

## ARMS CONTROL ACT, B.E. 2530 (1987)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 30th Day of November B.E. 2530;

Being the 42nd Year of the Present Reign.

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

Whereas it is expedient to revise the law on arms control;

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

### Section 1

This Act is called the "Arms Control Act, B.E. 2530 (1987)"

### 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The Arms Control Act, B.E. 2476 (1933) shall be repealed.

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, shall be replaced by this Act.

### Section 4

In this Act,

"Arms" means weapons, weapons accessories, chemical substances, biological substances, radioactive substances or devices or instruments which may be used in combat or warfare as notified by the Minister in the Government Gazette under Section 7;

"Order" means making an order to import arms into the Kingdom;

"Import" means import of arms into the Kingdom;

"Produce" means making, assembling, repairing, changing, mixing, transforming, modifying or packaging of arms;

"Possess" means having ownership or having in possession of arms;

"Committee" means the Arms Control Committee;

"Competent official" means a person appointed by the Minister for the execution of this Act;

"Minister" means the Minister of Defense.

### Section 5

The Minister of Defense shall have charge and control of the execution of this Act and shall have the power to appoint competent official, to issue Ministerial Regulations prescribing fees not exceeding the rates hereto attached, granting exemption from fees, prescribing other acts and issue Notifications for the execution of this Act.

In a matter related to customs, the Minister of Finance shall have charge and control of the execution of this Act.

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

## **CHAPTER I**

### **General Provisions**

#### **Section 6**

This Act shall not apply to:

- (1) military or police arms;
- (2) arms of government agency, State organization, State enterprise or the Thai Red Cross Society, as prescribed in the Ministerial Regulation;
- (3) arms conventionally equipped with aircraft or sea-going which have been declared to, and inspected by, Customs official;
- (4) arms equipped with foreign battle vehicles entering the Kingdom officially;
- (5) weapons in possession of the licensees under the Order of the National Administrative Reform Council No. 37, dated 21<sup>st</sup> October B.E. 2519.

#### **Section 7**

The Minister with approval of the Council of Ministers shall have the power to publish in the Government Gazette the Notification prescribing weapons, weapons accessories, chemical substances, biological substances, radioactive substances or devices or instruments which may be used in combat or warfare to be arms.

## **CHAPTER II**

### **Arms Control Committee**

#### **Section 8**

There shall be the committee called the "Arms Control Committee" consisting of the Permanent Secretary for Defense as Chairperson, the Director-General of the Secretariat Department, the Judge Advocate General, the Director-General of the Defense Industry Department, the Director of Joint Logistics, the Director-General of the Ordnance Department, the Director-General of the Naval Ordnance Department, the Director of Armament, the Director-General of the Department of Chemical, the Director-General of the Naval Science Department, the Commander of the Science and Weapon System Development Command of the Royal Thai Air Force, a representative of the Ministry of Agriculture and Cooperatives, a representative of the Ministry of Public Health, a representative of the Ministry of Industry, a representative of the Ministry of Science, Technology and Energy and not more than three qualified members appointed by the Minister as members, and the Director-General of the Office of Policy and Planning shall be member and secretary.

#### **Section 9**

A qualified member holds office for a term of two years.

A qualified member who vacates office at the end of the term may be reappointed.

## **Section 10**

A qualified member vacates office before term upon:

- (1) death;
- (2) resignation; or
- (3) being dismissed by the Minister.

If a qualified member vacates office before term, the Minister may appoint another person to fill the vacancy.

If there is an appointment of a qualified member while the appointed qualified members remain in office either an appointment for the additional member or for the fulfillment of the vacancy, such person shall hold office for the remaining term of the appointed qualified member.

## **Section 11**

At a meeting of the Committee, the presence of not less than one half of the total number of members is required to constitute a quorum. If the Chairperson is unable to attend the meeting, or is unable to perform his or her duty, the members shall elect one among themselves to preside over at the 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, the person who presides over at the meeting shall cast an additional vote as a casting vote.

## **Section 12**

The Committee shall have the duties as follows:

- (1) to render decision upon request of a government agency, State agency or State enterprise that any weapon, weapon accessory, chemical substance, biological substance, radioactive substance or device or instrument is arms;
- (2) to give opinions to the Minister in the issuance of the Notification under Section 7;
- (3) to give suggestions or advices to the Minister or the Permanent Secretary for Defense in relation to arms control;
- (4) to scrutinize an application for license and to give suggestions to the Permanent Secretary for Defense in granting of license under Section 15 as entrusted;
- (5) to give suggestions or advices to the Minister on appointment of the competent official;
- (6) to perform other duties as entrusted by the Minister.

