

**WATER RESOURCES ACT,  
B.E. 2561 (2018)**

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HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN;

Given on the 25<sup>th</sup> Day of December B.E. 2561;

Being the 3<sup>rd</sup> Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to have the law on water resources;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 33, section 37, section 40, section 42 and section 43 (2) of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in putting forth efficiency and effectiveness of the administration of water resources in respect of the allocation, use, development, management, maintenance, rehabilitation and conservation thereof as well as rights in water, thereby benefiting the provision of public utility services and other public interests and, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

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

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\* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

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**Section 1.** This Act is called the “Water Resources Act, B.E. 2561 (2018)”.

**Section 2.**<sup>1</sup> This Act shall come into force after thirty days as from the date of its publication in the Government Gazette except that the provisions of Chapter IV, Water Allocation and Water Use, and section 104 shall come into force after two years as from the date on which this Act comes into force.

**Section 3.** The allocation, use, development, management, maintenance, rehabilitation and conservation of water resources and rights in water shall be as provided in this Act except that in the case where any law specifically provides for the allocation, use, development, management, maintenance, rehabilitation and conservation of water resources and rights in water in any matter, such matter shall be pursued in accordance with such specific law insofar as it is not contrary to or inconsistent with the provisions of this Act.

**Section 4.** In this Act:

“water” means atmosphere water, surface water, underground water and sea water;

“water resources” water, public water resources, river sources, water detention basins, water-supply canals, flood-water areas, whether naturally formed or man-made, and other things used for water management and shall include water from international water sources and foreign water sources capable of exploitation by Thailand;

“public water resources” means water in a water source which is publicly used or reserved for common use by the public or, by nature, capable of common use by the public and shall include rivers, canals, waterways, swamps, underground water sources, lakes, internal waters, territorial seas, wetlands, other natural water sources, water sources built or developed by the State for common use by the public, international water sources located in the territory of Thailand and capable of use by the public, irrigation waterways under the law on irrigation and groundwater under the law on groundwater;

“water use” means a pursuit of activities in relation to public water resources for the purpose of consumption, ecosystem conservation, customs, public disaster mitigation,

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<sup>1</sup> Published in Government Gazette, Vol. 135, Part 112a, dated 28<sup>th</sup> December 2018.

agriculture, industry, commerce, tourism, communication, waterworks or energy generation or for any other purpose, whether it may result in a change in the quantity of water or not;

“drainage basin” means an area which covers natural streams and through which waters centrally flow into streams as prescribed in the Royal Decree;

“water drought” the state of such consistent decrease of the water quantity, water-flow quantity or water level as to be likely to cause effects on the living of human-beings, animals and plants in any particular area;

“flood” means the state of such consistent, sharp or immediate increase of the water quantity, water-flow quantity or water level as to be likely to cause effects on the living of human-beings, animals and plants in any particular area but shall not include a naturally rising and falling tide;

“water chart” means a map or chart displaying a system of waterways through which water flows and working in an integrated manner from the up-streams up to exits to water source areas or seas or exits to international waterways, where such system of waterways cover rivers, canals, brooks, marshes, local sharp-streams, flood plains, low flood plains, wetlands, water detention areas, flood-water areas, water-covered areas, low-plain areas and any other waterways or areas of a similar nature, whether naturally formed or man-made and whether such waterways may have water flows all the year round or in some periods;

“member” means a member of the National Water Resources Commission;

“Secretary-General” means Secretary-General of the Office of the National Water Resources;

“Office” means the Office of the National Water Resources;

“competent official” means the person appointed by the Prime Minister, Minister of Agriculture and Co-operatives, Minister of Natural Resources and Environment or Minister of Interior, as the case may be, for performing activities under this Act;

“State agency” means the central administration, the provincial administration, a State enterprise and any other agency of the State;

“local government organisation” means a *Changwat* administrative organisation, a municipality, a *Tambon* administrative organisation, the Bangkok Metropolitan Administration, the Pattaya City and any other local government organisation established by law.

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**Section 5.** The Prime Minister, Minister of Agriculture and Co-operatives, Minister of Natural Resources and Environment and Minister of Interior shall have charge and control of the execution of this Act and shall have the powers to appoint competent officials and issue Ministerial Regulations, Rules, Notifications or orders in the execution of this Act in respect of his duties and powers.

The Prime Minister shall have the powers to appoint competent officials for performing activities under Chapter V, Water Drought and Flood, and issue Ministerial Regulations prescribing fees not exceeding the rates attached hereto and reducing or exempting fees and, in this regard, may prescribe different rates of fees, having regard to the size and nature of each type of water use undertakings, effects on the public and economic cost-effectiveness.

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

## CHAPTER I WATER RESOURCES

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**Section 6.** The State has the power to use, develop, manage, maintain, rehabilitate and conserve water resources to engender common benefits in a balanced and sustainable manner, in accordance with the rules provided in this Act. This may be performed through the transformation of water sources or expansion of areas of water sources. But, if resort is to be had to the reduction of areas or disuse thereof for public interests, action towards annulment of the status shall be taken in accordance the Land Code.

For the purpose of the administration of public water resources which are neither irrigation waterways under the law on irrigation nor groundwater under the law on groundwater, the Prime Minister may, by publication in the Government Gazette, designate any particular State agency or local government organisation to be in charge of the supervision and maintenance of any particular public water resource.

The State agency or local government organisation which is in charge under paragraph two shall have the power to issue Rules or ordinances, as the case may be, prescribing rules for the use of public water resources concerned in accordance with the directions laid down by the National Water Resources Commission. Such rules must not be the

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rules on water allocation and water use as provided in Chapter IV, Water Allocation and Water Use.

Rules or ordinances under paragraph three shall come into force upon their publication in the Government Gazette.

## CHAPTER II RIGHTS IN WATER

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**Section 7.** Public water resources are publicly owned. A person has the right to use or keep water to the extent necessary for the benefit of his activities or his land without causing grievance or damage to other persons who may use such water, unless otherwise provided by this Act or Ministerial Regulations, Rules or Notifications issued by virtue of the provisions of this Act or other laws.

**Section 8.** The owner or possessor of land from which water springs or through which water flows naturally, whether on or beneath the land, has the right to use or keep such water to the extent necessary for the benefit of his land without causing grievance or damage to other persons.

## CHAPTER III WATER RESOURCES MANAGEMENT BODIES

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### PART I NATIONAL WATER RESOURCES COMMISSION

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**Section 9.** There shall be a commission called the “National Water Resources Commission” called in brief “N.W.R.C.”, consisting of:

- (1) the Prime Minister, as Chairperson;
- (2) the Deputy Prime Minister entrusted by the Prime Minister, as Vice Chairperson;

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(3) *ex officio* members, viz, the Minister of Agriculture and Co-operatives, Minister of Transport, Minister of Natural Resources and Environment, Minister of Energy, Minister of Interior, Minister of Industry, Secretary-General of the National Economic and Social Development Board, Secretary-General of the Royal Development Project Board and Director of the Bureau of the Budget;

(4) six members representing drainage basin committees, selected from members of drainage basin committees representing water user bodies, members of drainage basin committees representing local government organisations and qualified members of drainage basin committees;

(5) four qualified members appointed by the Prime Minister from persons having apparent knowledge, expertise, experience and works, for not less than five years, in agriculture, water resources, town and country planning, environment or industry.

The Secretary-General shall be a member and secretary and the Secretary-General shall, in addition, appoint not more than two Government officials of the Office as assistant secretaries.

**Section 10.** The selection of members under section 9 (4) shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation issued by the Prime Minister.

**Section 11.** Members under section 9 (4) and (5) shall hold office for a term of three years and may be re-selected or re-appointed but may not serve for more than two consecutive terms.

**Section 12.** In addition to the vacation of office upon the expiration of the term, a member under section 9 (4) and (5) vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Prime Minister on the ground of neglect or corruption in the performance of duties, misbehaviour or lack of competence;
- (4) being an incompetent person or a *quasi*-incompetent person;

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(5) ceasing to be a member of the drainage basin committee under section 27;

(6) having been sentenced to imprisonment by a final judgment, except for an offence committed through negligence or a petty offence.

