

National Reserved Forest Act, B.E. 2507 (1964)

Translation

BHUMIBHOL ADULYADEJ, REX.

Given on the 16th Day of April B.E. 2507 (1964);

Being the 19th Year of the Present Reign

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

Whereas it is expedient to amend law on forest protection and reservation;

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

Section 1

This Act is called the "National Reserved Forest Act, B.E. 2507 (1964)".

Section 2

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

Section 3

The following shall be repealed:

- (1) The Forest Protection and Reservation Act, B.E. 2481 (1938);
- (2) The Forest Protection and Reservation Act (No. 2), B.E. 2496 (1953);
- (3) The Forest Protection and Reservation Act (No. 3), B.E. 2497 (1954).

All laws, rules and other regulation 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 this Act.

Section 4

In this Act:

"Forest" means land including mountain, rivulet, marsh, canal, swamp, waterway, lagoon, island, and sea shore in which nobody acquired by law;

"National Reserved Forest" means forest determined to be national reserved forest under the provisions of this Act;

"Timber" includes all species of plant; whether having trunk or growing in cluster or creeping, live or dead, as well as root, node, stump, sucker, branch, bud, tuber, corn, remains, extremity or any part of plant that is cut, stabbed, sawed, spitted, trimmed, chopped, dug, or done in any manner what so ever;

"Forest Product" means such object occurred or existed in the forest as:

- (1) Firewood, charcoal, and bark, leaf, flower, seed, fruit, sucker, resin and gum of timber;
- (2) Grass, bent, sorghum, reed, perennial sedge, cogon grass, bulrush, cyperaceous, orchid, floating fern, mushroom, and other timber;
- (3) Carcass, egg, skin, horn, tusk, jaw, bone, hair or feather, bird nest, lac, beehive, honey, beeswax and bat dropping;
- (4) Soil, stone, pebble, sand, mineral resources and oil;

"Pet" means elephant, horse, donkey, mule, cow, buffalo, goat, sheep, and pig owned by somebody;

“Logging” means cutting, stabbing, lopping, felling, cropping, sawing, spitting, trimming, digging, or dragging timber in the forest, or doing in any manner what so ever to take timber out of forest;

“Competent Officer” means a person appointed by the Minister for an execution of this Act;

“Director-General” means Director-General of the Department of National Park, Wildlife and Plant;

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

Section 5

The Minister of National Resources and Environment shall have charge and control for the execution of this Act, and shall have power to appoint competent officer and issue Ministerial Regulation on fee, charge, royalty and forest conservation allowance not exceeding rate specified in the Schedule hereto attached and on other matter for an execution of this Act.

Such Ministerial Regulation shall come into force upon its publication in the Government Gazette.

CHAPTER I

DETERMINATION OF NATIONAL RESERVED FOREST

Section 6

All forests reserved under the law on forest protection and reservation before this Act come into force shall be national reserved forest under this Act.

The government may, if it is appropriate to reserve any forest to be national reserved forest so as to conserve forest condition, timber, forest product or other natural resources, issue a Ministerial Regulation determining such forest to be a national reserved forest. Map identify boundary of each national reserved forest shall be made and annexed to such Ministerial Regulation.

Section 7

An extension or cancellation of boundary of a national reserved forest, wholly or partly, shall be made by a Ministerial Regulation. Except for a cancellation of the whole national reserved forest, map identify changing boundary of a national reserved forest shall be made and annexed to such Ministerial Regulation.

Section 8

The competent officer shall have a duty to provide necessary landmark and sign post or other signal expressing national reserved forest’s boundary to public.

Section 9

A copy of Ministerial Regulation and its annexed map under Section 6 paragraph two or Section 7 shall be notified at related district office or sub-district office, Kamnan⁽¹⁾ office, and other public place in related locality.

Section 10

After determination of national reserved forest, these shall be a National Reserved Forest Committee for such national reserved forest consisting of representative of the Department of National Park, Wildlife and Plant, representative of Administration Department, representative of Land Department, and other two member appointed by the Minister. A Committee shall have power and duty as follows:

- (1) Control an execution under Section 8 and Section 9;
- (2) Investigate a request and ruling an appeal under Section 13;

- (3) Summon, in writing, any person to give statement or deliver document related to an investigation under Section 13;
- (4) Appoint a sub-committee for consideration or execution any matter entrusted by the Committee.

Section 11

At a meeting of the Committee, not less than half of a total number of its members must be presented to constitute a quorum. The member shall select one among themselves to preside over at a meeting.

A decision shall be made by a majority of votes.

In casting votes, each member shall have one vote. In case of an equality of votes, a person who presides over at a meeting shall cast an additional vote as a casting vote.

