

Tambon Council and Tambon Administrative Authority Act, B.E. 2537 (1994)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on 26 November B.E.2537 (1994)

Being the 49th 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 the organization of Tambon administration;

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 "Tambon Council and Tambon Administrative Authority Act, B.E. 2537 (1994)"

Section 2

This Act shall come into force after the passing of ninety days counting as from the date of its publication in the Government Gazette.

Section 3

The Announcement of the National Executive Council No.326 dated 13 December 1972 shall be hereby repealed.

All other law, rules and regulations, in so far as they are herein provided, or are contrary hereto, or inconsistent with, shall be hereby replaced.

Section 4

In this Act,

"Local Administrative Unit" means a municipality (Thetsaban), sanitary district (Sukha Phiban) and other local government services set up by law, but excludes a Changwat (Provincial) Administrative Authority;

"District Officer" (Nai Amphur) includes a deputy district officer in charge of a sub-district (King Amphur);

"Tambon" means a Tambon under the law on local government outside the border of a local administrative unit; and the case of a Tambon being both inside and outside the borders of a local administrative unit, it means the area outside only;

"Administrative Committee" means the Tambon Administrative Authority Administrative Committee; and

"Member" means a member of the Tambon Administrative Authority administrative Committee.

Section 5

The Minister of Interior shall have charge and control of the execution of this Act, and shall have the power to issue Ministerial Regulations, Rules, Regulations and Notifications and to appoint officers for the carrying out of this Act.

Such Ministerial Regulations, Rules, Regulations and Notifications of general effect shall come into force upon their publication in the Government Gazette.

Chapter 1

Tambon Council

Section 6

There shall be one Tambon Council in a Tambon with the powers and duties under this Act. The Tambon Council is a juristic person.

Part 1

Tambon Council Members

Section 7

The Tambon Council is composed of the following ex officio members: the Kamnan and the village headmen of all hamlets in the Tambon, and the Tambon doctor, and of elected members, elected by the people in each of the hamlets in the Tambon. Each hamlet shall elect one member.

Section 8

A person entitled to elect an elected member of the Tambon Council must be qualified under (1) and (2) and not disqualified under (3) and (4) below.

- (1) hold Thai nationality and be at least 18 years old on 1 January of the election year; [as amended]
- (2) have domicile or permanent residence and be named in the household register under the law on peoples registration in the hamlet in the Tambon for at least the three consecutive months up to the election day;
- (3) be a Buddhist monk or novice, (Indian) hermit or ordained clergyman; or
- (4) be of unsound mind or mentally infirm.

Section 9

A person entitled to be elected to the Tambon Council. An elected member must be qualified under (1) and (2) and not disqualified under (3) to (11) below.

- (1) hold Thai nationality and be at least 25 years old on the election days; but if the father is an alien the qualifications prescribed in the law on elections to the House of Representatives also apply; [as amended]
- (2) have domicile or permanent residence and be named in the household register under the law on peoples registration in the hamlet in the Tambon for at least the six consecutive months up to the day of registering the candidates;
- (3) be a Buddhist monk or novice, (Indian) hermit or ordained clergyman;
- (4) be physically disabled, of unsound mind or mentally infirm, a drug addict or with a disease that the Minister of Interior announces for the qualifications of village headmen under the law on local government;
- (5) be a member of the Senate or a local council, a civil servant, local officer or State-owned organization officer;
- (6) be a village headman, Tambon doctor, assistant village headman, or assistant Kamnan;
- (7) has been expelled, terminated or dismissed from the civil service, State agency or State enterprise for dishonest performance of duties;

- (8) a Changwat Governor has ordered that (the candidate) be dismissed from the position of Kamnan, village headman or Tambon doctor under this Act;
- (9) has been sentenced to a term of imprisonment by a final judgment of the Court and released for not more than three years on the election day, except for an offence committed through negligence or a petty offence;
- (10) be a person whose behavior is dishonest or morals are detrimental; or
- (11) has been ordered by the Changwat Governor or resolved by the Tambon Council to vacate the position of an elected member, unless five years have passed from the date of vacating the position up to the day of registering the candidates.

Section 10

The District Officer shall hold the election of elected members of the Tambon Council following the rules and procedures stipulated in the Rules of the Ministry of Interior.

Section 11

The elected members of the Tambon Council shall hold the position for a term of four years from the Election Day.

When elected members of the Tambon Council have vacated the position at the end of term, if no new election has been held, the ex officio members of the Tambon Council can continue to perform the duties.

Section 12

Apart from vacating position at the end of term, the elected members of the Tambon Council shall vacate the position in the following cases:

- (1) death;
- (2) resignation by tendering the letter of resignation to the District Officer; and in this case the date of vacating the position is the day of resignation;
- (3) the Tambon Council is dissolved;
- (4) has a direct or indirect interest in a contract with the Tambon Council or in a business done for such Tambon Council; [as amended]
- (5) the Tambon Council resolves that he vacate the position having found that his behavior is detrimental to the interests of the Tambon; however, such resolution shall be carried by at least two - thirds the votes of all the Tambon Council members;
- (6) the District Officer orders vacation of the position after an inquiry showing that he is disqualified under Section 9; or has not stayed in the hamlet that elected him for more than six consecutive months or has been absent from Tambon Council meetings three consecutive times without good reason; or
- (7) the Changwat Governor orders vacation of the position after an inquiry showing that he is defective in behavior.

[paragraph two has been repealed]

Section 13

When the position of elected member of the Tambon Council is vacated at the end of term or the Tambon Council is dissolved, a new election shall be held within 60 days from the end of term or date of dissolution of the Tambon Council, as the case may be.

Section 14

When the position of the elected member of the Tambon Council is vacated, other at the end of term or because the Tambon Council is dissolved, an election shall be held to fill the position within 60 days from the day of the vacancy. Unless the remaining term is less than 108 days, such election is not required.

A replacement elected member of the Tambon Council shall hold the position for the remaining term of the person that he replaced.

