

Unofficial Translation*

**WILD ANIMAL CONSERVATION AND PROTECTION ACT,
B.E. 2562 (2019)**

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOUHUA;

Given on the 24th Day of May B.E. 2562;

Being the 4th Year of the Present Reign.

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

Whereas it is expedient to revise the law on wild animal conservation and protection;

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 28, section 33, section 37 and section 40 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 balanced and sustainable efficacy of the conservation, preservation, protection and maintenance of wild animal varieties preservation zones and wild animal hunting prohibited zones as well as the management of wild animals, natural resources, the ecosystem and biological diversity in such areas 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;

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

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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.

Section 1. This Act is called the “Wild Animal Conservation and Protection Act, B.E. 2562 (2019)”.

Section 2.¹ This Act shall come into force after one hundred eighty days as from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) the Wild Animal Conservation and Protection Act, B.E. 2535 (1992);
- (2) the Wild Animal Conservation and Protection Act (No. 2), B.E. 2546 (2003);
- (3) the Wild Animal Conservation and Protection Act (No. 3), B.E. 2557 (2014).

Section 4. In this Act:

“wild animals” means animals of all species which generally exist and freely live in a natural state and shall also include eggs and embryos of such animals but shall exclude beasts of burden under the law on beasts of burden, animals which are, by their strain, technically accepted as domestic animals rather than wild animals and animals resulting from the reproduction of such animals;

“conserved wild animal” means a rare wild animal or an endangered wild animal, which entails strict conservation and preservation, as provided in this Act;

“protected wild animal” means a wild animal which is essential for the ecosystem or of which the population has a tendency to decrease to the extent likely to affect the ecosystem, as provided in this Act;

“controlled wild animal” means a wild animal which is afforded protection under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and any other wild animal necessitating appropriate control measures, as provided in this Act;

“dangerous wild animal” means a wild animal which may cause danger or become poisonous to human beings or other wild animals or threatens to cause wild animals, wild plants, the environment or the ecosystem to have swift detrimental change or becomes a carrier of a disease or pest insects, as provided in this Act;

¹ Published in Government Gazette, Vol. 136, Part 71a, dated 29th May 2019.

“carcass of a wild animal” means the body or part of the body of a dead wild animal or meat of a wild animal, whether grilled, boiled, smoked, roasted, dried, fermented, preserved or otherwise prepared for preventing decomposition and whether cut open, separated or forming an internal part of the wild animal’s body, and shall include a wild animal’s horn, skin, bone, skull, tooth, tusk, hair, scale, claw, carapace, shell, blood, lymph, sperm or a part which is separated from the body of a wild animal, whether living or dead;

“product from a carcass of a wild animal” shall include a derivative or anything derived from a wild animal or a carcass of a wild animal, which is detected or classified, by consultation of its accompanying document, packaging, mark, label or any other thing, as being attributable to such kind of wild animal, as prescribed in the Notification of the Minister;

“hunt” means an act of collecting, trapping, catching, shooting, killing or otherwise injuring a wild animal which is unowned and living freely and shall include an act of chasing, shepherding, calling, luring or any other activity for the purpose of collecting, trapping, catching, shooting, killing or injuring such wild animal;

“breed” means an act of propagation of raised wild animals by means of mating and shall include an act of propagation of wild animals by means of artificial insemination, embryo transfer or any other means with a view to enhancing the number of such wild animals;

“trade” means an act of purchasing, selling, exchanging, distributing, supplying, giving or transferring ownership for the purpose of trade and shall also include an act of having or holding out wild animals, carcasses of wild animals or products from carcasses of wild animals for trade and an act of publicising or advertising or presenting by television or radio, printed matters, information technology systems or any medium for trade;

“import” means an act of bringing or ordering into the Kingdom and shall include an act of bringing into the Kingdom wild animals, carcasses of wild animals or products from carcasses of wild animals already exported from the Kingdom;

“export” means an act of bringing or sending out of the Kingdom and shall include an act of bringing or sending out of the Kingdom wild animals, carcasses of wild animals or products from carcasses of wild animals already imported into the Kingdom;

“carry through” means an act of transit and transshipment under the law on customs;

“wild animal checkpoint” means a checkpoint for inspecting wild animals, carcasses of wild animals or products from carcasses of wild animals;

“zoo” means a place or area where wild animals are gathered and exhibited for the purposes of recreation, a study, education, a survey, research, preservation or the breeding of wild animals, in the interest of the business of such zoo;

“competent official” means a person appointed by the Minister for performing activities under this Act;

“Commission” means the Wild Animal Conservation and Protection Commission;

“Director-General” means the Director-General of the Department of National Parks, Wildlife and Plant Conservation or the Director-General of the Department of Fisheries only insofar as the matters are concerned with aquatic animals;

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

Section 5. The Minister of Natural Resources and Environment shall have charge and control of the execution of this Act and shall have the powers to appoint competent officials and issue Ministerial Regulations prescribing fees not exceeding the rates annexed hereto, reducing or exempting fees and prescribing other activities or issue Ministerial Regulations, Rules and Notifications in the execution of this Act.

In issuing Ministerial Regulations prescribing fees under paragraph one, the Minister may prescribe different fees, having regard to the kind, type or number of wild animals, carcasses of wild animals or products from carcasses of wild animals or the size, nature or type of the undertaking or activities intended to be operated.

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

CHAPTER I

WILD ANIMALS

PART I

TYPES OF WILD ANIMALS

Section 6. Wild animals in the List annexed hereto shall be conserved wild animals.

In the case where the Director-General, with the approval of the Commission, considers that any kinds of wild animals should be prescribed as conserved wild animals in addition to those prescribed in paragraph one, it shall be made by enactment of a Royal Decree.

In the case where the Director-General, with the approval of the Commission, considers that the number of any conserved wild animals as prescribed in paragraph one and paragraph two has increased to the extent that they are no longer endangered and no longer need strict conservation and preservation, the Director-General may recommend that such wild animals cease to be conserved wild animals, provided that this shall be made by enactment of a Royal Decree.

Section 7. Prescription of any kinds of wild animals as protected wild animals shall be made by a Ministerial Regulation with the approval of the Commission.

Section 8. Prescription of any kinds of protected wild animals, which offer potential for economic exploitation, as breedable protected wild animals shall be made by a Notification of the Minister with the approval of the Commission.

Section 9. Prescription of any kinds of wild animal as controlled wild animals shall be made by a Notification of the Minister.

Section 10. In the case where a Royal Decree is enacted under section 6 paragraph two for prescribing any additional kinds of conserved wild animals, a person who has in lawful possession wild animals or carcasses of wild animals corresponding to the additionally prescribed kinds of conserved wild animals prior to the date on which such Royal Decree comes into force shall notify particulars concerning the kinds and number of conserved wild animals or carcasses of conserved wild animals to the competent official within the time prescribed by the Director-General and published in the Government Gazette, provided that such period of time shall not be less than thirty days and also that public dissemination thereof shall be made in accordance with the procedures prescribed by the Director-General for a period of not less than thirty days.

