

PUBLIC DISASTER PREVENTION AND MITIGATION ACT,
B.E. 2550 (2007)

BHUMIBOL ADULYADEJ, REX.

Given on the 28th Day of August B.E. 2550;
Being the 62nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have a law on disaster prevention and mitigation:
Be it, therefore, enacted by the King, by and with the advice and consent of the
National Legislative Assembly, as follows:

Section 1. This Act is called the “Public Disaster Prevention and Mitigation Act,
B.E. 2550 (2007).”

Section 2.¹ This Act shall come into force after the expiration of sixty days from
the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) Prevention of the Civil Disaster Act, B.E. 2522 (1979);
- (2) Fire Prevention and Extinguishing Act, B.E. 2542 (1999).

Section 4. In this Act:

“public disaster” means fire, windstorm, flooding, drought, epidemic in humans,
in animals or in marine animals, or invasion of plant pests, including other disaster which affects
the public, whether it is caused by nature, person, accident, or any other causes, and thereby

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Council of State.

¹ Government Gazette No. 124/ Part 52 Gor/ Page 1/7 September B.E. 2550.

causes harm to lives or bodies of the people, or damages to properties of the people or of the State, and shall also include air disaster and terrorism;

“air disaster” means a disaster caused by air raid;

“terrorism” means any act which aims to destroy properties of the people or of the State or any public utility, or to interfere, obstruct or delay any execution of work, including an assault on persons aiming to cause chaos in politics or national economic and social affairs with a view to damaging the State security;

“State agency” means a Government agency, State enterprise, public organisation and other State agencies, but shall not include a local administrative organisation;

“local administrative organisation” means a sub-district administrative organisation, municipality, provincial administrative organisation, Pattaya City Administration, Bangkok Metropolitan Administration and other local administrative organisations established by law;

“local administrative organisation” means a sub-district administrative organisation, municipality, Pattaya City Administration and other local administrative organisations established by law, but shall not include a provincial administrative organisation and Bangkok Metropolitan Administration;

“province” does not include Bangkok Metropolitan Administration;

“district” includes minor-district, but shall not include district in Bangkok Metropolitan;

“district chief” includes district deputy who is a chief of minor-district;

“local executive” means executive of the sub-district local administration, municipal mayor, Governor of Pattaya Metropolitan Administration, chief executive of other particular local administrative organisation;

“Commander” means the Commander of the National Disaster Prevention and Mitigation;

“director” means the central director, provincial director, district director, local director and Bangkok Metropolitan director;

“official” means a person appointed to perform duties in prevention and mitigation of public disaster in different areas under this Act;

“volunteer” means a volunteer for prevention of civil disaster under this Act;

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“Director-General” means the Director-General of the Department of Disaster Prevention and Mitigation;

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

Section 5. The Minister of Interior shall have charge and control of the execution of this Act and shall have the powers to issue Ministerial Regulations, Rules, Regulations and Notifications for the execution of this Act.

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

CHAPTER I GENERAL PROVISIONS

Section 6. There shall be the National Disaster Prevention and Mitigation Committee or in short “NDPMC” consisting of the Prime Minister or Deputy Prime Minister as entrusted by the Prime Minister as Chairperson; Minister of Interior as the first Deputy Chairperson, Permanent Secretary of the Ministry of Interior as the second Deputy Chairperson; Permanent Secretary of the Ministry of Defense, Permanent Secretary of the Ministry of Social Development and Human Security, Permanent Secretary of the Ministry of Agriculture and Cooperatives, Permanent Secretary of the Ministry of Transport, Permanent Secretary of the Ministry of Information Technology and Communications, Permanent Secretary of the Ministry of Public Health, Director of the Budgetary Bureau, Commissioner-General of the Royal Thai Police, Supreme Commander of the Royal Thai Armed Force, Commander-in-Chief of the Royal Thai Army, Commander-in-Chief of the Royal Thai Navy, Commander-in-Chief of the Royal Air Force, Secretary-General of the National Security Council and no more than five qualified members appointed by the Council of Ministers from persons who have knowledge, expertise, or experience relating to urban planning and public disaster prevention and mitigation as members.

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The Director-General shall be member and secretary, and shall appoint no more than two officers of the Department of Disaster Prevention and Mitigation as assistant secretaries.