Section 12

A person who claims right over, or utilize land in, national reserved forest area before an effective date of the Ministerial Regulation determining a national reserved forest shall make a written request to Nai Amphur⁽²⁾ or Palad Amphur⁽³⁾ acting as head of sub-district officer of related locality within ninety-days as from the effective date of such Ministerial Regulation. If a request is not made within such period, it shall be deemed that such person renounce his or her right or benefit.

Nai Amphur or Palad Amphur acting as head of sub-district officer shall send a request under paragraph one to the National Reserved Forest Committee without delay.

The provision of paragraph one shall not apply to right in land in which a people acquired by the Land Code.

Section 13

The National Reserved Forest Committee shall, after having received a request under Section 12, make necessary investigation. If it appears that right or benefit of a person who make a request has been affected, the Committee shall determine compensation in an appropriate amount to such person.

If a person who make a request is not satisfy with a compensation determined by the National Reserved Forest Committee, such person may appeal to the Minister within thirty-days as from the date of receiving a determination of the Committee. A decision of the Minister is final.

Section 13 duo

If a government agency or other State agency make a request to use land in some area of a national reserved forest for the completion of its task or for public benefit, the Director-General shall, with approval of the Minister, notify such requested area to be public used area within a national reserved forest. The provisions of Section 14 and Section 16 shall not be applied to any act done by such government agency or other State agency in notified area for the completion of its task.

In utilizing of land in a notified area under paragraph one, if a boundary of a notified land cover a boundary of land which had been utilized by a person under Section 14, right to utilize a notified land of a requested agency shall lapse after the end of three hundred and sixty-days as from the notification date.

The utilization of land in a notified area under paragraph one shall be complied with rule, procedure and condition determined by the Director-General with approval of the Minister.

CHAPTER II

CONTROL AND CONSERVATION OF NATIONAL RESERVED FOREST

Section 14

Within the national reserved forest, no person shall hold or possess land, make a construction, destruct or burn forest, do logging, collect forest product, or do any matter what so ever with purport to harm or decay a condition of national reserved forest, provided that;

- (1) Doing logging or collecting forest product under Section 15, utilizing or living in land under Section 16, Section 16 *duo* or Section 16 *tres*, doing any act under Section 17, utilizing forest under Section 18, or doing any act under Section 19 or Section 20;
- (2) Doing logging on restricted timber, or collecting restricted forest product under the law on forest.

Section 15

A person may do logging or collecting forest product after receiving license from competence officer or by from time to time permission of a competence officer of each national reserved forest.

Granting of license and permission shall be made in form and in accordance with rule and procedure prescribed in a Ministerial Regulation.

Section 16

The Director-General may, with approval of the Minister, permit a person to utilize or live in land within any national reserved forest, if:

- (1) A period of such utilization or living is longer than five years but not more than thirty years. If permission is made to a government agency or other State enterprise under the law on budgeting procedure, permission fee may be exempted or reduced, wholly or partly, as appropriate;
- (2) Such utilization related to mineral mine under the law on mineral resources and a period of such utilization is not longer than ten years. In this case, such person shall not apply for a license to collect forest product and shall not pay royalty for forest product under this Act for mineral, kaolin or stone, as the case may be.

Asking for, and granting of, permission under paragraph one shall be made in accordance with rule, procedure and condition specified by the Director-General which is approved by the Minister.

Section 16 *duo*

If a condition of any area of a national reserved forest is an old-abandoned plantation or meadow, or forest without economically valuable timber or with a minimal number of economically valuable timber, and there is, subjected to rule and condition as determined by the Minister which is approved by the Council of Ministers, no feasibility to rehabilitate its natural condition, such area shall be deemed to be a deteriorate forest.

If there is necessity to improve a condition of any deteriorate forest, the Minister may notify such deteriorate forest area, in whole or in part, to be natural condition improved area.

In the case where there is a person utilizing or living in a natural condition improved area until a notification under paragraph two has been notified;

- (1) The Director-General or entrusted person may grant, upon request of such person, a written permission to continue utilizing or living in land in such area if the Director-General or entrusted person is of opinion that it is necessary for the living condition of a requested person. Land to be permitted shall not exceed twenty Rai⁴ per each family. Term of permission shall not less than five years but not more than thirty years. Fee is exempted only for the first permission;

- (2) A person so permitted under (1) may request for permission for forest or tree plantation in land he or she never utilize or live. In this regards, a capacity to do so shall be proven and necessary equipment shall be presented. The Director-General or entrusted person may grant a written permission for forest or tree plantation in land in an amount of not exceeding thirty-five Rai per each family. A period of permission shall not less than five years but not more than thirty years. Fee shall be paid as prescribed by law.

