;
- (2) "Timber" means teak and other plants, whether having trunk or growing in cluster or creeping, including plants imported into the Kingdom of Thailand, all kinds of bamboo, palm, rattan, as well as root, node, stump, remain, extremity and branch thereof, whether cut, chopped, sawed, spitted, trimmed, dug, or done any manner whatsoever;
- (3) "Transform" means act in the following manner to timber:
 - (a) Saw, spit, trim, dig or doing any manner whatsoever so as to change its appearance or size, except bark peeling or decorating which is necessary for hauling;
 - (b) Burn, dry, crush or doing any manner whatsoever so as to transform it for its element or by product;
- (4) "Transformed Timber" means timber which is transformed, including timber deceived as a conventional or unconventional building or in form of utensil which is different from utensil normally employed in such locality or which is abnormal.
 Timber in a building or utensil condition, including timber used to be in such condition in which a person having possessor right thereof can prove that such timber is in that condition for more than two years, for timber which is not teak, or five years, for timber which is teak, shall not be deemed as transformed timber;
- (5) "Logging" means cutting, stabbing, lopping, felling, cropping, sawing, spitting, trimming, digging, or hauling timber in the forest, or doing in any manner what so ever to take plant out of forest, including so doing to teak or *Yang*² grown in land which is not forest or taking teak or *Yang* from land in which it is growing;
- (6) "Drifted Timber" means restricted tree, log, post, pillar, pile, pole, angular timber or plank which is drifted uncontrollably;
- (7) "Forest Product" means all products naturally originated or found in the forest, *viz.*,
 - (a) Timber, including any part of timber, wood charcoal, timber oil, resin as well as any other things originated from timber;
 - (b) Plant as well as any other things originated from plant;
 - (c) Bird nest, lac, beehive, honey, beeswax and bat dropping;

- (d) Stone which is not mineral resource under the law on mineral resource, Including wood charcoal made by any person;
- (8) "Firewood" means all timber having suitable characteristic and quality to be used as fuel more than any other purposes;
- (9) "Haul" means taking timber or forest product with labor force from one place to another;
- (10) "Transport" means hauling or moving timber or forest product;
- (11) "Limited Size" means timber size as notified by the Minister;
- (12) "Royalty" means fee in which a logging entrepreneur or a person who collects forest product shall be paid under this Act;
- (13) "Transformed Timber Factory" means factory or place provided for timber transformation, including its vicinity;
- (14) "Transformed Timber Trading Place" means a place for trading a transformed timber or keeping transformed timber for trading, including its vicinity;
- (15) "Seal" means any material invented for making of any figure, print or mark , except figure in form of number, to timber under this Act;
- (16) "Competence Officer" means forest officer, ranger or person appointed by the Minister for the execution of this Act;
- (17) "Minister" means Minister having charge and control for the execution of this Act.

Section 5

The Royal Decree or Notification of the Minister as prescribed under the provisions of this Act shall be copied and notified at a *Amphur* office³ and *Kamnan* office⁴ or related public place.

CHAPTER I

LOGGING AND COLLECTING FOREST PRODUCT

Part 1

Determination of Restricted Timber, Royalty and Limited Size

Section 6

There are two categories of restricted timber, *viz.*

Category A: General Restriction. A timber in this category is a timber in which its logging shall be made upon license granted by competence officer or upon concession granted in accordance with the provisions of this Act;

Category B: Strict Restriction. A timber in this category is a rare or reserved timber in which logging thereof is restricted, except where a special permission is granted by the Minister.

Section 7

A teak and *Yang* grown up anywhere in the Kingdom shall be timbers in Category A. Other timbers grown up in the forest may be restricted timbers in which category upon the provisions of the Royal Decree.

An adding any timber to, or canceling any timber from, a prescribed category, or changing any timber from one category to the others or prescribing restricted timber for specific

locality apart from a locality as prescribed in the previous Section shall be made by the Royal Decree.

The Royal Decree enacted in accordance with the provisions of paragraph two and paragraph three shall come into force after the expiration of ninety days as from the date of its publication in the Government Gazette.

Section 8

-Repealed-

Section 9

The Minister shall have the power to determine a royalty rate by notifying in the Government Gazette, as follows:

- (1) A royalty rate for timber in Category A, only teak, or Category B shall be determined upon kind, size and volume of timber, but not more than two hundred Baht per each cubic meter;
- (2) A royalty rate for other restricted timbers shall be determined upon kind and volume of timber, but not more than eighty Baht per each cubic meter;
- (3) A royalty rate for restricted timber which is firewood or timber to be burnt for charcoal shall not more than five Baht per each cubic meter. If it is burnt to be charcoal, a royalty rate for charcoal shall be two times of a royalty rate for restricted timber which is firewood or timber to be burnt for charcoal;
- (4) A royalty rate for restricted timber or charcoal thereof which is generally traded in other form of measurement, apart from cubic meter, may be determined in different from what is prescribed in (1), (2) or (3), but not more than ten per cent of its market price in the Kingdom by averaging prices of restricted timber or charcoal thereof, as the case may be.

Section 9 duo

The Minister may, if he or she thinks fit, reduce or exempt royalty as necessary for a person faced with public calamity.

Section 10

The Minister shall have the power to determine limited size of restricted timber by notifying in the Government Gazette.

Part 2

Restricted Timber Logging

Section 11

Whoever desires to do logging, drilling, chopping, burning or injuring by any manner whatsoever to restricted timber shall have license granted by competence officer or upon concession granted in accordance with the provisions of this Act. In this regard, such person shall act in compliance with determination specified in the Ministerial Regulation or permission.

A competence officer may grant, upon approval of the Minister, monopoly license in return of monopoly fee paid by the licensee to the Government in an amount determined by the Minister.

