

Unofficial Translation*

WILDLIFE CONSERVATION AND PROTECTION ACT,
B.E. 2535 (1992)

BHUMIBOL ADULYADEJ, REX.

Given on the 19th Day of January B.E. 2535;
Being the 47th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to amend the law on wildlife conservation and protection;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly as follows:

Section 1. This Act is called the “Wildlife Conservation and Protection Act, B.E. 2535”.

Section 2.¹ This Act shall come into force from the day following the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) Wildlife Conservation and Protection, B.E. 2503 (1960);
- (2) Announcement of the Revolution Council No. 228, dated 18th of October, B.E. 2515 (1972).

* Translated by Mr. Watthana Suksiripakonchai and reviewed by Associate Professor Pisawat Sukonthapan under contract for the Office of the Council of State of Thailand’s Law for ASEAN project. –Tentative version –pending review and approval by the Office of the Council of State.

¹ Published in the Government Gazette Vol. 109 Part 15 Page 1, dated 28th February, B.E. 2535 (1992).

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Section 4. In this Act:

“wildlife” means all kinds of animals whether terrestrial animals, aquatic animals, poultry, insects, arthropods which were born naturally and live in the forest or water; the term also include eggs of all kinds of wildlife; however, the term does not include beasts of burden which have been registered under the law on beasts of burden and the offspring of beasts of burden;

“conserved wildlife” means rare wildlife in accordance with the list annexed to this Act and as prescribed by the Royal Decrees;

“protected wildlife” means wildlife as prescribed by the Ministerial Regulations to be protected wildlife;

“hunt” means to collect, trap, catch, shoot, kill or ~~to~~ cause injury by any other means to wildlife which is not owned and living freely; the term shall include chasing, cornering, calling and luring for such acts;

“wildlife carcass” means the body or a part of a body of dead wildlife or meat of the wildlife whether broiled, grilled, smoked, dried, preserved or any other means to stop it from decomposing and whether dissected, separated from or left inside the wildlife body; the term shall also include antlers, skin, bones, teeth, ivory, tusks, horns, hair, scales, claws, carapace, shells or any other part of the wildlife that is separated from the body of the wildlife, whether it is alive or dead;

“breeding” means reproduction of the wildlife taken into care through fertilization; the term shall include the reproduction of wildlife by artificial insemination and embryo transfer;

“to trade” means to purchase, sell, exchange, dispose, distribute, give away, or to transfer rights for commercial purposes; the term shall include possession or display for sale;

“to import” means to import or to order into the Kingdom;

“to export” means to take or to export out of the Kingdom;

“to transit” means to take or transit through the Kingdom;

“wildlife check point” means a check point for inspecting wildlife and carcasses of wildlife;

“public zoo” means a place or an area in which wildlife is collected for the purpose of recreation, study, exploration, or research by the public and is used for breeding wildlife;

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“competent official” means the person appointed by the Minister for the execution of this Act;

“Director-General” means Director-General of the Department of Forestry or the Director-General of the Department of Fisheries for matters related to aquatic animals;

“Committee” means the Committee on Wildlife Conservation and Protection;

“Minister” means the Minister having charge and control of this Act.

Section 5. The Minister of Agriculture and Cooperatives shall have charge and control of this Act and shall have the powers to appoint the competent officials and issue the Ministerial Regulations prescribing fees not exceeding the rates of fees annexed to this Act, to reduce or to waive fees and to prescribe any other operations for the execution of this Act.

The Ministerial Regulations shall come into force upon the publication in the Government Gazette.

CHAPTER I GENERAL PROVISIONS

Section 6. The determination of the kind of wildlife to be protected shall be prescribed in the Ministerial Regulation with the approval of the Committee.

The Ministerial Regulations issued under paragraph one shall come into force of the date specified therein but shall not be enforced sixty days prior to the date of its publication in the Government Gazette.

Section 7. Any person who hunts wildlife in violation of this Act out of necessity and under the following conditions shall not be liable to penalties:

- (1) to protect himself or herself or any other persons from danger or to preserve or maintain his or her assets or assets of another person;
- (2) that hunting is reasonable; and
- (3) in the case where the hunted animal is conserved or protected wildlife, that the hunted wildlife or carcass of the hunted wildlife shall not be moved and the incident shall be reported to the competent official without delay.

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The hunted wildlife or carcass of the wildlife under paragraph one shall become vested in the State and the Department of Forestry or the Director-General of the Department of Fisheries, as the case may be, shall proceed under the Rules prescribed by the Director-General with the approval of the Committee.