Upon giving notification of particulars concerning the kinds and number of conserved wild animals or carcasses of conserved wild animals to the competent official under paragraph one, if the person possessing the conserved wild animals or carcasses of conserved wild animals intends to continue the possession thereof, the competent official shall, after consideration, issue a licence for temporary possession of conserved wild animals or a certificate of possession of carcasses of conserved wild animals to such person.

Upon giving notification of particulars concerning the kinds and number of conserved wild animals or carcasses of conserved wild animals to the competent official under paragraph one, if the possessor under paragraph one intends to distribute, supply or transfer such conserved wild animals to a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties, such action shall be completely carried out within the time prescribed in the Rule under paragraph four. In the case where it may not be completely carried out within such time, it shall be deemed that the possessor of such conserved wild animals, where they remain, agree to allow them to vest in the State.

Rules, procedures and conditions for giving the notification and receiving the notification, the issuance of licences for temporary possession of conserved wild animals, the issuance of certificates of possession of carcasses of conserved wild animals, terms of validity of licences or certificates, the possession of conserved wild animals or carcasses of conserved wild animals, renewal of terms of validity of licences or certificates, a transfer of licences or certificates, the issuance of substitutes for licences or certificates and the distribution, supply or transfer of conserved wild animals shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

In the case where the person who has in possession conserved wild animals or carcasses of conserved wild animals fails to take action under paragraph one, it shall be deemed that such person agrees to allow the conserved wild animals or carcasses of conserved wild animals so possessed to vest in the State.

Section 11. In the case where a Ministerial Regulation is issued under section 7 for prescribing additional kinds of protected wild animals, the provisions of section 10 paragraph one and paragraph two shall apply *mutatis mutandis* to a person who has in lawful possession wild animals, carcasses of wild animals or products from carcasses of wild animals corresponding to the additionally prescribed kinds of protected wild animals prior to the date on which such Ministerial Regulation comes into force.

In the case where the possessor under paragraph one intends to distribute, supply or transfer such protected wild animals to a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties or distribute such protected wild animals to a holder of a licence for the operation of a wild animal breeding business under section 28 in the case of breedable protected wild animals, such action shall be completely carried out within the time prescribed in the Rule under paragraph three. In the case where it may not be completely carried out within such time, it shall

be deemed that the possessor of such protected wild animals, where they remain, agree to allow them to vest in the State.

Rules, procedures and conditions for giving the notification and receiving the notification, the issuance of licences for temporary possession of protected wild animals, the issuance of certificates of possession of carcasses of protected wild animals, terms of validity of licences or certificates, the possession of protected wild animals, carcasses of protected wild animals or products from carcasses of protected wild animals, the operation performed against carcasses of protected wild animals or products from carcasses of protected wild animals possessed for trade, renewal of terms of validity of licences or certificates, a transfer of licences or certificates, the issuance of substitutes for licences or certificates and the distribution, supply or transfer of protected wild animals shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

In the case where the person who has in possession protected wild animals or carcasses of protected wild animals fails to take action under paragraph one, it shall be deemed that such person agrees to allow the protected wild animals or carcasses of protected wild animals so possessed to vest in the State.

PART II

WILD ANIMAL PROTECTION

Section 12. A person shall not hunt conserved wild animals or protected wild animals.

Section 13. Any person who hunts wild animals in violation of the provisions of this Act on account of compelling need and under the conditions as follows shall not be inflicted with punishment:

(1) it is for the purpose of causing himself or another person to escape danger or for the purpose of conserving or preserving property of his own or another person; and

(2) such hunting is carried out in a manner reasonable in the circumstances.

The perpetrator under paragraph one shall not, except in the case of necessity, move such wild animals or carcasses of such wild animals so hunted and shall forthwith notify the cause of the hunting or moving of such wild animals to the competent official or the local inquiry official. In such a case, the competent official, jointly with the inquiry official, shall

expeditiously examine the cause of the hunting or moving of the wild animals and shall handle such wild animals or carcasses of such wild animals in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 14. A person shall not collect, injure or have in possession nests or dens of conserved wild animals unless it is the case of a person duly having conserved wild animals in possession under this Act.

A person shall not collect, injure or have in possession nests or dens of protected wild animals unless they are nests or dens of protected wild animals of the kinds prescribed in the Notification of the Minister and a licence therefor is granted by the competent official or it is the case of a person duly having protected wild animals in possession under this Act.

The provisions of paragraph one and paragraph two shall not apply to persons obtaining permission for collection of bird nests under the law on swallow nest duties and persons carrying out activities by virtue of the power of the persons obtaining such permission, provided that they shall comply with the Rule prescribed by the Director-General with the approval of the Commission.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence under paragraph two shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 15. A person shall not abandon or set free conserved wild animals, protected wild animals or controlled wild animals or carry out any act causing such wild animals to leave his care.

The provisions of paragraph one shall not apply to persons having in possession conserved wild animals, protected wild animals or controlled wild animals duly obtained under this Act and having distributed, supplied or transferred them to persons capable of duly possessing such wild animals under this Act or having handed them over to the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries in the case where such wild animals are aquatic animals under section 16.

Section 16. In the case where a person who duly has a conserved wild animal, protected wild animal or controlled wild animal in possession under this Act is prevented by a cause of necessity from nurturing such wild animal and intends to hand over such wild animal to

the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries in the case where such wild animal is an aquatic animal, such person shall notify it to the competent official, provided that the possessor of such wild animal shall pay expenses to be incurred in nurturing it to the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, and it shall be deemed that such person agrees to allow such wild animal to vest in the State.

Rules, procedures and conditions for giving the notification and receiving the notification, taking a hand-over of wild animals, rates of expenses, payment of expenses for nurturing wild animals and the exemption of expenses for nurturing wild animals shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission. In this regard, the prescription of rates of expenses for nurturing wild animals shall be appropriate for the kinds and types of wild animals, having regard at least to costs of food for wild animals, costs of medication and medical supplies, costs of labour for handling nurturing places and costs of cages and dwelling places.

PART III

WILD ANIMAL POSSESSION

Section 17. A person shall not have in possession conserved wild animals, protected wild animals or carcasses of such wild animals unless:

- (1) it is the possession by a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties;
- (2) it is the possession, by a holder of a licence for the operation of wild animal breeding business under section 28, of breedable protected wild animals which are provided for the purpose of breeding or derived from the breeding or carcasses of such wild animals;
- (3) it is the case under section 10 or section 11.