Section 15

When a hamlet is dissolved or several are combined under the law on local government, the elected members of the Tambon Council for such hamlet or hamlets shall remain in the position until their membership comes to an end under Section 12.

When some of the area of hamlet has been separated to form a new hamlet, the elected member of the Tambon Council for the former hamlet shall remain in the position until the membership comes to an end under Section 12. The District Officer shall hold an election of the (elected) members of the Tambon Council for the new hamlet within 60 days from the date of the announcement of the new hamlet. The person or persons so elected shall hold the position for the remaining term of the other members in that Tambon, unless the remaining term is less than 108 days when such election is not required.

Section 16

The Kamnan is the chairman of the Tambon Council. The District Officer shall point a vice-chairman from the Tambon Council members pursuant to resolution of the Tambon Council.

The vice-chairman of the Tambon Council shall hold the position for a term of four years.

The vice-chairman of the Tambon Council shall vacate the position before the end of term under paragraph two upon:

- (1) resignation by tendering the letter of resignation to the District Officer; and in this case the date of vacating the position is the day of resignation; or
- (2) vacating the position of member under Section 12.

Section 17

The Tambon Council chairman shall convene meetings of the Tambon Council and has the duty of conducting the meetings in accordance with the meeting regulations stipulated by the Ministry of Interior.

The Tambon Council vice-chairman has duty of doing business on behalf of the Tambon Council chairman when the Tambon Council chairman is not present at the meeting or cannot perform his duties, or as entrusted by the Tambon Council chairman.

If neither the Tambon Council chairman nor the Tambon Council vice-chairman is present at a meeting, the members present shall elect from among themselves a presiding chairman for that meeting.

Section 18

Meetings of the Tambon Council shall be held at least once a month and the presence of not less than one-half of the total number of members is required to constitute a quorum.

A resolution of the meeting shall be by a majority of votes, unless provided otherwise in this Act.

Each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 19

The Tambon Council has one secretary appointed from civil servants performing work in the Tambon or from other persons that qualify under Section 8.

The District Officer shall appoint and remove the secretary pursuant to a resolution of the Tambon Council.

Section 20

The Tambon Council secretary has the duty of being responsible for the administrative work, holding meetings and any other work entrusted by the Tambon Council.

Section 21

In performing their duties under this Act, the Tambon Council members and secretary are Competent Officials under the Criminal Code.

Part 2

Powers and Duties of the Tambon Council

Section 22

The Tambon Council has the powers and duties of developing the Tambon under its plans, projects and budget, making recommendations to the service for administering the services as well as developing the Tambon. The Tambon Council performs the duties of the Tambon committee under the law on local government and has other duties as the law provides.

Section 23

Subject to the law, the Tambon Council can do the following within the Tambon:

- (1) provide water for consumption and agriculture;
- (2) provide and maintain waterways and land routes;
- (3) provide and protect drains, and keep the roads, waterways, paths and public places clean, and also provide garbage and night soil services;
- (4) protect, look after and maintain natural resources and the environment;
- (5) promote people's occupations; and
- (6) promote and develop women and children, the youth, the elderly and the handicapped.

Section 24

The Kamnan, village headmen and Tambon doctor in performing their duties under this Act must have no direct or indirect interest in contracts with the Tambon Council, or in businesses done for the Tambon Council.[as amended]

If the Kamnan, village headmen or Tambon doctor act in violation of paragraph one, the Changwat Governor shall order that the violator be dismissed from his position on the ground of being defective in behavior or competency and being unsuitable for the position under the law on local government.

Section 25

The Kamnan and village headmen in performing their duties under the law on local government shall, with respect to any business included in the Tambon development plan, proceed in conformity with the Tambon development plan.

Section 26

In preparing and making a project or plan by the service or any agency for any Tambon, they shall pay due regard to the Tambon development plan.

Section 27

In performing the duties of the Tambon Council, the chairman is responsible for doing business pursuant to the resolutions of the Tambon Council. The Tambon Council may also entrust other members to do any particular business instead.

Where the Tambon Council makes a juristic act, the chairman and secretary and one more member jointly have the power to act on behalf of the Tambon Council, in accordance with the Rules of the Ministry of Interior.

Section 28

Upon obtaining the approval of the Changwat Governor, the Tambon Council may do business outside the Tambon or jointly with (another) Tambon Council, a Tambon Administrative Authority, a Changwat administrative authority, or another local administrative unit, to do a joint business with the consent of the agency concerned, as the case may be. Such business is one that is necessary to do and pertains to a business within the powers and duties of the Tambon Council.

Part 3

Tambon Council Revenue and Expenses

Section 29

The Chandwat administrative authority allocates the following revenue to the Tambon Council following the rules stipulated by the Ministry of Interior:

- (1) local development tax, house and land tax, killing animals tax and other benefits from killing animals collected in the Tambon.
- (2) fee permit charges, and fines that a law provides can be collected in the Tambon;
- (3) additional license fee for gambling under the law on gambling that the Changwat by-law allows be collected in the Tambon;
- (4) VAT and specific business tax allocated by the Changwat administrative authority;
- (5) liquor tax and excise tax allocated by the Changwat administrative authority; and
- (6) automobile and cycle tax and fees allocated by the Changwat administrative authority.

Section 30

The Government shall allocate money to the Tambon Council each budget year as a subsidy.

Section 31

The Tambon Council may have the following revenue:

- (1) revenue from property belonging to the Tambon Council;
- (2) revenue from public utilities belonging to the Tambon Council;
- (3) other money and property that has been donated;
- (4) subsidies and other revenue allocated by the Government or State owned agencies; and
- (5) other revenue that the law provides as belong to the Tambon Council.

Section 32

Tambon Council revenue shall be exempt from tax by the enactment of a Royal Decree (issued) under the Revenue Code and I not required to be sent to the Treasury as State revenue.

Section 33

The Tambon Council may have the following expenses:

- (1) salaries;
- (2) wages;
- (3) other remuneration;
- (4) sundries;
- (5) cost of materials;
- (6) cost of durable articles;
- (7) cost of land, constructions and other property;
- (8) cost of public utilities;
- (9) subsidies (for) other agencies; and
- (10) any other expenses from commitments or as the law or Rules of the Ministry of Interior stipulate.