Section 8. In the consideration of an application for a licence under this Act, the authorised person shall consider and notify the applicant of the consideration results within sixty days of the date of receiving the application. If the applicant is not notified within the specified time, it shall be deemed that the authorised person has granted the licence and shall issue the licence to that applicant.

Except for licence duration otherwise prescribed in this Act, the licence or certificate under this Act shall be valid for the duration specified in the licence. If the licensee wishes to renew the licence, he or she shall submit a request to renew it before its expiration. After submitting the request to renew the licence, he or she may continue to operate the business until the authorised person disapproves renewal of the licence.

The renewal of the licence, transfer of the licence or certificate, issuance of the substitute for licence or certificate under this Act shall be made in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulation.

CHAPTER II

NATIONAL COMMITTEE ON WILDLIFE CONSERVATION AND PROTECTION

Section 9. There shall be a Committee called “the National Committee on Wildlife Conservation and Protection”, consisting of the Minister of Agriculture and Cooperatives as Chairperson, the Permanent Secretary of the Ministry Agriculture and Cooperatives, the Permanent Secretary of Ministry of Interior, the Permanent Secretary of the Ministry of Foreign Affairs, the Director-General of the Department of Provincial Administration, the Director-General of the Department of Lands, the Director-General of the Department of Fisheries, the Director-General of the Department of Livestock Development, the Director-General of the Customs Department, Director-General of the Department of Foreign Trade as ex officio members. The Council of Ministers shall appoint qualified members of no fewer than five but no more than eleven persons. The Director-General of the Department of Forestry shall be a member of the Committee and serve as the secretary.

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One half of the appointed qualified members under paragraph one shall be appointed from representatives of the associations or foundations related to wildlife.

Section 10. The members appointed by the Council of Ministers shall be in office for a term of two years. The members may be reappointed.

Section 11. In addition to vacating office on the expiration of term under section 10, a member appointed by the Council of Ministers vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Ministers;
- (4) being declared by the Court to be an incompetent person or a quasi-incompetent person;
- (5) being imprisoned due to a final judgment except for an offence committed through negligence or a petty offence.

In the case where a member vacates office before the expiration of the term, the Council of Ministers may appoint a replacement member. The appointee shall be in office for the unexpired term of office of the member he or she replaces.

In the case where the Council of Ministers appoints an additional member during the time the members are still in office, the appointee shall be in office for the expired term of office of the members already appointed.

Section 12. At a meeting of the Committee, if the Chairperson does not attend or is not in the meeting, the Committee shall elect one member to preside over the meeting.

A decision of the meeting shall be made by the majority of the votes.

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

Section 13. At a meeting of the Committee, the presence of no fewer than one-half of members is required to constitute a quorum.

Section 14. The Committee may appoint a sub-committee to consider or perform any tasks as assigned by the Committee.

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Section 15. The Committee shall have the following powers and duties:

(1) to approve specifying wildlife sanctuaries under section 33, specifying areas where wildlife hunting is prohibited (no-hunting zones) and specifying kinds or categories of the wildlife under section 42;

(2) to oversee the implementation of section 35;

(3) to determine operations to promote the maintenance of wildlife sanctuaries and no-hunting zones;

(4) to give an approval in relation to the issuance of Royal Decrees, Ministerial Regulations and Rules for the execution of this Act;

(5) to prescribe rules in inspection and follow-up of the performance for the execution of this Act;

(6) to execute any other acts as prescribed by law to be the duties of the Committee.

CHAPTER III

HUNTING, BREEDING, POSSESSING AND TRADING OF WILDLIFE, CARCASSES OF WILDLIFE AND PRODUCTS MADE FROM CARCASSES OF WILDLIFE

Section 16. No person shall hunt or attempt to hunt conserved wildlife or protected wildlife except otherwise as an official act exempted under section 26.

Section 17. The Minister with the approval of the Committee shall have powers to specify the type of protected wildlife which can be bred as prescribed in the Ministerial Regulations.

Section 18. No person shall breed conserved or protected wildlife unless:

(1) the breeding of protected wildlife is prescribed under section 17 with the licence to breed by the Director-General;

(2) the breeding of conserved or protected wildlife is conducted by a person who has been granted permission to establish and operate a public zoo under section 29 and who has been granted permission by the Director-General to breed conserved or protected wildlife in possession for the benefit of his or her own public zoo.

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The licence application and permission to breed wildlife under paragraph one and acquisition of protected wildlife for breeding by the licensee under (1) shall be performed in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulation. The licensee shall perform in accordance with the terms stipulated in the Ministerial Regulation and conditions prescribed in the licence.