Section 7. The NDPMC shall have the following powers and duties:

(1) to prescribe policies for the national public disaster prevention and mitigation plan;

(2) to consider and approve the national public disaster prevention and mitigation plan under section 11 (1) prior to submission to the Council of Ministers;

(3) to integrate and develop the public disaster prevention and mitigation system among State agencies, local administrative organisations, and related private organisations to ensure efficiency;

(4) to provide opinions, consultation, and support on the performance of duties in public disaster prevention and mitigation;

(5) to lay down Rules concerning remuneration, compensation and expenses on the execution of disaster prevention and mitigation upon the approval of the Ministry of Finance;

(6) to perform any other acts as prescribed by this Act or other laws or as entrusted by the Council of Ministers.

In performance of powers and duties under paragraph one, the NDPMC may appoint a sub-committee to perform any acts on its behalf or to entrusted thereby. In this regard, the provision of section 10 shall, *mutatis mutandis*, apply to meetings of the sub-committee.

For the purpose of performing powers and duties under paragraph one, the NDPMC may call upon a relevant State agency, local administrative organisation, or private organisation to attend a meeting, explain or provide information.

Section 8. A qualified member shall hold office for a term of four years.

In the case where a qualified member vacates office prior to the expiration of term or in the case where the Council of Ministers appoints an additional qualified member while the appointed qualified members remain in office, the person appointed for replacement

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or as additional qualified member shall be in office for the unexpired term of office of the qualified members already appointed.

Upon the expiration of the term of office under paragraph one, if new qualified members have not yet been appointed, the qualified members whose term of office has expired shall be in office to continue to perform their duties until new qualified members have been appointed.

A qualified member who vacates office upon the expiration of term may be re-appointed but shall not hold office for more than two consecutive terms.

Section 9. In addition to vacating office on the expiration of term under section 8, a qualified member vacates office upon:

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

Section 10. At a meeting of the NDPMC, the presence of not less than one-half of total members is required to constitute a quorum.

In any meeting, if the Chairperson is not present at the meeting or is unable to perform the duties, the first Deputy Chairperson shall preside over the meeting. If the first Deputy Chairperson is not present the meeting or is unable to perform the duties, the second Deputy Chairperson shall preside over the meeting. In the case where the Chairperson and both Deputy Chairpersons are not present at the meeting or are unable to perform the duties, the members present shall elect one among themselves to preside over that meeting.

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

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Section 11. The Department of Disaster Prevention and Mitigation shall be the central agency of the State in undertaking work relating to prevention and mitigation of public disaster of the country. It shall have the following powers and duties:

(1) to undertake a national public disaster prevention and mitigation plan and present it to NDPMC for consideration of the Council of Ministers;

(2) to undertake a research study in order to find an efficient measure for public disaster prevention and mitigation;

(3) to perform, coordinate, support, and provide assistance to State agencies, local administrative organisations and private organisations in public disaster prevention and mitigation and provide initial assistance to victims of disaster, persons in danger or receiving damage from public disaster;

(4) to provide opinions, consultation and training relating to public disaster prevention and mitigation to State agencies, local administrative organisations, private organisations;

(5) to monitor, examine and evaluate the execution of the public disaster prevention and mitigation plan in each level;

(6) to perform any other acts as prescribed in this Act or other laws or as entrusted by the Commander, Prime Minister, NDPMC or Council of Ministers.

Upon the approval of the National Public Disaster Prevention and Mitigation Plan under (1) by the Council of Ministers, related State agencies and local administrative organisations shall operate in accordance with such plan.

In preparing the National Public Disaster Prevention and Mitigation Plan under (1), the Department of Disaster Prevention and Mitigation shall consult with related State agencies and representatives of local administrative organisations. In this regard, a private organisation may provide information or opinion for preparation of the plan.

For the purpose of performance of duties under (3), (4), (5) and (6), the Department of Disaster Prevention and Mitigation shall establish the center for public disaster prevention and mitigation in some provinces for the execution of work in such province and other nearby provinces as necessary, and may establish Provincial Offices of Disaster Prevention and Mitigation to supervise and support the execution of public disaster prevention and mitigation in such province or as entrusted by the provincial director.

