

Civil Registration Act (No.2), B.E. 2551 (2008)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 15th day of February, B.E. 2551 (2008)

Being the 63rd Year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that;

Whereas it is expedient to revise the law on civil registration;

This Act consists of some provisions limiting personal rights and freedom in conformity with Section 29 with Section 34, 35 and 56 of the Constitution of the Kingdom of Thailand;

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 shall be called the "Civil Registration Act (No.2), B.E. 2551 (2008)"

Section 2

This Act shall come into force after 180 days from the day following the date of its publication in the Government Gazette.

Section 3

The following shall be added as paragraph two of Section 5 of the Civil Registration Act B.E. 2534:

"The Ministerial Regulation in paragraph one may set rates of fees which is not excessive in the end of this Act."

Section 4

Paragraph two of Section 6 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

"The provision in paragraph one is allowed to use for making a copy or making a copy and being certified true copy of identification card and other civil registration document in accordance with this Act for persons without Thai nationality."

Section 5

The following shall be added as paragraph three of Section 6 of the Civil Registration Act B.E. 2534:

"The registrar shall proceed immediately when accepting such applications under paragraph one and two."

Section 6

Section 8 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

"Section 8

Under Section 8/1, the following registration office, in accordance with this Act, shall be took place:

- (1) Central Registration Office: The Director, the Vice-director and the assistants are registrars and responsible for registration in whole Kingdom.
- (2) Bangkok Registration Office: The Bangkok official and the assistant are registrars and responsible for registration in Bangkok.

- (3) Provincial Registration Office: The Provincial official and the assistant are registrar and responsible for registration in the province.
- (4) District Registration Office: The District official and the assistant are registrars and responsible for registration in the district.
- (5) Local Registration Office: The Local official and the assistant are registrars and responsible for registration in the local administration."

Section 7

The following shall be added as Section 8/1 and 8/2 of the Civil Registration Act B.E. 2534:

"Section 8/1

The establishment of district and local registration offices under Section 8 (4) and (5) shall lie with the discretion of the Director of Central Registration. The issues of readiness in the area, convenience for rendering services to people, overlap and economization shall be considered.

District or local registration offices under Section 8 (4) and (5) establishing with the consideration of conditions under paragraph one may be dissolved or united by the Director of Central Registration.

Power and Responsibility of the offices establishing under paragraph one or uniting under paragraph two shall lie with the discretion of the Director of Central Registration.

Section 8/2

The following registrars take charge under this Act:

- (1) The Director of the Department of Provincial Administration is the Director of Central Registration having the power to issue rules and procedures, to set a form in accordance with this Act and to appoint the vice director and the assistant.
- (2) Bangkok Governor is a Bangkok registrar having the power to appoint the assistant.
- (3) Provincial Governors are provincial registrars having the power to appoint the assistant.
- (4) District Chief Officer or Minor District Chief Officer is district registrar having the power to appoint the assistant.
- (5) Municipal Clerk, the District Director, Pattaya Chief Officer or Chief Officer of local administration units are local registrars having the power to appoint the assistant.

The Vice-director, the assistant or other officials subordinate to the Department of Provincial Administration may be assigned by the Director of Central Registration under (1) to particular work under his responsibility.

The assistant or a chief officer of a division or above in the Office of the Bangkok Metropolitan Administration may be assigned by the Bangkok registrar under (2) to particular work under his responsibility.

The assistant, the Vice-governor or the Deputy-governor may be assigned by the provincial registrar under (3) to particular work under his responsibility.

The assistant district officer or the other assistants may be assigned by the district registrar under (4) to particular work under his responsibility.

The assistant, the Deputy Municipal Clerk, the assistant District Director, the assistant Pattaya Chief Officer or the assistant Chief Officer of local administration units may be assigned by the local registrar under (5) to particular work under his responsibility.

Section 8

The following shall be added as paragraph four of Section 10 of the Civil Registration Act B.E. 2534:

"Procedures under paragraph three, opposition or explanation and appeal of a person affected by acts of the registrar, including consideration of appeal shall be in the manner prescribed in the Ministerial Regulations. Any registration acts may be refrained before the registrar accepts such explanation or opposition."