The licence under (1) and (2) shall expire when the licensee notifies the Director-General of the termination of the licensed breeding of wildlife in accordance with the procedures prescribed in the Ministerial Regulation.

Section 19. No person shall possess conserved wildlife, protected wildlife, carcasses of conserved wildlife, or carcasses of protected wildlife unless it is protected wildlife prescribed under section 17 obtained by breeding or the carcasses of such wildlife and he or she shall have a licence from the Director-General. The licensee shall also comply with the terms stipulated in the Ministerial Regulation and conditions prescribed in the licence.

The licence application and permission shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

The provisions in paragraph one and paragraph two shall not apply to:

(1) the possession of protected wildlife by licensed breeders under section 18 (1) whereby such possession is for breeding, obtained by breeding or the carcass of such wildlife;

(2) the possession of conserved wildlife, protected wildlife, carcasses of conserved wildlife, or carcasses of protected wildlife for the operation of a public zoo by a licensee who is permitted to establish and operate a public zoo under section 29 and permitted to display such wildlife or carcasses in the public zoo.

Section 20. No person shall trade conserved wildlife, protected wildlife, carcasses of conserved wildlife, or carcasses of protected wildlife or products made from such wildlife carcasses except if it is the trade of protected wildlife, which is prescribed under section 17 and is obtained by breeding, the carcass of such wildlife or the product made from the carcass of such wildlife. In this regard, that person shall have a licence from the Director-General.

The licence application and permission shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

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Section 21. No person shall collect, harm or possess hives or nests of conserved or protected wildlife.

The provision under paragraph one shall not apply to licensees permitted to collect the nests of swallows under the law on duty of the nests of swallows and to other persons authorised by the licensees. However, such licensed persons shall comply with the Rules prescribed by the Director-General and published in the Government Gazette.

Section 22. No person shall shoot wildlife between sunset and sunrise.

CHAPTER IV
IMPORTING, EXPORTING, TRANSITING, MOVING OF WILDLIFE AND WILDLIFE CHECK
POINTS

Section 23. Subject to the provisions of section 24, no person shall import or export the kind of wildlife or carcasses of wildlife as prescribed by the Minister or transit conserved or protected wildlife or carcasses of such wildlife except otherwise permitted by the Director-General.

Importing or exporting of conserved or protected wildlife or carcasses of such wildlife shall be prohibited unless the protected wildlife, or carcass thereof, is acquired from breeding under section 18 (1) and is permitted by the Director-General.

The licence application and permission shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

Section 24. In the importing, exporting or transiting of wildlife or carcasses of wildlife that requires a licence or certificate to import, export or transit in accordance with the International Agreement on Trade in Endangered Species of Wildlife and Carcasses, such licence or certificate shall be obtained from the Director-General.

The licence application and permission shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

Section 25. The moving of protected wildlife or carcasses of protected wildlife for trade by a licensee under section 20 requires a licence from the Director-General.

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The licence application and permission shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

Section 26. The provisions of section 16, section 18, section 19, section 21 and section 23 shall not apply to acts done by the government for the purpose of exploration, study and academic research, wildlife protection, breeding, or for the operation of public zoos. Permission in writing shall be obtained from the Director-General. In addition, the Rules prescribed by the Minister with the approval of the Committee shall be followed.

If the act done under paragraph one is for a breeding operation by the licensee pursuant to section 18 or for the operation of a public zoo by the licensee to establish and operate a public zoo pursuant to section 29, the Rules prescribed by the Minister with the approval of the Committee shall be followed. The collection and payment of expenses, fees or remuneration and price of the wildlife shall conform to the Rules as well.

Section 27. The Minister shall have the powers to establish Wildlife Checkpoints, specify the area of such checkpoints and publish them in the Government Gazette.

Section 28. Any person who bring conserved wildlife, protected wildlife or carcasses of such wildlife through a wildlife checkpoint shall inform in writing, in accordance with the form prescribed by the Director-General, the competent official at the wildlife checkpoint and present the licence to move such wildlife or carcasses for the purpose of trade, import, export or transit, as the case may be. After the competent official has inspected and granted permission in writing, such wildlife or carcasses can be moved further.

CHAPTER V PUBLIC ZOOS

Section 29. Any person who wishes to establish and operate a public zoo shall obtain a licence from the Director-General.

The licence under paragraph one shall expire when the licensee announces the termination of the operation of the public zoo under section 32.

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The licence application and permission shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

In regard to the operation of a public zoo, the licensee shall comply with the terms stipulated in the Ministerial Regulations and conditions stated in the licence.