Section 18. Any person who intends to have in possession breedable protected wild animals under section 8 which are derived from the breeding or carcasses of such wild animals shall obtain a licence from the Director-General unless it is the possession, under a wild animal trading licence, by a holder of a trade licence under section 30.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a

licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

Section 19. Any person who intends to have in possession controlled wild animals under section 9 of the kinds prescribed in the Notification of the Minister or carcasses of such wild animals shall notify the possession to the competent official unless it is the possession, under a wild animal trading licence, by a holder of a trade licence under section 30.

The rules, procedures and conditions for giving the notification and receiving the notification and for the possession shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 20. In the case of a Notification prescribing kinds of controlled wild animals under section 19 paragraph one, a person having in possession such controlled wild animals prior to the date on which such Notification comes into force shall notify the possession of such controlled wild animals under section 19 paragraph two to the competent official within the time prescribed by the Director-General and published in the Government Gazette, provided that such period of time shall not be less than thirty days and also that public dissemination thereof shall be made in accordance with the procedures prescribed by the Director-General for a period of not less than thirty days.

Section 21. The provisions of section 17, section 18 and section 19 shall not apply to assistance of conserved wild animals, protected wild animals, breedable protected wild animals and controlled wild animals which are deserted, injured, sick or weak, provided that the assistance of such wild animals has been notified to the competent official in accordance with the Rule prescribed by the Director-General.

PART IV

IMPORTATION, EXPORTATION OR THROUGH CARRIAGE OF WILD ANIMALS AND WILD ANIMAL CHECKPOINTS

Section 22. A person shall not import or export conserved wild animals, carcasses of conserved wild animals or products from carcasses of conserved wild animals unless a licence is granted by the Director-General.

Permission under paragraph one may be granted only in the case where it is the act for the operation of a zoo of a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

Section 23. A person who intends to import or export protected wild animals, breedable protected wild animals, controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals shall acquire a license granted by the Director-General.

Permission under paragraph one, in the case of protected wild animals or carcasses of protected wild animals, may be granted only in the case where it is the act for the operation of a zoo of a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties.

The provisions of paragraph one shall not apply to the importation or exportation of carcasses of protected wild animals, carcasses of controlled wild animals and products from carcasses of such wild animals for personal use in accordance with the kinds, types and quantity prescribed in the Notification of the Director-General.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

Section 24. In the case where the exportation of wild animals, carcasses of wild animals or products from carcasses of wild animals other than conserved wild animals, protected wild animals or controlled wild animals needs an export certificate as required by a country of destination or where any importer or exporter intends to obtain a certificate of importation or exportation of such wild animals, carcasses of such wild animals or products from carcasses of such wild animals, an application for a certificate of importation or exportation may be submitted to the competent official.

Qualifications and prohibitions of an applicant for a certificate and a transferee of a certificate and rules, procedures and conditions for the application for a certificate and issuance of a certificate, a term of validity of a certificate, renewal of a term of validity of a certificate, a transfer of a certificate and the issuance of a substitute for a certificate shall be as prescribed in the Ministerial Regulation.

Section 25. Any person who intends to carry through conserved wild animals, protected wild animals, breedable protected wild animals, controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals shall notify it to the competent official stationed at a wild animal checkpoint.

Rules, procedures and conditions for giving notification and receiving notification and the through carriage shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 26. The Minister shall have the power to establish wild animal checkpoints and prescribe areas of such checkpoints by publication in the Government Gazette.

Section 27. A holder of a licence for the importation or exportation of conserved wild animals, protected wild animals, breedable protected wild animals, controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals shall, upon importation or exportation of such conserved wild animals, protected wild animals, breedable protected wild animals, controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals, notify it to the competent official stationed at a wild animal checkpoint. In this regard, a certificate of importation or exportation shall be produced. Further movement of such goods may be made when they have been inspected by the competent official.

Rules, procedures and conditions for giving notification and receiving notification shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

PART V

OPERATION OF WILD ANIMAL BREEDING BUSINESS AND WILD ANIMAL TRADE

Section 28. Any person who intends to operate the business of breeding breedable protected wild animals under section 8 or controlled wild animals under section 9 of

the kinds prescribed in the Notification of the Minister shall acquire a license granted by the Director-General.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

Section 29. A person shall not trade in conserved wild animals, protected wild animals, carcasses of such wild animals or products from carcasses of such wild animals.

Section 30. A person who intends to trade in breedable protected wild animals under section 8, controlled wild animals under section 9 of the kinds prescribed in the Notification of the Minister, carcasses of such wild animals or products from carcasses of such wild animals shall acquire a license granted by the Director-General.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

The provision of paragraph one shall not apply to a holder of a licence for operating the business of breeding wild animals under section 28 who intends to trade in breedable protected wild animals under section 8, controlled wild animals under section 9 of the kinds prescribed in the Notification of the Minister, carcasses of such wild animals or products from carcasses of such wild animals, provided that the holder of a licence for operating the business of breeding wild animals under section 28 shall also comply with the rules applicable to a holder of a trade licence as prescribed in the Ministerial Regulation under paragraph two and, in the case where the holder of a licence for operating the business of breeding wild animals under section 28 fails to comply with such rules, it shall also be deemed to constitute a ground for suspension or revocation of the licence for operating the business of breeding wild animals under section 28.

Section 31. In the case where a Notification is issued for prescribing kinds of controlled wild animals under section 28 paragraph one or section 30 paragraph one, a person who operates the business of breeding controlled wild animals or trades in controlled wild

animals, carcasses of such wild animals or products from carcasses of such wild animals prior to the date on which such Notification comes into force shall submit an application for a licence under section 28 paragraph two or section 30 paragraph two, as the case may be, within the time prescribed by the Director-General and published in the Government Gazette, provided that such period of time shall not be less than thirty days and also that public dissemination thereof shall be made in accordance with the procedures prescribed by the Director-General for a period of not less than thirty days.

Upon submission of an application for a licence, the business of breeding controlled wild animals or trading in controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals may be further operated until the Director-General issues an order refusing to grant permission.

PART VI

OPERATION AGAINST DANGEROUS WILD ANIMALS

Section 32. Prescription of any kinds, types or numbers of wild animals as dangerous wild animals shall be in accordance with the Notification of the Minister.

Any person who has dangerous wild animals or carcasses of such wild animals in possession shall notify it to the competent official and comply with measures for the control of dangerous wild animals or carcasses of such wild animals in accordance with the Rule prescribed by the Director-General and, in the case where it is necessary for protecting human beings, wild animals, wild plants, the environment or the ecosystem against greater danger or damage, the competent official may, with the approval of the Director-General, issue an order requiring the possessor of such dangerous wild animals or carcasses of such wild animals to eliminate or destroy them or hand them over to the competent official for further elimination or destruction.

A person shall not abandon or set free such dangerous wild animals or carcasses of such wild animals.

