

**Act Promulgating the Criminal Procedure Code, B.E. 2477 (1934)**

**Translation**

IN THE NAME OF HIS MAJESTY KING ANANDA MAHIDOL,  
THE COUNCIL OF REGENCY  
[ACCORDING TO THE NOTIFICATION OF THE PRESIDENT OF THE HOUSE OF  
REPRESENTATIVES DATED MARCH 7, BE 2477 (1934)]:

ANUWAT CHATURON.  
ATHIT THIP APHA.  
CHAO PHRAYA YOMMARAT;  
ENACTED ON THIS 5TH DAY OF JUNE, BE 2478 (1935);  
BEING THE 2ND YEAR OF THE PRESENT REIGN.

WHEREAS the House of Representatives has resolved that it is expedient to promulgate a Criminal Procedure Code.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the House of Representatives, as follows:

**Section 1**

This Act shall be cited as the "Act Promulgating the Criminal Procedure Code, B.E. 2477 (1934)".

**Section 2**

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

**Section 3**

The Criminal Procedure Code as hereto annexed shall enter into force as from October 1, B.E. 2478 (1935).

All courts and officials dealing with criminal cases throughout the Kingdom shall abide by the provisions of such Code, save the courts governed by specific procedures.

All cases pending in courts prior to the date of entry into force of the mentioned Code shall be subject to the laws in force before such date, until they become final.

**Section 4**

Subject to the provisions of Section 3, Section 14, Section 16 and Section 87 to Section 96 of the Penal Code<sup>(1)</sup>, the Interim Criminal Procedure Act, B.E. 2439 (1896), as well as all other laws, bylaws and ordinances dealing with, contrary to or inconsistent with such Code shall be repealed as from the date of entry into force of the said Code.

**Section 5<sup>(2)</sup>**

The President of the Supreme Court of Justice, the Prime Minister, the Minister of Interior and the Minister of Justice shall be in charge of this Act.

The President of the Supreme Court of Justice shall be invested with the power to issue regulations, while the Prime Minister, the Minister of Interior and the Minister of Justice

shall be empowered to issue ministerial regulations, governing the criminal justice in accordance with their respective powers and duties.

Such regulations or ministerial regulations shall, upon their publication in the Government Gazette, come into force.

Countersigned by:

Colonel Phraya Phahon Phon Phayuhasena,  
Prime Minister

### **Note on Amendments**

The Act Promulgating the Criminal Procedure Code (No. 2), B.E. 2548 (2005)<sup>(3)</sup>

### **Section 4**

All ministerial regulations which have been issued in pursuance of the Act Promulgating the Criminal Procedure Code, B.E. 2477 (1934) and are in force on the date of coming into force of this Act shall remain in force mutatis mutandis, in so far as they are not contrary to or inconsistent with the Act Promulgating the Criminal Procedure Code, B.E. 2477 (1934) which has been amended by this Act, until they are repealed and replaced by the newer regulations or ministerial regulations.

### **Section 5**

The President of the Supreme Court of Justice, the Prime Minister, the Minister of Interior and the Minister of Justice shall be in charge of this Act.

Remark:

The grounds for promulgation of this Act are:

As Section 275 of the Constitution of the Kingdom of Thailand<sup>(4)</sup> prescribes that the Office of Courts of Justice is an independent agency directly subsidiary to the President of the Supreme Court of Justice, and the Act Reforming Ministries, Sub-Ministries and Departments, B.E. 2545 (2002), prescribes that the Office of the Attorney-General is a government agency subject to the authority of the Minister of Justice and the National Police Office is a government agency subordinate to the authority of the Prime Minister, it is expedient to amend the Act Promulgating the Criminal Procedure Code, B.E. 2477 (1934), by prescribing the President of the Supreme Court of Justice and the Prime Minister to take charge and control as to their powers and duties. So as to conform to the described circumstance, it is, therefore, necessary to enact this Act.

Published in the Government Gazette: volume 52, page 598, June 10, 1935

Note:

- (1) The Siamese Penal Code as promulgated in 1908 has completely been repealed and replaced by the Criminal Code of Thailand as from January 1, 1957.
- (2) Section 5 has been amended by the Act Promulgating the Criminal Procedure (No. 2), B.E. 2548 (2005).

- (3) Published in the Government Gazette: volume 122, part 6 A, page 14, January 18, 2005.
- (4) The Constitution of the Kingdom of Thailand, B.E. 2540 (1997) has been repealed by the Announcement of the Council for Democratic Reform No. 3 dated September 19, BE 2549 (2006), and replaced by the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) as from August 24, B.E. 2550 (2007).

The provisions of the Constitution of the Kingdom of Thailand, BE 2550 (2007) which are similar to the abovementioned section 222 of the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) appear in section 222, reading:

"The courts of justice shall have their own independent secretariat which shall be governed by a Secretary-General and directly subsidiary to the President of the Supreme Court of Justice..."

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