Section 30. After receiving a licence, prior to its opening, the licensee shall provide a list of the types and quantities of conserved wildlife, protected wildlife or carcasses of such wildlife in possession and shall present evidence of how the wildlife or carcasses were obtained to the competent official for inspection and registration.

The licensee shall place or exhibit the conserved wildlife, protected wildlife, or carcasses of such wildlife in his or her possession in the public zoo established and shall notify the competent official without delay any increase or decrease in quantity of such conserved wildlife, protected wildlife, or carcasses of such wildlife in possession.

The notification under paragraph one and paragraph two shall be made in accordance with the procedures and time prescribed in the Ministerial Regulations.

Section 31. In the case where it appears that the area of establishment of a public zoo or an animal nursery is in a condition contradictory to the rules, conditions or terms prescribed in the Ministerial Regulations issued under section 29 or is under an environment hazardous to the public who enter into the public zoo or may cause harm or suffering to the wildlife in the public zoo, the Director-General shall have the power to order, in writing, the licensee to improve such condition.

In the case where the licensee fails to comply with the order within the time specified in the order, the competent official shall have the power to make the improvements and have the licensee bear the burden of the expenses for improvement.

Section 32. The licensee who established and operates a public zoo who wishes to terminate the operation of the public zoo shall notify, in writing, the Director-General in advance. The licensee shall proceed to dispose of the conserved wildlife, protected wildlife or carcasses of such wildlife in possession to another licensee to establish and operate a public zoo or dispose of the types of protected wildlife under section 17 or carcasses of such wildlife to the licensee to breed under section 18(1) within one hundred and eighty days of the date of notification of termination submitted to the Director-General.

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Upon the expiration of one hundred and eighty days under paragraph one, if there are still any remaining conserved wildlife, protected wildlife or carcasses of such wildlife, the conserved wildlife, protected wildlife or carcasses of such wildlife shall become vested in the State and the licensee shall deliver conserved wildlife, protected wildlife or carcasses of such wildlife to the Department of Forestry or the Department of Fisheries, as the case may be, to proceed in accordance with the Rules prescribed by the Director-General with the approval of the Committee.

CHAPTER VI AREAS AND PLACES UNDER PROHIBITION OF WILDLIFE HUNTING

Section 33. When it is deemed appropriate to designate an area as a safe habitat to conserve a species of wildlife, the Council of Ministers shall have the power to prescribe the areas as a “wildlife sanctuary” by a Royal Decree and a map illustrating the area shall be annexed to the Royal Decree.

The land designated as a wildlife sanctuary must not be land under a title deed or possessory right under the Land Code belonging to any person who is not a public body.

Section 34. An extension or withdrawal of the status of a wildlife sanctuary, whether wholly or partly, shall be made by a Royal Decree. In the case where the status of the whole wildlife sanctuary is not withdrawn, then an illustration of the changes shall be indicated in the map annexed to the Royal Decree.

Section 35. The competent official shall make available boundary marks and signs or other symbols to indicate the boundary of a wildlife sanctuary as appropriate so that the public can see that it is a wildlife sanctuary.

Section 36. Within a wildlife sanctuary, no person shall hunt wildlife - whether it is conserved, protected, or not -, collect or harm a hive or nest of wildlife, except when such hunting, collection or harm is for study or academic research and permitted in writing by the Director-General with the approval of the Committee.

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Section 37. No person is permitted to enter a wildlife sanctuary, except otherwise permitted by a competent official. This does not apply to a competent official or other officer who has to enter to perform his or her duties.

A person permitted to enter into a wildlife sanctuary shall comply with the conditions prescribed in the Ministerial Regulations.

Section 38. In the area of a wildlife sanctuary, no person shall hold or possess the land; plant or build anything; cut, remove, clear, burn or destroy any plant or other flora; dig for minerals, soil or rocks; raise animals or release animals or wildlife; alter the direction of waterways; or flood, deplete, or render poisonous or hazardous to wildlife any waterways, brooks, swamps, marshes.

In the case where it is necessary to act for the purpose of protection, supervision or maintenance of wildlife for the purposes of breeding, studying or academic research in order to facilitate the study or habitation of an area, facilitate safety or provide knowledge to the public, the Director-General shall have the power to order, in writing, the competent officials or officials of the Department of Forestry and Department of Fisheries, as the case may be, to conduct any actions within the area of the wildlife sanctuary. Such actions shall be conducted in accordance with the Rules prescribed by the Director-General with the approval of the Committee.

Section 39. Any management of the plant or flora which the competent official has cut, removed or cleared under section 38 paragraph two shall be done in accordance with the Rules prescribed by the Director-General with the approval of the Committee.