CHAPTER II

ZOOS

Section 33. Any person who intends to establish and operate a zoo shall acquire a license granted by the Director-General and, for this purpose, submit documents describing a zoo establishment and operation project, a list of kinds and numbers or quantities of wild animals or carcasses of wild animals which such person has or will have in possession, together with the production of evidence of their acquisition, and also a map indicating the location, plan and chart of the zoo.

The zoo establishment and operation project as well as the plan and chart of the zoo under paragraph one shall be in compliance with the standard for zoo management prescribed in the Notification of the Director-General with the approval of the Commission. In the case where the competent official considers that such zoo establishment and operation project as well as such plan and chart are correct, the competent shall issue a certificate to be used as a supporting document for the application for permission under other relevant laws. If such zoo establishment and operation project, plan and chart are incorrect, incomplete or inappropriate or fail to be in compliance with the standard for zoo management, the competent shall notify it to the applicant for a licence within ninety days as from the date of receipt of the application and specify a period of time within which such person is required to make rectification or improvement. If, at the expiration of such period of time, the applicant for a licence fails to take correct action, it shall be deemed that the applicant does not intend to establish and operate a zoo.

The standard for zoo management shall at least contain key substances as follows:

- (1) the management of areas for nurturing and exhibiting animals;
- (2) nutrition care;
- (3) sanitation, wastewater treatment, waste elimination and disease control;
- (4) the upkeep of animals;
- (5) animal welfare management;
- (6) security and the maintenance of security;
- (7) emergency operations and measures;
- (8) directions for providing knowledge or education on animals.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a

licence, the issuance of a substitute for a licence and the issuance of a certificate shall be as prescribed in the Ministerial Regulation.

In the case where any applicant for a licence submits an application therefor under paragraph one in relation to conserved wild animals or protected wild animals or carcasses of such wild animals in respect of which the applicant has previously been granted a licence for the temporary possession of conserved wild animals or protected wild animals or a certificate of possession of carcasses of such wild animals, the licence for the temporary possession of conserved wild animals or protected wild animals or the certificate of possession of carcasses of such wild animals shall extinguish when a licence for the establishment and operation of a zoo is granted.

Section 34. During the construction of a zoo, if the Department of National Parks, Wildlife and Plant Conservation, the Department of Fisheries or the local government organisation in the locality in which such zoo is located finds that the construction fails to be in compliance with the zoo establishment and operation project as well as the plan and chart submitted under section 33, the Department of National Parks, Wildlife and Plant Conservation, the Department of Fisheries or the local government organisation, as the case may be, shall order the applicant for a licence to make rectification or improvement to ensure correctness within a period of time specified. Upon completion of action by the applicant for a licence, the applicant shall notify it to the competent official for proceeding with the examination of correctness.

In the case where the applicant for a licence has made rectification or alteration of the plan or chart, the applicant shall notify and furnish the rectified or altered plan and chart to the competent official. In this regard, the competent official shall notify the result of the consideration as to whether such plan and chart are in compliance with the standard for zoo management under section 33 within ninety days as from the date of receipt of the notification. If the competent official fails to notify the result within such period of time, the applicant for a licence may proceed with the action.

Prior to the inauguration of the zoo, the applicant for a licence shall notify it in writing to the competent official for the purpose of examining correctness of the establishment of the zoo and notifying the result thereof to the applicant for a licence within sixty days as from the date of receipt of the notification. If the competent official, after examination, is satisfied with the correctness, the Director-General shall issue a licence to the applicant for a licence. If the competent official fails to take action within such period of time, it shall be deemed that the Director-General issues an order granting permission as applied for and a licence shall be issued to such applicant for a licence.

Section 35. During the operation of a zoo, the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, shall exercise control to ensure that the holder of a licence carries out operations in compliance with the standard for zoo management under section 33.

In the case where it is found from the examination that the holder of a licence fails to carry out operations in compliance with the standard for zoo management under section 33 or areas within the zoo are in the condition posing public danger or nuisance or causing danger or suffering to wild animals, the Director-General shall have the power to issue an order in writing demanding such holder of the licence to rectify or improve such condition.

In the case of an increase or decrease of the numbers or quantities of conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals which are in possession or in the case of a change or transfer of ownership of conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals between zoos, the holder of the licence shall have the duty to notify it to the Director-General for prior consideration and permission before taking action, in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 36. In the case where, for the operation of any zoo, licences for the establishment and operation of a zoo have been granted both by the Director-General of the Department of National Parks, Wildlife and Plant Conservation and by the Director-General of the Department of Fisheries and the holder of the licences receives an order for suspension or revocation of any of the licences, it shall have the effect of temporarily discontinuing the operation of the zoo in entirety until rectification or improvement is carried out in accordance with the requirement prescribed by the Director-General or it shall have the effect of revoking the other licence, as the case may be.

Section 37. Any holder of a licence for the establishment and operation of any zoo who intends to cease the operation shall, prior to the date of the intended cessation, notify it in writing to the Director-General in accordance with the Rule prescribed by the Director-General with the approval of the Commission and the provisions of section 79 shall apply *mutatis mutandis* to action to be taken against wild animals or carcasses of wild animals which are in possession of the person ceasing the operation of the zoo under the licence for the establishment and operation of such zoo, provided that the action shall be completed within one year as from the date of the cessation of the operation of the zoo.

Section 38. For the purpose of supervision of a zoo established by a State agency within its duties, such State agency shall, prior to the inauguration of the zoo established by it within its duties, notify the establishment thereof to the Director-General for the purpose of examination. If the competent official finds that the establishment of such zoo fails to be in compliance with the standard for zoo management under section 33, the competent official shall notify it to the State agency for making rectification or improvement within the time specified and shall, when considering that the rectification or improvement of the zoo has been made in compliance with the standard for zoo management, notify it in writing to the State agency for its operation of the zoo.

A zoo established by a State agency within its duties shall comply with the provisions of this Act and furnish information on wild animals or carcasses of wild animals which are in its possession to the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, for information at least once a year.

The pursuit of action under this section shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

CHAPTER III

WILD ANIMAL CONSERVATION AND PROTECTION COMMISSION

Section 39. There shall be a commission called the “Wild Animal Conservation and Protection Commission” consisting of the Minister of Natural Resources and Environment as Chairperson, the Permanent Secretary for Natural Resources and Environment as Vice Chairperson, the Permanent Secretary for Foreign Affairs, Permanent Secretary for Commerce, Permanent Secretary for Interior, Commissioner-General of the Royal Thai Police, Director-General of the Department of Marine and Coastal Resources, Director-General of the Department of Lands, Director-General of the Department of Fisheries, Director-General of the Department of Livestock Development, Director-General of the Royal Forest Department, Director-General of the Customs Department, Secretary-General of the Office of Natural Resources and Environmental Policy and Planning, Director of the Zoological Park Organisation and not less than five but not more than seven qualified persons appointed by the Council of Ministers from those possessing knowledge, expertise or experience in the areas of wildlife, the preservation of natural resources and the environment, traditions and customs, cultures, community ways of life or law, as members.