A monopoly license or concession, whether directly or indirectly, for firewood or timber to be burnt for charcoal shall be granted only in area of remote and dry forest or for logging invaluable or rare timber.

A request for monopoly license or concession under the provisions of the foregoing paragraph shall be considered by a commission appointed by the Minister.

Section 11 duo

A licensee under Section 11 or a concessionaire may take any equipment, instrument, beast of burden, vehicle or machine, which is not his or her ownership, into the licensed or concession area after giving notice to a competence officer for not less than thirty days in advance and in form as specified by the Minister.

All properties under paragraph one which are taken into the licensed or concession area by a licensee or a concessionaire without giving notice to a competence officer under paragraph one shall be deemed to be properties of a licensee or a concessionaire.

Section 12

No licensee shall make logging to timber having no seal of a competence officer affixed thereon, except where there is such permission in a license.

Section 13

No licensee shall make logging to timber under limited size. If there is public calamity or a special and necessity circumstance to support people, the Minister may permit a licensee to make logging to timber under limited size temporarily.

A licensee may make logging to timber under limited size under the provisions of paragraph one after a seal is affixed to timber by a competence officer, except where it is unable to affix such seal to timber and a competence officer register in a license that logging shall be made without seal.

Section 14

A licensee shall pay a royalty at as follows:

- (a) Advance royalty at a rate two Baht per tree or log shall be paid upon a license is granted, except where *Changwat* Committee⁵ notify with approval of the Minister that advance royalty shall be exempted or shall be paid at a reduction rate.

In logging teak, a licensee shall pay advance royalty at a rate notified by *Changwat* Committee with approval of the Minister or at a rate notified by the Minister case by case.

Advance royalty is exempted for logging for firewood or timber to be burnt for charcoal;

- (b) A royalty shall be paid within thirty days as from the date an amount of royalty is informed by a competence officer.

If a licensee fails to pay royalty within a period as specified in the foregoing paragraph, any timber, firewood, timber to be burnt for charcoal and charcoal shall devolve on the State, except where a licensee is permitted to extend a paying period under the provisions of the Ministerial Regulation. If royalty is paid in advance and logging is done within a period specified in a license, timber in an excess amount from which royalty is paid shall devolve on the State.

Section 14 duo

The provisions of Section 14 shall not be applied to a licensee who is logging teak in land with ownership certificate under the Land Code for private use and to a licensee who is logging *Yang* in land with utilization certificate No. 3 or ownership certificate under the Land Code for private use.

Section 15

In paying royalty for any kind of restricted timber, if a licensee make payment after such timber is transformed, it shall be paid upon volume of transformed timber at a rate two times of royalty for that kind of timber.

Section 16

A deficit after deduction of a paid up advance royalty under Section 14 (1) by royalty for transformed timber shall be collected. If a licensee fails to transform timber in full amount as licensed by whatever reason except *force majeure* and calculated royalty is less than a paid up advance royalty, the surplus a paid up advance royalty shall devolve on the Government.

If a licensee fails to transform timber as licensed by whatever reason except *force majeure* or a license is canceled, all paid up advance royalty shall devolve on the Government.

Section 17

The provisions in this Part shall not be applied to:

- (1) A competence officer who act for the purpose of forest conservation or technical research or experiment;
- (2) A person who collects a little piece of dry death timber which is firewood, except teak or timbers in Category B, for household or private use.

Section 18

If there is public calamity or a special and necessity circumstance to support people, the Minister may temporarily grant a licensee to make logging to restricted timber in different from the provisions of the Ministerial Regulation or conditions to license.

Part 3 Royalty Exemption

Section 19

-Repealed-

Section 20

-Repealed-

Section 21

-Repealed-

Section 22

-Repealed-

Section 23

-Repealed-

Section 24

-Repealed-

Part 4 Unrestricted Timber

Section 25

Any person who takes unrestricted timber through forest station shall pay fee at a rate determined by the Minister, except where the purpose thereof is private use within *Changwat*⁶ which logging is made.

If unrestricted timber is taken through many forest stations, fee shall be paid to the first forest station.

Section 26

The Minister shall have the power to notify in the Government Gazette determining fee rate under Section 25, but not more than forty Baht per cubic meter. If such timber is generally traded in other forms of measurement apart from cubic meter, a fee rate shall be determined differently, but not more than ten per cent of market price thereof by averaging prices of such timber.

Part 5

Restricted Forest Product

Section 27

Any forest product in any locality shall be restricted forest product upon the provisions of the Royal decree.

Section 28

An adding any forest product to, or canceling any forest product from, the Royal Decree, or determining any forest product to be a restricted forest product in a locality apart from a locality specified by the Royal Decree under the provisions of the foregoing Section shall be made by the Royal Decree.

The Royal Decree enacted in accordance with the provisions of this Section shall come into force after the expiration of ninety days as from the date of its publication in the Government Gazette.

Section 29

A person who collects or harms, by any manner whatsoever, restricted forest product shall have license granted by a competence officer and pay royalty. In this case, a licensee shall act in compliance with determination specified in the Ministerial Regulation or in a license.

A competence officer may grant, upon approval of the Minister, monopoly license in return of monopoly fee paid by the licensee to the Government in an amount determined by the Minister.

A monopoly license shall be granted only if a restricted forest product is invaluable or rare, or it is in area of remote and dry forest, or the collection method requires monopoly license.

Section 29 duo

No person shall trade or possess restricted forest product more than an amount notified by the Minister in the Government Gazette without license granted by a competence officer. In this case, a licensee shall act in compliance with determination specified in the Ministerial Regulation or in a license.

The provisions of paragraph one shall not be applied to a transportation of restricted forest product together with transportation certificate given by a competence officer.