Section 40. The competent official in charge of the wildlife sanctuary shall have the power to order any person committing an offence under section 38 paragraph one out of the wildlife sanctuary or to refrain from doing any act which is contradictory to section 38 paragraph one within the area of the wildlife sanctuary.

Section 41. No person shall hunt wildlife - whether it is conserved, protected, or not -, or collect or harm a hive or nest of the wildlife within a temple area or within an area provided for public religious ceremonies.

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Section 42. For any areas used by the government or as public utility or for shared use by the general public, the Minister with the approval of the Committee may designate an area as a no-hunting zone for a specific species or genus of wildlife by announcing such zones in the Government Gazette.

Upon announcement of such no-hunting zones for a specific species or genus of wildlife by the Minister, the following acts shall be prohibited:

- (1) hunting wildlife of the announced species or genus;
- (2) collecting or harming the hives or nests of the wildlife prohibited from being hunted;
- (3) holding or possessing land; cut, removing, clearing, burning or destroying any plant or other flora; digging for minerals, soil or rocks; raising animals; altering the direction of waterways; or flooding, depleting, or rendering poisonous or hazardous to wildlife any waterways, brooks, swamps, marshes; unless permitted in writing by the Director-General or on occasions when the Director-General announces permission to perform any of these acts within a specific no-hunting zone.

In the case where it is necessary for any competent official or other official to implement the law or take action for the purpose of study or academic research in a no-hunting zone, that competent official or official shall comply with the Rules prescribed by the Director-General with the approval of the Committee.

CHAPTER VII COMPETENT OFFICIALS

Section 43. When it appears that any licensee violates or fails to act in accordance with this Act, Ministerial Regulations, terms or conditions prescribed in the licence or fails to comply with an order issued by a competent official under this Act, the Director-General may suspend the licence issued under this Act for a period not exceeding ninety days. If the Minister sees that it is appropriate, with the approval of the Committee, the licence may be withdrawn.

In the case of a licence withdrawal, if the person with a withdrawn licence has conserved wildlife, protected wildlife or carcasses of such wildlife in possession, he or she shall dispose of such wildlife or carcasses of such wildlife within thirty days from the date of knowing the withdrawal. Upon the expiration of such prescribed period, if there is

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still any remaining conserved wildlife or protected wildlife or carcasses of such wildlife, the conserved wildlife or protected wildlife or carcasses of such wildlife shall become vested in the State. The Department of Forestry or the Department of Fisheries, as the case may be, shall proceed in accordance with the Rules prescribed by the Director-General with the approval of the Committee.

Section 44. In the case where any person wishes to have a competent official perform his or her duties under this Act outside official hours or outside the normal place of business, whether inside or outside of the country, he or she shall submit an application to the competent official and pay allowances to the competent official who performs such duties at the same rate as the official rate and shall pay the travel expenses as appropriate and that has actually incurred.

The licence application and the payment of allowances, as well as travel expenses, shall conform to the rules, procedures and conditions as prescribed in the Ministerial Regulation.

Section 45. In arresting a person who commits an offence under this Act, the competent official shall be regarded as an administrative official or a police officer under the Criminal Procedure Code.

Section 46. If the Director-General deems appropriate to have the public pay for pay for service charges or remuneration to competent officials who provide services or facilitation in a wildlife sanctuary or in a no-hunting zone, he or she shall have the power to specify the rates and the rules on the collection of service fees or remuneration. This shall be done with the approval of the Committee.

The money collected under paragraph one and money donated for the maintenance of wildlife sanctuaries or no-hunting area zones shall be exempted from tax and tariff and shall be used for the maintenance of the wildlife sanctuaries or no-hunting areas zones pursuant to the Rules issued by the Minister with the approval of the Committee.

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CHAPTER VIII
PENALTIES

Section 47. Any person who violates section 16 section 19 section 20 paragraph one or section 23 paragraph one shall be liable to imprisonment for a term not exceeding four years or a fine not exceeding forty thousand baht, or both.

Section 48. Any person who violates section 18 or section 23 paragraph two, or fails to comply with section 29, shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand baht, or both.

Section 49. Any person who possesses protected wildlife acquired by breeding or a carcass of protected wildlife acquired by breeding without permission under section 19 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding ten thousand baht, or both.

Section 50. Any person who trades protected wildlife which is acquired by breeding, a carcass of protected wildlife acquired by breeding or a product from such carcass without permission under section 20 shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand baht, or both.

Section 51. Any person who violates section 21, section 22 or section 41 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding ten thousand baht, or both.

