

Act Amending the Code of Criminal Procedure (No. 29),
B.E. 2551 (2008)

Translation

BHUMIBOL ADULYADEJ, REX.

GIVEN UNDER MY HAND THIS 31ST DAY OF JANUARY, BE 2551 (2008);

BEING THE 63RD YEAR OF MY REIGN.

H IS MAJESTY KING BHUMIBOL ADULYADEJ is graciously pleased to proclaim that:
WHEREAS it is desirable to amend the Code of Criminal Procedure;
BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1

This Act shall be cited as the "Act Amending the Code of Criminal Procedure (No. 29), B.E. 2551 (2008)".

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The provisions of Section 20 of the Code of Criminal Procedure shall be repealed and replaced by the followings:

"Section 20

"Where an offence punishable under Thai law is committed outside the Kingdom of Thailand, the Attorney General or his substitute shall be responsible for an inquiry into such offence. But he may authorize any public prosecutor or judicial police officer to conduct that inquiry on his behalf.

"In cases the Attorney General or his substitute authorizes any judicial police officer take charge of the inquiry; he may also authorize any public prosecutor to take part therein with the judicial police officer.

"The public prosecutor authorized to carry out or take part in the inquiry shall assume the same authority as a judicial police officer and all other authority bestowed on him by the legal provisions.

"If a public prosecutor takes part in an inquiry with a judicial police officer, the latter shall adhere to the orders and instructions given by the former in respect of the collection of evidence.

"In case of need, the following judicial police officers shall be permitted to hold an inquiry pending any order of the Attorney General or his substitute:

- (1) The judicial police officer in whose territorial jurisdiction the accused is arrested;
- (2) The judicial police officer requested by the foreign government or victim to prosecute the accused.

"Finding that the inquiry is completed, the public prosecutor or judicial police officer responsible therefore, as the case may be, shall make an opinion pursuant to Section 140, Section 141 or Section 142 and submit it together with the file to the Attorney General or his substitute."

Countersigned by

General Surayut CHULANON,

Prime Minister.

Remarks:

The grounds for promulgation of this Act are as follows:

Since it is expedient to amend the criteria governing an inquiry into an offence punishable under Thai law and committed outside the Kingdom, as set forth in section 20 of the Code of Criminal Procedure, in order that the Attorney General or his substitute would be invested with the power to authorize any public prosecutor or judicial police officer to take charge of the inquiry on his behalf or authorize any public prosecutor to take part in such inquiry with a judicial police officer, and that the said inquiry would become more expeditious and efficacious, it is therefore necessary to enact this Act

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