The Director-General of the Department of National Parks, Wildlife and Plant Conservation shall be a member and secretary.

Not less than one half of the qualified members under paragraph one shall be appointed from persons representing the civil society.

Section 40. A qualified member shall possess the qualifications and shall not be under prohibitions as follows:

a. Qualifications

(1) being of Thai nationality;

(2) having experience or working in the area to which the appointment relates for a period of not less than ten years;

b. Prohibitions:

(1) being an incompetent person or a *quasi*-incompetent person;

(2) being a bankrupt or having previously been a dishonest bankrupt;

(3) being a person having been sentenced to imprisonment by a final judgment, except for an offence committed through negligence or a petty offence;

(4) being a political official, a holder of a political position, a member of a local assembly or a local administrator, an executive member or position holder responsible for the administration of a political party, an adviser to a political party or an official of a political party.

Section 41. A qualified member shall hold office for a term of three years. A qualified member who vacates office may be re-appointed but may not serve for more than two consecutive terms.

In the case where qualified members vacate office at the expiration of the term but new qualified members have not yet been appointed, such qualified members shall perform the duties for the time being until new qualified members are appointed.

Section 42. In addition to the vacation of office upon the expiration of the term, a qualified member vacates office upon:

(1) death;

(2) resignation;

(3) being removed by the Council of Ministers on the ground of neglect of duties, misbehaviour or lack of competence;

(4) being disqualified or being under any prohibition under section 40.

Section 43. In the case where a qualified member vacates office before the expiration of the term or in the case where the Council of Ministers appoints an additional qualified member during the term of office of the qualified members already appointed, the person appointed to fill the vacancy or as an additional qualified member shall be in office for the remaining term of the qualified members already appointed, provided that if less than ninety days remain in the term of office, the appointment of a replacing qualified member may be omitted.

Section 44. At a meeting of the Commission, 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 Commission, 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 it.

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.

Section 45. The Commission has the duties and powers as follows:

(1) to consider and approve the designation of areas as wild animal varieties preservation zones or wild animal hunting prohibited zones as well as the expansion or revocation of wild animal varieties preservation zones or wild animal hunting prohibited zones;

(2) to propose policies and measures necessary for the protection and maintenance of natural surroundings, natural resources and the environment in wild animal varieties preservation zones, wild animal hunting prohibited zones and controlled areas for wild animal management;

(3) to approve a masterplan on the management of the preservation of wild animals, wild animal varieties preservation zones and wild animal hunting prohibited zones;

(4) to determine additional measures for the preservation and breeding of wild animals, trade in wild animals, carcasses of wild animals and products from carcasses of wild animals and the operation of zoos;

(5) to consider and approve the issuance of Ministerial Regulations, Rules or Notifications required by this Act to be approved by the Commission;

(6) to give the Minister advice on matters concerning wild animals and perform other activities as entrusted by the Council of Ministers or the Minister;

(7) to perform any other act provided by law to be the duty or power of the Commission.

Section 46. The Commission shall have the power to appoint sub-committees or working groups for considering or performing any acts as entrusted by the Commission.

The provisions of section 44 shall apply to a meeting of a sub-committee *mutatis mutandis*.

CHAPTER IV

WILD ANIMAL VARIETIES PRESERVATION ZONES

PART I

DESIGNATION OF WILD ANIMAL VARIETIES PRESERVATION ZONES

Section 47. When it appears that any area has such natural surroundings as to be desirably preserved as wild animals' safe place of living and for the maintenance of wild animal varieties as well as the protection of original conditions of natural resources and the environment or the ecosystem in the interest of the preservation and protection of wild animals and biological diversity, the Department of National Parks, Wildlife and Plant Conservation shall, with the approval of the Commission, submit the matter to the Council of Ministers for consideration and approval to that effect. In this regard, this shall be made by enactment of a Royal Decree, with a map indicating the boundary lines concerned. The designated area is called a "wild animal varieties preservation zone".

When the Royal Decree under paragraph one has come into force, enforcement measures or protection measures in such area shall be as provided in this Act unless other laws provide, on the matters concerned, not lower measures than the measures provided in this Act.

Section 48. The area to be designated as a wild animal varieties preservation zone shall not be any person's land that is covered by a document evidencing ownership or a possessory right under the Land Code or any other law, unless it is the land of a State agency.

In designating a wild animal varieties preservation zone in an area which is under the responsibility or in care of or is owned by a State agency or which a State agency is permitted to use or exploit, the Department of National Parks, Wildlife and Plant Conservation shall first seek an opinion from such State agency.

In designating any area as a wild animal varieties preservation zone, there shall be the hearing of opinions and participation of interested persons, communities concerned and members of the public for assisting the consideration, in accordance with the Notification prescribed by the Minister with the approval of the Commission.

Section 49. In the case where the Department of National Parks, Wildlife and Plant Conservation, after a survey of any area, considers that it is suitable for designation as a wild animal varieties preservation zone under section 47, the Director-General of the Department of National Parks, Wildlife and Plant Conservation shall, with the approval of the Commission, declare it as a preparatory area for further designation as a wild animal varieties preservation zone in order that the Department of National Parks, Wildlife and Plant Conservation shall carry out preparation for further designation of such area as a wild animal varieties preservation zone under this Act.

During the pursuit of activities for designating the preparatory area under paragraph one as a wild animal varieties preservation zone under section 47, the competent official shall have the power to control and protect vicinities in the preparatory area to be further designated as a wild animal varieties preservation zone as provided by this Act and in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission, and in the case where the preparatory area to be further designated as a wild animal varieties preservation zone is in the area of a forest or a national reserved forest, the competent official shall also have the power to take action under the law on forests or the law on national reserved forests in such preparatory area.

Section 50. Competent officials shall cause to be made available boundary stakes, signs, marks indicating boundary lines of a wild animal varieties preservation zone and other necessary marks for the purpose of public awareness that the area concerned is a wild animal varieties preservation zone and provide members of the public with facilities as well as instructive information.

Rules and procedures for, and forms of, the availability of boundary stakes, signs, marks indicating boundary lines and other marks shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation.

Section 51. The expansion or revocation of a wild animal varieties preservation zone, whether in whole or in part, shall be by enactment of a Royal Decree and, in the case of the expansion or revocation of a wild animal varieties preservation zone in part, a map indicating the changed boundary lines shall also be annexed to the Royal Decree.

The provisions of section 47, section 48, section 49 and section 50 shall apply to the expansion or revocation of a wild animal varieties preservation zone *mutatis mutandis*.