Section 52. Any person who fails to comply with section 25 or section 28 shall be liable to a fine not exceeding five thousand Baht.

Section 53. Any person who violates section 36 shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand baht, or both.

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Section 54. Any person who violates section 38 or section 42 paragraph two shall be liable to imprisonment for a term not exceeding seven years or a fine not exceeding one hundred thousand baht, or both.

In the case where the Court decides that a person has committed an offence under section 38, if it appears that that person holds, possesses, utilises or inhabits the wildlife sanctuary wherein he or she had committed the offence, the Court may order the defendant or his or her worker, contractor (pu-raab-jaang), representative or dependents out of the wildlife sanctuary.

The management of plants or other flora which the offender has cut, removed or cleared shall be done in accordance with the Rules prescribed by the Director-General with the approval of the Committee. Such Rules shall not allow for the disposal of such plants or flora to other people besides governmental agencies.

Section 55. Any person who assists in concealing, disposing of, taking away, purchasing, holding in pledges, or obtaining by any other means, any wildlife or carcass from an offence under this Act shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding ten thousand baht, or both.

Section 56. Any person who causes any boundary sign, post or mark provided by a competent official to be moved, defaced, damaged or rendered useless shall be liable to imprisonment for a term not exceeding four years or a fine not exceeding forty thousand baht, or both.

Section 57. All weapons, tools, instruments, beasts of burden, vehicles or machines which are acquired from, used in, or held in, the commission of an offence under section 16, section 36, section 38, section 41 or section 42 paragraph two shall be confiscated regardless of whether or not a person is convicted by the Court.

Section 58. The Court shall order the confiscation of conserved wildlife, protected wildlife, carcasses of the conserved wildlife, carcasses of the protected wildlife or products of the carcasses of such wildlife or hives or nests of wildlife which were obtained or possessed in the commission of an offence under this Act.

All objects confiscated under order of the Court shall become vested in the State; and the Department of Forestry or the Department of Fisheries, as the case may be,

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shall proceed in accordance with the Rules prescribed by the Director-General with the approval of the Committee.

Section 59. In the case where the offender liable under this Act is a juristic person, the managing director, manager, or a representative of such juristic person shall be liable for the punishment prescribed for such offence except where such person can prove that he or she was not involved in the offence or did not give consent to such involvement.

Section 60. In regard to offences under this Act with only the liability of a fine, the Director-General or a competent official assigned by the Director-General shall have the power to settle the fine. The notification of the assignment shall be published in the Government Gazette. Upon payment of the fine in the amount stipulated in the settlement within thirty days, the case shall be considered closed in accordance with the Criminal Procedure Code.

TRANSITIONAL PROVISIONS

Section 61. If a person possesses any of the additional types of protected wildlife or carcasses of protected wildlife designated in a Ministerial Regulation under section 6 paragraph one, then once the Ministerial Regulation is enforced, the following shall apply:

(1) the person who has any of the additional types of protected wildlife in possession prior to the date that the Ministerial Regulation comes into force shall provide a list of the types and quantities of protected wildlife in possession to the competent official within ninety days from the date that the Ministerial Regulation comes into force. Once the competent official has conducted an inspection, if the owner or possessor of the protected wildlife no longer wishes to look after the protected wildlife, that wildlife shall be disposed of to a licensee who established and operates a public zoo under section 29 or, in the case of protected wildlife under section 17, to a licensee to breed under section 18, with either option to be completed within one hundred and twenty days of the date of notifying the competent official. If the deadline has been reached and any wildlife still remains, it shall become vested in the State and the licensee shall deliver the protected wildlife to the Department Forestry or the Department of Fisheries, as the case may be, to proceed in accordance with the Rules prescribed by the Director-General with the approval of the

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Committee. In the case of protected wildlife prescribed under section 17, the owner or possessor who wishes to breed the wildlife shall submit an application for a breeding licence under section 18 within thirty days of the date of notifying the competent official, and upon submission of the application he or she is permitted to continue to possess that protected wildlife.

If the owner or possessor of the protected wildlife wishes to continue keeping the protected wildlife, the competent official shall inspect the extent to which the environment of fostering the protected wildlife is appropriate and safe for the wildlife. If he or she sees that the protected wildlife is being care for appropriately and safely, the Director-General shall grant permission to that possessor of wildlife by issuing a licence to temporarily possess the protected wildlife to the owner or possessor. The licence shall be valid for the lifetime of such protected wildlife. The licensee shall act in accordance with the Regulations on fostering wildlife issued by the Minister with the approval of the Committee. When the number of protected wildlife increases through the reproductive process or decreases due to death, the licensee shall notify the competent official for acknowledgement.