**Section 13.** In the case where a member under section 9 (4) vacates office before the expiration of the term, the selection of a member to fill the vacancy shall be completed within ninety days as from the date of vacation of office of such member and the person so selected shall be in office for the remaining term of the replaced member, provided that if less than one hundred eighty days remain in the term of office, the selection of a member to fill the vacancy may be omitted, and while the selection of a member to fill the vacancy has not yet been made, the N.W.R.C. shall consist of existing members.

**Section 14.** In the case where a member under section 9 (5) vacates office before the expiration of the term, the Prime Minister shall appoint a member to fill the vacancy within ninety days as from the date of vacation of office of such member and the person so appointed shall be in office for the remaining term of the replaced member, provided that if less than one hundred eighty days remain in the term of office, the appointment of a member to fill the vacancy may be omitted, and while the appointment of a member to fill the vacancy has not yet been made, the N.W.R.C. shall consist of existing members.

**Section 15.** In the case where members under section 9 (4) or (5) have served up to the expiration of the term, members who vacate office shall continue the performance of duties until new members are selected or appointed.

**Section 16.** At a meeting of the N.W.R.C., the presence of not less than one half of the total number of members is required to constitute a quorum.

At a meeting of the N.W.R.C., if the Chairperson is not present or is unable to perform the duty, the Vice Chairperson shall preside over the meeting. If the Vice Chairperson is not present or is unable to perform the duty, one member shall be elected at the meeting to preside over the meeting.

A decision of a meeting shall be by a majority of votes. In casting votes, each member shall have one vote. In the case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

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At a meeting of the N.W.R.C., if a matter in which any member is personally interested directly or indirectly is to be considered, such member has no right to attend the meeting for considering such matter.

**Section 17.** The N.W.R.C. has the duties and powers in connection with water resources administration in order to achieve the purpose of integrating the use, development, management, maintenance, rehabilitation and conservation of water resources with a view to uniformity and also has the duties and powers as follows:

(1) to prepare policies and the master plan on water resources administration in line with national strategies for submission to the Council of Ministers for approval;

(2) to consider and approve action plans of State agencies and local government organisations in connection with water resources and plans on water resources administration budgets, as prepared in an integrated manner, in line with the policies and master plan under (1) and submit them to the Council of Ministers for consideration in the preparation of annual appropriations;

(3) to consider and approve the master plan on the use, development, management, maintenance, rehabilitation and conservation of water resources in areas of drainage basins as proposed by drainage basin committees under section 35 (1);

(4) to superintend, supervise, accelerate, inspect, monitor and advise State agencies and local government organisations in connection with the pursuit of activities in the implementation of the policies and master plan under (1) as well as the action plans and budget plans under (2) and report the same to the Council of Ministers for information at the end of every budget year;

(5) to consider and approve the water chart as proposed by the Office and publish the same in the Government Gazette;

(6) to make suggestions or provide directions to State agencies and local government organisations in connection with the enforcement of laws concerning the effective administration of water resources and the management of water pollution falling within the duties and powers of such State agencies or local government organisations;

(7) to propose matters to the Council of Ministers for resolving problems from the performance of work of State agencies and local government organisations which take

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action in accordance with the laws, Regulations or Rules binding them insofar as they are concerned with the use, development, management, maintenance, rehabilitation and conservation of water resources, with a view to generating integration as well as public participation;

(8) to designate State agencies and local government organisations to assume the duty of co-operating with the Office in the gathering, linking and integrating information on water resources;

(9) to set a framework, rules and directions for work performance of drainage basin committees and priorities of water use for undertakings of respective types, to be taken into consideration by drainage basin committees in their allocation of water and control of water use in each drainage basin;

(10) to consider and approve plans on the prevention and resolution of water drought and plans on the prevention and resolution of flood as prepared by drainage basin committees, with a view to integrating the prevention and resolution of flood amongst drainage basins;

(11) to consider and approve permission for water use of Type Three under section 44 and revocation of a permit for water use of Type Three under section 54;

(12) to consider and approve the diversion of water amongst drainage basins and diversion of water from international water sources or foreign water sources;

(13) to mediate and decide disputes between drainage basin committees;

(14) to make recommendations on the enactment, issuance or amendment of Royal Decrees or Ministerial Regulations under this Act;

(15) to make recommendations to the Council of Ministers, State agencies and local government organisations concerned in connection with the enactment of laws or amendment to laws, bye-laws, Rules, Regulations or ordinances in connection with water resources administration;

(16) to issue Rules prescribing measures for promoting and encouraging participation, by the private sector, people and communities concerned, in the use, development, management, maintenance, rehabilitation and conservation of, and any other activities in connection with, water resources;

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(17) to perform any other activities as prescribed in this Act or as prescribed by any other law to be the duties and powers of the N.W.R.C. or as entrusted by the Council of Ministers or the Prime Minister.

The preparation of the policies and master plan on water resources administration under (1) shall also embrace the preservation of, and the resolution of problems in connection with, water quality.

The submission of a dispute between drainage basin committees for mediation and decision by the N.W.R.C. under (13) shall be in accordance with the rules and procedures prescribed by the N.W.R.C. and published in the Government Gazette.

**Section 18.** In preparing the policies and master plan on water resources administration under section 17 (1), the N.W.R.C. shall hear opinions of the public, water-user bodies, interested persons, State agencies and local government organisations concerned, in accordance with the rules and procedures prescribed by the N.W.R.C. and published in the Government Gazette.

The policies and master plan on water resources administration approved by the Council of Ministers shall come into force upon publication in the Government Gazette and State agencies as well as local government organisations which are concerned with the use, development, management, maintenance, rehabilitation and conservation of water resources shall comply with such policies and master plan on water resources administration.

The N.W.R.C. shall monitor and assess the implementation of the policies and master plan on water resources administration and, in the case of revision of the policies and master plan on water resources administration, the provisions of paragraph one and paragraph two shall also apply *mutatis mutandis*.

**Section 19.** The N.W.R.C. shall monitor and assess the implementation, and also consider the review or revision, of action plans on water resources administration to ensure conformity with changing states of affairs and report them to the Council of Ministers every year.

**Section 20.** In the performance of duties under this Act, the N.W.R.C. may entrust one or more members to be in charge of affairs in areas which fall within the duties and powers of the N.W.R.C. and report matters to the N.W.R.C. or take action as entrusted by the

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N.W.R.C. and also has the power to appoint sub-committees for considering, recommending or performing any particular acts as entrusted by the N.W.R.C.

In appointing sub-committees under paragraph one, there shall be at least sub-committees in the areas of water resources development and conservation, water resources management and technical and academic matters.

In the case of necessity, the N.W.R.C. shall have the power to appoint provincial water resources sub-committees in the interest of the integration of water resources administration at the provincial level.

The provisions of section 16 shall also apply to meetings of a sub-committee *mutatis mutandis*.

**Section 21.** In the performance of duties under this Act, the N.W.R.C., members entrusted by the N.W.R.C. or a sub-committee appointed by the N.W.R.C. shall have the power to issue an order in writing demanding any person to give statements or furnish any document, evidence or article to assist considerations, as may be necessary,

**Section 22.** The Chairperson, members and members of a sub-committee shall receive meeting allowances, travelling allowances, *per diems*, accommodation allowances and other allowances as prescribed by the Council of Ministers.

**Section 23.** The Office shall serve as the secretariat of the N.W.R.C., with the duties and powers as follows:

- (1) to be responsible for clerical work of the N.W.R.C. and sub-committees;
- (2) to screen matters and submit opinions to the N.W.R.C. to assist considerations as to action under section 17 (1), (2) and (3) and section 24;
- (3) to prepare a water chart for submission to the N.W.R.C. for consideration and approval under section 17 (5);
- (4) to co-ordinate the operation of work with drainage basin committees, State agencies, local government organisations and the sectors concerned, in the execution of this Act;

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(5) to gather and prepare data, conduct studies, analysis and research and initiate any activities or projects, in the interest of the operation of work of the N.W.R.C.;

(6) to give advice and lend support to State agencies and local government organisations which are concerned with water resources administration and the operation of work of drainage basin committees, as requested,

(7) to direct and supervise nationally important projects or urgent projects requiring co-ordination of work with several agencies as entrusted by the N.W.R.C.;

(8) to monitor, assess and submit opinions on the operation of work of drainage basin committees, State agencies and local government organisations which are concerned with water resources administration and report matters to the N.W.R.C.;

(9) to supervise and manage water resources information systems, provided that agencies designated by the N.W.R.C. shall support data and link information systems, with up-to-date data, in the interest of water resources administration in both normal and critical situations;

(10) promoting and encouraging participation, by the private sector, people and communities concerned, in the use, development, management, maintenance, rehabilitation and conservation of, and any other activities in connection with, water resources;

(11) to prepare budgets for financing meeting allowances, travelling allowances, *per diems*, accommodation allowances and other expenses related to the operation of work of the N.W.R.C., drainage basin committees and sub-committees;

(12) to perform any other activities as provided in this Act or as entrusted by the N.W.R.C.