PART II

PROTECTION, MAINTENANCE, CARE AND PRESERVATION OF WILD ANIMAL VARIETIES PRESERVATION ZONES

Section 52. For the purpose of the protection, maintenance, care and preservation of wild animal varieties preservation zones, there shall be made available a plan on the preservation and protection of the area of each wild animal varieties preservation zone for submission to the Director-General of the Department of National Parks, Wildlife and Plant Conservation for approval. When the Director-General of the Department of National Parks, Wildlife and Plant Conservation has approved such plan on the preservation and protection of the area of the wild animal varieties preservation zone, the Chief of the wild animal varieties preservation zone who has duties and responsibility in such wild animal varieties preservation zone shall take action in the implementation of such plan on the preservation and protection of the area of the wild animal varieties preservation zone.

The plan on the preservation and protection of the area of the wild animal varieties preservation zone under paragraph one shall be in line with the masterplan on the management of the preservation of wild animals and wild animal varieties preservation zones under section 45 (3) and shall be in accordance with the rules prescribed in the Notification of the Director-General of the Department of National Parks, Wildlife and Plant Conservation. In this regard, there shall

be at least the hearing of opinions and participation of interested persons, communities concerned and members of the public in the preparation of the plan, directions for the preservation and protection of wild animals, the care and rehabilitation of places of living or places of subsistence for wild animals and the protection and preservation of natural surroundings, natural resources, the environment, the ecosystem and biological diversity in such wild animal varieties preservation zone.

Section 53. A person shall not enter a wild animal varieties preservation zone unless permission from the competent official is granted or it is the case of an entry by the competent official or any other official for the performance of duties.

A person who is permitted to enter a wild animal varieties preservation zone shall comply with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation and competent officials' orders lawfully given for demanding performance.

Rules, procedures and conditions for the application for permission and the granting of permission under paragraph one shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 54. Within a wild animal varieties preservation zone, a person shall not hunt wild animals, collect or injure nests or dens of wild animals or lure or take wild animals away unless it is performed for the purpose of a survey, study, research or academic experiment and upon written permission from the Director-General of the Department of National Parks, Wildlife and Plant Conservation.

Rules, procedures and conditions for the application for permission and the granting of permission shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 55. Within a wild animal varieties preservation zone, a person shall not perform any of the following acts:

(1) causing boundary stakes, signs, marks indicating boundary lines or other marks made available by competent officials under this Act to be moved, obscured, damaged, lost or useless;

(2) holding or possessing land, carrying out construction, massively clearing or burning a forest or acting in any manner causing deterioration or diversion from originally natural conditions;

(3) changing a waterway or causing water in a river, brook, marsh or swamp to overflow or be dried, polluted or toxic;

(4) blocking or obstructing a waterway or an inland way;

(5) collecting, taking away or otherwise endangering or deteriorating wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carrying out any other act affecting natural resources, the environment, the ecosystem or biological diversity;

(6) growing trees or other flora or bringing or releasing animals of all kinds into the zone.

For the purpose of a survey, study, research or academic experiment, film, video or documentary shooting, photography, natural study or the maintenance of public utility infrastructure or in the interest of energy security, the competent official may permit a person to do an act under (4), (5) or (6) within an area specified, provided that such act must also be under supervision of the competent official and cause no unreasonable disturbance to natural habitat of wild animals and cause no damage to the wild animal varieties preservation zone.

Rules, procedures and conditions for the application for permission and the granting of permission and the supervision under paragraph two shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 56. The provisions of section 53, section 54 or section 55 shall not apply to an act of the competent official in the case as follows:

(1) there is urgent need or emergency for preventing danger to a person or community or for preserving natural surroundings, natural resources and the environment or for preventing a public disaster, provided that the competent official shall, when an act has been carried out, report it to the Director-General of the Department of National Parks, Wildlife and Plant Conservation without delay;

(2) it is carried out for the purpose of protecting, taking care of or maintaining a wild animal varieties preservation zone or for a survey, study, research or academic experiment or for facilitating a natural study or facilitating safety or educating members of the public.

In carrying out acts by the competent official under (1), the competent official may request other State officials or other persons to provide assistance therein and shall report the acts to the Director-General of the Department of National Parks, Wildlife and Plant Conservation and it shall be deemed that the acts of other State officials or other persons are the acts of the competent official under this Act.

Acts of the competent official under paragraph one and paragraph two shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 57. For the purpose of ensuring that the exploitation of natural resources shall proceed in a balanced and sustainable manner, if any area of a wild animal varieties preservation zone has adequately suitable potential for the collection or exploitation of certain kinds of sustainably renewable natural resources and the Chief of the wild animal varieties preservation zone considers that the collection or exploitation of such natural resources within the specified area causes no damage to the ecosystem, natural surroundings and wild animals, the Chief of the wild animal varieties preservation zone may, with participation of communities in the locality concerned, consider studying and preparing a project for the exploitation of such natural resources in accordance with technical principles, cultures and community ways of life for submission to the Commission for consideration and approval. When the Commission has approved such project, the Director-General of the Department of National Parks, Wildlife and Plant Conservation may grant permission for the pursuit of such project. In this regard, in granting permission for the pursuit of a project, regard shall be had to kinds, types, the amount or quantity of natural resources in respect of which permission is to be granted for collection or exploitation, a period of time for operation, measures for examination and control of impacts and the rehabilitation of areas or natural resources.

Rules, procedures and conditions for the study and preparation of a project, the granting of permission and the collection and exploitation of natural resources shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

CHAPTER V

SERVICE FEES OR REMUNERATION

Section 58. For the purpose of maintaining the status as a place of living of wild animals and the integrity of the ecosystem, safety, cleanliness, orderliness and the provision of services and facilities in a wild animal varieties preservation zone, the Department of National Parks, Wildlife and Plant Conservation may collect service fees or remuneration for the activities concerned.

Rules, procedures and conditions for the collection of and exemption from service fees or remuneration and rates of service fees or remuneration under paragraph one shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

An annual report on financial matters as well as operational results involving proceeds received from service fees or remuneration under this section shall be prepared for submission to the Commission and public dissemination.

Section 59. The proceeds collected under section 58 and proceeds from donations are not required to be remitted to the Treasury as State revenue and the Department of National Parks, Wildlife and Plant Conservation shall retain them for preserving, rehabilitating and maintaining wild animal varieties preservation zones or wild animal hunting prohibited zones, for preserving wild animals and retaining places of living or places of subsistence of wild animals or for assisting or remedying persons affected by wild animals.