Permission under paragraph three shall not be deemed to be an acquisition of right in land under the Land Code.

A person so permitted under paragraph three (1) and (2) shall be exempted from royalty and forest conservation fee for timber planted within a permitted land.

A person so permitted shall utilize a permitted land under rule and condition as prescribed by the Director-General and shall not allow a person who is not in his or her family to utilize such land.

If a person so permitted abandon, does not utilize or live in a permitted land for more than two consecutive years, or allow a person who is not in his or her family to utilize such land, or fail to comply with rule and condition as prescribed by the Director-General, the Director-General or entrusted person may revoke such permission.

Section 16 tres

If a permitted person under Section 16 *duo* is death, any person in his or her family who live with him or her shall have right to utilize or live in such land but not exceeding one hundred and eighty days as from the date of his or her death.

If a permitted person identify in a subrogation form set out by the Director-General whether his or her wife or husband, one of his or her children, or a person in family who live with him or her shall subrogate his or her right and duty and such person intend to continue living or utilizing in permitted land, such person shall make a request for permission to the Director-General or entrusted person within one hundred and eighty days as from the date a permitted person death.

A person under paragraph one shall live or utilize, after making a request under paragraph two, in permitted land upon a permission of the Director-General or entrusted person.

Section 17

The Director-General may grant written permission, for the purpose of study or research and subjected to rule specified by the Director-General which is approved by the Minister, to any Ministry, Sub-Ministry, Department or other person to act in any manner whatsoever in a national reserved forest. The Minister may exempt fee, royalty and forest conservation allowance charge if he or she thinks fit.

Section 18

The Director-General may publish rule on land utilization in a national reserved area related to the following matters in the Government Gazette: Entering, passing or using of transportation way; bringing or allowing pet into a national reserved forest.

A rule under paragraph one shall be enforced to a national reserved forest where it is notified at Amphur office⁽⁵⁾, Kamnan office and Phu Yai Bann⁽⁶⁾ office where such national reserved forest is located.

Section 19

For the purpose of control, supervision or conservation of a national reserved forest, the Director-General may order in writing a competence officer or officer of the Department of National Park, Wildlife and Plant to act in any manner whatsoever in a national reserved forest.

Section 20

If a national reserved forest which became a deteriorate forest under Section 16 *duo*, the Director-General shall, with approval of the Minister, grant any person a written permission to restore forest condition or do forest or tree plantation within a period and condition determined in a permission. Permission related to land exceeding 2,000 Rai shall be approved by the Council of Ministers.

The Minister may impose, by notification of the Ministry of Agriculture and Cooperative, an amount of gratuity to be paid by a permitted person for such permission.

Section 21

A license to do logging and a license to collect forest product under Section 15 shall be valid until the date specified in the license under a regulation determined by the Director-General which shall not exceed one year as from its issuance date.

A renewal of license shall be made in form and in accordance with regulation and procedure prescribed in a Ministerial Regulation.

Section 22

If a license is lost or damaged, a request for a substitution shall be made to a competence officer.

A substitution shall be made in form and in accordance with regulation and procedure prescribed in a Ministerial Regulation.

Section 23

A license under Section 15 may be transferred upon a permission of a competence office.

A transfer of license shall be made in accordance with regulation and procedure prescribed in a Ministerial Regulation.

Section 24

A licensee or a permitted person under this Act shall provide a certificate for doing a permitted act, in form and in accordance with regulation and procedure prescribed in a Ministerial Regulation, to his or her worker contractor or representative.

Section 25

After a forest has been determined to be national reserved forest and a competence officer has been appointed by the Minister, a competence officer shall have power to:

- (1) Order any person to leave a national reserved forest or omit any act within a national reserved forest if it appears, or is suspected, that there is a violation of the provision of this Act;
- (2) Make a written order to a person who violates the provision of this Act to demolish, amend or do any manner whatsoever to any object which harm or decay a condition of national reserved forest within a prescribed period;
- (3) Seize, destroy, demolish, amend or do any manner whatsoever if a person who violates the provision of this Act does not comply with an order under (2) or such person is unknown or is not found.

If a competence officer act as aforesaid with cost, a person who violates the provision of this Act shall pay compensation or expense for such cost. In this case, a competence officer may auction or sell a seized object and take a return as compensation.

The provision of Section 1327 of the Civil and Commercial Code shall be applied to a return by such auction or sell *mutatis mutandis*;

- (4) Do any manner whatsoever which is necessary to protect or relief damage to national reserved forest in an emergency case.

Section 26

In arresting and suppressing a person who violate this Act, a competence officer shall be deemed to be administrative officer or police under the Criminal Procedure Code.