In the preparation of the water chart under (3), there shall be included therein accompanying items for explaining the purposes of the water chart and details appearing in the water chart. The preparation of the water chart shall be upon the hearing of opinions of drainage basin committees, State agencies, local government organisations and people concerned, as is appropriate.

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**PART II**  
**AD HOC COMMAND CENTRES**

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**Section 24.** In the case where there exists such a water crisis as to be likely to affect the living of human-beings, animals or plants or likely to cause serious damage to property of the people or the State, the Prime Minister shall have the power to establish an *ad hoc* command centre, with the Prime Minister being its commander in charge of directing the resolution of the water crisis for the time being until the water crisis ceases to exist. In this regard, the Bureau of the Budget shall consider the allocation of a budget to the *ad hoc* command centre for funding its establishment and supporting its operations.

The Prime Minister shall have the power to issue orders demanding State agencies, local government organisations, Government officials, officials of State agencies, administrative or police officials, military officials, local officials or any persons to jointly perform or refrain from performing any act for the purposes of timely prevention, resolution, control, termination or mitigation of detrimental effects from the ensuing damage.

Upon issuance by the Prime Minister of an order under paragraph two, such order shall, when it has the effect as a bye-law of general application to the people concerned, be published in the Government Gazette without delay.

In the performance of duties of officials of the *ad hoc* command centre or the performance of acts in pursuit of the order of the Prime Minister under paragraph two, if the officials of the *ad hoc* command centre, Government officials, officials of State agencies, administrative or police officials, military officials, local officials or any persons have acted within the duties and powers and have acted reasonably without grave negligence, such persons shall be excused from all culpability and liability.

Upon completion of operations for the resolution of a water crisis, the Office shall report them and prepare a summary thereof for submission to the National Assembly without delay.

**PART III**  
**DRAINAGE BASINS AND DRAINAGE BASIN COMMITTEES**

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**Section 25.** In the interest of water resources management, drainage basins shall be prescribed by enactment of a Royal Decree, having regard to hydrological conditions, geographical conditions, the ecosystem, habitation, town and country planning, the water chart and administrative territories as well.

The Royal Decree under paragraph one shall contain, in a Schedule annexed thereto, a map indicating boundaries of drainage basins and it shall be deemed that it is an integral part of the Royal Decree.

**Section 26.** Any change in the boundary, or revocation, of any drainage basin, whether in whole or in part, shall be made by enactment of a Royal Decree and, in the case of partial change or partial revocation, there shall also be a map, as annexed to the Royal Decree, indicating the boundary to which such change or revocation relates.

**Section 27.** Upon enactment of the Royal Decree prescribing drainage basins under section 25, there shall be a drainage basin committee for the respective drainage basin consisting of:

(1) *ex officio* members of a drainage basin, viz, *Changwat* governors in such drainage basin, the representative of the Pollution Control Division, the representative of the Marine Department, the representative of the Royal Irrigation Department, the representative of the Department of Water Resources, the representative of the Department of Groundwater Resources, the representative of the Department of Lands, the representative of the Department of Fisheries, the representative of the Department of Disaster Prevention and Mitigation, the representative of the Royal Forest Department, the representative of the Land Development Department, the representative of the Department of Public Works and Town and Country Planning, the representative of the Department of Local Administration and the representative of the Department of National Parks, Wildlife and Plant Conservation;

provided that in the case where any particular drainage basin has an area adjacent to a border, there shall be the representative of the Ministry of Defence as a member of the drainage basin committee or, in the case where any particular drainage basin has an area adjacent to a coast, there shall be the representative of the Department of Marine and Coastal Resources as a member of the drainage basin committee or, in the case where any particular drainage basin is located in the area of Narathiwat Province, Pattani Province and Yala Province,

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there shall be the representative of the Southern Border Provinces Administration Centre as a member of the drainage basin committee as well;

(2) members of the drainage basin committee who represent local government organisations and become administrators of local government organisations in such drainage basin, provided that there shall be one member from each Province and, in the case where any drainage basin is located in the area of a special-form local government organisation, the administrator of such special-form local government organisation shall also be a member of the drainage basin;

(3) members of the drainage basin committee who represent water-user bodies in such drainage basin and are from the agricultural sector, the industrial sector and the commercial sector, provided that three members shall be from each sector;

(4) four qualified members of the drainage basin committee who possess the knowledge and experience in connection with water resources.

The *Changwat* governors under (1) shall elect amongst themselves the Chairperson of the drainage basin committee and the drainage basin committee shall elect two of its members as Vice Chairpersons of the drainage basin committee. The election of the Chairperson of the drainage basin committee and Vice Chairpersons of the drainage basin committee shall be made every three years.

The Director of the Regional Office of the National Water Resources shall appoint a Government official of the Regional Office of the National Water Resources as a member and secretary of the drainage basin and not more than two of such officials as assistant secretaries.

**Section 28.** The acquisition of members of a drainage basin committee under section 27 (2), (3) and (4) shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation issued by the Prime Minister.

**Section 29.** A member of a drainage basin committee under section 27 (2) vacates office upon resignation, being an incompetent person or a *quasi*-incompetent person or ceasing to be an administrator of a local government organisation in the boundary of the drainage basin.

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**Section 30.** In the case where a member of a drainage basin committee under section 27 (2) vacates office, action shall be completely taken for acquiring a replacing member of the drainage basin committee within ninety days as from the date on which such member of the drainage basin committee vacates office, and while the replacing member of the drainage basin committee has not yet been acquired, the drainage basin committee shall consist of its existing members.

**Section 31.** Members of a drainage basin committee under section 27 (3) and (4) shall hold office for a term of three years and may be re-appointed but may not serve for more than two consecutive terms.

**Section 32.** In addition to the vacation of office upon the expiration of the term, a member of a drainage basin committee under section 27 (3) and (4) vacates office upon:

- (1) death;
- (2) resignation;
- (3) neglect or corruption in the performance of duties, misbehaviour or lack of competence;
- (4) being an incompetent person or a *quasi*-incompetent person;
- (5) ceasing to be a person representing a water-user body in the boundary of the drainage basin;
- (6) having been sentenced to imprisonment by a final judgment, except for an offence committed through negligence or a petty offence.

The vacation of office under (3) shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation issued by the Prime Minister.

**Section 33.** In the case where members of a drainage basin committee under section 27 (3) and (4) vacate office before the expiration of the term, action shall be completely taken for acquiring replacing members of the drainage basin committee within ninety days as from the date on which such members of the drainage basin committee vacate office and the replacing members shall be in office for the remaining term of the replaced members of the drainage basin committee, provided that if less than one hundred eighty days remain in the remaining term, action to be taken for acquiring replacing members of the drainage basin

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committee may be omitted and while replacing member of the drainage basin committee have not yet been acquired, the drainage basin committee shall consist of its existing members.

**Section 34.** In the case where members of a drainage basin committee under section 27 (3) or (4) hold office up to the expiration of the term, the members of the drainage basin committee who vacate office shall continue to perform duties until action has been taken for acquiring new members of the drainage basin committee.