Section 30

The Minister shall have the power to notify, in the Government Gazette, a royalty rate, but not more than ten per cent of market price in the Kingdom by averaging prices of restricted forest product.

Section 31

In a locality in which beehive is prescribed as restricted forest product, no person, even a licensee or a concessionaire to collect forest product, shall cut or fall down a tree which

beehive is annexed or harm such tree in any manner which is not necessary to collect beehive.

Section 32

The provisions of this Part shall not be applied to any act of a competence officer for the purpose of forest conservation or technical research or experiment.

Section 33

If there is public calamity or a special and necessity circumstance to support people, the Minister may temporarily permit a licensee to collect restricted forest product in different from the provisions of the Ministerial Regulation or conditions to license.

CHAPTER II

SEAL

Section 34

Meaning and characteristic of seal used by the Government shall be determined by a notification of the Minister in the Government Gazette.

Section 35

A private seal shall be affixed to timber upon its registration and permission is granted.

Upon an expiration of license by whatever reason, a seal owner or a person who possess seal shall take such seal to be demolished before a competence officer within ninety days as from the expired date. If an heir of a seal owner desires to continue using such seal upon a seal owner death, he or she shall make a request to continue using such seal and to amend a registration before the aforesaid period is expired.

The registration, permission and condition to use seal and fee thereof shall be specified in the Ministerial Regulation.

Section 36

If a private seal is lost, a seal owner shall have a written notice to a competence officer within sixty days as from the date such loss is known to him or her.

Section 37

If there is a violation to the provisions of this Part and there is a mark showing private seal, it shall be deemed that an owner of such private seal acts such violation.

CHAPTER III

TIMBER AND FOREST PRODUCT TRANSPORTATION

Part 1

Transportation

Section 38

The provisions of this Part shall be applied to a transportation of timber or forest product after:

- (1) A timber or forest product which is licensed to log or collect has been taken from an originated place to a destination place as determined in a license;

- (2) A timber which could be logged without license has been taken to the first forest station;
- (3) A timber or forest product which is imported into the Kingdom has been taken to the Custom Station;
- (4) A timber or forest product which is brought in official trade is taken from the place where has been situated.

Section 39

Any person who transports timber or forest product shall have and bring a transportation certificate given by a competence officer under the provisions of the Ministerial Regulation.

Section 39 duo

A licensee to establish transformed timber factory or a licensee to establish transformed timber trading place may make a confirmation letter, if the Director General of the Forest Department so permit, to a person who transports a transformed timber from his or her place determined in the license to another place under the condition determined by the Director General of the Forest Department. A confirmation letter shall be made in form as determined by the Director General of the Forest Department and it shall be deemed as a transportation certificate given by a competence officer under Section 39.

Section 39 tres

A person who takes teak which has been in a condition of building or equipment and such condition is ended for not less than five years outside boundary of the province in which such building or equipment has been situated shall be licensed by a competence officer, but fee is exempted.

A license under paragraph one shall be granted in accordance with the regulation determined by the Director-General of the Forest Department which is approved by the Minister. A condition which a licensee shall be complied with may be specified in such regulation.

Section 40

A person who transports timber or forest product into forest station area shall notify a competence officer by presenting a transportation certificate for timber or forest product, or a confirmation letter for transported timber, as the case may be, within five days as from the date it has been taken into forest station area. After having investigated by a competence officer and its written permission is granted, such timber or forest product may be moved further.

In granting permission, a competence officer shall act without delay.

Section 41

Nobody shall transport timber or forest product through forest station between sunset and sunrise without written permission granted by a competence officer.

Section 42

The provisions of the two Sections as aforesaid shall not be applied if:

- Otherwise is determined in a concession, license or transportation certificate;
- Otherwise is agreed upon by any government agency and the Forest Department;

It is an act of a licensee to collect drifted timber for sending further to a competence officer to drifted timber investigation and detainment station.

Part 2

Control of Timber in Waterway

Section 43

The Minister shall have the power to notify controlled area in the Government Gazette for the purpose of controlling timber in waterway.

A person who is not an owner of timber or his or her entrusted person shall, within an area notified by the Minister under paragraph one, collect drifted timber, except a permission of a competence officer is granted.

Section 44

A person permitted to collect drifted timber shall collect and detain drifted timber in accordance with the provisions of the Ministerial Regulations.

A permitted person shall submit a drifted timber collected to a competence officer without delay.

Section 45

If there is drifted timber in possession of a competence officer, a competence officer shall publish such possession, in February and August each year, in order to make owner of drifted timber known and recall such timber within specific period which shall not less than ninety days as from the date of publication.

A competence officer may return drifted timber to a person who makes a recall if evidence related to such timber is satisfied by a competence officer. If a competence officer refuses to return drifted timber, a person who makes a recall shall make a request to the Court within thirty days as from the date a refuse order of a competence officer is informed. If a person who makes a recall fails to make such request within specific period, his or her right to claim for drifted timber is end.

In the case where a competence officer or the Court could not identify a person who has ownership in any drifted timber, such drifted timber shall devolve on the State.

Section 46

A person whom drifted timber is returned to shall pay prize to a person permitted to collect drifted timber and fee to a competence officer at a rate specified in the Ministerial Regulation.

If there is no person whom drifted timber is returned to, a competence officer shall pay prize to all person permitted to collect drifted timber at the same rate.

CHAPTER IV

TRANSFORMED TIMBER CONTROL

Section 47

The Minister shall have a power to notify transformed timber control area in the Government Gazette. Such notification shall come into force after the expiration of ninety days as from the date of its publication.