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Section 12. The National Public Disaster Prevention and Mitigation Plan under section 11 (1) shall, at least, contain the following contents:

(1) guidelines, measures, and budget necessary for systematic and continuous public disaster prevention and mitigation;

(2) immediate and long-term guidelines and methods in provision of assistance and disaster mitigation, including the evacuation of people, State agencies, and local administrative organisations, assistance of the victims, supervision relating to public health and problems of communications and infrastructure;

(3) State agencies and local administrative organisations responsible for undertaking in (1) and (2) and the means to obtain the budget to proceed with such undertaking;

(4) methods of preparation of personnel, equipment and tools, and arrangement of the operation system of public disaster prevention and mitigation, including training of personnel and the public;

(5) means for reparation, restoration, rehabilitation, and provision of assistance to the public after the end of public disaster;

The prescription of the contents under paragraph one shall be in accordance with and cover different disasters. Such prescription may be in accordance with the severity and risks of the public disaster. In the case where it is necessary to amend or revise the relevant law, regulation, rule or resolution of the Council of Ministers, it shall be prescribed in the National Public Disaster Prevention and Mitigation Plan.

Section 13. The Minister shall be the Commander who has powers to control and supervise the public disaster prevention and mitigation throughout the Kingdom in accordance with the National Public Disaster Prevention and Mitigation Plan and this Act. In this regard, the Minister shall have the powers to command and order the director, deputy directors, assistant director, officials and volunteers throughout the Kingdom.

Permanent Secretary of the Ministry of Interior shall be the Deputy Commander who has the duties to assist the Commander in the public disaster prevention and mitigation and perform duties as entrusted by the Commander, and shall have the powers to command and order, under paragraph one, following the Commander.

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Section 14. The Director-General shall be the central director in the public disaster prevention and mitigation throughout the Kingdom, and shall have the powers to control and supervise the performance of duties of the director, deputy directors, and assistant directors, officials, and volunteers throughout the Kingdom.

Section 15. The Provincial Governors shall be the provincial director responsible for the disaster prevention and mitigation in the province, and shall have the following powers and duties:

(1) to prepare a provincial public disaster prevention and mitigation plan in accordance with the National Public Disaster Prevention and Mitigation Plan;

(2) to supervise a training of volunteers of the local administrative organisations;

(3) to supervise the local administrative organisations to have materials, tools, equipment, vehicles, and other articles used for the purpose of public disaster prevention and mitigation as prescribed in the provincial public disaster prevention and mitigation plan;

(4) to ensure that a State agency and a local administrative organisation provide initial assistance to victims or persons in danger or receiving damage from public disaster, including maintenance of public order and any acts for public disaster prevention and mitigation;

(5) to support and provide assistance to local administrative organisations in public disaster prevention and mitigation;

(6) to perform any other acts as entrusted by the Commander and central director.

For the purpose of performance of duties under (3), (4) and (5), the provincial director has the powers to command State agencies and local administrative organisations in such province to undertake the public disaster prevention and mitigation in accordance with the provincial public disaster prevention and mitigation plan, and shall have the power to command, control and supervise the performance of duties of officials and volunteers in accordance with this Act.

Section 16. The provincial public disaster prevention and mitigation plan under section 15 (1) shall, at least, contain the contents under section 12 and other contents as follow:

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(1) establishment of an *ad hoc* center when the public disaster occurs, a structure and the person having commanding power in several matters in the public disaster prevention and mitigation;

(2) plans and procedures of a local administrative organisation in procuring materials, equipment, tools and vehicles for public disaster prevention and mitigation;

(3) plans and procedures of a local administrative organisation for procuring signs, signals or any other articles to inform the public regarding the occurrence of public disaster or the possibility thereof;

(4) action plans for the public disaster prevention and mitigation of local administrative organisations;

(5) co-operational plan with non-profit organisations

Section 17. In preparing a provincial public disaster prevention and mitigation plan, the Provincial Governor shall appoint a committee consisting of:

(1) Provincial Governor as the Chairperson;

(2) Deputy Provincial Governor entrusted by the Provincial Governor as the deputy Chairperson;

(3) Military Circle Commanding General or Military District Commanding Officer or the representative as the deputy Chairperson;

(4) Chief Executive of the provincial administrative organisation as the deputy Chairperson;

(5) other members consisting of:

(a) representatives of State agencies in that province, the number of which is determined by the Provincial Governor as deemed appropriate;

(b) seven representatives of the particular local administrative organisations consisting of two representatives from municipalities and five representatives from sub-district administrative organisation;

(c) representatives of non-profit organisations in the province, the number of which is determined by the Provincial Governor as deemed appropriate;

(6) Director of the Provincial Office of Public Disaster Prevention and Mitigation or a representative from the Department of Disaster Prevention and Mitigation as member and secretary.

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In the case where a higher educational institute is established in such province, an executive of such higher educational institute may be considered to be appointed as a consultant or member, the number of which is determined by the Provincial Governor as deemed appropriate.