**Section 35.** A drainage basin committee has the duties and powers in connection with water resources administration in the boundary of the drainage basin and shall also have the duties and powers as follows:

(1) to prepare a master plan on the use, development, management, maintenance, rehabilitation and conservation of water resources in the boundary of the drainage basin for submission to the N.W.R.C. for approval;

(2) to prepare a plan on the prevention and resolution of water drought and a plan on the prevention and resolution of flood for submission to the N.W.R.C. for approval;

(3) to consider the water use quantity, water allocation and prioritisation of water use in the boundary of the drainage basin and control water use to ensure conformity with the framework, rules and directions prescribed by the N.W.R.C.;

(4) to prescribe rules and the Rule on the the use, development, management, maintenance, rehabilitation and conservation of water resources in the boundary of the drainage basin, under the framework and directions prescribed by the N.W.R.C.;

(5) to approve permission for water use of Type Two under section 43 and revocation of a permit for water use of Type Two under section 54;

(6) to consider and submit to the N.W.R.C. opinions on diversion of water amongst drainage basins;

(7) to submit to the N.W.R.C. opinions on action plans and projects on any operations in connection with water resources in the boundary of the drainage basin;

(8) to receive complaints and mediate and decide disputes between water users;

(9) to co-ordinate with State agencies and local government organisations concerned in connection with the enforcement of law relating to the use, development,

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management, maintenance, rehabilitation and conservation of water resources and law relating to water pollution in such drainage basin;

(10) to promote and campaign for the creation of public awareness of the use, development, management, maintenance, rehabilitation and conservation of water resources in the boundary of the drainage basin;

(11) to perform any other activities as provided in this Act or as provided by other laws to be the duties and powers of the drainage basin committee or as entrusted by the N.W.R.C.

The preparation of the plans under (1) and (2) and the prescription of the rules and Rule under (4) shall also embrace the preservation of, and the resolution of problems in connection with, water quality.

The submission of complaints or disputes between water users for medication and decision by the drainage basin committee under (8) shall be in accordance with the rules and procedures prescribed by the N.W.R.C. and published in the Government Gazette.

**Section 36.** The provisions of section 16, section 20 paragraph one and paragraph four, section 21 and section 22 shall also apply to meetings and performance of activities of the drainage basin committee *mutatis mutandis*.

**Section 37.** There shall be established Regional Offices of the National Water Resources within the Office of the National Water Resources, Office of the Prime Minister, to serve as secretariats of drainage basin committees, with the duties and powers as follows:

(1) to be responsible for clerical work of drainage basin committees;

(2) to conduct studies, analyses and research in connection with water resources to assist the preparation of the master plan on the use, development, management, maintenance, rehabilitation and conservation of water resources in the boundaries of drainage basins;

(3) to co-ordinate with State agencies, local government organisations and water-user bodies in connection with the enforcement of the law relating to the use, development, management, maintenance, rehabilitation and conservation of water resources and the law relating to water pollution control in the boundaries of drainage basins to ensure conformity

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with the master plan on the use, development, management, maintenance, rehabilitation and conservation of water resources in the boundaries of drainage basins;

(4) to promote and monitor water use of Type Two in the boundaries of drainage basins to ensure conformity with the rules and conditions approved by drainage basin committees;

(5) to propose to drainage basin committees measures for preventing conflicts and directions for mediating disputes amongst water users in the boundaries of drainage basins;

(6) to perform any other activities as entrusted by drainage basin committees.

#### PART IV WATER-USER BODIES

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**Section 38.** Persons who use water in neighbourhood areas in the same drainage basin have the right to assemble and register for establishing a water-user body with a view to common interests in connection with the use, development, management, maintenance, rehabilitation and conservation of water resources amongst members of the water-user body.

Objects, duties and powers and work operations of a water-user body and the rules, processes and procedures for the establishment of a water-user body shall be as prescribed in the Ministerial Regulation issued by the Prime Minister.

**Section 39.** The Ministerial Regulation under section 38 may prescribe different rules for the establishment, missions and duties and powers of water-user bodies in each drainage basin, having regard also to hydrological conditions, geographical conditions, the ecosystem, cultures, customs and lifestyles of the people in relation to water use of each type and necessity in the management.

The issuance of the Ministerial Regulation under paragraph one shall be upon prior public hearing.

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**CHAPTER IV**  
**WATER ALLOCATION AND WATER USE**

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**Section 40.** Water allocation of the country shall be made by having regard to water for consumption, ecosystem conservation, customs, public disaster mitigation, communications, agriculture, industry, commerce and tourism. In this regard, prioritisation shall be as prescribed by the N.W.R.C.

**Section 41.** The use of public water resources is classified into three types, viz:

(1) water use of Type One, which signifies the use of public water resources for the living, household consumption, agriculture or livestock farming for subsistence, household industry, ecosystem conservation, customs, public disaster mitigation, communications and the use of water in a small quantity;

(2) water use of Type Two, which signifies the use of public water resources for the industry, tourism industry, electricity generation, waterworks and other undertakings;

(3) water use of Type Three, which signifies the use of public water resources for a large-sized undertaking which requires the use of a large quantity of water or possibly has effects across drainage basins or covering large areas.

The nature and descriptions of the water use of each type under (1), (2) and (3) shall be as prescribed in the Ministerial Regulation issued by the Prime Minister with the approval of the N.W.R.C.

The issuance of the Ministerial Regulation under paragraph two shall be upon prior public hearing.

**Section 42.** The water use of Type One requires no water use licence and is subject to no payment of fees therefor.

State agencies or local government organisations shall prepare data on water use of Type One falling in their responsible areas and furnish such data to the Office, in accordance with the rules, procedures and conditions prescribed in the Notification of the N.W.R.C.

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**Section 43.** The water use of Type Two requires a licence from the Director-General of the Royal Irrigation Department, Director-General of the Department of Water Resources or Director-General of the Department of Groundwater Resources, as the case may be, with the approval of the drainage basin committee in whose area such water resources are located.

**Section 44.** The water use of Type Three requires a licence from the Director-General of the Royal Irrigation Department, Director-General of the Department of Water Resources or Director-General of the Department of Groundwater Resources, as the case may be, with the approval of the N.W.R.C.

**Section 45.** The application for a licence, the issuance of a licence, a term of validity of a licence, the application for renewal of a term of validity of a licence, a transfer of a licence, the granting of a licence and also the application for and the issuance of a substitute for a licence for water use of Type Two and Type Three shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation jointly issued by the Minister of Agriculture and Co-operatives and the Minister of Natural Resources and Environment.

A licence under the provisions of paragraph one may also prescribe conditions concerning water use for observance by the grantee of the water use licence in order to prevent damage likely to be caused to public water resources or in order to deal with a water crisis.

In the case where there is a change in the law or in the fundamental nature of circumstances or there is an important cause involving public interests, the Director-General of the Royal Irrigation Department, Director-General of the Department of Water Resources or Director-General of the Department of Groundwater Resources, as the case may be, with the approval of the drainage basin committee or the N.W.R.C., as the case may be, shall have the power to amend conditions in the licence for water use under paragraph two.

**Section 46.** In considering whether to issue a licence for water use of Type Two and Type Three to the applicant therefor, regard shall be had to the balance of water in the public water resources as well as drainage basins concerned in order to prevent adverse effects on the overall balance of drainage basins.

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**Section 47.** In applying for a licence for water use under section 43 and section 44, the applicant shall also submit a water management plan together with the application. The forms for the application for a licence for water use and the water management plan shall be as prescribed in the Notification of the Director-General of the Royal Irrigation Department, Director-General of the Department of Water Resources or Director-General of the Department of Groundwater Resources, as the case may be.

The water management plan under paragraph one shall at least contain particulars as follows:

- (1) purposes of water use and water sources intended for use;
- (2) an estimate of the quantity of water intended to be used or retained for use;
- (3) water detention basins;
- (4) methods of water use;
- (5) a plan for managing water retained in the case of water drought;
- (6) a plan for managing water retained in the case of flood;
- (7) methods of the maintenance, rehabilitation and conservation of public water resources concerned.

The plan for managing water detained in the case of water drought under (5) shall at least contain essential details as to water use methods at the time of drought, the reduction of water use, the search for renewable water sources and the possibility of available water rationing for public interests.

The plan for managing water detained in the case of flood under (6) shall at least contain essential details as to the prevention of detained water from overflowing out of water detention basins such as to cause flood or increase the quantity of flood water.

**Section 48.** The Prime Minister, with the approval of the N.W.R.C., has the power to issue the Ministerial Regulation prescribing rates of fees for licences for water use of Type Two and fees for licences for water use of Type Three not exceeding those annexed hereto.

**Section 49.** The Prime Minister, with the approval of the N.W.R.C., has the power to issue the Ministerial Regulation prescribing:

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(1) rules for the prescription of rates of water use charges applicable to water use of Type Two and water use of Type Three;

(2) rules, procedures and conditions for the collection or deduction of, or exemption from, water use charges, provided that they may be prescribed differently, having regard to activities and the nature or quantity of water use of each type and in each drainage basin.