Section 60. The Department of National Parks, Wildlife and Plant Conservation shall expend the proceeds under section 59 for funding the following:

(1) costs of the administration of wild animal preservation, wild animal varieties preservation zones or wild animal hunting prohibited zones in the implementation of the masterplan prescribed by the Commission under section 45 (3);

(2) the protection, care, maintenance or rehabilitation of natural resources and the environment in wild animal varieties preservation zones, wild animal hunting prohibited zones or areas approved by the Commission as preparatory areas for designation as wild animal varieties preservation zones or wild animal hunting prohibited zones, and the assistance and subsidisation of any activities relating to the support, promotion and maintenance of natural resources and the environment in such zones;

(3) the maintenance of places or the provision of resources necessary for or beneficial to the delivery of facilities, safety, knowledge dissemination and natural study of members of the public;

(4) costs of the destruction, demolition or relocation of structures or trees in respect of which persons commit offences under section 82 (3);

(5) the protection, care, nurture or assistance of wild animals seized by competent officials or wild animals that vest in the State under this Act or in accordance with orders of the Court or deserted wild animals or wild animals which are handicapped, injured, sick or weak;

(6) the training, studies, research or academic experiments of competent officials or officials performing work in the area concerning wild animals and the preservation of wild animals;

(7) the provision of welfare or financial grants to competent officials, officials or volunteers who suffer harm or physical injury or lose a life, or the provision of funds for defending lawsuits, in consequence of the performance of duties in the protection and care of wild animal varieties preservation zones, wild animal hunting prohibited zones or areas approved by the Commission as preparatory areas for designation as wild animal varieties preservation zones or wild animal hunting prohibited zones or in consequence of the performance of duties under this Act;

(8) the provision of assistance and remedies for persons affected by wild animals.

The expenditure of the proceeds under this section shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 61. The remittance and retention of the proceeds under section 59 shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Ministry of Finance.

CHAPTER VI

WILD ANIMAL HUNTING PROHIBITED ZONES

Section 62. In the case where any area which is not any person's land covered by a document evidencing ownership or a possessory right under the Land Code or other law, with the exception of the land of a State agency, deserves to be preserved as a place of living or a place of subsistence of wild animals of any kind or type, the Minister may, with the approval of the Commission, designate it as a wild animal hunting prohibited zone for wild animals of such

kind or type, provided that this shall be made by a Notification published in the Government Gazette, with a map indicating the boundary lines concerned.

When the Notification under paragraph one has come into force, enforcement measures or protection measures in such area shall be as provided in this Act unless other laws provide, on the matters concerned, not lower measures than the measures provided in this Act.

The provisions of section 48 paragraph two and paragraph three shall apply to the designation of wild animal hunting prohibited zones *mutatis mutandis*.

Section 63. In the case where the Department of National Parks, Wildlife and Plant Conservation intends to designate any area as a wild animal hunting prohibited zone under section 62 or expand a wild animal hunting prohibited zone under section 64, the provisions of section 49 shall apply to the designation of such area as a preparatory area for further designation as a wild animal hunting prohibited zone *mutatis mutandis*.

Section 64. The expansion or revocation a wild animal hunting prohibited zone, whether in whole or in part, shall be by a Notification of the Minister with the approval of the Commission and, in the case of the expansion or revocation of a wild animal hunting prohibited zone in part, a map indicating the changed boundary lines shall also be annexed to the Notification.

The provisions of section 48 paragraph two and paragraph three shall apply to the expansion of a wild animal hunting prohibited zone *mutatis mutandis*.

Section 65. The provisions of section 50 shall apply to the requirement of availability of boundary stakes, signs or marks indicating boundary lines of a wild animal hunting prohibited zone *mutatis mutandis*.

Section 66. Subject to section 67, in the case where the designation of any wild animal hunting prohibited zone covers the area of a place which is in official use or in use for public interests or in common use by the public, a State agency and members of the public remain entitled to enter and exploit the area that serves as such wild animal hunting prohibited zone in accordance with the plan on the preservation and protection of the area of the wild animal hunting prohibited zone under section 68. In this regard, in the case where such exploitation threatens to cause severe effects on wild animals in respect of which hunting is prohibited or the ecosystem of such wild animal hunting prohibited zone, the competent official shall have the power to order omission of such act or order an act of leaving the wild animal hunting prohibited zone on an occasional basis.

Section 67. Upon issuance of a Notification of the Minister for designating a wild animal hunting prohibited zone for wild animals of any kind or type, a person shall not perform any of the following acts:

(1) hunting wild animals of such kind or type or collecting or injuring nests or dens of such wild animals unless it is carried out for the purpose of a survey, study, research or academic experiment and upon written permission from the Director-General of the Department of National Parks, Wildlife and Plant Conservation;

(2) cutting, pulling down, massively clearing, burning or destroying trees or other flora or destroying, deteriorating, digging or collecting minerals, soil, rocks, gravels, sand, lateritic soil, forest materials or any natural resources or raising animals or releasing animals or wild animals or changing a waterway or causing water in a river, brook, marsh or swamp to overflow or be dried, toxic or harmful to wild animals, unless written permission is granted by the Director-General of the Department of National Parks, Wildlife and Plant Conservation or the Director-General of the Department of National Parks, Wildlife and Plant Conservation has issued a Notification granting occasional permission for any particular wild animal hunting prohibited zone.

Rules, procedures and conditions for the application for permission and the granting of permission under paragraph one shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

The provisions of paragraph one shall not apply to acts of competent officials or any other officials who need to perform the acts for the purpose of a survey, study, research or academic experiment or the protection, treatment or assistance of wild animals, provided that they shall comply with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 68. For the purpose of the protection, maintenance, care and upkeep of a wild animal hunting prohibited zone, the Chief of the wild animal hunting prohibited zone shall make available a plan on the preservation and protection of the area of the wild animal hunting prohibited zone for submission to the Director-General of the Department of National Parks, Wildlife and Plant Conservation for approval. When the Director-General of the Department of National Parks, Wildlife and Plant Conservation has approved such plan on the preservation and protection of the area of the wild animal hunting prohibited zone, the Chief of the wild animal hunting prohibited zone who has duties and responsibility in such wild animal hunting prohibited

zone shall take action in the implementation of such plan on the preservation and protection of the area of the wild animal hunting prohibited zone.

The plan on the preservation and protection of the area of the wild animal hunting prohibited zone under paragraph one shall be in line with the masterplan on the management of the preservation of wild animals and wild animal hunting prohibited zones under section 45 (3) and shall be in accordance with the rules prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation. In this regard, it shall at least consist of directions for the preservation and protection of wild animals and places of living or places of subsistence of wild animals and the surveillance, control and prevention of effects caused by the exploitation of the areas in use by a State agency or in use for public interests or in common use by the public in such wild animal hunting prohibited zone.

Section 69. For the purpose of the preservation and protection of wild animals in wild animal hunting prohibited zones, competent officials shall have the duties as follows:

- (1) taking care of and rehabilitating wild animals, places of living and places of subsistence of wild animals to ensure sustainability;
- (2) performing monitoring operations and exercising surveillance for the purpose of determining measures for the prevention or resolution of effects caused by wild animals;
- (3) providing public education on the preservation and protection of wild animals.