Section 48

Within transformed timber control area, no person shall transform timber, establish transformed timber factory, establish transformed timber trading place, possess transformed teak, or possess other transformed timber more than 0.20 cubic meter, except by license of a competence officer and act in compliance with determination specified in the Ministerial Regulation and condition specified in licensing.

For the purpose of paragraph one, log or wood sink in river or canal within fifty meter in radius of a transformed timber place and nobody represented as owner shall be deemed to be timber in possession of a licensee under transformed timber factory in which his or her factory established in such area.

The provisions of paragraph one shall include any act to imported timber.

Section 49

A person who applies for license to establish factory to transform timber by machine shall have the following characteristics:

- (1) Being owner; and
- (2) Not having been sentenced by a final judgment of the Court to a term of imprisonment, except for an offence committed through negligence or a petty offence; or
- (3) Not being bankrupt; or
- (4) His or her license is not being under temporarily stop order, or his or her licenses granted under the provisions of this Chapter or logging license, monopoly license or logging concession granted under the provisions of this Act have never been revoked.

If the applicant is a juristic person, managing partnership or managing director of such juristic person shall not have prohibited characteristic under (2), (3) or (4).

Section 49 duo

A licensee to establish transformed timber factory shall be responsible for all business related to timber transformation as licensed.

Section 50

The provisions of Section 48 shall not be applied to the followings:

- (1) Sewing, cutting, chopping, digging or trimming timber to be logwood, to form angular timber, dug ship, pillar or railway sleeper or to make firewood or timber to be burnt for charcoal, or sewing or spitting which is necessary for hauling. In this regard, so doing shall be permitted by a competence officer and specified in a license, and a licensee is doing so before transform timber from the remaining;
- (2) Transforming timber which had been transformed from log or post for any reason, except trading;
- (3) Possessing transformed timber which is legally acquired under the provisions of this Act for any reason except trading. In this regard, there shall be evidence showing such acquisition;
- (4) Transforming unrestricted timber or possessing transformed timber from unrestricted timber;
- (5) Transforming restricted timber which has not been transformed, by man-power for any reason, except trading. In this regard, there shall be evidence showing that such timber is acquired legally under the provision of this Act.

Section 51

A licensee under the provisions of this Chapter shall have the following timber in possession and in licensed place:

- (1) Timber in which its royalty and forest conservation fee has been paid, or timber which is permitted to transform before paying royalty and forest conservation fee by written permission of the Director-General of the Forest Department and permitted seal is affixed on such timber;
- (2) Timber which is permitted to be transformed without paying royalty and a permitted seal has been affixed thereon by a competence officer;
- (3) Timber sold in forest official and a government sold seal has been affixed thereon by a competence officer;
- (4) Transformed timber of a licensee under the provisions of this Chapter as evidenced by a confirmation letter of a licensee or a transportation certificate of a competence officer;

- (5) Timber imported within the Kingdom and transportation certificate under Section 38 (3) has been given.

Section 52

No licensee shall transform timber between sunset and sunrise, except where written permission is granted by a competence officer.

Section 53

In order to ensuring whether a licensee under the provisions of this Chapter acts in compliance with the provisions of this Act, a competence officer shall have the power to inspect timber transformation and business of a licensee. In this case, a licensee shall facilitate and give information to a competence officer.

Section 53 duo

The Minister shall have the power to notify area for controlling invention, utensil or other thing made by restricted timber in the Government Gazette.

The Minister shall determine, in a notification under paragraph one, category, size or volume of invention, utensil or other thing made by restricted timber which a trader shall have in possession for the purpose of trade and shall have a license under Section 53 *tres* or Section 53 *quattuor*.

Section 53 tres

No person shall, within control area, trade or have in possession for trade any invention, utensil or other thing made by restricted timber which is different or more than category, size or volume as determined by the Minister under Section 53 *duo* without license granted by a competence officer.

Section 53 quattuor

If there is a notification determining control area under Section 53 *duo*, a trader or a person who possesses any invention, utensil or other thing made by restricted timber which is different or more than category, size or volume as determined before such notification comes into force shall apply for license to a competence officer within thirty days as from the date such notification comes into force.

After submitting an application under paragraph one, such person shall continue trading or having in possession of any invention, utensil or other thing made by restricted timber until a competence officer refuses an application.

CHAPTER V FOREST RECLAIMING

Section 54

No person shall construct, reclaim or burn forest, or do any manner whatsoever to destruct, hold or possess forest for himself or other person, except in the area classified as agricultural area under the notification of the Minister which is published in the Government Gazette or by license granted by a competence officer.

An applying and granting for license shall accord to rule and condition as specified in the Ministerial Regulation.

Section 55

A person who possesses forest which is reclaimed by violation of the provisions of the foregoing paragraph shall be deemed to be a person who make such reclaim.

CHAPTER VI MISCELLENEOUS

Section 56

A license granted under the provisions of this Act may be transferred by approval of a competence officer.

If a licensee is death, an heir or administrator may continue any act as licensed for not exceeding ninety days as from the date a licensee is death. If an heir or administrator desires to continue license, he or she shall apply for such license before the expiration of the aforesaid period.

Section 57

A licensee under this Act shall provide identification letter to his or her worker or contractor who does work under the license in form as specified in the Ministerial Regulation.

Section 58

An applying and granting for license under the provisions of this Act shall accord to rule, procedure and condition as specified in the Ministerial Regulation. The Minister shall have the power to, if he or she thinks fit, determine additional condition to be complied with by a licensee.

A competence officer shall have the power to renew a license granted under the provisions of this Act if he or she thinks fit.