**Section 50.** The Minister of Natural Resources and Environment has the power to issue the Ministerial Regulation prescribing rates of water use charges applicable to water use of Type Two and Type Three where it is neither water from irrigation waterways under the law on irrigation nor groundwater under the law on groundwater, and the Director-General of the Department of Water Resources shall collect such water use charges in accordance with the rules, procedures and conditions prescribed under section 49.

**Section 51.** For the purposes of the inspection and control of the use of public water resources, the grantee of a licence for water use of Type Two and Type Three shall install an instrument for measuring or assessing the quantity of water used and keep necessary data for inspection by competent officials appointed by the Minister of Agriculture and Co-operatives or the Minister of Natural Resources and Environment, as the case may be, in accordance with the rules and procedures prescribed, and published in the Government Gazette, by the Director-General of the Royal Irrigation Department, Director-General of the Department of Water Resources or Director-General of the Department of Groundwater Resources, as the case may be.

**Section 52.** In the case where water use under a licence causes adverse effects on the balance of public water resources in drainage basins concerned or causes materially adverse effects on public interests, the competent official appointed by the Minister of Agriculture and Co-operatives or the Minister of Natural Resources and Environment, as the case may be, has the power to issue an order in writing demanding the grantee of the licence for water use to cease the water use under the licence temporarily, and the grantee of the licence for water use shall take action as is necessary for remedying or ending the cause of such effects within a prescribed period of time.

**Section 53.** When it appears that the grantee of a licence for water use of Type Two or Type Three, as the case may be, violates or fails to comply with this Act or any

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Ministerial Regulation, Rule or Notification issued under the provisions of this Act or conditions prescribed in the licence or an order of the competent official or is unable to accomplish the implementation of the water management plan under section 47, the competent official appointed by the Minister of Agriculture and Co-operatives or the Minister of Natural Resources and Environment, as the case may be, has the power to order suspension of the licence for water use for each period not exceeding thirty days and, upon ordering suspension thereof, shall report it to the drainage basin committee or to the N.W.R.C., as the case may be, without delay.

In the case where the grantee of a licence for water use under paragraph one is required to take remedial action or take correct action, the competent official appointed by the Minister of Agriculture and Co-operatives or the Minister of Natural Resources and Environment, as the case may be, may also fix the time for taking remedial action or taking correct action and such competent official may, when the grantee of the licence has taken remedial action or taken correct action, cancel the licence suspension order before expiration of the time limit.

**Section 54.** When it appears that the grantee of a licence for water use of Type Two or Type Three, as the case may be, violates the licence suspension order or fails to take remedial action or take correct action within the time fixed by the order of the competent official issued under section 53, the Director-General of the Royal Irrigation Department or the Director-General of the Department of Water Resources, with the approval of the drainage basin committee or the N.W.R.C., as the case may be, has the power to revoke the licence for such water use.

**Section 55.** The provisions of section 42 paragraph one, section 48 and section 54 shall not apply to the use of public water resources in respect of groundwater under the law on groundwater.

## CHAPTER V WATER DROUGHT AND FLOOD

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### PART I EXPLOITATION OF LAND COVERED BY THE WATERWAYS SYSTEM UNDER THE WATER CHART

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**Section 56.** Upon publication of the water chart in the Government Gazette under section 17 (5), exploitation of land covered by the waterways system under the water chart shall not cause diversion of waterways or water currents or obstruct a flow of water in the waterways system, thereby constituting impediment to the implementation of the plan on the prevention and resolution of water drought and the plan on the prevention and resolution of flood.

**PART II**  
**PREVENTION AND RESOLUTION OF WATER DROUGHT**

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**Section 57.** In the case of sufficient data indicative of forthcoming occurrence of water drought in any area of a drainage basin, the drainage basin committee, with the approval of the Prime Minister, shall have the power to, by publication in the Government Gazette, prescribe a water drought zone and prescribe any particular undertakings in respect of which water use shall be restricted to such quantity as it deems appropriate.

The prescription of any particular undertakings in respect of which water use shall be restricted to such quantity as deemed appropriate shall be made by a Notification to be posted at an open and conspicuous place in the water drought zone concerned.

When the water drought ceases to exist, the drainage basin committee, with the approval of the Prime Minister, shall issue a Notification for cancellation of the water drought zone.

**Section 58.** In the case of water drought to the extent likely to affect the economy or the living of people in any area, the Prime Minister shall have the power to, by publication in the Government Gazette, issue a Notification prescribing a severe water drought zone in such area, prescribing water use methods for reducing the quantity of water use or prohibiting water use of certain types in excess of the need for consumption, prescribing water sharing methods and prescribing any other measures necessary for application in the area in order to resolve and mitigate such water drought, provided that all this shall be carried out with a view to putting forth common interests and in a manner causing the least possible damage to water users.

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While there is no Notification under paragraph one, the drainage basin committee shall have the power to prescribe methods of water use and water sharing in the area to the extent necessary for resolving the ensuing problem.

In the case where the Notification under paragraph one applies to the same area as that covered by the Notification prescribing a water drought zone under section 57, the Notification under paragraph one shall have the effect of cancelling such water drought zone and, when the severe water drought ceases to exist, the Prime Minister shall issue a Notification cancelling the severe water drought zone.

**Section 59.** In the case where it is necessary to divert water from one drainage basin to another drainage basin in mitigation of water drought, the Prime Minister, with the approval of the N.W.R.C., has the power to order such action to the extent necessary for mitigating such water drought.

**Section 60.** In the case of severe water drought in any area, the competent official shall have the power to order the person who detains water to ration water in mitigation of consumption grievances of local residents in accordance with the rules and procedures prescribed in the Notification of the Prime Minister. In such a case, the person who detains water shall be entitled to the recompense for the loss of detained water.

The determination of the recompense under paragraph one shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation issued by the Prime Minister, having regard to actual damage and fairness.

**Section 61.** The drainage basin committee shall prepare a plan on the prevention and resolution of water drought in advance. In this regard, the plan shall be prepared to accommodate the normal case where water drought can be foreseen to have usual occurrence in a particular period of time and the case where severe water drought occurs.

The plan on the prevention and resolution of water drought under paragraph one shall at least contain particulars as follows:

- (1) key agencies in charge and supporting agencies;
- (2) the budget required for the operations;

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(3) the preparation of information beneficial for the prevention and resolution of water drought;

(4) the dissemination of information to the public;

(5) methods for controlling water use in the local area;

(6) the preparation of renewable water sources and the carriage of water from renewable water sources to the water drought area;

(7) the co-ordination amongst agencies concerned for assisting people affected by the water drought.

In preparing the plan on the prevention and resolution of water drought, there shall be the integration with the national plan on the prevention and mitigation of public disasters and other relevant plans and also the hearing of opinions of State agencies as well as local government organisations concerned and people in the areas of the drainage basin, as may be necessary.

**Section 62.** Upon its preparation of the plan on the prevention and resolution of water drought, the drainage basin committee shall submit it to the N.W.R.C. for approval and furnish such plan to *Changwat* governors and State agencies as well as local government organisations concerned for information and implementation. In this regard, State agencies as well as local government organisations concerned shall construct or prepare equipment to be used in the prevention and resolution of water drought and maintain such structure or equipment or take any action in the implementation of such plan.

In the case where any State agency or local government organisation is unable to take action in the implementation of the plan on the prevention and resolution of water drought, the drainage basin committee shall submit the matter to the N.W.R.C. for consideration of directions towards resolution.

**Section 63.** The drainage basin committee shall monitor the implementation of the plan on the prevention and resolution of water drought approved by the N.W.R.C. and review the plan to ensure its appropriateness and alignment with changing circumstances, with a view to its readiness for implementation upon occurrence of water drought.

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**PART III**  
**PREVENTION AND RESOLUTION OF FLOOD**

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**Section 64.** The drainage basin committee shall prepare a plan on the prevention and resolution of flood in advance. In this regard, the plan shall be prepared to accommodate the normal case where flood can be foreseen to have usual occurrence in a particular period of time and the case of emergency where flood immediately occurs. In the preparation of the plan, there shall be taken into consideration the environment, the water chart, the ecosystem and the biological diversity of the area concerned.

