

**Organic Act on Criminal Procedure for Holders of Political Offices (Amendment),
B.E. 2542 (1999), B.E. 2550 (2007)**

Translation

Bhumibol Adulyadej, Rex.

Given under our Hand this 25th Day of September, B.E. 2550 (2007);

Being the 62nd Year of our Reign

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

Whereas it is desirable to amend the organic law on criminal procedure for holders of political offices;

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 " Organic Act on Criminal Procedure for Holders of Political Offices (Amendment), B.E. 2542 (1999), B.E. 2550 (2007)".

Section 2

This Organic 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of Section 8 of the Organic Act on Criminal Procedure for Holders of Political Offices, B.E. 2542 (1999), shall be repealed and replaced by the followings:

"Section 8

There shall be in the Supreme Court of Justice a Criminal Division for Holders of Political Offices.

For the purpose of conducting the judicial proceedings under this Organic Act, the President of the Supreme Court of Justice shall appoint an appropriate number of judges or senior judges of the Supreme Court of Justice as the regular judges of the Supreme Court of Justice's Criminal Division for Holders of Political Offices who are to carry out the necessary activities pending the formation of a chamber in charge of any specific case according to Section 13."

Section 4

The provisions of Section 13 of the Organic Act on Criminal Procedure for Holders of Political Offices, B.E. 2542 (1999), shall be repealed and replaced by the followings:

"Section 13

Upon institution of a case before the Court, the President of the Supreme Court of Justice shall convoke the Grand Senate of the Supreme Court of Justice and hold an election of the judges in the Supreme Court of Justice ranking not lower than judges or senior judges of the Supreme Court of Justice to form a chamber in charge of such case. The election in this respect must be conducted within fourteen days from the entry of charge.

Any judge desiring not to be elected shall declare his desire to the Grand Senate prior to the polling and the Grand Senate shall decide as to whether his desire be granted. The decision of the Grand Senate shall be final.

The election of judges forming a chamber in charge of each case shall be conducted through secret ballot. The nine judges respectively obtaining the most scores shall form the chamber, but they may not include more than three senior judges of the Supreme Court of Justice. In case of equal scores in any order which cause a surplus in the said number, the President of the Supreme Court of Justice shall conduct sortition to decide which of the persons in question is to be elected.

The judges elected to form a chamber shall have the authority to try and adjudicate the case until they are ordained by this Organic Act to discontinue their functions. In the course of the trial and adjudicate of such case, the judges may not be ordered to carry out work outside the Supreme Court of Justice.

The fact that a judge in the Supreme Court of Justice having been elected to form a chamber has his status changed to a senior judge of the Supreme Court of Justice shall not affect his functions in the chamber and the provisions of paragraph 3 shall not apply."

Countersigned by:

General Surayut Chulanon

Prime Minister

Remark:

The grounds for promulgation of this Act are as follows: Pursuant to the Organic Act on Criminal Procedure for Holders of Political Offices, B.E. 2542 (1999), a chamber to deal with each criminal case against political office holders consists of nine judges in the Supreme Court of Justice ranking not lower than judges of the Supreme Court of Justice. But due to the currently increasing number of the cases before the Supreme Court of Justice, the Court considerably lacks judicial personnel to constitute the chambers. It is appropriate to allow the senior judges of the Supreme Court of Justice under the law on criteria for appointment and tenure of senior judges to participate in forming the chambers in charge of the criminal cases against political office holders. It is therefore necessary to enact this Act.

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