Section 58 duo

In logging restricted timber or forest product under concession or monopoly license, logging restricted timber for trade in national reserved forest or forest prepared to be national reserved forest or forest in which logging or collecting forest product is planned, or granting license under Section 13, Section 18 or Section 54, the Minister shall have the power to determine whether;

- (1) A concessionaire or licensee shall conserve or plant forest under order and procedure as determined by a competence officer; or
- (2) A concessionaire or licensee shall pay expenditure to a competence officer so as to conserve or plant forest instead.

In (2), such expenditure shall not exceed six times of a royalty or calculated upon concession or licensed area at a rate not exceeding one thousand and two hundred Baht per *Rai*.⁷

Section 59

A competence officer shall have the power to suspend a license granted under the provisions of this Act if;

- (1) It appears that a licensee violates or fails to comply with the provisions of this Act, Ministerial Regulation, or determination or condition in licensing, or fails to comply with order of a competence officer made under the provisions of this Act. In this case, suspension period shall not exceed one hundred and twenty days;
- (2) It appears that a licensee has been sued to the Court due to the fact that he or she commits offense under the provisions of this Act. In this case, a license may be suspended until final judgment is made.

Section 60

After having acknowledged a suspension order of a competence officer, right of a licensee under such license is suspended until the suspension period expires or the Minister revoke such suspension order.

Section 61

If the ground for making suspension order under Section 59 appears to the Minister or if the Minister thinks fit, after a suspension order has been made by a competence officer, he or she may revoke a license granted under the provisions of this Act.

If a licensee to establish a factory to transform timber by machine is a juristic person or a representative of a licensee has no qualification under Section 49 (1) or has a prohibited characteristic under Section 49 (2) (3) or (4), as the case may be, the Minister shall revoke his or her license.

Section 61 duo

A suspension or revocation order shall be made in writing and it shall be informed to a licensee.

If it is unable to inform suspension or revocation order to a licensee under the provisions of paragraph one, a competence office shall post such order at easy-to-see point at a place specified in a license or at a dwelling place of a person whom his or her license is suspended or revoked.

In this case, it shall be deemed that a person whom his or her license is suspended or revoked acknowledges such order on the posting date.

Section 62

In the case where a competence officer refuses an application of any person under the provisions of this Act or makes suspension order under the provisions of Section 59, such person shall have the right to appeal to the Minister within thirty days as from the date he or she acknowledges such order. The decision of the Minister is final.

Section 63

Subject to the provisions of this Act, the Government shall have the power to grant logging concession on any timber or concession to collect any forest product. Such concession shall be granted with determination or condition as the Government thinks fit.

The Government shall have the power to determine royalty to be paid by a concessionaire at a rate the Government thinks fit, but not exceeding ceiling as specified by this Act.

The Government shall also determine extra money to be paid by a concessionaire.

Section 64

A competence officer shall be deemed to be an administrative officer or police under the Criminal Procedure Code in an execution of this Act related to criminal offense.

Section 64 duo

A competence officer shall have the power to seize all equipments, utensils, beasts of burden, vehicles or machines which are used, or suspected to be used; in committing an offense or which are instruments used for an offense under Section 11, Section 48, Section 54 or Section 69 as evidence in the case until final non-prosecution order is made by a public prosecutor or the case is final.

As for property seized under the provisions of paragraph one, if a public prosecutor has a non-prosecution order or the Court has no order to seize it and owner or a person having possessor right therein fails to recall it within six months as from the date he or she acknowledges, or deemed to be acknowledge, a non-prosecution order or the date in which the case is final, as the case may be, such property shall devolve on the Department of Forest.

If a seized property may be damage or expenditure to keep or maintain such property may exceed its value, the Minister or his or her entrusted person may auction such property before the expiration of period prescribed in paragraph two. Gross return shall be seized instead of such property.

Section 64 tres

If a seized property under Section 64 is not a property of an offender or there is no ground to be suspected that it is property of an offender, a competence officer may return, with approval of the Minister, such property or money to the owner before the expiration of period prescribed in Section 64 *duo* if:

- (1) Such property is not evidence in the case; and
- (2) An offender or a person suspected to be an offender acquires such property from owner thereof by committing a crime.

Section 65

In order to protect public and urgent harm to timber or forest product in any forest, a competence officer shall have the power to order a licensee or a concessionaire in such forest or its adjacent, including worker or contractor of a licensee or a concessionaire to provide labor or thing as necessary to accomplish that purpose.

Section 66

A transfer of timber or forest product which a licensee or a concessionaire made before paying royalty or before written permission is granted by a competence officer shall not be raised as a defense to a competence officer.

Section 67

The Minister shall have the power to set up forest station and determine responsible area for each forest station by notifying in the Government Gazette.

Section 68

All royalty debt on timber or forest product which is unpaid shall be deemed to be tax unpaid to the Government. In this case, the Government shall have common preferential right thereon as same as unpaid tax under the provisions of the Civil and Commercial Code.

CHAPTER VI DUO

CONCESSION AMENDMENT AND TERMINATION

Section 68 duo

In the case where there is necessary to use land in concession area so as to construct irrigational or electrical dam or to protect public calamity or national security or to conserve environmental balance or for other public purposes, the Minister shall, with approval of the Council of Minister, have the power to:

- (1) Terminate concession wholly;
- (2) Order a concessionaire to stop doing anything in such area temporarily for a period as he or she thinks fit;
- (3) Expel such area from concession.

An order of the Minister under the provisions of paragraph one shall come into force as from the day following the date it has been made.

Section 68 tres

Apart from termination by specified term, determination or condition or by provisions of law, right under a concession shall terminate, wholly or partly, if a concession area is determined to be:

- (1) National park under the law on national park; or
- (2) Wildlife sanctuary under the law on wildlife conservation and protection.