The plan on the prevention and resolution of flood under paragraph one shall at least contain particulars as follows:

- (1) key agencies in charge and supporting agencies;
- (2) the budget required for the operations;
- (3) the preparation of information beneficial for the prevention and resolution of flood;
- (4) the management of risks likely to occur from flood;
- (5) the preparation of flood warning systems;
- (6) the dissemination of information to the public;
- (7) methods for draining water in a fast and technically correct manner, by which water can be drained through determined directions;
- (8) methods for detaining water for further use;
- (9) the co-ordination amongst agencies concerned for assisting people affected by the flood.

In preparing the plan on the prevention and resolution of flood, there shall be the integration with the national plan on the prevention and mitigation of public disasters and other relevant plans and also the hearing of opinions of State agencies as well as local government organisations concerned and people in the areas of the drainage basin, as may be necessary.

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The management of risks likely to occur from flood and the preparation of flood warning systems under paragraph two (4) and (5) shall be in accordance with the directions prescribed in the Notification of the N.W.R.C.

**Section 65.** The provisions of section 59, section 62 and section 63 shall apply *mutatis mutandis* to the diversion of water from one drainage basin to another for preventing and resolving flood, the submission of the plan on the prevention and resolution of flood to the N.W.R.C. for approval, the submission of such plan to *Changwat* governors and State agencies as well as local government organisations concerned for information and implementation and the resolution of problems concerning inability of State agencies or local government organisations concerned to take action in the implementation of such plan and also the monitoring of the implementation of the plan on the prevention and resolution of flood and a review thereof.

**PART IV**  
**POWERS OF COMPETENT OFFICIALS IN THE PREVENTION AND**  
**RESOLUTION OF WATER DROUGHT AND FLOOD**

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**Section 66.** Competent officials have the power to enter any person's land or structure for the purposes of conducting a survey or an inspection or collecting facts with a view to the prevention and resolution of water drought and flood. In this regard, the pursuit of such activities shall be within the framework of the plan on the prevention and resolution of water drought under section 61 or the plan on the prevention and resolution of flood under section 64 or both plans, as the case may be.

In the pursuit of activities for the prevention and resolution of flood, competent officials shall have the power to destroy obstructing objects, cut down trees, perform the land digging, undertake a blockade at a land boundary line, remove a structure that is not any person's dwelling place or carry out any other activities to the extent necessary for the prevention and resolution of flood, provided that compensation shall also be made for such person's damage.

The compensation of damage under paragraph two shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation issued by the Prime Minister. In

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this regard, in prescribing such rules, regard shall be had to actual damage and injured persons shall also be given the right to be heard and to present evidence for assisting the consideration and determination of compensation for the damage.

**Section 67.** In the case of necessity in the interest of the prevention and resolution of water drought and flood, competent officials may use any person's land or structure for the purposes of carrying out the construction, placing things, pumping or draining water across or into the land or installing any equipment upon giving written notice to the owner or possessor of the land or structure not less than three days prior to the date of the operation, provided that the purposes and nature of the use of the land or structure and the date and time for the use thereof shall also be indicated.

In the case of emergency in the interest of the resolution of water drought and flood, competent officials have the power to enter and use the land or structure for carrying out activities under paragraph one forthwith without prior notice, provided that the owner or possessor of the land or structure shall be given notice at the earliest possible opportunity.

In the use of the land or structure under this section, the responsible agency shall determine compensation for its use for the owner or possessor thereof as is necessary in the particular case and, in the case where damage occurs to property of the owner or possessor of the land or structure in consequence of the use thereof, the responsible agency shall make compensation therefor as is appropriate, in accordance with the rules and procedures prescribed in the Ministerial Regulation issued by the Prime Minister.

**Section 68.** Any entry by competent officials into any person's land or structure for performing the duties under section 66 and section 67 shall be conducted during sunrise and sunset.

In the case where it is necessary for carrying out the activities in furtherance of the time provided under paragraph one or where emergency exists, the activities may be carried out at a different time other than the time provided under paragraph one.

**Section 69.** In the case where the person entitled to the recompense or compensation for damage fails to agree to the amount of the recompense or compensation payable by the responsible agency under section 60, section 66 or section 67, the responsible agency shall place such amount with the Court or the Deposit Office or deposit it with the

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Government Savings Bank under the name of the person entitled to the recompense or compensation for damage and in an individually separate account, and any interest or fruits accruing on such deposit shall also vest in the person entitled to such recompense or compensation for damage.

When the responsible agency has placed the recompense or compensation for damage with the Court or the Deposit Office or deposited it with the Government Savings Bank under paragraph one, the responsible agency shall, by receipt-acknowledgement post, notify it in writing to the person entitled thereto.

The rules and procedures for placing the recompense or compensation for damage with the Court or the Deposit Office or depositing it with the Government Savings Bank and the procedures for taking such recompense or compensation for damage shall be in accordance with the Rule prescribed by the Prime Minister.

**Section 70.** In the case where the person entitled to the recompense or compensation for damage is dissatisfied with the amount thereof payable by the responsible agency, such person has the right to institute an action before the Court within one year as from the date on which the responsible agency has taken action under section 69 paragraph two, whether such person has taken or refused to take the recompense or compensation for damage placed or deposited by the responsible agency.

The institution of an action before the Court under paragraph one has no effect of causing the possession or use of immovable property or the pursuit of any action by competent officials under section 60, section 66 or section 67 to be interrupted.

In the case where the person entitled to the recompense or compensation for damage has agreed to take and has taken the same or has failed to institute an action before the Court for demanding the recompense or compensation for damage within the period of time under paragraph one or has notified in writing a waiver of such recompense or compensation for damage, no person shall make a demand of such recompense or compensation therefor.

**Section 71.** A person shall not take, divert, endanger or damage any structure, article or equipment or violate any measure made available by competent officials for preventing or resolving water drought or flood.

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In the case of any violation of the provisions of paragraph one, competent officials have the power to order the perpetrator to restore it to the original position. If such person refuses to take action, competent officials shall take action and such person shall bear expenses incurred therein.

**Section 72.** In the performance of duties of competent officials for preventing and resolving water drought and flood under this Act, such competent officials shall be excused from all culpability and liability if the pursuit of the activities has been within the duties and powers and the action has been taken reasonably in the circumstances without grave negligence.

## CHAPTER VI CONSERVATION AND DEVELOPMENT OF PUBLIC WATER RESOURCES

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**Section 73.** In the case where the N.W.R.C. considers that any area is, by nature, a river source or a wetland which deserves preservation in the interest of the conservation of public water resources, the N.W.R.C. shall entrust the Minister of Natural Resources and Environment to consider taking action towards making such area the environmentally protected area under the law on the promotion and conservation of national environmental quality.

**Section 74.** The Minister of Interior, with the approval of the N.W.R.C., has the power to issue a Ministerial Regulation prescribing rules on the exploitation of land likely to affect public water resources for the purpose of preventing danger or damage to public water resources or for the purpose of putting forth appropriate conservation or development of public water resources.

The rules on the exploitation of land as prescribed in the Ministerial Regulation under paragraph one may require any particular matter to be of general application in all localities or to be of application only in any particular locality.

In the case where there is any Ministerial Regulation, Notification or ordinance which is issued under the law on town and country planning or any other law and prescribes rules on the exploitation of land in the same area or in the same matter in a manner contrary to or inconsistent with the Ministerial Regulation under paragraph one, the Ministerial Regulation under paragraph one shall prevail, unless the Ministerial Regulation, Notification or ordinance which is issued under such law is intended to protect public interests of greater importance.

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**Section 75.** When the Ministerial Regulation under section 74 has come into force, a person shall not exploit land in a manner different from or inconsistent with the requirements in such Ministerial Regulation.

The provisions of paragraph one shall not apply to the case where the owner or possessor of the land has exploited the land prior to the issuance and entry into force of the Ministerial Regulation under paragraph one and intends to continue such exploitation thereof, but if the exploitation of such land affects public water resources, the competent official appointed by the Minister of Interior shall have the power to give an order in writing demanding the owner or possessor of the land to rectify, vary or discontinue the exploitation of land in accordance with the rules, procedures and conditions and within the period of time prescribed by the competent official, provided that if compliance with such order causes the owner or possessor of such land to be deprived of the use of the land or suffer damage, such person shall be entitled to the recompense or compensation for the damage, as the case may be. In this instance, in the case where the owner or possessor of the land fails to comply with the order of the competent official, the competent official shall take action and the owner or possessor of the land is not entitled to compensation for damage but remains entitled to the recompense for the deprivation of the use of land.