The committee under paragraph one shall have the duties to prepare the provincial public disaster prevention and mitigation plan to be submitted to the Provincial Governor for further enactment.

The performance of duties and meetings of the committee under paragraph one shall be as prescribed by the provincial governor.

In the case where the Department of Disaster Prevention and Mitigation sees that a provincial public disaster prevention and mitigation plan is inconsistent with the National Public Disaster prevention and mitigation, it shall notify the Provincial Governor to correct and complete such correction within thirty days as from the date the notification is received.

Section 18. The Chief executive of the provincial administrative organisation shall be the provincial deputy director having the duties to assist the provincial director in public disaster prevention and mitigation and to perform other acts as entrusted by the provincial director.

Section 19. A district chief shall be the district director having responsibilities and performing duties on the disaster protection and prevention in their district and shall have duties to assist the provincial director as entrusted.

In the performance of duties of the district director under paragraph one, the district director shall have the power to command related State agencies and local administrative agencies in such district to undertake the public disaster prevention and mitigation in accordance with the provincial public disaster prevention and mitigation plan, and shall have the powers to command, control and supervise the performance of duties of officials and volunteer to be in accordance with this Act.

Section 20. A particular local administrative organisation shall have the duties to prevent and mitigate public disaster in their locality area. The local executive of such particular

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local administrative organisation shall be responsible as the local director and shall have the powers to assist the provincial director and district directors as entrusted.

In the performance of duties of the local director under paragraph one, the local director shall have the power to command, control and supervise the performance of duties of officials and volunteer to be in accordance with this Act.

The chief administrator of the provincial administrative organisation of the particular local administrative organisation shall be the local assistant director who has responsibilities and performs the duties in public disaster prevention and mitigation in his or her own locality area and has the duties to assist the local director as entrusted.

CHAPTER II PUBLIC DISASTER PREVENTION AND MITIGATION

Section 21. In the case where a disaster occurs or is expected to occur in the area of a particular local administrative organisation, the local director of such particular local administrative organisation shall have the duties to expeditiously undertake the public disaster prevention and mitigation and shall inform the district director responsible in such area and provincial director immediately.

In the performance of duties under paragraph one, the local director shall have the following powers and duties:

(1) to command civil servants, local officers, officers of State agency, officials, volunteers and any person in the area of such particular local administrative organisation where the disaster occurs to perform any act as necessary to prevent and mitigate the public disaster;

(2) to use a building, place, material, equipment, tool, and vehicle of a State agency or private organisation within the area of such particular local administrative organisation where the disaster occurs as necessary for the public disaster prevention and mitigation;

(3) to use communicative tools of a State agency or private organisation of every system located in the area of such particular local administrative organisation where the disaster occurs or in the adjacent area;

(4) to request assistance from other local administrative organisations for public disaster prevention and mitigation;

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- (5) to prohibit entry to or to order evacuation from a specified building or place;
- (6) to provide comprehensive and prompt assistance to victims of disaster.

Section 22. In the case where section 21 occurs, the district director and provincial director shall have the same powers and duties as the local director; the district director shall be empowered to command within his or her district, and the provincial director shall be empowered to command within his or her province, as the case may be.

In the case where a local director sees the necessity to obtain assistance from a State official or State agency outside the area of his or her particular local administrative organisation, he or she shall inform the district director or provincial director, as the case may be, to further issue a command expeditiously.

In the case where it is necessary for the purpose of public disaster prevention and mitigation, a provincial director may command a State agency, local administrative organisation, state official, or any person to act or omit from any act which would affect such public disaster prevention and mitigation. Such order shall enter into force for a period as prescribed in the order which shall not exceed twenty-four hours. In the case where it is necessary to extend the period of enforcement to over twenty hours, it shall be the powers of the Commander to issue a command as necessary but the period of such command shall not exceed seven days.

In the case where the area where the public disaster occurs or where the disaster is likely to occur under paragraph one is under the responsibilities of several local directors, any local director may exercise powers or perform duties under section 21 for the time being, and shall inform other local directors expeditiously.

Section 23. In the case where a public disaster occurs in an area of any particular local administrative organisation, it shall be the duties of the local director of the connecting areas or nearby areas of such particular local administrative organisation to support the prevention and mitigation of the public disaster occurred.

Section 24. When a public disaster occurs, it shall be duties of an official who encounters the public disaster to conduct a preliminary proceeding to alleviate such public disaster and to expeditiously inform the local director who is responsible in such area for

further commanding and in the case where it is unavoidable, the official shall have the powers to perform any act to protect lives or prevent danger which is likely to happen to a person.