Section 68 quattuor

In the case where the Minister has an order under Section 68 *duo* or where right under a concession is terminated under Section 68 *tres* or where right under a concession is revoked due to the fact that a concessionaire fails to comply with determination or

condition in concession, all timbers and forest products in concession area in which right under a concessionaire is terminated and timbers which royalty has not been paid whether placed in such area shall devolve on the State. In this case, a concessionaire shall have right or ownership over such timber or forest product if a concessionaire can prove that he or she did logging or collecting forest product in accordance with laws and determination and condition specified in a concession before right under a concession is terminated.

If a concessionaire desires to prove under the provisions of paragraph one, he or she shall submit an application to the Minister within thirty days as from the day he or she received a letter informing an order of the Minister or termination of concession under Section 68 *octo* paragraph one, as the case may be, from a competence officer. Procedure in submitting an application, proving, considering and making order by the Minister shall comply with rule, procedure and condition as prescribed in the Ministerial Regulation.

A concessionaire who is not satisfy with an order of the Minister shall have a right to sue to the Court so as to prove that he or she did logging or collected forest product in accordance with law and determination and condition as specified in the concession before right under concession is terminated. A concessionaire shall employ such right within sixty days as from the date he or she receive an order of the Minister.

Section 68 quinque

In the case where the Minister makes an order under the provisions of Section 68 *duo* to a logging concession or right to do logging in concession area is terminated under the provisions of Section 68 *tres*, a concessionaire shall stop logging in the area in which a concession is terminated and shall also stop transporting timber from the place designed for the purpose of calculating royalty. In this case, a competence officer shall inspect logging and timber condition at the place designed for the purpose of calculating royalty and shall make a report to the Director-General of the Forest Department as soon as possible. Such report shall consist of fact related to logging method and number and size of timber as well as comment as to whether a concessionaire act in compliance with law and determination and condition specified in a concession.

If an inspection result under the provisions of paragraph one show that a concessionaire failed to comply with or violated law or determination or condition specified in concession and such act is the ground for revocation of concession, termination of right under a concession under the provisions of Section 68 *duo* or Section 68 *tres* shall not affect right of the Government to revoke concession before the date in which right under a concession is terminated.

If a concessionaire proves to the Minister under the provisions of Section 68 *quattuor* that he or she did logging in compliance with law and determination and condition specified in a concession before right under a concession is terminated or if the Court so ruling, the Director-General of the Forest Department shall inform, in writing, a concessionaire to haul and transport such timber and shall determine rule, procedure, condition and duration which a concessionaire shall have to comply with. If a concessionaire who fails to comply with rule, procedure, condition and duration as specified by the Director-General of the Forest Department, right to such timber is terminated and the timber shall devolve on the State.

Section 68 sex

A concessionaire under the order made under the provisions of Section 68 *duo* or a concessionaire who is his or her concession is terminated under the provisions of Section 68 *tres* shall have right to compensation so as to recover his or her damage under the provisions of Section 68 *septem*, Section 68 *octo*, Section 68 *novem*, Section 68 *decem* and Section 68 *undecim* if:

- (1) He or she is a concessionaire whose all concession area is terminated under the provisions of Section 68 *duo* (1) or Section 68 *tres*;
- (2) He or she is a concessionaire under the order made under the provisions of Section 68 *duo* (2) or (3), or a concessionaire who is his or her concession area

is terminated partly under the provisions of Section 68 *tres* and such concessionaire desires to return the rest area to the Government.

If there is an order under the provisions of Section 68 *duo* or a concession is terminated under the provisions of Section 68 *tres*, any claim or compensation which is not prescribed in this Section shall not be made.

Section 68 septem

Compensation shall be paid to a concessionaire under the following rules:

- (1) There shall be actual damage to a concessionaire, *viz.*
 - (a) Investment cost paid by a concessionaire for all business related to a concession, e.g. expense for machine, vehicle, equipment and utensil which is not fully used. In this regard, depreciation which has been deducted, duration which a concessionaire has enjoyed right under a concession, an amount of timber or forest product which has been logged or collected by a concessionaire as well as other benefit taken by a concessionaire during a concession period and value of the rest property or other material which is beneficial to a concessionaire shall be taken into consideration;
 - (b) All expenses paid by a concessionaire for running concession business and still have no return. In this regard, conditions as mentioned in (a) shall also be taken into consideration;
 - (c) Legal obligation of a concessionaire under the law on labor protection, only for compensation to be paid to an employee upon termination of contract; Investment cost or expense to be considered for compensation under (a) and (b) shall not exceed the amount which may be paid by general entrepreneur in such business;
- (2) There shall be paid for liability of a concessionaire to the third person under contract between a concessionaire and the third person related to a concession. If a concessionaire shall, subject to the provisions of the contract, be responsible for liability caused by *force majeure* which is different from the provisions of the Civil and Commercial Code or shall be responsible for liability due to termination or revision of a concession by the Government, such provisions of contract shall not be a ground for compensation under the provisions of this Section;
- (3) Compensation for expected interest or other benefit of a concessionaire shall not be paid;
- (4) If a termination of concession makes money, property or other benefit from insurance or other business to a concessionaire, all such money, property or other benefit shall be deemed as part of compensation under the provisions of this Section.

If a concessionaire asks to return the rest concession area to the Government under the provisions of Section 68 *sex* (2), such concessionaire shall have right to compensation calculated on size of the returned area or on an amount of timber or forest product logged or collected from the returned area, depending on which is higher than another. In the case where a concessionaire is unable to continue a concession because of a terminated area, he or she shall have right to compensation as same as a concessionaire in the case where concession area is wholly terminated.

Section 68 octo

If the Minister has an order under the provisions of Section 68 *duo* or right under a concession is terminated wholly or partly under Section 68 *tres*, a competence officer shall notice such order or termination, in writing, to a concessionaire.