(2) In regard to the carcasses of protected wildlife, the possessor or owner shall notify a competent official of the types and quantities of carcasses of protected wildlife in possession within ninety days of the date that the Ministerial Regulation comes into force for the purpose of registration, and that person is permitted to continue to possess the carcasses of the protected wildlife. In the case where the carcasses of protected wildlife are for trade, once the competent official has registered the types and quantities of such carcasses of wildlife, the processor of such carcasses shall proceed to dispose of the carcasses within three years.

Forms and methods of notification under (1) and (2) and the issuance of a licence to temporarily possess or a certificate to possess carcasses of protected wildlife shall be provided as prescribed in the Ministerial Regulation.

Section 62. Protected wildlife category 1 and protected wildlife category 2 as prescribed in the Ministerial Regulation under the Wildlife Conservation and Protection Act, B.E. 2503 shall be protected wildlife under this Act.

Section 63. Any land designated as wildlife sanctuaries and no-hunting zones under the law on wildlife conservation and protection prior to the enforcement of this Act

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shall continue to be wildlife sanctuaries and no-hunting zones under this Act, as the case may be.

Section 64. All Ministerial Regulations, Rules and Notifications issued under the Wildlife Conservation and Protection Act, B.E. 2503 and enforced prior to or on the day that this Act comes into force shall continue to be enforced so long as such provisions do not contradict or are not inconsistent with this Act until the Ministerial Regulations, Rules and Notifications issued under this Act come into force.

Section 65. Permission to hunt conserved wildlife, licenses to hunt protected wildlife, licences to trade protected wildlife or carcasses of protected wildlife and licences to possess protected wildlife or carcasses of protected wildlife issued to any person prior to or on the date that this Act comes into force shall be terminated as from the date that this Act comes into force.

Section 66. For any person who is illegitimately in possession of conserved wildlife or protected wildlife prior to or on the date that this Act comes into force, if he or she delivers the conserved wildlife or protected wildlife to the competent official within ninety days of the date that this Act comes into force, he or she shall not be liable to punishment. Such conserved wildlife or protected wildlife shall become vested in the State. Upon the registration of the types and quantities of delivered wildlife, the Director-General may allow him or her to continue possessing such wildlife if it is seen fit. The welfare and safety of the animals shall be prioritized.

For any person who illegitimately possesses carcasses of the conserved wildlife or protected wildlife prior to or on the date that this Act comes into force, he or she shall notify the competent official of the types and quantities of carcasses of wildlife within ninety days of the date that this Act comes into force. Upon registration by the competent official, that person is permitted to continue to possess the carcasses of the conserved wildlife or protected wildlife but shall not dispose of, distribute or transfer the carcasses to any other person except as inheritance.

Section 67. Any person who legitimately possesses conserved wildlife, protected wildlife, carcasses of conserved wildlife or carcasses of protected wildlife prior to or on the date that this Act comes into force shall notify the competent official of the types

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and quantities of conserved wildlife, protected wildlife, carcasses of conserved wildlife or carcasses of protected wildlife in possession within ninety days of the date that this Act comes into force. Upon this notification, the competent official shall perform the following:

(1) In regard to conserved wildlife, the owner or possessor shall complete the disposal of conserved wildlife to a person who established and operates a public zoo and who has submitted an application under section 69 within one hundred and eighty days of the date of notifying the competent official. Upon reaching this deadline, if the conserved wildlife still remains in his or her possession, such conserved wildlife shall become vested in the State and the owner or possessor shall deliver the conserved wildlife to the Department of Forestry or the Department of Fisheries, as the case may be, to proceed in accordance with the Rules prescribed by the Director-General with the approval of the Committee;

(2) In regard to protected wildlife and carcasses of protected wildlife, section 61 shall apply *mutatis mutandis*;

(3) In regard to carcasses of conserved wildlife, the owner or possessor of the carcasses of conserved wildlife is permitted to continue to own or possess them, but he or she shall not dispose of, distribute or transfer them to any other person except as otherwise permitted, in writing, by the Director-General or through inheritance;