Section 34

The remuneration for the chairman, vice-chairman, members and secretary of the Tambon Council shall be in accordance with the Rules of the Ministry of Interior.

Section 35

The annual expenditure budget and the additional expenditure budget of the Tambon Council shall be prepared and made as regulations following the Rules (sic) and procedures stipulated by the Ministry of Interior.

If during any budget year the budgeted expenses are insufficient for use in the budget year, or if it is necessary to add new expenses during the budget year, prepare and make an additional expenditure budget regulation.

When the Tambon Council has prepared and made a draft annual expenditure budget to additional expenditure budget regulation, it shall be sent to the District Officer for approval.

If the annual expenditure budget regulation is issued late, and not in time for the New Year, continue to use the current budget regulation for the time being.

Section 36

The Ministry of Interior shall issue Rules on Treasury, budgets, protecting property, procurement of benefits from property, procurement of supplies and contracting.

The ministry of Interior will also issue Rules concerning other actions by the Tambon Council for it to perform.

In issuing the Rules under paragraph one and paragraph two, due regard shall be given to the nature of the area, the population size, revenue, flexibility and efficiency in the administration of the Tambon Council.

Section 37

The Ministry of Interior shall arrange for Treasury, accounts and other financial inspections of the Tambon Council.

Part 4

Supervision of the Tambon Council

Section 38

The District Officer has the power of supervising the performance of duties of the Tambon Council to be in accordance with the law and the rules and Regulation of the service.

Where it is apparent that the operations of the Tambon Council are not in accordance with the law, create or may create damage to the service, or are not in accordance with the rules and Regulations of the service, the District Officer has the power to temporarily halt such operations and report the facts to the Changwat governor for decision.

Where the Changwat Governor finds that the operations of the Tambon Council are not in accordance with the law, create or may create damage to the service, or are not in accordance with the Rules and Regulations of the service, the Changwat Governor has the power to order that the Tambon Council cease such operations.

Where the Changwat Governor finds that the operations of the Tambon Council are lawful, the Changwat Governor shall revoke the halting of the operations by the District Officer. However, if the District Officer fails to report to the Changwat Governor within 15 days from the date of the halting or the Changwat Governor does not make a decision within 30 days from the date of receiving the matter, the halting by the District Officer and the power to order of the Changwat Governor shall terminate as from such time limit.

Section 39

Where it is apparent that the Tambon Council has acted in violation of public order or the welfare of the people or neglects to comply with or does not carry out its powers and duties properly, the Changwat Governor may order the dissolution of the Tambon Council upon the recommendation of the District Officer. If the Changwat Governor does order the dissolution of the Tambon Council, the Tambon Council shall continue to be composed of all the ex officio members until there is a new election of the elected members.

Where the Tambon Council is dissolved under paragraph one as a result of an act by the Kamnan, a village headman or the Tambon doctor, who are ex officio members, or such persons have jointly acted, the Changwat Governor shall order their dismissal from the positions of the Kamnan, village headman or the Tambon doctor, as the case may be, on the ground of being defective in behavior or competency and being unsuitable for the position under the law on local government. If the ex officio members remaining are less than one-half their full member, the Changwat governor shall appoint the number of persons he finds reasonable to perform the duties jointly with the remaining ex officio members until there are new elections of the Kamnan, village headman or the Tambon doctor, and the elected members.

Chapter 2

Tambon Administrative Authority

Section 40

A Tambon Council with an average annual revenue, not including subsidies, of not less than 150,000 Baht over the past three budget years, or following the criterion for average revenue in paragraph two, can be set up as a Tambon Administrative Authority by a Notification of the Ministry of Interior announced in the Government Gazette. The Notification shall give the name and territory of the Tambon Administrative Authority, among other things.

Any change to the criterion for the average revenue of a Tambon Council under paragraph one shall be made by a Notification of the Ministry of Interior announced in the Government Gazette.

Section 41

A Tambon Council that has been set up a Tambon Administrative Authority under Section 40 shall cease to be a Tambon Council as from the date of the Notification thereof.

All budgets, property, rights, claims, debt and officers of the Tambon Council under paragraph one shall be transferred to the Tambon administrative Authority.

[The following sections have been added]

Section 41 bis

A Tambon Council or Tambon Administrative Authority may amalgamate with a Tambon Administrative Authority with adjoining borders and in the same Amphur pursuant to the intention of the people in that Tambon; and Section 40 and Section 41 shall apply *mutatis mutandis*.

Section 41 ter

A Tambon Council or Tambon Administrative Authority may amalgamate with a local administrative unit with adjoining borders and in the same Amphur pursuant to the intention of the people in that Tambon by enacting a Royal Decree. The new borders of the local administrative unit shall be included in the Royal Decree.

The provisions of Section 41 and paragraph two and paragraph three of Section 42 shall apply *mutatis mutandis* to amalgamation under paragraph one.

Section 41 Quarter

Any Tambon Administrative Authority with a population of less than two thousand, thus being unable to administer the area efficiently as a Tambon administrative Authority, can be dissolved by the Ministry of Interior by amalgamating the area with another Tambon Administrative Authority with adjoining borders and in the same Amphur or by enacting a Royal Decree. The area shall be included with a local administrative unit with adjoining borders and in the same Amphur pursuant to the intention of the people in that Tambon. This shall be done within ninety days from the date of the event.

The provisions of Section 41 and of paragraph two and paragraph three of Section 42 shall apply *mutatis mutandis* to the dissolution and amalgamation of two Tambon Administrative Authorities or of a Tambon Administrative Authority with a local administrative unit, as the case may be, under paragraph one.

Section 42

Subject to the law on municipalities, a Tambon Administrative Authority can be set up as a municipality by enacting a Royal Decree.

A Tambon Administrative Authority set up as a municipality under paragraph one shall cease to be a Tambon Administrative Authority as from the date of publication of the Royal Decree.