If a concessionaire desires to claim compensation, he or she shall apply to the Director-General of the Forest Department within ninety days as from the date of receiving written notice under paragraph one.

An application under the provisions of paragraph two shall be made in writing annexed with an account showing an amount of compensation he or she expected to have under the rule as prescribed in Section 68 *septem* as well as related evidence.

If a concessionaire applying for compensation is a person who employ right under Section 68 *sex* (2), such concessionaire shall ask to return the rest area before or on the date the application under this Section is made.

Section 68 *novem*

The determination of compensation amount shall be made by a Committee established by the Director-General of the Forest Department, consisting of a representative of the Revenue Department; a representative of the State Audit Office, a person specialized in property appraisal and an officer of the Forest Department.

A Committee shall have the power to summon a concessionaire to state information, to send additional evidence as well as to negotiate with a concessionaire. If a concessionaire fails to comply with an order or fails to facilitate with the Committee, the Committee shall determine compensation amount as it thinks fit without delay.

After compensation determination is complete, the Committee under the provisions of paragraph one shall report to the Director-General of the Forest Department. Such report shall have detail and justification in making such determination and shall annex evidence under consideration. If the Director-General of the Forest Department is not agree with the Committee, he or she shall have the power to amend as he or she thinks fit. In this regard, justification of the Director-General of the Forest Department shall be recorded in the report.

The Director-General of the Forest Department shall notify an amount of compensation and justification on that matter as well as disbursement period to a concessionaire.

Section 68 *decem*

A concessionaire who is not satisfy with an amount of compensation notified by the Director-General of the Forest Department under the provisions of Section 68 *novem* shall have right to appeal to the Minister within sixty days as from the date of receiving written notification from the Director-General of the Forest Department.

An appeal under paragraph one shall be considered by a Commission appointed by the Minister consisting of not less than five, but not more than nine, qualified person in law and property appraisal. A Commission shall then submit its recommendation to the Minister for decision. The Minister shall have decision on an appeal within sixty days as from the date of receiving such appeal.

Section 68 *undecim*

In the case where a concessionaire is not satisfy with decision made by the Minister under the provisions of Section 68 *decem* or the Minister fails to make decision on an appeal within the period as prescribed in Section 68 *decem* paragraph two, a concessionaire shall have a right to institute the case to the Court within one year as from the date of receiving decision of the Minister or the prescribed date is expire.

If the case is instituted to the Court and the Court rules that a concessionaire shall receive additional compensation, a concessionaire shall have a right to interest upon such additional compensation at a rate seven point five per annum.

CHAPTER VII

PENALTY

Section 69

Any person who possesses untransformed restricted timber without royalty seal or Government sold seal, except his or her legal possession is proven, shall be liable to

imprisonment for a term of not exceeding five years, or to a fine for not exceeding fifty thousands Baht, or to both.

If an offense under this Section is made to the following timber;

- (1) Teak, *Yang* or restricted timber in Category B; or
- (2) Other timber in form of trunk or log, or both, more than twenty trunks or logs or four cubic meters in volume;

An offender shall be liable to imprisonment for a term between one year to twenty years and to a fine between five thousands Baht to two hundred thousands Baht.

Section 70

Any person, who accepts, conceals, disposes or takes away, in any manner whatsoever, timber or forest product known to such person that it is timber or forest product acquired by violation of the provisions of this Act shall be principal of such offense

Section 71

Any person who violates or fails to comply with the provisions of Section 35, Section 36, Section 44 paragraph two or Section 57 shall be liable to a fine for not exceeding five thousands Baht.

Section 71 duo

Any person who violates or fails to comply with the provisions of Section 29, Section 29 *duo*, Section 39, Section 39 *tres*, Section 40 paragraph one, Section 43 paragraph two or Section 53 shall be liable to imprisonment for a term of not exceeding one year, or to a fine for not exceeding ten thousands Baht, or to both.

Section 72

Any person who violates or fails to comply with the provisions of Section 41 or Section 52 shall be liable to imprisonment for a term of not exceeding five years, or to a fine for not exceeding fifty thousands Baht, or to both.

Section 72 duo

Any person who violates or fails to comply with the provisions of Section 51 shall be liable to imprisonment for a term of not exceeding five years, or to a fine for not exceeding fifty thousands Baht, or to both.

In an offense under this Section, if a timber in possession is the following timber;

- (1) Teak, *Yang* or restricted timber in Category B; or
- (2) Other timber in form of trunk or log, or both, more than five trunks or logs or one cubic meter in volume, or transformed timber more than one cubic meter in volume;

An offender shall be liable to imprisonment for a term between two years to fifteen years and to a fine between ten thousands Baht to one hundred thousands Baht.

Section 72 tres

Any person who violates or fails to comply with the provisions of Section 54 shall be liable to imprisonment for a term of not exceeding five years, or to a fine for not exceeding fifty thousands Baht, or to both.

If an offense under this Section is made on land for more than twenty five *Rai*, an offender shall be liable to imprisonment for a term between two years to fifteen years and to a fine between ten thousands Baht to one hundred thousands Baht.

In the case where there is a final judgment of the Court stating that who is an offender under this Section, if such person possesses land in the forest in which the offense is made, the Court shall have the power to oust an offender as well as the offender's worker, representative and dependent from such forest.

Section 73

Any person who violates or fails to comply with the provisions of Section 11, Section 12, Section 13, Section 31 or Section 48 shall be liable to imprisonment for a term of not exceeding five years, or to a fine for not exceeding fifty thousands Baht, or to both.

If an offense under this Section relates to;

- (1) Teak, *Yang* or restricted timber in Category B; or
- (2) Other timber in form of trunk or log, or both, more than five trunks or logs or four cubic meters in volume, or transformed timber more than two cubic meters in volume;

An offender shall be liable to imprisonment for a term between one year to twenty years and to a fine between five thousands Baht to two hundred thousands Baht.