The determination of the recompense or compensation for damage under paragraph two shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation issued by the Minister of Interior.

In the case where the person entitled to the recompense or compensation for damage under paragraph two fails to agree to or is dissatisfied with the amount of the recompense or compensation for damage, the provisions of section 69 and section 70 shall also apply *mutatis mutandis*.

**Section 76.** In the case of any exploitation of land in manner different from or inconsistent with the requirements in the Ministerial Regulation under section 74 after such Ministerial Regulation has come into force, the competent official appointed by the Minister of Interior shall have the power to give an order in writing demanding the owner or possessor of the land to rectify, vary or discontinue the exploitation of land in accordance with the rules, procedures and conditions and within the period of time prescribed by the competent official

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at the expenses of the owner or possessor of the land. If such person fails to take action, the competent official shall take action and such person shall bear expenses incurred therein.

**Section 77.** Upon occurrence of any emergency or peril likely to have so severe effects on public water resources as to entail urgent preventive or remedial action, competent officials shall have the power to enter another person's land, structure or vehicle for taking any action or exploit the same for preventing, terminating or mitigating such incidence. In this regard, the provisions of section 66, section 67, section 68, section 69, section 70, section 71 and section 72 shall also apply *mutatis mutandis*.

**Section 78.** The Minister of Natural Resources and Environment, with the approval of the N.W.R.C, shall have the power to issue a Ministerial Regulation prescribing the rules and procedures for the conservation and development of public water resources in relation to any of the following matters:

- (1) prescribing the use of public water resources or natural resources concerned;
- (2) imposing prohibition of any act causing deterioration of water sources or prejudicing water use or causing pollution of water sources or the ecosystem of water sources or causing water to be so toxic as to be injurious to water sources or the ecosystem of water sources or health of persons;
- (3) requiring water users whose land is adjacent or close to public water resources to provide a structure, install equipment or devices or employ any method as determined, for examining sources causing harm or damage to water quality or for preventing or resolving harm or damage to water quality;
- (4) prescribing rules for handling structures or activities operated within the zone prescribed prior to the issuance of the Ministerial Regulation, as to which the operation may be permitted to be continued on the conditions prescribed or the activities may be required to be discontinued or the structure affecting public water resources may be required to be removed, provided that compensation is to be given as is appropriate;
- (5) prescribing other protective measures as deemed appropriate and suited to the nature of the area in question.

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The Ministerial Regulation under paragraph one may require its general application or its application to any particular locality and may prescribe exemption from its application, in whole or in part, in respect of activities of certain types or certain areas.

**Section 79.** In the case where there is a reasonable cause to believe that damage may be caused to public water resources, the State agency or local government organisation responsible for public water resources in the area in question shall address a request in writing to persons residing in areas near such public water resources to take any particular action for preventing damage to the public water resources within a specified period of time.

In the case of the commission of any act causing damage or likely to cause damage to public water resources, the State agency or local government organisation responsible for public water resources in the area in question shall have the power to issue an order in writing demanding the person committing such act to take any particular action for eliminating the damage and restoring public water resources to the original position or the position close to the original position or suitable for use within a specified period of time.

## CHAPTER VII COMPETENT OFFICIALS

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**Section 80.** In the performance of duties under this Act, competent officials shall have the powers as follows:

(1) to enter any person's land during sunrise and sunset for examining water sources, conducting surveys or collecting data necessary for the control and surveillance of water resources;

(2) to enter any person's land, building, venue or vehicle during sunrise and sunset for the purposes of conducting treatment, rehabilitation or renovation in the wake of damage to public water resources;

(3) to enter any person's land, building, venue or vehicle during sunrise and sunset in the case where there is reasonable evidence to believe that there occurs the commission of an offence under this Act, for searching, detaining, seizing or attaching documents or any relevant

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articles and, where it is necessary, to destroy obstructing objects causing an obstacle to an entry for performing the duty, provided that due care shall be taken to minimise damage.

Upon entry and commencement of the search, detention, seizure or attachment under (3), if the action remains unaccomplished, the action may be continued in the night time or in the case of utmost emergency, the action under (3) may be carried out in the night time.

**Section 81.** In the performance of duties of competent officials under this Act, competent officials shall show their identification cards to persons concerned and persons concerned shall render reasonable assistance.

Identifications cards of competent officials shall be in accordance with the form prescribed in the Notification of the Prime Minister, Minister of Agriculture and Co-operatives, Minister of Natural Resources and Environment or Minister of Interior, as the case may be.

**Section 82.** In the performance of duties of competent officials under this Act, competent officials shall be officials under the Penal Code.

## CHAPTER VIII

### CIVIL LIABILITY IN THE CASE OF DAMAGE TO PUBLIC WATER RESOURCES

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**Section 83.** Any person who, wilfully or negligently, unlawfully causes damage to public water resources or uses public water resources without any right under the law is said to commit a wrongful act and is bound to make compensation therefor.

If the damage to public water resources results from any object or any other thing likely to cause harm or toxin, the possessor or controller of such object or other thing shall be bound to make compensation therefor even though it has not been caused wilfully or negligently unless it can be proved that such damage results from *force majeure* or the action performed in pursuit of an order of the competent official.

Compensation under this section includes:

(1) costs incurred in the operations of the State in assessing the damage and assessing expenses to be incurred in remedying effects to public water resources, the environment, the ecosystem and health of persons;

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(2) expenses incurred by the State in eliminating or relocating things causing the damage or rendering them to be no longer injurious or toxic and also in taking such articles to be retained, detained or held;

(3) expenses incurred by the State in restoring public water resources to their original positions;

(4) expenses incurred by the State in providing assistance or remedies to persons or other persons' property in consequence of such damage;

(5) expenses incurred by the State in taking any action to facilitate receipt of compensation under the law such as expenses incurred by the State in paying remuneration of State officials, expenses incurred in the gathering of evidence and the pursuit of legal proceedings in Court and Court fees;

(6) the value of public water resources damaged or used without any right under the law;

(7) damages resulting from the use of State budgets or funds from other funding sources for the purposes of undertaking treatment, rehabilitation or renovation in the wake of the damage to public water resources with a view to restoring them to their original positions;

(8) opportunity costs resulting from inability to use budgets or funds under (7) for investment in other State projects for the benefit of society as a whole;

(9) other contingent consequential damages.

The Department of Water Resources or the State agency or the local government organisation that is responsible for the supervision and maintenance of public water resources, as the case may be, shall represent the State in instituting an action for claiming compensation for damage to public water resources under this section. In this regard, the Public Prosecutor shall have the duty and power to take legal proceedings in Court as requested by the Department of Water Resources or such State agency or local government organisation.

**Section 84.** In the case where the person causing damage to public water resources has acted in pursuit of the order issued under section 79 paragraph two and thereby triggered the elimination or mitigation of the damage and caused the public water resources to be restored to their original position or the position close to their original position or suitable for

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use, it shall have the effect of reducing the amount of compensation in proportion to the action so taken.

## CHAPTER IX PENALTIES

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**Section 85.** Any person who violates or fails to comply with the Rule or ordinance issued under section 6 paragraph three shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding sixty thousand Baht or to both.

**Section 86.** Any person who violates an order issued under section 21 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Baht or to both.

**Section 87.** Any person who violates an order issued under section 21 which applies *mutatis mutandis* under section 36 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Baht or to both.

**Section 88.** Any person who violates or fails to comply with an order of the Prime Minister or obstructs any act performed in pursuit of an order of the Prime Minister issued under section 24 paragraph two or violates or fails to comply with the Notification issued under section 57 or section 58 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

**Section 89.** Any person who violates section 43 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

**Section 90.** Any person who violates section 44 shall be liable to imprisonment for a term of one year to three years or to a fine of one hundred thousand Baht to three hundred thousand Baht or to both.

**Section 91.** Any person who obstructs or fails to render reasonable assistance to competent officials in the performance of duties under section 66, section 67, section 75 paragraph two, section 76 or section 80 or fails to comply with an order issued under section 79

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paragraph two shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding sixty thousand Baht or to both.

**Section 92.** Any person who obstructs or fails to render reasonable assistance to competent officials in the performance of duties under section 66 or section 67 which applies *mutatis mutandis* under section 77 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding sixty thousand Baht or to both.