All budgets, property, rights, claims, debts and Tambon officers and employees of the Tambon Administrative Authority under paragraph one shall be transferred to the municipality.

All Tambon regulations in prior force on any matter shall temporarily remain in force until new municipal ordinances have been in respect thereof.

Section 43

A Tambon Administrative Authority is a juristic person and a local government administration.

Section 44

A Tambon Administrative Authority is composed of a Tambon Administrative Authority Council and a Tambon Administrative Authority Administrative Committee.

Part 1
Tambon Administrative Authority Council

Section 45

The Tambon Administrative Authority Council is composed of members, two from each hamlet, elected by persons with the right to elect in each hamlet in the Tambon Administrative Authority's territory.

Where the territory of any Tambon Administrative Authority has only one hamlet, the Tambon Administrative Authority Council is composed of six members, and where there are only two hamlets, it is composed of three members from each hamlets.

The rules and procedures for candidacy and elections shall be in accordance with the law on the law on elections for local councils or local administrators.

The term of the Tambon Administrative Authority Council is four years from the Election Day.

[as amended]

Section 46

The Tambon Administrative Authority Council has the following powers and duties:

- (1) give approval to Tambon development plans so as to serve as a guide for administering the business of the Tambon Administrative Authority;
- (2) consider and give approval to draft Tambon regulations, draft annual expenditure budget regulations and draft additional expenditure budget regulations; and
- (3) control the performance of work by the Administrative Committee to be in accordance with the policies and Tambon development plans under (1) and the laws, Rules and Regulations of the service.

Section 47

The provisions of Section 8, Section 13, Section 14, and Section 15 and shall apply *mutatis mutandis* to persons with the right to elect members of the Tambon Administrative Authority Council and to elections of the members of the Tambon Administrative Authority Council.

[as amended]

[The following Sections have been added]

Section 47 bis

A candidate for election to be a member of the Tambon Administrative Authority Council must,

- (1) be qualified under Section 9 (1) and (2)
- (2) not be disqualified under Section 9 (3), (4), (5), (6), (7), (9) or (10)
- (3) with no direct or indirect interest in contracts with the Tambon Administrative Authority or in businesses done for the Tambon Administrative Authority;
- (4) has never been dismissed by order of the Changwat Governor from the position of Kamnan, village headman or Tambon doctor unless five years have passed from the date of dismissal to the date of registering the candidacy;
- (5) has never been removed from being a member of the Tambon Council or of the Tambon Administrative Authority Council by a resolution of the Tambon Council or Tambon Administrative Authority Council, unless five years have passed from the date of dismissal to the date of registering the candidacy;

Section 47 ter

Membership of the Tambon Administrative Authority Council comes to an end upon,

- (1) retirement at the end of term of the Tambon Administrative Authority Council or the Tambon Administrative Authority Council is dissolved;
- (2) death;
- (3) resignation by tendering the letter of resignation to the District Officer; and the case the date of vacating the position is the day of resignation;
- (4) has a direct or indirect interest in a contract with the Tambon Administrative Authority or in a business done for such Tambon Administrative Authority;
- (5) disqualified under Section 47 bis;
- (6) has not stayed in the hamlet that elected him for more than six consecutive months;
- (7) has been absent from meeting of the Tambon Administrative Authority Council three consecutive times without good reason;
- (8) the Tambon Administrative Authority Council resolved to remove him from his position because of detrimental behavior or causing unrest in the Tambon Administrative Authority, or for an act detrimental to the interest of the Tambon Administrative Authority Council; provided that at least one-third of the incumbent Tambon Administrative Authority Council members subscribe their names to a request that the Tambon Administrative Authority Council considers (the matter) by a vote carried by at least three-fourths of the incumbent Tambon Administrative Authority Council members; or
- (9) the people with the right to elect in the Tambon Administrative Authority territory vote to retire him from the position under the law on voting to retire members of local councils of local administrators.

Where it is suspected that the membership of any member of the Tambon Administrative Authority Council has come to an end under (4), (5), (6) or (7), the District Officer shall inquire and decide without delay. The decision of the District Officer is final.

Where the membership of any member of the Tambon Administrative Authority Council has come to an end under (8), such member can appeal against or protest the resolution of the Tambon Administrative Authority Council to the Changwat governor shall inquire and decide without delay. In such case, Section 14, which applies mutates mutandis to Section 47, need not be followed until the Changwat Governor has made his decision.

Where the membership of the members of the Tambon Administrative Authority Council has come to an end under (9), the Tambon Administrative Authority Council shall be deemed dissolved.

Section 48

The Tambon Administrative Authority Council has a chairman and one vice-chairman elected from its members. The District Officer shall appoint the chairman and vice-chairman pursuant to a resolution of the Tambon Administrative Authority Council.

Section 49

The chairman and vice-chairman of the Tambon Administrative Authority Council shall hold their positions for a term of two years as from the day of their election.

Section 50

Apart from vacating their positions at the end of term, the chairman and vice-chairman of the Tambon Administrative Authority Council vacate their positions upon:

- (1) resigns by tendering the letter of resignation to the District Officer; and in this case the date of vacating the position is the day of resignation;

- (2) ceases to be a member of the Tambon Administrative Authority Council under Section 12 which applies mutates mutandis to Section 47; or
- (3) holds the position of Member.

Section 51

Where the position of chairman or vice-chairman of the Tambon Administrative Authority Council becomes vacant for a reason other than the end of term, there shall be an election of a replacement within 15 days from the date of the vacancy. The person so elected shall hold the position for the remaining term of the person whom he replaced.

Section 52

It is the duty the chairman of the Tambon Administrative Authority Council to conduct meetings in accordance with the regulations for meetings that the Ministry of Interior stipulates.

It is the duty of the vice-chairman of the Tambon Administrative Authority Council to do business on behalf of the chairman when the chairman of the Tambon Administrative Authority Council is absent from a meeting or cannot perform the duties, or as entrusted by the chairman of the Tambon Administrative Authority Council.