(4) In regard to protected wildlife in possession of a licensee to trade protected wildlife under the Wildlife Conservation and Protection Act, B.E. 2503, once the licensee has submitted an licence to trade protected wildlife acquired by breeding under section 68, that person is permitted to continue to trade the protected wildlife in the category specified in section 17 acquired from breeding. In regard to protected wildlife which is not in the category specified in section 17 and is acquired from breeding and in possession for trade, the licensee shall complete the disposal of the protected wildlife within two years of the date of notifying the competent official. Once reaching this deadline, if the protected wildlife falling outside of the category specified in section 17 and acquired from breeding remains in his or her possession, such protected wildlife shall become vested in the State and the owner or possessor shall deliver the protected wildlife to the Department of Forestry or the Department of Fisheries, as the case may be, to proceed in accordance with the Rules prescribed by the Director-General with the approval of the Committee;

(5) In regard to carcasses of the protected wildlife in possession of the licensee for trade under the Wildlife Conservation and Protection Act, B.E. 2503, once the competent official has inspected and registered the carcasses of the protected wildlife that the licensee possesses, the Director-General shall issue a licence to temporarily trade

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carcasses of the protected wildlife. This licensee shall dispose of the carcasses of protected wildlife in his or her possession within three years of the date of receiving the licence to temporarily trade carcasses of protected wildlife. He or she shall also submit to the competent official a report on the types and quantities of carcasses of protected wildlife sold in each month in accordance with the Rules prescribed by the Director-General. Upon reaching this deadline, any remaining carcasses of protected wildlife shall become vested in the State and the owner or possessor shall deliver the carcasses to the Department of Forestry or the Department of Fisheries, as the case may be, to proceed in accordance with the Rules prescribed by the Director-General with the approval of the Committee. This shall not apply to carcasses of protected wildlife under section 17 acquired from breeding if that person has submitted an application for a licence to trade carcasses of the protected wildlife acquired from breeding under section 68.

Form and methods of notification under paragraph one shall be provided as prescribed in the Ministerial Regulation.

Section 68. Any person who operates a breeding business or trades protected wildlife acquired from breeding, carcasses of protected wildlife acquired from breeding or products made from carcasses of protected wildlife acquired from breeding prior to or on the date that this Act comes into force shall submit an application for a licence under this Act within thirty days of the date that this Act comes into force. Upon the submission of the application, the business is permitted to continue until the Director-General orders not to grant the licence.

In the case where the Director-General order not to grant the licence under paragraph one, the provision in section 43 paragraph two shall apply *mutatis mutandis*.

Section 69. Any person who established and operates a public zoo prior to or on the date that this Act comes into force shall submit an application for a licence under this Act within thirty days of the date that this Act comes into force. Upon receiving the application and inspection by the competent official, if the competent official sees that the area and place of business operation complies with section 30 paragraph two and paragraph three and section 31 and register the list of types and quantities of conserved wildlife, protected wildlife or carcasses of such wildlife, the Director –General shall issue the licence to establish and operate the public zoo to that person.

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Section 70. For any application submitted prior to or on the date that this Act comes into force and is still in the consideration of the Director-General, it shall be deemed that the application has been terminated except if it is an application for a licence to operate a business which may be permitted under this Act, the Director-General shall continue considering such application.

Countersigned by

Anand Panyarachun

Prime Minister

Office of the Council of State

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SCHEDULE OF FEES

1. Licence to breed	Each 1,000 Baht
2. Licence to possess protected wildlife acquired from breeding or carcasses of protected wildlife acquired from breeding	Each 500 Baht
3. Licence to trade protected wildlife acquired from breeding	Each 1,000 Baht
4. Licence to trade carcasses of protected wildlife acquired from breeding or products made from protected wildlife acquired from breeding	Each 1,000 Baht
5. Licence to import or export protected wildlife acquired from breeding or carcasses of protected wildlife acquired from breeding	Each 500 Baht
6. Licence to import or export wildlife or carcasses of wildlife	Each 500 Baht
7. Licence to transit conserved wildlife, protected wildlife, carcasses of conserved wildlife, carcasses of protected wildlife	Each 500 Baht
8. Licence to move protected wildlife or carcasses of protected wildlife	Each 100 Baht
9. Certificate to import, export, or transit protected wildlife or carcasses of protected wildlife	Each 500 Baht
10. Licence to establish and operate a public zoo	Each 10,000 baht
11. Substitute licence or certificate	Each 100 Baht
12. Renewal of licence	500 Baht per time

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List of conserved wildlife

1. Pseudochelidon sirintarae
2. Rhinoceros sondaicus
3. Didermocerus sumatraensis
4. Bos sauveli
5. Bubalus bubalis
6. Cervus eldi
7. Cervus schomburgki
8. Capricornis sumatraensis
9. Naemorhedus griseus
10. Pitta gurneyi
11. Grus antigone
12. Pardofelis marmorata
13. Tapirus indicus
14. Muntiacus feai
15. Dugong dugon

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