Section 73 duo

Any person who violates the provisions of Section 53 *tres* or a licensee under the provisions of this Act violates or fails to comply with any condition as specified in the license or additional determination specified the Minister under the provisions of Section 58 shall be liable to imprisonment for a term between six months to five years and to a fine between five thousands Baht to fifty thousands Baht.

Section 74

All timbers and forest products acquired or possessed due to an offense under this Act and invention, utensil and anything made by restricted timber due to an offense under Section 53 *tres* shall be seized.

Section 74 duo

All equipments, utensils, beasts of burden, vehicles or machines in which is used in committing, or to facilitate, an offense under Section 11, Section 48, Section 54 or Section 69 shall be seized irrespective of whether there is a convict under the judgment of the Court.

Section 74 ter

With regard to offense punishable with fine only, the Director-General of the Forest Department or a competence officer in a position not lower than Provincial

Forest Officer or Head of Forest Station shall have the power to settle them.

Section 74 quattuor

If there is a person who directs to arrest an offender under this Act, the public prosecutor shall request the Court to pay reward to that person. In this case, the Court may order to pay reward in an amount not exceeding half of an amount of fine to be paid under the judgment of the Court. Money to be paid as reward shall be deducted from paid up fine. If an offender fails to pay fine or an amount of paid up fine is not enough to pay for reward, money to be paid as reward shall be deducted from money acquired by selling things seized under the order of the Court.

The portion left is discharged.

If there are many persons who direct to arrest an offender, reward shall be divided equally.

Reward shall be paid when the case is final.

CHAPTER VIII CARE TAKER OF THIS ACT

Section 75

The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Act, and the power to appoint officer, to determine fee not exceeding the rate as prescribed in the Schedule hereto attached, and to issue Ministerial Regulation for the purpose of carrying out this Act.

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

TRANSITORY PROVISIONS

Section 76

A concession and license which has been granted to any person to do logging or collecting forest product before this Act comes into force shall continue and shall be deemed to be a concession and license granted under the provisions of this Act until it is expire.

Section 77

All private seals which had been registered and their fee had been paid before this Act comes into force shall continue in use until the period of one hundred and twenty days after this Act comes into force is expire. If owner of a private seal desires to continue using such seal, such owner shall register that seal under the provisions of this Act, but registration fee is exempted.

Countersigned by

Gen. P. Pibulsongkram

Prime Minister

Fee Rate

- (1) Application form = 0.25 Baht each
- (2) Permission to drill *Takhien* at cat eye size for resin, to drill *Pine* for its gum, to chop or groove *Jelutong* for gum = 2 Baht per tree
- (3) Permission to drill or burn *Yang* for oil = 0.50 Baht per tree
- (4) Permission to drill, chop or groove other timber for oil, resin or gum = 10 Baht per tree
- (5) Logging for Trade License = 20 Baht each
- (6) Collecting restricted forest product license = 10 Baht each
- (7) License to trade or possess restricted forest product = 20 Baht each
- (8) License to collect drifted timber = 10 Baht each
- (9) License to establish timber transformation factory by machine (calculate by machine horse power) = 50 Baht per horse power
- (10) License to establish timber transformation factory by manpower (calculate by number of worker) = 10 Baht per worker
- (11) License to transform timber for trade (calculate by volume of untransformed timber) = 10 Baht per cubic meter
- (12) License to trade or possess for trade of invention, equipment or other things made by restricted timber = 2,000 Baht each
- (13) License to possess other transform timber exceeding 0.20 cubic meter = 20 Baht each
- (14) License to establish transformed timber trading place = 1,000 Baht each
- (15) Other license = 5 Baht each
- (16) Substitute for license Equal to fee rate for its substitute, but not exceeding 10 Baht
- (17) Monopoly license to do logging teak = 15,000 Baht each
- (18) Monopoly license to do logging restricted timber other than teak = 7,500 Baht each
- (19) Monopoly license to collect restricted forest product = 1,000 Baht each
- (20) Substitute for monopoly license = 25 Baht each
- (21) Concession to do logging teak = 30,000 Baht each
- (22) Concession to do logging restricted timber other than teak = 15,000 Baht each
- (23) Concession to collect restricted forest product = 3,000 Baht each
- (24) Substitute for concession = 500 Baht each
- (25) Transfer of license or concession Half of fee for such license or concession
- (26) Transportation certificate for
 - (a) Teak = 50 Baht each
 - (b) Other timber = 20 Baht each
 - (c) Forest product = 5 Baht each
- (27) Appeal
 - (a) on permission or licensing, monopoly, or concession = 100 Baht each time

- (b) on a request to establish or renew license to establish timber transformation factory by machine = 100 Baht each time
- (c) on a request to establish or renew license to establish timber transformation factory by manpower = 50 Baht each time
- (d) on a request to establish transformed timber trading place = 50 Baht each time
- (e) on other matters = 10 Baht each time
- (28) Identification letter for worker or contractor or its substitute = 1 Baht each
- (29) Private seal registration = 200 Baht each
- (30) Checking official document = 5 Baht each
- (31) Copying or making photocopy of official document and certifying such copy or photocopy = 10 Baht each page
- (32) Examination of forest map = 100 Baht each time
- (33) Copying or making photocopy of forest map and certifying such copy or photocopy = 500 Baht each page
- (34) Officer overtime Ten per cent of a royalty calculated each time, but not more than 400 Baht
- (35) Return drifted timber = 20 Baht per log

Note

Rai is Thai measurement for area of land. 1 Rai = 1,600 square meters.

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