Section 9

The following shall be added as paragraph two of Section 12 of the Civil Registration Act B.E. 2534:

"To be useful for civil registration data storing and using, governmental organizations whose work relates to personal data of people without Thai nationality within the Thai Kingdom shall refer such data to the Director of Central Registration as requested."

Section 10

Paragraph two of Section 14 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

"The registrar shall proceed immediately when accepting such applications under (2). If the application is denied or partly preceded, the applicant shall appeal to the provincial registrar, the Bangkok registrar or the Director of Central Registration within 15 days from the day of acknowledgment from the registrar."

Section 11

Paragraph two of Section 15 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

"Any governmental organizations being desirous of computer connecting shall be allowed to use such civil registration data by the Director of Central Registration.

Necessary information appearing in household registration, birth registration, death registration or profile record for persons without Thai nationality can be used only."

Section 12

The following shall be added as paragraph three and four of Section 15 of the Civil Registration Act, B.E. 2534:

"In a case of the advantage of national security, the Cabinet may approve permission of the Director of Central Registration to allow the governmental organizations to use other information of civil registration under paragraph two by computer connecting. Necessary information shall lie with the discretion of the Cabinet.

To use such information in accordance with this Section for business benefit or other issues is prohibited."

Section 13

The following shall be added as paragraph three of Section 18 of the Civil Registration Act B.E. 2534:

"For facilitating people, reporting under paragraph one may be done to the registrar in the other areas. The procedure shall be in the manner prescribed in the Ministerial Regulations."

Section 14

Section 19 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

"Section 19

Any person encountering neglect of a newborn or a baby shall immediately refer the child to administrative officials, the police, or officials under the Ministry of Social Development and Human Security in the area of such encounter.

The record of acceptance shall be made after the officials accept the child. The administrative official or the police shall refer the child with the certificate of the record to officials under the Ministry of Social Development and Human Security in that area. The officials under the Ministry of Social Development and Human Security shall report the birth and the registrar shall issue the certificate of birth report in the manner prescribed in the regulations and forms under the discretion of the Director of Central Registration.

Two certificates of acceptance of the child under paragraph one shall be made and kept with the official accepting the child and the registrar accepting the birth report. Details about the person of the encounter, place and time of the encounter, physical conditions of the child, document, and profile of the child shall be recorded as much as possible. If the nationality of the child is unknown, such fact shall be recorded."

Section 15

The followings shall be added as Section 19/1, Section 19/2 and Section 19/3 of the Civil Registration Act, B.E. 2534:

"Section 19/1

The chief or the others assigned by the chief of public or private organizations legally registering for giving assistance to such children under the discretion of the Cabinet shall report the birth and apply for the registration into the household registration of the organizations for such gamins in their responsibility in the area of the location. The registrar shall issue a certificate of birth report in the manner prescribed in the regulations and forms under the discretion of the Director of Central Registration.

Section 19/2

Verification of birth or nationality of the child under Section 19 and Section 19/1 shall be in the manner prescribed in the Ministerial Regulations. If it is unable to verify birth and nationality of the child, the district or local registrar shall issue a profile registration and identification document for the child as evidence in the manner prescribed in the regulations under the discretion of the Director of Central Registration.

Section 19/3

A householder or parents of Thai nationality who did not report birth of the child under Section 18 may apply for the birth report in the manner prescribed in the regulations under the discretion of the Director of Central Registration and the provision under Section 19/2 shall be allowed to use for this case.

If persons under paragraph one who are not sui juris in accordance with Thai law, the parents or the guardian shall, instead, report birth. In the case of the parents of the child, the registrar shall proceed after receiving fine under Section 47 (2) and Section 51."

Section 16

Section 20 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

"Section 20

When there is the birth report of the child of Thai nationality or without Thai nationality by birth in accordance with Thai law on nationality under Section 18, Section 19, Section 19/1 or Section 19/3, as evidence the registrar shall accept such birth report and issue a birth certificate stating facts as much as it could be.

For the child without Thai nationality by birth in accordance with Thai law on nationality, the registrar shall issue a birth certificate in the manner prescribed in the forms under the discretion of the Director of Central Registration and the place of birth shall be stated as well."