## **Section 13**

The Committee shall have the power to appoint subcommittee to consider any matter or perform any act as entrusted by the Committee.

The provisions of Section 11 shall apply *mutatis mutandis* to the meeting of sub-committee.

## **Section 14**

In the execution of duties, the Committee shall, for the purpose of its consideration, have the power to summon in writing any person to give statements or to submit any document or object in relation to the matter under its consideration.

The summoning order shall be delivered between sunrise and sunset or via registered post to domicile, residence or work place of the recipient.

## CHAPTER III

### Application for and Granting of License

#### Section 15

No person shall order, import, produce or possess arms without license granted by the Permanent Secretary for Defense.

In granting of license under paragraph one, conditions may be imposed therewith.

The application for and the grant of license shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulation.

#### Section 16

The license under this Chapter shall not be granted to:

- (1) a person who has been imprisoned by a final judgment through the commission of any offence under the Penal Code as follows;
  - (a) Section 107 to Section 129, Section 138, Section 139, Section 209 to Section 216, Section 288, Section 289, Section 335 to Section 337 and Section 339 to Section 340 *ter*;
  - (b) Section 295 to Section 298 and, on the date the application is made, that person has been released for not exceeding five years as from the date of release, except where such offence has been committed on account of necessity or lawful defence or at the time of receiving provocation;
- (2) a person who has been imprisoned by a final judgment through the commission of any offence under the Arms Control Act, B.E. 2476 or this Act;
- (3) a person who has been imprisoned by final judgments through the commission of offences other than those specified in (1), except offences committed through negligence or a petty offence, for more than two times within five years prior to the date the application is made;
- (4) a person who is not *sui juris*;
- (5) an incompetent or quasi-incompetent or a person of unsound mind;
- (6) a person who has no occupation and earning;
- (7) a vagrant; or
- (8) a person of gross misconduct which may affect public order.

#### Section 17

Licenses are, *viz.*:

- (1) order license;
- (2) import license;
- (3) produce license;
- (4) possession license.

The order license shall extend to importer of arms under the order license.

#### Section 18

The licenses under Section 17 shall extend to employees or representatives of the licensees and any act done by employees or representatives of the licensees is deemed to be done by the

licensees, provided that the licensee is able to prove that it is impossible to know or control of such act.

#### **Section 19**

A licensee of order or produce license shall have to notify the depositary of arms to the Permanent Secretary for Defense for consideration. If the Permanent Secretary for Defense is of opinion that it is unsuitable for arms storage, he or she may order the licensee to store arms at any other depositary within the specified period.

#### **Section 20**

Upon the issuance of the Notification under Section 7, the person who orders, imports, produces or possesses arms on the date of such Notification shall apply for license within thirty days as from the date of such the Notification.

#### **Section 21**

A person who imports arms which are things for ordinarily personal use or being an example as necessary shall notify in writing the existence thereof and deliver those things to the customs official at the customhouse on arrival. If those things are imported through the locality without customhouse, the importer shall notify the existence thereof in writing and deliver those things to the customs official at the nearest customhouse forthwith, provided that such person is a licensee of the import or possession license under Section 15 and presents that license to the customs official for inspection under the laws.

The customs official shall, upon receiving the written notice and arms, notify in writing to the Permanent Secretary for Defense.

#### **Sections 22**

The importer shall, within ninety days as from the date of delivery of arms to the customs official under Section 21 paragraph one, apply for the import license and possession license to the Permanent Secretary for Defense.

If the Permanent Secretary for Defense refuses to grant licenses, the refusal order shall be notified in writing to the importer and the importer shall have to dispatch such arms out of the Kingdom within sixty days as from the date of receiving of order. In the case where there is unable to notify the refusal order to the importer, the Permanent Secretary for Defense shall publish the order in a newspaper, or pin it up at a conspicuous area of the place where the application is applied, for not less than seven days. After such period, the importer is deemed to be informed of the order.

#### **Section 23**

If the importer fails to apply for licenses within ninety days as from the date of delivery of arms to the customs official under Section 22 paragraph one or fails to dispatch arms out of the Kingdom within the period prescribed in Section 22 paragraph two or fails to return arms from the customs official after receiving import license until the license is expired, such arms shall be vested in the State.

#### **Section 24**

The licensee to produce and possession license shall have to prepare inventory account of arms in accordance with the form as prescribed in the Ministerial Regulation. Such inventory account shall be kept ready to be produced to the competent official.