Where the chairman and vice-chairman of the Tambon Administrative Authority Council are absent from a meeting, the members present shall elect a member to preside over the meeting.

Section 53

In one year there shall be two or several sessions of general meetings as determined by the Tambon Administrative Authority Council, but not more than four. The commencement date of the annual general meeting session shall be as determined by the Tambon Administrative Authority Council.

The first meeting of the Tambon Administrative Authority Council shall be held within 45 days from the date of the election of the members.

One general meeting session shall not be more than 15 days. If it is to be extended, the permission of the District Officer is required.

Section 54

The chairman of the Tambon Administrative Authority Council shall convene the meetings of the Tambon Administrative Authority Council according to the sessions and shall open and close such meetings.

Where there is not yet a chairman of the Tambon Administrative Authority Council, or where the chairman of the Tambon Administrative Authority Council fails to convene a meeting according to the law, the District Officer shall convene the meeting and shall open and close such meetings.

Section 55

Apart from the general meeting sessions, when it is found necessary in the interests of the Tambon Administrative Authority, the chairman of the Tambon Administrative Authority Council, the Chairman of the Administrative Committee, or at least one-half the incumbent members of the Tambon Administrative Authority Council may make a motion and file it with the District Officer asking to open an extraordinary meeting. The District Officer shall consider it and if he finds it reasonable shall convene an extraordinary meeting.

An extraordinary meeting session shall not be more than 15 days. If it is to be extended, the permission of the District Officer is required.

Section 56

At a meeting the Tambon Administrative Authority Council, the presence of not less than one-half of the total number of incumbent members is required to constitute a quorum.

The provisions of paragraph two and paragraph three of Section 18 shall apply *mutatis mutandis* to meetings of the Tambon Administrative Authority Council.

Section 57

The Tambon Administrative Authority Council shall elect one member to be the secretary.

The member elected to be secretary under paragraph one can not continue to be a Member at the same time.

The duties of the secretary are to be responsible for the administration and holding meetings, and any other work entrusted by the Tambon Administrative Authority Council.

Part 2

The Tambon Administrative Authority Council Administrative Committee

Section 58

The Tambon Administrative Authority Council Administrative Committee is composed of one Chairman and two Members elected by Tambon Administrative Authority Council from its members and proposed to the District Officer for appointment.

Tambon Administrative Authority deputy shall be the secretary.

The meetings and operations of the Administrative Committee shall be in accordance with the Rule of the Ministry of Interior.

[as amended]

Section 59

The Administrative Committee has the following powers and duties:

- (1) administer the business of Tambon Administrative Authority in accordance with the resolutions, regulations and Tambon development plans; and is responsible to Tambon Administrative Authority Council for the administration of for the business of Tambon Administrative Authority;
- (2) prepare and make Tambon development plans and annual expenditure budgets for Tambon Administrative Authority Council to consider giving approval;
- (3) report on the performance of work and use of money to the Tambon Administrative Authority Council at least twice a year; and
- (4) perform other duties as entrusted by the service.

Section 60

The Chairman shall represent the Tambon Administrative Authority.

When there is no Chairman or there is one but he cannot perform his duties, the Administrative Committee shall appoint a Member to be the acting Chairman.

In the case there is a law, Rule, Regulation, provision or Order appointing the Chairman to be a member or to have powers and duties of some kind, the person acting for him shall do the duty of being the member or have the powers and duties in the same way as the Chairman while acting for him.

[Section 61 to Section 63 have been repealed]

Section 64

The Administrative Committee shall vacate office upon:

- (1) the end of term of the Tambon Administrative Authority Council;
- (2) the Tambon Administrative Authority Council being dissolved;

- (3) membership of the members of the Tambon Administrative Authority Council coming to an end under Section 47 ter (9);
- (4) the Changwat Governor giving the order for the Administrative Committee (Members) to vacate office under Section 92;
- (5) resignation by the Administrative Committee; and in such case the office has been vacated as from the date the Administrative Committee so resolved;
- (6) the membership of the Chairman coming to an end;
- (7) the Tambon Administrative Authority Council resolving that the office be vacated by a vote of at least two-thirds the total number of the incumbent Members; or
- (8) the Tambon Administrative Authority Council resolving not to accept the principle of a draft annual expenditure budget regulation or draft additional expenditure budget regulation submitted by the Administrative Committee when the Changwat Governor agrees with the Tambon Administrative Authority Council or the Tambon Administrative Authority Council not accepting the principle of such draft expenditure budget regulation by a vote of at least two-thirds the total number of the incumbent members.

Where the Administrative Committee vacates office under (1), (2), (3), (5), (6), (7) or (8), it must stay in office to carry on the business until the newly appointed Administrative Committee takes up its duties.

Where the Administrative Committee vacates office under (4), (5), (6), (7) or (8), Tambon Administrative Authority Council shall elect its members to be the new Administrative Committee and propose it to the District Officer for appointment within 15 days from the date the office became vacant. If there is no appointment of the new Administrative Committee within 15 days because of an important reason on the part of the Tambon Administrative Authority Council, the District Officer shall refer the matter to the Changwat Governor for an order to dissolve the Tambon Administrative Authority Council.

If the Changwat Governor orders that the Tambon Administrative Authority Council be dissolved under paragraph three, or if the Administrative Committee vacates office under (2) or (3) and the District Officer finds that allowing the Administrative Committee, while performing its duties under paragraph two, to continue to do business would only damage the Tambon Administrative Authority or the government service, then the District Officer can order that the Administrative Committee cease its duties and appoint persons fit to be one Chairman and two Members to compose the Administrative Committee to temporarily do the business until the new Administrative Committee is appointed and takes up the duties.