Section 17

The following shall be added as Section 20/1 of the Civil Registration Act, B.E. 2534:

“Section 20/1

In a case of approval of Thai nationality or naturalization by the Cabinet resolution, or in a case of the other necessary situations requiring the birth document of a persons, he shall apply for such document in the manner prescribed in the regulations and conditions under the discretion of the Director of Central Registration.”

Section 18

The following shall be added as paragraph four of Section 21 of the Civil Registration Act B.E. 2534:

“The provision under paragraph three of Section 18 shall be allowed to use for birth reporting under paragraph one.”

Section 19

The following shall be added as paragraph four of Section 30 of the Civil Registration Act, B.E. 2534:

“The provision under paragraph three of Section 18 shall be allowed to use for birth reporting under paragraph one.”

Section 20

Paragraph one of Section 36 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

“Section 36

The district or local registrar shall issue a household registration for every house of both persons with Thai nationality and without Thai nationality having a domicile within the Thai Kingdom.”

Section 21

Section 38 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

“Section 38

The district or local registrar shall issue a household registration for persons without Thai nationality having been permitted to stay temporarily and those having been giving leniency for temporary residence in the Thai Kingdom as a special case in accordance with law on immigration and the declaration of the Cabinet and their children born within the Thai Kingdom. In a case of permission of temporary residence overdue, the registrar shall immediately dispose of such persons.

The Director of Central Registration shall make profile registration for persons without Thai nationality besides those under paragraph one in accordance with the declaration of the Cabinet.

Registrations under paragraph one and two shall lie in the manner prescribed in the regulations under the discretion of the Director of Central Registration.”

Section 22

Section 41 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

“Section 41

Any persons demolishing a house having a house number and intending not to build a new one in the same area or to build a new one in the other area shall report the demolition to the registrar within 15 days from the day of the complete

demolishment in order to dispose of the house number and the household registration.

If the householder did not report the demolition to the registrar under paragraph one, the registrar shall dispose of the house number and the household registration and remove a name of persons in such household registration to the Central Household Registration in the manner prescribed in the regulations under the discretion of the Director of Central Registration."

Section 23

The Provision under (2) of Section 47 of the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the following:

"(2) disobeying provisions under Section 18, Section 19/1, Section 21, Section 23, Section 30, Section 33, Section 34, Section 39 paragraph one or two, Section 41 or Section 42"

Section 24

The following shall be added as Section 48/1 of the Civil Registration Act, B.E. 2534:

"Section 48/1

Anyone infringing Section 15 paragraph four shall serve punishment with imprisonment between six months to five years and a fine from 10,000 Baht to 100,000 Baht.

The chief of governmental organizations infringing this Section shall be punished in accordance with the provision of offence unless it can be proved that he did not connive in such offence and appropriately handled with the situation before it took place."

Section 25

Rates of fees stating in the Civil Registration Act, B.E. 2534 shall be repealed and replaced by the rates of fees in the end of this Act.

Section 26

The district registration offices and the local registration offices before the day this Act coming into force shall be the district registration offices and the local registration offices under Section 8/1 of the Civil Registration Act, B.E. 2534 as amended by this Act.

Section 27

Ministerial Regulations, Rules or Declarations under the Civil Registration Act B.E. 2534 shall be affective unless they are conflict with provisions in this Act. When there is the enactment of Ministerial Regulations, Declarations, Rules or Declarations under this Act, the previous ones shall be repealed.

Section 28

The Minister of Interior shall take charge and control of the execution of this Act.

Countersigned by

Gen. Surayuth Chulanon

The Prime Minister

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Rates of Fees

- (1) Identification card for persons without Thai nationality under Section 5
 - a. For the first time or renewing each copy 100 Baht
 - b. For losing or being ruined each copy 100 bah
 - c. For changing in the details each copy 100 bah
- (2) A copy or a copy with certification of a true copy of registration or identification card under Section 6 each copy 100 Baht
- (3) A copy or a copy with certification of a true copy of civil registration under Section 14 (1) each copy 100 Baht
- (4) Birth report under Section 18 paragraph three;
Death report under Section 21 paragraph four or Notice of change of address under Section 30 paragraph two and paragraph four each copy 100 Baht
- (5) A copy of a household registration under Section 39 paragraph two each copy 100 Baht

Disclaimer

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