Section 25. In the case where a public disaster occurs and danger from such public disaster is imminent, the director has the powers to command an official to modify, destroy, or relocate construction, materials, or properties of any person which obstructs the rehabilitation and prevention of the danger. In this regard, this shall only be preceded as necessary to prevent or redress the damage occurred from such public disaster.

The provision in paragraph one shall apply to the case where it is necessary to undertake to prevent the public danger, *mutatis mutandis*.

In the case where modification, destroying or relocation of construction, materials or properties may result in occurrence of public disaster in another area or cause an additional damage to another area, the local director may not exercise his or her power under paragraph one or paragraph two, except otherwise approved by the provincial director.

Section 26. In the case where it is necessary for an official to enter into a building or a place near the area where a public disaster occurs to prevent and mitigate the public disaster, he or she shall only enter into such building or place upon consent of the owner or possessor of the building or place, except if there is no owner or possessor during that period or in the case where it is under the control of the director, it shall be proceeded even if such owner or possessor does not consent.

In the case where a property in the building or place under paragraph one is a thing which may easily result in a public disaster, the official shall have the power to order the owner or possessor to relocate such property from the building or place.

In the case where the owner or possessor fails to comply with the order of the official under paragraph two, the official shall have the powers to relocate such property as necessary to prevent and mitigate the public disaster; the official shall not be responsible for any damages resulted from such act.

Section 27. In order to mitigate the disaster, the director and official entrusted by the director shall have the following powers and duties:

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(1) to provide a temporary place for victims to stay or to receive first aid and to maintain properties of the victims;

(2) to arrange a provisional traffic in the area where the public disaster occurs and the nearby area for the purpose of public disaster prevention and mitigation;

(3) to prohibit any irrelevant person from entering into the area where the public disaster occurs and the nearby area;

(4) to undertake to maintain public order and prevent wrongdoing;

(5) to assist victims and to assist in relocation of assets in the public disaster area and nearby area as requested by the owner or possessor thereof;

The director or official entrusted by the director shall provide a sign or signal used for specifying the place or performing any act under paragraph one.

In undertaking the acts under (2), (3), (4) and (5), the director or the official may undertake such act or entrust an administrative official or police in the area to undertake the act or may assist them and in the case under (5), he or she may entrust a non-profit organisation to proceed or assist in the undertaking.

Section 28. In the case where a public disaster occurs or is likely to occur in any area and where danger may be caused or performance of duties of officials may be obstructed if there are people staying in the area, the Commander, Deputy Commander, director and an official entrusted shall have the power to order an evacuation of people in the area as necessary for the public disaster prevention and mitigation.

Section 29. When a public disaster occurs or is likely to occur in an area and staying or undertaking any act in the area would result in gross danger, the Commander, Deputy Commander, central director, provincial director, district director and local director upon the approval of the district director, may announce to prohibit any person from entering to stay or act in such area. Such announcement shall prescribe the time for prohibition and prohibited area as necessary.

Section 30. The director in the area shall be responsible for surveying the damage resulting from the public disaster and shall prepare a list of victims and damaged

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properties as evidence, as well as issuing a certified letter to the victims as evidence for obtaining the assistance and rehabilitation.

The certified letter under paragraph one shall consist of the details concerning the assistance and rehabilitation which the victim may acquire from the government. It shall also specify an agency providing such assistance or rehabilitation and a contact place of such agency in the form prescribed by the Director-General.

All the official documents of an victim which are lost or damaged due to the public disaster, if victim makes a request to the particular local administrative organisation of such disaster area or of the domicile of such victim, it shall be duties of such particular local administrative organisation of that area to inform the relevant State agency and local administrative organization, and the relevant State agency and local administrative organisation shall re-issue such documents in accordance with the evidence possessed by them and deliver such documents to the victim or to deliver them through the particular local administrative organisation which informs the matter. In this regard, the victim shall not pay any fee or service charge even if the law relating to the issuance of such documents provides that such fee or service charge shall be paid.

In the case where a victim or an owner or possessor of property requests evidence for the provision of assistance or any other services, the director in the area shall be responsible for issuing the certified letter in accordance with the Rules prescribed by the Ministry of Interior.