#### **Section 25**

If there are arms in a vehicle that transits the Kingdom, the owner or the person who possesses those arms or the person who controls that vehicle respectively, as the case may be, shall notify

in writing the existence thereof to the customs official at the customhouse on arrival in order for control or maintain arms until that vehicle departs the Kingdom.

In the case where the owner or possessor of arms or the controller of vehicle fails to recall arms when that vehicle departs the Kingdom, such arms shall be vested in the State.

### **Section 26**

A license issued under this Act shall be valid through the period specified therein, but not exceeding one year as from the date of its issuance or renewal. A licensee who desires to renew license shall apply for the renewal thereof prior to the expiry date specified therein. Upon submission of the application, such licensee may continue his or her business until the Permanent Secretary for Defense refuses to renew license.

The application for and the granting of the renewal of license shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulation.

### **Section 27**

In the case where the Permanent Secretary for Defense refuses to grant or renew license or where the granted license is not extended all arms as specified in the application, the applicant or the licensee who applies for the renewal of license shall have the right to appeal in writing to the Minister within thirty days as from the date he or she receives the written refusal order or the license which is not extended to all arms as specified in the application from the Permanent Secretary for Defense.

The decision of the Minister shall be final.

In the case where there is appeal against the refusal order to renew license under paragraph one, the Minister may, prior to deliver decision and upon request of the appellant, permit the appellant to continue his or her business temporarily.

### **Section 28**

If a license is lost, disfigured or substantially damaged, the licensee shall apply for a substitute within fifteen days from the date such loss, disfigure or damage is known to him or her.

The application for and the granting of the substitution shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulation.

### **Section 29**

In order to cease or prevent harm which may happen to human being, fauna, flora or other properties or to protect health of human being, if the place where arms are produced or the depositary or machines, devices or instruments used therein are in such conditions that may be harmful, the Permanent Secretary for Defense may order the licensee in writing to improve, modify or repair that place or machines, devices or instruments used therein within specific period. In such case, the Permanent Secretary for Defense shall have the power to order the licensee in writing to suspend his or her business during such period.

## **CHAPTER IV Competent Official**

### **Section 30**

In the execution of duties, the competent official shall have the powers as follows:

- (1) to enter into the place where arms are produced during working hours, enter into the depositary of arms between sunrise and sunset or enter into vehicle loaded with arms

with a view to inspect that places, arms, containers, accounts, documents or other things related therewith;

- (2) to take arms or other things produced from arms in necessary amount as examples for inspection in case of suspicion;
- (3) to search, detain, seize or attach arms, containers, accounts, documents or any other things related therewith if there is a reasonable ground to suspect that there is a violation of or failure to comply with this Act;
- (4) to summon any person in writing to give statements or submit any document or object for consideration;

In the execution of duties of the competent official, all related person shall render facility thereto.

### **Section 31**

In the execution of duties, the competent official shall produce identification card to related person.

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

### **Section 32**

If the Permanent Secretary for Defense is of opinion that arms, containers, accounts, documents and other things seized or attached under Section 30 (3) are unable to be forfeited under Section 34 or the Public Prosecutor or Military Prosecutor has the final non-prosecution order, the competent official shall return the things under seizure to deserved person or withdraw the attachment without delay.

If the things under seizure are perishable or their expiry date will become due in the near future or the maintenance of which may cause damages or the maintenance cost may be in excess of their value, the Permanent Secretary for Defense shall have the power to sell them by auction or by other appropriate means, and proceeds thereof shall be held in lieu of the things under seizure after deduction of all incurred cost.

In returning of the things under seizure to deserved person under paragraph one or in returning of proceeds held in lieu thereof under paragraph two, the competent official shall notify of such return in writing to deserved person. If it is unable to notify, the competent official shall advertise of such return in a newspaper or pin such Notification up at a conspicuous area of the place where the application is applied, for not less than seven days.

If deserved person fails to collect the things under seizure or proceeds held in lieu thereof within one hundred and eighty days as from the date of written notice or the date of advertisement in the newspaper or the date of pinning up of the Notification at a conspicuous place, as the case may be, under paragraph three, the things under seizure or proceeds held in lieu thereof shall be vested in the State.

### **Section 33**

If the result of test clearly states that the things under seizure under Section 30 (3) are in the conditions, or having been transformed to the conditions, that may be harmful to human being or properties, the Permanent Secretary for Defense shall, with the advice of the Committee, have the power to order those things under seizure to be destroyed or managed as he or she deems appropriate.