While there is no Administrative Committee, the Tambon Administrative Authority deputy shall temporarily do the duties of Chairman to the extent necessary until the new Administrative Committee is appointed and takes up the duties.[as amended]

Section 64 bis

In addition to what has been provided in Section 64, individual membership of the Administrative Committee comes to an end upon:

- (1) ceasing to be a member of the Tambon Administrative Authority ;
- (2) resignation by tendering the letter of resignation to the District Officer; and in this case the date of vacating the office is the day of resignation;
- (3) the Changwat governor giving the order for the Member to vacate office under Section 92;
- (4) Tambon Administrative Authority Council resolving that the office be vacated by a vote of at least three-fourths the total number of the incumbent members; or
- (5) the people with the right to elect in the territory of the Tambon Administrative Authority vote that (the Member) vacate office under the law on voting for local council members or local administrators.

Where any Member's membership comes to an end (4), such Member may appeal against or protest the resolution of the Tambon Administrative Authority Council to the Changwat Governor within fifteen days from the date of the resolution. In doing so, the points of protest, the facts and the points of law in support shall be given. The Changwat Governor shall inquire and decide without delay. In such case, the election of a replacement Member need not be done until the Changwat Governor has made his decision.

Section 65

In performing their duties under this Act, the members of the Tambon Administrative Authority Council and the Members are Competent Officials under the Criminal Code.

Part 3

Powers and Duties of the Tambon Administrative Authority

Section 66

The Tambon Administrative Authority has powers and duties in the Tambon's economic, social and cultural development.

Section 67

Subject to the law, it is the duty of the Tambon Administrative Authority to do the following in its territory:

- (1) provide and maintain waterways and land routes;
- (2) keep the roads, waterways, paths and public places clean, and also provide garbage and night soil services;
- (3) prevent and stop communicable diseases;
- (4) provide public disaster relief;
- (5) promote education, religion and culture;
- (6) promote the development of women and children, the youth, the elderly and the handicapped;
- (7) protect, look after and maintain natural resources and the environment; [as amended]
- (8) maintain art, customs, local knowledge and local culture; and
- (9) perform other duties as entrusted by the service with a budget allocation or personnel when necessary and as appropriate.

Section 68

Subject to the law, the Tambon Administrative Authority may do the following business in its territory:

- (1) provide water for consumption and agriculture;
- (2) provide and upkeep power or lighting in other ways;
- (3) provide and maintain drains;
- (4) provide and upkeep meeting places, sport, recreation and public park;
- (5) provide and promote farmer's groups and cooperative businesses;
- (6) promote family industries;
- (7) upkeep and promote occupations;
- (8) protect, look after and maintain property that is domaine public of State;

- (9) seek benefits from property belonging to the Tambon Administrative Authority ;
- (10) provide markets, berths or docks for vessels and fording places;
- (11) business concerning commerce;
[as amended]
- (12) tourism; and
- (13) town and country planning.

Section 69

The powers and duties the Tambon Administrative Authority under Section 66, Section 67 and Section 68 do not prejudice the powers and duties of the Ministries, departments, or State organizations or agencies in doing any business for the benefit of the people in the Tambon, provided that they notify the Tambon Administrative Authority in advance as is reasonable. In such case, if the Tambon Administrative Authority has opinion on doing such business, the Ministry, department, or State organization or agency shall use such opinion (among others) to support its consideration for doing such business.

Section 70

In the interests of performing the duties under this Act, the Tambon Administrative Authority has the right to acknowledge the data and information of the service in matters concerning its doing business in the Tambon, unless such data and information is confidential and concerns national security.

Section 71

Tambon Administrative Authority can issue Tambon regulations with force in the Tambon to the extent that such is not contrary to the law or the powers and duties of the Tambon Administrative Authority. In this regard, fees can be fixed for collection, as can penalties for violation. However the punishment set shall be a fine and shall not exceed five hundred Baht.

The draft Tambon regulation can be submitted only by the Administrative

Committee or members of the Tambon Administrative Authority, or the people in the territory of the Tambon Administrative Authority under the law concerning subscribing for the local council to consider in issuing local ordinances. [as amended]

Where both the Tambon Administrative Authority Council and the District Officer approve the draft Tambon regulation under paragraph one, the Chairman of the Administrative Committee shall sign it and announce it as Tambon regulation.

If the District Officer does not agree with any draft Tambon regulation, it shall be sent back to the Tambon Administrative Authority Council within 15 days from the date that the District Officer received it for the Tambon Administrative Authority Council to review it. However, if the draft has a penalty provision under paragraph one, when the District Officer does not approve it the matter is closed.

When the Tambon Administrative Authority Council has reviewed the draft Tambon regulation under paragraph four and resolves to confirm it with an affirmative vote of at least two-thirds the total number of incumbent members, the Chairman shall sign it and announce it as Tambon regulation, even without the approval of the District Officer. If the Tambon Administrative Authority Council does to confirm the draft within 30 days from the date of receiving it from the District Officer, or confirms it with a vote of less than two-thirds the total number of incumbent members, the matter is closed.

Section 72

The Tambon Administrative Authority shall have Tambon staff and business administration may be divided into:

- (1) officer of the Tambon Administrative Authority deputy; and

(2) divisions set up by the Tambon Administrative Authority.

The Rules for Tambon staff shall be enacted as a Royal Decree.

In the interests of the business of the Tambon Administrative Authority, it may ask civil servants, officers or employees of a government unit, State agency or State enterprise, or a local government administrative authority unit to hold a position or perform the business of the Tambon Administrative Authority on a temporary basis by **seconment**. The Changwat Governor shall have the power to permit this as necessary. If the civil servant is not under the power of the Changwat Governor, the Ministry of Interior shall make an agreement with the agency concerned before the appointment of such civil servant.

Section 73

The Tambon Administrative Authority may do business outside its territory or jointly with (another) Tambon Council, Tambon Administrative Authority, or Changwat Administrative Authority, or another local government administrative authority unit outside its territory, upon obtaining the consent of the Tambon Council, Tambon Administrative Authority, or Changwat Administrative Authority, or other local government administrative authority unit, concerned, provided that the business is necessary and must be done and that it involves the businesses within the power and duty of the Tambon Administrative Authority.