Section 31. In the case where a serious public disaster occurs, the Prime Minister or Deputy Prime Minister entrusted by the Prime Minister has the power to order the Commander, director, State agency, and local administrative organisation to undertake an act to prevent and mitigate the disaster, including providing assistance to the people in the specified area with the same powers as the Commander under section 13 and the director under section 21, and shall have the power to supervise and control the performance of duties of the Commander, Deputy Commanders, directors, Deputy Directors, Assistant Directors, and officials in the undertakings under section 25, section 28 and section 29.

Any State official who fails to comply with the order of the Prime Minister or the Deputy Prime Minister under paragraph one shall be deemed to conduct malfeasance in office or gross disciplinary violation, as the case may be.

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CHAPTER III
PUBLIC DISASTER PREVENTION AND MITIGATION IN BANGKOK METROPOLITAN
ADMINISTRATION

Section 32. The Governor of Bangkok Metropolitan shall be the director of Bangkok Metropolitan being responsible for the public disaster prevention and mitigation in Bangkok Metropolitan and shall have the following powers and duties:

(1) to prepare a plan for public disaster prevention and mitigation of Bangkok Metropolitan which shall be in accordance with the national public disaster prevention and mitigation plan;

(2) to supervise training of volunteers of Bangkok Metropolitan;

(3) to provide materials, equipment, tools, vehicles and other articles for public disaster prevention and mitigation as provided in Bangkok public disaster prevention and mitigation plan;

(4) to provide initial assistance to victims or persons in danger or person receiving damages by the public disaster including to maintain public order and perform any acts to prevent and mitigate the public disaster;

(5) to provide support and assistance to local administrative organisations in the connecting or nearby areas in the public disaster prevention and mitigation;

(6) to perform any other acts as entrusted by the Commander or central director.

For the purpose of performing duties under (3), (4) and (5), Bangkok director shall have the power to command the government organisation and organs of Bangkok Metropolitan Administration, including coordinating with relevant State organisations and local administrative organisations in public disaster prevention and mitigation to ensure that they comply with Bangkok public disaster prevention and mitigation plan, and shall have the powers to command, control and supervise the performance of duties of officials and volunteers of Bangkok Metropolitan Administration to ensure compliance with this Act.

Section 33. The Bangkok public disaster prevention and mitigation plan undersection 32 (1) shall, at least, contain the contents in section 12 and other contents as follows:

(1) establishment of an *ad hoc* center when the disaster public occurs, the structure thereof and the person having commanding power in various matters in public disaster prevention and mitigation

(2) plans and procedures for procuring materials, equipment, tools and vehicles used for public disaster prevention and mitigation

(3) plans and procedures for providing symbols, signals or other things to inform the public of the occurrence of public disaster or the possibility thereof;

(4) action plans for the public disaster prevention and mitigation in Bangkok Metropolitan;

(5) co-operational plan with non-profit organisations in Bangkok Metropolitan.

Section 34. In preparing Bangkok public disaster prevention and mitigation plan, the Bangkok Governor shall appoint one committee consisting of:

(1) Bangkok Governor, as Chairperson;

(2) Permanent Secretary of Bangkok Metropolitan Administration, as Vice Chairperson;

(3) other members of the committee consisting of:

(a) representatives of a government organisation or organisations of the Bangkok Metropolitan Administration in the number deemed appropriate by the Bangkok Governor;

(b) representative of the Department of Disaster Prevention and Mitigation;

(c) representatives of non-profit organisations in Bangkok Metropolitan in the number deemed appropriate by the Bangkok Governor;

(d) representatives from community in Bangkok Metropolitan in the number deemed appropriate by the Bangkok Governor.

Representatives of the Ministry of Defense and representatives of higher education institutes shall be appointed as consultants or members of the committee in the number deemed appropriate by the Bangkok Governor.

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The committee under paragraph one shall have the duties to prepare the Bangkok public disaster prevention and mitigation plan and submit it to the Bangkok Governor for further promulgation.

The performance of duties and meeting of the sub-committee under paragraph one shall be as prescribed by the Bangkok Governor.

Section 35. The Permanent Secretary of the Bangkok Metropolitan Administration shall be the deputy director of the Bangkok Metropolitan and have the duties to assist the director of the Bangkok Metropolitan in public disaster prevention and mitigation and to perform other acts as entrusted by the director of Bangkok Metropolitan. The provisions in paragraph two of section 32 shall apply, *mutatis mutandis*, to the performance of duties of the deputy director of Bangkok Metropolitan.

In regard to responsibilities and powers and duties of the Permanent Secretary of the Bangkok Metropolitan Administration as the deputy director of Bangkok Metropolitan under paragraph one, the Permanent Secretary of Bangkok Metropolitan Administration may entrust the Deputy Permanent Secretary of Bangkok Metropolitan Administration to assist him or her.