In case of emergency or where it is necessary to prevent human being or properties from harm which may be produced by the things under seizure under paragraph one, the Permanent Secretary for Defense shall have the power to order those things under seizure to be destroyed or managed as he or she deems appropriate without the advice of the Committee.

### **Section 34**

Arms ordered, imported, produced or possessed in violation of, or in contrary to, the provisions of this Act shall be forfeited irrespective of whether there is a person being convicted or not.

### **Section 35**

If it is unable to identify, at the time of seizure, a person who orders, imports, produces or processes of arms seized by the competent official or inquiry official and no person presence as a person who orders, imports, produces or processes of arms with a view to collect the things under seizure within sixty days as from the date of seizure, such arms shall be vested in the State.

### **Section 36**

In the case where a licensee of order license fails to collect arms under his or her order from the Customs Department within sixty days as from the date those arms arrived the Kingdom, the customs official shall notify in writing that licensee or the person who controls vehicle loaded with arms or his or her representative to dispatch such arms out of the Kingdom within thirty days as from the date of receiving of that notice. If the licensee or the person who controls vehicle loaded with arms or his or her representative fails to comply with the notice within the period specified therein, such arms shall be vested in the State.

### **Section 37**

Arms forfeited or vested in the State under this Act shall be delivered to the Ministry of Defense for appropriate management.

### **Section 38**

In the execution of duties, the competent official is deemed to be the competent official under the Penal Code.

## **CHAPTER V**

### **Revocation of License**

### **Section 39**

For security of the State or public order or public benefit, or in the case where the licensee violates or fails to comply with this Act or fails to comply with the orders or conditions issued under the provisions of this Act, the Minister shall have the power to revoke license granted under this Act.

### **Section 40**

A person whose license is revoked shall have to dispatch arms out of the Kingdom or distribute or manage arms in compliance with written order of the Minister or his or her entrusted person within the period specified therein. If the person whose license is revoked fails to comply therewith, such arms shall be vested in the State at the lapse of the specified period.

## **CHAPTER VI**

### **Penalties**

### **Section 41**

Whoever fails to give statements or submit any document or object as required by the Committee under Section 14 paragraph one or by the competent official under Section 30 (4)



shall be liable to imprisonment for a term of not exceeding three months or to a fine of not exceeding three thousand Baht or to both.

#### **Section 42**

Whoever violates Section 15 paragraph one shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding fifty thousand Baht or to both.

#### **Section 43**

A licensee who violates or fails to comply with the conditions imposed in the license under Section 15 paragraph two shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding fifty thousand Baht or to both.

#### **Section 44**

A licensee who fails to notify the depository of arms under Section 19 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding six thousand Baht or to both.

#### **Section 45**

A licensee who fails to comply with the order of the Permanent Secretary for Defense issued under Section 19 or Section 29 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding ten thousand Baht or to both.

#### **Section 46**

Whoever fails to comply with Section 21 paragraph one or Section 25 paragraph one shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding thirty thousand Baht or to both.

#### **Section 47**

A licensee who fails to comply with Section 24 shall be liable to imprisonment for a term of not exceeding three months or to a fine of not exceeding three thousand Baht or to both.

#### **Section 48**

A licensee who fails to comply with Section 28 paragraph one shall be liable to a fine of not exceeding one thousand Baht.

#### **Section 49**

Whoever obstructs or fails to render facilities to the competent official in the execution of his or her duties under Section 30 (1), (2) or (3) shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding six thousand Baht or to both.

#### **Section 50**

Whoever commits an offence under Section 42 shall be liable to imprisonment for a term of five years to twenty years if the commission of such offence is a part of rebellion plot under the Penal Code.

### **Transitory Provisions**

#### **Section 51**

An order or possession license granted under the law on arms control which is in force prior to the date this Act comes into force shall be valid through its expiry date. If the licensee desires to continue license, he or she shall apply for license under this Act prior to the expiry date of the former license.

## **Section 52**

All Ministerial Regulations or Notifications issued under the provisions of the law on arms control shall continue in force insofar as they are not contrary to or inconsistent with the provisions of this Act, provided that they are replaced by Ministerial Regulations or Notifications issued under this Act.

Countersigned by

General Prem Tinsulananda

Prime Minister

### **Rate of Fees**

- (1) Application 20 Baht each
- (2) Order license 200 Baht each
- (3) Import license 200 Baht each
- (4) Produce license 10,000 Baht each
- (5) Possession license 200 Baht each
- (6) Substitute of license 50 Baht each
- (7) Renewal of license equals to fee imposed to each kind of license

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