Part 4

Revenue and Expenses of the Tambon Administrative Authority

Section 74

When the local development tax, house and land tax, signboard tax, killing animals tax and fees, as well as other benefits from killing animals, have been collected in the Tambon Administrative Authority territory under the law concerned, it shall be revenue of the Tambon Administrative Authority.

In collecting the local development tax and house and land tax belonging to the Tambon Administrative Authority under paragraph one, the Chairman has the same powers and duties as the Major under the laws on the local development tax and house and land tax. The Administrative Committee and the Tambon Administrative Authority have the power to decide on applications to reconsider the assessment of the house and land tax in the territory of the Tambon Administrative Authority, unless the law provides otherwise. The Tambon Administrative Authority may empower other State agencies with the powers and duties to do the foregoing. The expenses can be deducted as provided for in Section 81.[as amended]

Section 75

The tax and fees for automobiles and cycles collected in the Changwat shall be allocated to the Tambon Administrative Authority following the rules and procedures provided in the law governing such.

Section 76

The Tambon Administrative Authority has the power to issue Tambon regulations on collecting taxation and fees in addition but not exceeding 10 % as follows:

- (1) specific business tax under the Revenue Code when the businesses establishments is in the Tambon Administrative Authority (territory);
- (2) permit fees for selling spirits under the law on spirits when the shop is in the Tambon Administrative Authority (territory); and
- (3) permit fees for gambling under the law on gambling when the gambling den is in the Tambon Administrative Authority (territory).

In paying the taxation and fees in this Section, a fraction of a Baht shall be rounded off.

The taxation and fees under this Section are the taxation and fees under the laws governing such.

Section 77

The revenue from the fees under the law on underground water, duty, concessions, permits and licenses under the law on fisheries, royalties and fees under the law on forestry, and fees for registering rights and juristic acts under the Land Code collected in any Tambon Administrative Authority (territory) is the revenue of such Tambon Administrative Authority .

[as amended]

Section 78

The royalties for minerals under the law on minerals and for petroleum under the law on petroleum when collected by any Tambon Administrative Authority under the laws governing such shall be allocated to such Tambon Administrative Authority following the rules and procedures stipulated in Ministerial Regulations.

Section 79

The Tambon Administrative Authority following the rules and procedures stipulated in Ministerial Regulations shall share any money collected under the law on national parks in the Tambon Administrative Authority (territory).

Section 80

The Tambon Administrative Authority has the power to issue Tambon regulations on collecting VAT at a higher rate than under the Revenue Code, as follows:

- (1) if the Revenue Code collects VAT at the zero so shall the Tambon Administrative Authority; and
- (2) if the Revenue Code collects VAT at another rate, the Tambon Administrative Authority can collect one-ninth of the VAT rate under the Revenue Code.

The additional VAT collected under this Section is VAT under the Revenue Code.

Section 81

The Tambon Administrative Authority can give a ministry or department with the duty of collecting taxation or fees (the power to) collect taxation or fees for the Tambon Administrative Authority .In such case, after deducting the expenses as stipulated in Ministerial Regulations, the ministry or department shall deliver (the remainder) to the Tambon Administrative Authority .

Section 82

The Tambon Administrative Authority may have the following revenue:

- (1) revenue from the property of the Tambon Administrative Authority;
- (2) revenue from public utilities belonging to the Tambon Administrative Authority;
- (3) revenue from business relating to commerce by the Tambon Administrative Authority;
- (4) fees, permit fees and fines as provided by law;
- (5) money and other property donated;
- (6) other revenue that the Government or State agency allocates;
- (7) Government subsidies; and
- (8) other revenue belonging to the Tambon Administrative Authority as provide by a law.

Section 84

The revenue of the Tambon Administrative Authority shall be tax exempt by enacting a Royal Decree under the Revenue Code.

Section 85

The Tambon Administrative Authority may have the following expenditures:

- (1) salaries;
- (2) wages;
- (3) other remuneration;
- (4) sundries;
- (5) cost of materials;
- (6) cost of durable articles;
- (7) cost of land, constructions and other property;
- (8) cost of public utilities;
- (9) subsidies (for) other agencies; and
- (10) any other expenses from commitments or as the law or Rules of the Ministry of Interior stipulate.

Section 86

The remuneration for the Chairman, members and secretary of the Tambon Administrative Authority Council, and Members and the secretary of the Administrative Committee shall be in accordance with the Rules of the Ministry of Interior.

Section 87

The annual expenditure budget and additional expenditure budget of the Tambon Administrative Authority shall be prepared and made as regulations and can be proposed only by the Administrative Committee following the Rules (sic) and procedures stipulated in Ministerial Regulation.

If during any budget year the budgeted expenses are insufficient for use in the budget year, or if it is necessary to add new expenses during the budget year, prepare and make an additional expenditure budget regulation.

When the Tambon Administrative Authority Council has agreed with the draft budget regulation, it shall be sent to the District Officer for approval. If the District Officer does not approve it, he shall return it to the Tambon Administrative Authority Council for reconsideration within 15 days from the date of his receipt of the draft regulation.

Where the Tambon Administrative Authority Council resolves to confirm the draft budget regulation, the District Officer shall send the draft to the Changwat Governor within 15 days from the date the Tambon Administrative Authority Council so resolved. If the Changwat Governor agrees with the draft he shall send it to the District Officer for signing and approval. If the Changwat Governor does not agree with the draft regulation, the matter is closed.

When considering the draft budget regulation, the Tambon Administrative Authority Council must complete its consideration within 30 days from the date of its receipt. Failing which it shall be deemed that the Tambon Administrative Authority Council has approved what the Administrative Committee proposed and action shall be taken as provided in paragraph three.

If the annual expenditure budget regulation is issued late, and not in time for the New Year, continue to use the current budget regulation for the time being.

Section 88

The Rules on Treasury, budgets, transfer of management of property, purchase, hire, remuneration and wages shall be in accordance with the Rules of the Ministry of Interior.