Section 36. The director of each district of Bangkok Metropolitan Administration shall be the assistant director of Bangkok Metropolitan and shall perform duties in public disaster prevention and mitigation in each district and shall have duties to assist the director of Bangkok Metropolitan as entrusted.

In the performance of duties of assistant director of Bangkok Metropolitan under paragraph one, the assistant director of Bangkok Metropolitan shall have the power to command the government organisations and organisations of the Bangkok Metropolitan Administration within the area to assist or cooperate in public disaster prevention and mitigation in accordance with the Bangkok public disaster prevention and mitigation plan, and shall have the powers to command, control and supervise the performance of duties of officials and volunteers of the Bangkok Metropolitan Administration to ensure the compliance with this Act.

In regard to responsibilities and powers and duties of the Permanent Secretary of the Bangkok Metropolitan Administration as the deputy director of Bangkok Metropolitan under paragraph one, the Permanent Secretary of Bangkok Metropolitan Administration may entrust the Deputy Permanent Secretary of Bangkok Metropolitan Administration to assist him or her.

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Section 37. When a public disaster occurs or is likely to occur in Bangkok Metropolitan, the assistant director of Bangkok Metropolitan shall have the duties to expeditiously execute the public disaster prevention and mitigation, and immediately inform the director of Bangkok Metropolitan and the deputy director of Bangkok Metropolitan.

The provisions in section 21 paragraph two, section 22 paragraph three and paragraph four, section 24, section 25, section 26, section 27, section 28, section 29 and section 30 shall apply, *mutatis mutandis*, to the public disaster prevention and mitigation in the Bangkok Metropolitan.

Section 38. In the case where it is necessary to receive assistance from any State official or State agency in preventing and mitigating public disaster occurred in the Bangkok Metropolitan, the director of Bangkok Metropolitan shall inform such State official or State agency, and when that State official or State agency, as the case may be, upon the receipt of such notice, shall have duties to expeditiously provide assistance in preventing and mitigating public disaster occurred in Bangkok Metropolitan Area as informed.

CHAPTER IV OFFICIALS AND VOLUNTEERS

Section 39. The director shall have the powers to appoint an official to perform duties as follows:

- (1) central director has the powers to appoint officials to perform duties throughout the Kingdom;
- (2) provincial director has the powers to appoint officials to perform duties in the provincial area;
- (3) district director has the powers to appoint officials to perform duties in the district area;
- (4) local director has the powers to appoint officials to perform duties in the area of such particular local administrative administration;
- (5) director of Bangkok Metropolitan has the powers to perform duties in the Bangkok Metropolitan;

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Rules on the appointment and performance of duties shall be in accordance with the Rules prescribed by the Ministry of Interior.

Section 40. In the case where a director or official sees that any building or place is in the conditions which may easily cause a public disaster or that the materials or articles therein may cause public disaster, he or she shall inform the competent official under the law on such matter for further examination in accordance with their powers and duties.

Section 41. The director shall undertake to have volunteers in his or her responsible area to perform the following duties:

- (1) to provide assistance to officials in public disaster prevention and mitigation;
- (2) to perform other duties as entrusted by the director and as provided by the

Rules prescribed by Ministry of Interior.

The management and supervision of volunteers, selection, training, rights, duties and disciplines of volunteers shall be as the Rules prescribed of the Ministry of Interior.

Section 42. In the case where a non-profit organisation or any person provides assistance in the performance of duties of official during a public disaster, the director or official entrusted shall have the power to assign mission or to arrange places for such non-profit organisation and person in provision of assistance as deemed appropriate.

In order to facilitate the efficient provision of assistance, the director shall inform the non-profit organisation and person having the purpose to provide assistance to victims in the responsible area of the operational guideline under the provincial public disaster prevention and mitigation plan or Bangkok public disaster prevention and mitigation plan, and of the cooperation measure in the performance of duties.

CHAPTER V MISCELLANEOUS

Section 43. The Commander, Deputy Commander, directors, deputy directors, assistant directors and officials who perform duties in the public disaster prevention and

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mitigation under this Act shall be officials under the Penal Code and, in the performance of such duties, if such execution is in accordance with the powers and duties and is conducted reasonably and without gross negligence, such person shall be relieved of any offences and liabilities.