**Section 93.** Any person who violates section 71 paragraph one shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

**Section 94.** Any person who violates section 71 paragraph one which applies *mutatis mutandis* under section 77 shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

**Section 95.** Any person who violates section 75 paragraph one or violates or fails to comply with the Ministerial Regulation issued under section 78 paragraph one (1), (3), (4) or (5) shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht or to both.

**Section 96.** Any person who violates or fails to comply with the Ministerial Regulation issued under section 78 paragraph one (2) shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to both.

**Section 97.** In the case where the offender is a juristic person, if the commission of the offence by such juristic person has resulted from the instruction or an action of a director or a manager or any person responsible for the operation of such juristic person or in the case where such person has the duty to give instructions or take action and refrains from giving instructions or taking action, thereby leading to the commission of the offence by such juristic person, such person shall also be liable to the penalty as provided for such offence.

**Section 98.** Offences under section 85, section 86, section 87, section 88, section 89, section 91 and section 92 may be settled, by way of payment of a fine, by the settlement committee.

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In the case where the inquiry official or the competent official finds that any person has committed an offence under paragraph one and such person consents to have the settlement, the inquiry official or the competent official, as the case may be, shall refer the matter to the settlement committee within seven days as from the date of such person's declaration of the consent thereto.

When the alleged offender has made payment of the fine in such amount as required for the settlement within thirty days as from the date of the settlement, the case shall be deemed to have been extinguished under the Criminal Procedure Code.

If the alleged offender does not consent to have the settlement or has consented thereto but fails to make payment of the fine within the specified period provided under paragraph three, legal proceedings shall be continued.

**Section 99.** The settlement committee under section 98 shall consist of the following persons:

(1) in Bangkok areas: the representative of the Office of the Attorney-General, as Chairperson, the representative of the Bureau of the Royal Thai Police and the representative of the of Office, as members, and the competent official appointed by the Prime Minister, as a member and secretary;

(2) in areas of any other Province: Provincial Public Prosecutor, as Chairperson, Commander of the Provincial Police and the representative of the Office, as members, and the competent official appointed by the Prime Minister, as a member and secretary.

The rules and procedures for the consideration of the settlement committee shall be as prescribed by the Prime Minister.

#### TRANSITORY PROVISIONS

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**Section 100.** Pending the enactment of a Royal Decree prescribing drainage basins under section 25, drainage basin committees under the Rule of the Office of the Prime Minister on National Water Resources Administration, B.E. 2550 (2007) as amended holding office on the day prior to the date on which the Royal Decree prescribing drainage basins under section 25 comes into force shall serve as drainage basin committees for existing drainage

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basins of their responsibility for the time being and the Secretary-General shall appoint one Government official of the Office as a member and secretary of each drainage basin and, in addition, not more than two as assistant secretaries.

The secretary and assistant secretaries under paragraph one shall perform duties in place of the secretary and assistant secretaries of each existing drainage basin committee under the Rule of the Office of the Prime Minister on National Water Resources Administration, B.E. 2550 (2007) as amended.

In the case where a Royal Decree prescribing drainage basins under section 25 has been enacted, if that the drainage basin so prescribed is not different from the basin as in existence on the day prior to the date on which such Royal Decree comes into force and the drainage basin committee for the drainage basin has not yet been formed under section 27, the drainage basin committee under paragraph one shall serve as the drainage basin committee for the drainage basin under section 27 for the time being until the drainage basin committee for the drainage basin is formed under section 27, provided that this shall not exceed two years as from the date on which this Act comes into force.

In the case where a Royal Decree prescribing drainage basins under section 25 has been enacted, if that the drainage basin so prescribed is different from the drainage basin as in existence on the day prior to the date on which such Royal Decree comes into force and the drainage basin committee for the drainage basin has not yet been formed under section 27, the National Water Resources Commission under the Order of the Office of the Prime Minister No. 24/2561 (2018) Re: Appointment of the National Water Resources Commission dated 29<sup>th</sup> January B.E. 2561 (2018) shall entrust any particular drainage basin committee under paragraph one to serve as the drainage basin committee for the drainage basin under section 27 for the time being until the drainage basin committee for the drainage basin is formed under section 27, provided that this shall not exceed two years as from the date on which this Act comes into force. In such case, the drainage basin committee under paragraph one which performs duties in such drainage basin but is not entrusted to perform duties under the provisions of this paragraph shall cease to perform duties as from the date on which any particular drainage basin committee is entrusted to perform duties.

The provisions of section 16, section 20 paragraph one and paragraph four, section 21 and section 22 shall also apply to meetings and operations of drainage basin committees under paragraph three and paragraph four.

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**Section 101.** Pending the selection of members representing drainage basin committees under section 9 (4) and pending the appointment of qualified members under section 9 (5), the National Water Resources Commission under the Order of the Office of the Prime Minister No. 24/2561 (2018) Re: Appointment of the National Water Resources Commission dated 29<sup>th</sup> January B.E. 2561 (2018) shall serve as the National Water Resources Commission under this Act for the time being until the selection of members representing drainage basin committees under section 9 (4) and the appointment of qualified members under section 9 (5) have been made.

**Section 102.** In the initial period, the Strategic Plan on Water Resources Management (2015 – 2026) approved by the Council of Ministers on 7<sup>th</sup> May 2015 shall be used for water resources administration under this Act for the time being until the policies and master plan on water resources administration under section 17 (1) or the master plan on the use, development, management, maintenance, rehabilitation and conservation of water resources in the boundary of the drainage basin under section 35 (1) or the plan on the prevention and resolution of water drought and the plan on the prevention and resolution of flood under section 35 (2) are prepared and come into force.

**Section 103.** In the initial period, the Office shall prepare a water chart and particulars pertaining thereto for submission to the N.W.R.C. for consideration within two years as from the date on which this Act comes into force.

**Section 104.** When the Ministerial Regulation prescribing rules, procedures and conditions for the application for a licence and the issuance of a licence for water use of Type Two or water use of Type Three under section 45 has come into force, any existing water user whose water use is characterised as the water use of Type Two under section 41 (2) or the water use of Type Three under section 41 (3), as the case may be, shall submit an application for a licence for water use under this Act within sixty days as from the date on which such Ministerial Regulation comes into force and may, upon submission of the application within such period of time, continue the water use until the Director-General of the Royal Irrigation Department, Director-General of the Department of Water Resources or Director-General of the Department of Groundwater Resources, as the case may be, issues a refusal order.

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**Section 105.** While Chapter IV, Water Allocation and Water Use, has not yet come into force or has come into force but Ministerial Regulations, Rules or Notifications under the provisions of Chapter IV of this Act have not yet been issued, the application for permission and the granting of permission for the use of public water resources which are irrigation waterways under the law on irrigation and the application for permission and the granting of permission for the use of public water resources which are groundwater under the law on groundwater, rates of fees in relation to the permission, rates of water charges, the collection and reduction of or exemption from water charges in respect of such public water resources and also the suspension and revocation of licences shall be governed by the law on irrigation or the law on groundwater, as the case may be, for the time being until Chapter IV comes into force or until Ministerial Regulations, Rules or Notifications issued under the provisions of Chapter IV come into force.

**Section 106.** The enactment of Royal Decrees and issuance of Ministerial Regulations, Rules and Notifications under this Act, except the issuance of Ministerial Regulations and Notifications under Chapter IV, Water Allocation and Water Use, shall be completed within ninety days as from the date on which this Act comes into force. If their completion cannot be achieved, the Prime Minister, Minister of Agriculture and Co-operatives, Minister of Natural Resources and Environment or Minister of Interior, as the case may be, shall report the reasons therefor to the Council of Ministers for information.

Countersigned by:

General Prayut Chan-o-cha  
Prime Minister

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## RATES OF FEES

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- |  |                                |
|--|--------------------------------|
| 1. Applications  | not exceeding 100 Baht each    |
| 2. Licenses for Water Use of Type Two  | not exceeding 10,000 Baht each |
| 3. Licenses for Water Use of Type Three  | not exceeding 50,000 Baht each |
| 4. Substitutes for Licences  | not exceeding 500 Baht each    |
| 5. Renewal of the Term of Validity of Licences:<br>equivalent, on each occasion, to the same fee<br>for each licence |                                |
| 6. Transfers of Licences   | not exceeding 500 Baht each    |

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