The Ministry of Interior can issue Rules concerning other operations of the Tambon Administrative Authority for the Tambon Administrative Authority to perform and obey

In issuing the Rules under paragraph one and paragraph two, regard shall be given to freedom, flexibility and efficiency in the business administration of the Tambon Administrative Authority.

Section 89

The provisions of Section 37 shall apply *mutatis mutandis* to Treasury, accounts and other financial inspections of the Tambon Administrative Authority.

Part 5

Supervising the Tambon Administrative Authority

Section 90

The District Officer has the power to supervise the performance of duties of the Tambon Administrative Authority to ensure that they are in accordance with the law and the Rules and Regulations of the service.

In carrying out the powers and duties of the District Officer under paragraph one, the District Officer has the power to summon members of the Tambon Administrative Authority Council, Members, Tambon staff and employees of the Tambon Administrative Authority to appear and explain or for an inquiry, and to summon the Tambon Administrative Authority to provide reports and documents for inspection.

Section 91

In order to protect the interest of the people in the territory of the Tambon Administrative Authority or of the country, the District Officer can report and present his opinions to the Changwat Governor in order to dissolve the Tambon Administrative Authority Council.

In a case under paragraph one or another case this Act, the Changwat Governor has the power to dissolve the Tambon Administrative Authority Council and give the reason in his order.

Where the Tambon Administrative Authority Council is dissolved or deemed dissolved under this Act there shall be an election of the members of the new Tambon Administrative Authority Council within 45 days.

Section 92

Where it is apparent that the Administrative Committee has acted in violation of public order or the welfare of the people or neglects to comply with or does not carry out its powers and duties properly, the Changwat governor may order the entire Committee or some of its Members to vacate their offices upon the recommendation of the District Officer. In such case, the Tambon Administrative Authority Council shall elect (from) its members the new Members within 15 days.

Transitory Provisions

Section 93

All qualified members of the Tambon Council under the NEC 326 dated 13 December 1972 holding office prior to the date this Act comes into force and staying in the Tambon under

this Act shall be deemed elected members of the Tambon Council under this Act until they vacate office at the end of term under the NEC 326 dated 13 December 1972 or vacate office under Section 12 of this Act.

Section 94

All and any provisions of law that refer to qualified members of the Tambon Council shall mean elected members of the Tambon Council under this Act.

Section 95

Where any Tambon Council under the NEC 326 dated 13 December 1972 has an average revenue (but) not including subsidies over the three previous budget years prior to the date this Act is published in the Government Gazette of not less than 150,000 Baht per annum, the Ministry of Interior shall proceed to set it up as a Tambon Administrative Authority under this Act within 90 days from the date this Act comes into force.

The Ministry of Interior shall announce the names of the Tambon Councils set up as a Tambon Administrative Authority under paragraph one to completion on or before this Act comes into force.

While the Tambon Administrative Authorities under paragraph one being set up, Section 6 shall not apply to the Tambon. The Tambon Council under the NEC 326 dated 13 December 1972 shall continue to perform its duties under the NEC until the first meeting of the Tambon Administrative Authority Council.

When the Tambon Administrative Authority under paragraph one has been set up, all right to the budget or subsidies, property, right, claims, debts and officers of the Tambon Council under the NEC 326 dated 13 December 1972 shall be transferred to the Administrative Authority that has been set up.

During the first four years from the date this Act comes into force, the provisions of paragraph two of Section 58 shall not apply to the Tambon Administrative Authority that has been set up under paragraph one or under this Act. The Kamnan shall be the Chairman of the Administrative Committee ex officio.

Countersigned by

Deputy Prime Minister

[The Tambon Council and Tambon Administrative Authority Act, B.E. 2537 has been amended by the Tambon Council and Tambon Administrative Authority Act (No.2), B.E. 2538 and the Tambon Council and Tambon Administrative Authority Act (No.3), B.E. 2542. The Amendment Act (No.3), B.E. 2542 includes the following new transitory provisions:

Section 22

During the first four years from the date this (Amendment) Act comes into force, the provisions of Section 47 bis. (2) for disqualification under Section 9 (6) shall not apply to candidates for election as members of the Tambon Administrative Authority Council. If a person holding officer (comes) under Section 9 (6) (and) is elected as a member of the Tambon Administrative Authority Council, he shall vacate the position under Section 9 (6) as from the date of the election.

Section 23

All members of the Tambon Administrative Authority Council and Members holding a position or office on the day for whatsoever reason, no election is required to elect a replacement and the Tambon Administrative Authority Council shall be composed of the incumbent members.

Where the member of the Tambon Administrative Authority Council vacating office under paragraph two is the Chairman or a Member as well, the Tambon Administrative Authority Council shall elect one of its incumbent members to the office within 15 days from the date of vacancy.

The Chairman or Member so elected as a replacement shall hold office for the remaining term of the person he replaced.

Section 24

If an ex officio member of the Tambon Administrative Authority Council vacates the position before the day that this Act comes into force, it shall be deemed that the Tambon Administrative Authority Council is composed of the incumbent members and all the businesses done by such Tambon Administrative Authority Council within its powers and duties prior to the day that this Act comes into force shall be enforceable.

Section 25

While there is no law on the election of local council members or local administrators, the law on the election of members of municipal council shall apply mutates mutandis to the election of members of the Tambon Administrative Authority Council, and the powers and duties of the Changwat Governor under the law on the election of municipal council members shall be powers of the District Officer; while the security collected for membership is exempted.

For the election of members of the Tambon Administrative Authority Council under Section 45, the territories of each of the hamlets in the Tambon Administrative Authority shall be deemed to be the constituencies.

The candidacy and voting slips for the election of members of the Tambon Administrative Authority Council shall be in accordance with what the Ministry of Interior prescribes.

Section 26

When there is ground for any Tambon Administrative Authority to be dissolved and combined with (any) Tambon Administrative Authority or local government administrative unit under Section 41 Quarter before this Act comes into force, proceed under Section 41 Quarter and complete it within 90 days from the date this Act comes into force.

Section 27

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

Countersigned by

CHUAN LEEKPAI

Prime Minister

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