In acting under paragraph one, if damages are caused to a property of any person who is not a beneficiary of the rehabilitation of damages from such public disaster, the official shall pay compensation for damages occurred to such person in accordance with the rules and procedure provided in the Ministerial Regulation.

Section 44. In the case where a fact relating public disaster or public disaster prevention and mitigation prescribed in different plans under this Act is changed or such plan has been used for a period of five years, it shall be duties of the person responsible to expeditiously prepare, amend or revise the plan within his or her responsibilities.

Section 45. There shall be a uniform, symbol and identification card for officials and volunteers to identify themselves for the performance of duties in preventing and mitigating public disaster.

The uniform, symbol and identification card under paragraph one shall be in the form prescribed by Ministry of Interior.

In the case where the Commander, Deputy Commander, director or deputy director wishes to wear the uniform, such person may do in the form prescribed by the Ministry of Interior.

Section 46. Any execution under section 21, section 22, section 25, section 28 or section 29 which is within the military area or is related to military affairs, officials or properties shall be in accordance with the written agreement between the provincial director or Bangkok director and commanding officer of the soldiers in the related area, except it is the case where the Prime Minister or the Deputy Prime Minister has given order under section 31.

Section 47. All fines under this Act shall be the local income to dispense in public disaster prevention and mitigation of such local administration.

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Section 48. No person who performs duties in public disaster prevention and mitigation shall use any confidential information obtained in the position for his or her personal benefit or disclose such confidential information to other persons without legitimate power in the way that may cause damage to a person or to the profession of such person.

CHAPTER VI PENALTIES

Section 49. Any person who fails to comply with an order or obstructs the performance of duties of the director under section 21 shall be liable to imprisonment for a term not exceeding three months or a fine not exceeding six thousand baht or to both.

Section 50. Any person who obstructs the undertaking of officials or performance under the order of the director under section 25 or obstructs the performance of duties of officials under section 26 paragraph three shall be liable to imprisonment for a term not exceeding one year or a fine of not exceeding twenty thousand baht or to both.

Section 51. Any person enters into a restricted area under section 27 (3) without powers and duties under the law or under the order of the director shall be liable to imprisonment for a term not exceeding three months or a fine of not exceeding six thousand baht or to both.

In the case where the offender under paragraph one is an owner or possessor of a building or a place in the restricted area under section 27 (3), the director or official entrusted by the director may call such person for warning instead of initiating a legal proceeding.

Section 52. Any person who violates or fails to comply with the evacuation order under section 28, provided that such evacuation order is for prevention of obstructing the performance of duties in public disaster prevention and mitigation, or violates an order under section 29 shall be liable to imprisonment for a term not exceeding one month or a fine of not exceeding two thousand baht or to both.

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Section 53. During the period of public disaster, any person who wears the uniform or symbol of a volunteer or of a non-profit organisation and enters into the area of public disaster without being a volunteer or a member of such non-profit organisation to mislead other persons into believing that he or she is such person shall be liable to imprisonment for a term not exceeding three months or a fine of not exceeding six thousand baht or to both.

Section 54. Any person who collects or seeks any other benefits for himself, herself or other person illegitimately by presenting himself or herself as a volunteer, official or a person holding any other position in an agency relating to public disaster prevention and mitigation or using the name of an agency relating to public disaster prevention and mitigation for such undertaking shall be liable to imprisonment not exceeding one year or a fine of not exceeding twenty thousand baht or to both.

Section 55. Any person who violates section 58 shall be liable to imprisonment not exceeding six months or a fine of not exceeding two thousand baht or to both.

TRANSITORY PROVISIONS

Section 56. An agency or a person who has duties in preparing a public disaster prevention and mitigation plan under this Act shall complete the preparation of the public disaster prevention and mitigation plan under this Act within two years from the date this Act comes into force. The execution of disaster prevention and mitigation during the period that such plan is not completed shall be in accordance with the relevant plan in force on the date prior to the day this Act comes into force.

Section 57. All district centers for public disaster prevention and mitigation, Department of Disaster Prevention and Mitigation shall be the center for public disaster prevention and mitigation established under section 11 paragraph four of this Act.

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Section 58. All Ministerial Regulations, Rules, Regulations, Notifications or orders issued under the Prevention of Civil Disaster Act, B.E. 2522 and Fire Prevention and Extinguishing Act, B.E. 2542 which are in force on the date this Act comes into force shall remain in force in so far as they are not inconsistent or contradictory to this Act.

Countersigned by
General Surayuth Chulanont
Prime Minister

Office of the Council of State

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