Section 27

If it appears that a licensee or a permitted person or worker, contractor or representative of a licensee or a permitted person violates the provisions of this Act or a Ministerial Regulation, or condition determined in a license or a permission granted under this Act and such violation may cause serious damage, a competence officer shall have power to make a written order to suspend a license or written permission for a period of not exceeding sixty days as from the day of issuing such order.

The Director-General may revoke, extend or reduce a suspension period of a suspension order under paragraph one as he or she think fit. An extension for a suspension period, if an extension order is made, shall not exceed one hundred and sixty days.

Section 28

A licensee or a permitted person may appeal an order to suspend a license or written permission of a competence officer or an order of the Director-General under Section 27 to the Minister. Such appeal shall be submitted to a competence officer within thirty days as from the date in which an order is known to a permitted person known

Section 29

If a suspension order has been made, the Minister may, if he or she thinks fit, revoke such license or written permission.

Section 30

If it is necessary to enhance official benefit or public service or it is appears that a license or a written permission is grant incorrectly, the Minister may revoke such license or permission, wholly or partly.

If revocation is made without fault of a licensee or a permitted, an appropriate compensation shall be paid to such person.

CHAPTER III

PENALTY

Section 31

Any person who violates Section 14 shall be liable to imprisonment for a term during six months to five years, and to a fine during five thousands Baht to fifty thousands Baht.

If an offense under this Section is made to land exceeding twenty five *Rai* or causes damage to:

- (1) Teak, Yang⁽⁷⁾, Pine or restricted timber under Schedule B of a law on forest; or
- (2) Other timber, whether in form of complete or chopped trunk or both, exceeding twenty trunks or chopped trunks or four cubic meters; or
- (3) River source;

An offender shall be liable to imprisonment for a term during two years to fifteen years, and to a fine during twenty thousands Baht to one hundred and fifty thousands Baht.

If a verdict in a final judgment of the Court identifies a person who violates this Section and it appears that such person hold or possess land in a national reserved forest, the Court may order such person and his or her worker, contractor, representative and attendant to leave a national reserved forest.

Section 32

Any person who violates Section 24 shall be liable to a fine for not exceeding one thousand Baht.

Section 33

Any person who damages or destroys landmark, sign post or other signal provided under this Act shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding thirty thousands Baht, or to both.

Section 34

Any person, who accepts, conceals, disposes of or takes away timber or forest product known to him or her that is timber or forest product illegally acquired under this Act shall be liable as a principal of such offense.

Section 35

All timbers, forest products, equipments, weapons, beasts of burden, vehicles or machines in which a person use to, or acquire by, commit an offense under this Act shall be forfeited irrespective of whether it belongs to an offender or having a convict under judgment of the Court.

TRANSITORY PROVISION

Section 36

All reserved forests under the law on forest protection and reservation before this Act come into force shall be national reserved forest under this Act until an issuance of a Ministerial Regulation under Section 6 paragraph two or Section 7 which shall be issued within five years as from the date this Act come into force.

Section 37

A license granted to any person under the law on forest protection and reservation before this Act come into force shall be valid until an expiration date specified in such license.

Section 38

Within one year as from the date this Act come into force, all Ministerial Regulations, notifications, determinations and regulations issued under the law on forest protection and reservation before the day in which this Act published in the Government Gazette shall be in force unless it is contrary to or inconsistent with the provisions of this Act and until it is repealed or altered by a Ministerial Regulation, notification, determination or regulation under this Act.

Countersigned by

Field Marshal Thanom Kittikachorn

Prime Minister

Fee, Royalty and Forest Conservation Allowance

- Form of a request = 1 Bath each
- Logging license or Collecting forest product license = 20 Bath each
- A certificate for worker, contractor or representative of a licensee or a permitted person = 5 Bath each
- A substitution for license or written permission = 5 Bath each
- Transfer of license = 10 Bath each
- A written permission to utilize or live = 500 Bath per Rai
- Timber Royalty = 40 Bath per cubic meter
- Forest product royalty = 4 Bath per cubic meter
- If volume could not be calculated = 10 per cent of market price
- Forest conservation allowance Two times of Timber Royalty or forest product royalty in which a permitted person shall be paid for running of logging and collecting forest product in national reserved forest

Note

1. Kamnan is Tambon headman, which Tambon is a group of villages. Many Tambons may be grouped as Amphur (District) or Khing Amphur (Sub-District), as the case may be.
2. Nai Amphur is a district officer
3. Palad Amphur is a deputy-district officer
4. Rai is Thai measurement for area of land. 1 Rai = 1,600 square meters.
5. Amphur office is District office
6. Phu Yai Bann is Village headman
7. Yang is Dipterocarpus alatus Roxb

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