Section 70. In the case of utmost necessity for the purpose of handling wild animals which are outside a wild animal varieties preservation zone or a wild animal hunting prohibited zone and cause effects on or grievances to the public or for the purpose of preserving wild animals which are endangered or are of utmost importance to the ecosystem, the Director-General shall have the power to designate such area as a controlled area for handling wild animals of that kind or type. In this regard, this shall be made by a Notification published in the Government Gazette, with a map indicating the boundary lines being annexed to the Notification as well.

In designating a controlled area for handling wild animals under paragraph one, there shall be clearly specified the time of commencement and termination, which shall not exceed two years, and in the case of necessity, the Director-General may, by Notification published in the Government Gazette, extend the length of time for the designation of the controlled area for handling wild animals for each period not exceeding one hundred eighty days.

In a controlled area for handling wild animals, competent officials shall have the power to enter it for its care and upkeep and lay down control measures or issue orders prohibiting any activities in such controlled area for handling wild animals, as is necessary and appropriate, and if any person lawfully has ownership or a possessory right in such area, the Director-General shall also take action in making payment of damages or compensation to such person.

Rules, procedures and conditions for payment of damages or compensation under paragraph three shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

CHAPTER VII

EXPLOITATION OF BIOLOGICAL DIVERSITY

Section 71. Any person who collects, procures or gathers plant varieties, wild animal varieties or any part of such plant varieties or wild animal varieties including biological diversity in a wild animal varieties preservation zone or a wild animal hunting prohibited zone for the purpose of a study or research shall be granted permission by the competent official in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

The sharing of benefits from results of the study or research of biological diversity in a wild animal varieties preservation zone or a wild animal hunting prohibited zone shall be in accordance with the laws on such particular matters.

CHAPTER VIII

CONTROL AND COMPETENT OFFICIALS

Section 72. The provisions of section 12, section 14 paragraph one and paragraph two, section 15, section 17, section 18, section 19, section 22, section 23, section 25, section 27, section 28 and section 32 shall not apply to the pursuit of activities of competent officials for the purpose of a survey, study, research, academic experiment, the protection of wild animals, the treatment of wild animals or the prevention or cure of dangers to members of the public or animals or for the purpose of promoting wild animal breeding or for the purpose of promoting

the operation of a zoo, provided that the Rule prescribed by the Director-General with the approval of the Commission shall be complied with.

Section 73. For the purpose of a survey, study, research, academic experiment, the protection of wild animals, the treatment of wild animals or the prevention or cure of dangers to members of the public or animals or for the purpose of promoting wild animal breeding or for the purpose of promoting the operation of a zoo, the provisions of section 12, section 14 paragraph one and paragraph two, section 15, section 17, section 18, section 19, section 28 and section 32 shall not apply to:

(1) the pursuit of activities of a State agency in accordance with its missions, upon written permission from the Director-General, provided that rules, procedures and conditions for the application for permission and the granting of permission shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission;

(2) the pursuit of activities of officials in accordance with the missions of the Department of Marine and Coastal Resources, provided that they shall comply with the Rule prescribed by the Director-General of the Department of Marine and Coastal Resources with the approval of the Commission.

Section 74. In the case where the pursuit of activities of the competent official under section 72 is for the purpose of promoting the business of breeding wild animals under section 28 or the operation of a zoo under section 33, the competent official shall demand payment of costs, service fees or remuneration and prices of wild animals at the rates prescribed in the Rule prescribed by the Director-General with the approval of the Commission.

Section 75. In the case where any person intends to request the competent official to perform activities under this Act out of official hours or out of regular working places, whether domestically or overseas, such person shall submit an application to the competent official and shall pay *per diem* allowances to the competent official who performs the work at the same rate as the official rate and shall also pay travel allowances as well as other allowances to the competent official as is necessary and actually incurred in the performance of the work.

The submission of an application and the fixing of *per diem* allowances, travel allowances and other allowances under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

Section 76. When it appears that any holder of a licence or certificate violates or fails to comply with this Act or a Ministerial Regulation or Rule issued under this Act or conditions

specified in the licence or certificate or fails to comply with an order of the competent official given under this Act, the competent official shall have the power to issue a written order demanding the holder of the licence or certificate to make rectification or perform correctly within a specified period of time.

Section 77. The Director-General shall have the power to order suspension of a licence or certificate when it appears that the holder of the licence or certificate fails to comply with the requirements in the order of the competent official under section 76.

An order for suspension of a licence or certificate under paragraph one shall be for a period not exceeding ninety days as from the date of its notification to the holder of the licence or certificate. In this regard, the Director-General may revoke an order for suspension of a licence or certificate before the expiration of its period when the ground for the issuance of the order for suspension thereof ceases to exist.

Section 78. The Director-General shall have the power to revoke a licence or certificate when it appears that the holder of the licence or certificate violates an order for suspension of the licence or certificate or fails to make rectification or perform correctly within the time specified by the Director-General or the holder of the licence, having previously had the licence or certificate suspended, has carried out an act giving rise to re-suspension of the licence or certificate under section 76 within one year.

Section 79. In the case where the Director-General issues an order for revocation of a licence or certificate, if the person whose licence or certificate is revoked has conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals in possession under such revoked licence or certificate, any of the following actions shall be completely taken within one year as from the date of the suspension of the licence or certificate:

(1) distributing, supplying or transferring conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals to a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties;

(2) distributing, supplying or transferring breedable protected wild animals under section 8 or controlled wild animals or carcasses of such wild animals to an operator of a wild animal breeding business under section 28,

(3) submitting an application for a licence under section 28, in the case where such person intends to operate the business of breeding breedable protected wild animals under section 8 or controlled wild animals;

(4) submitting an application for a licence under section 18, in the case where such person intends to possess breedable protected wild animals under section 8 or carcasses of such wild animals;

(5) giving notification of possession under section 19, in the case where such person intends to possess controlled wild animals or carcasses of such wild animals.

In the case where the person whose licence or certificate is revoked fails to complete the action within the period of time under paragraph one and intends to hand over remaining wild animals or carcasses of wild animals to the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, the provisions of section 16 shall apply *mutatis mutandis*. When the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries has taken a hand-over of such wild animals or carcasses of such wild animals, it shall proceed in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 80. A licence or certificate issued under this Act shall be valid for a term specified in the licence or certificate. If the holder of a licence or certificate intends to renew the term of validity of the licence or certificate, an application for renewal of the term of validity thereof shall be submitted within ninety days before the original licence or certificate expires. Upon submission of an application, activities may be continued under the original licence or certificate until the person having the power to grant permission issues an order refusing to grant renewal of the term of validity of the licence or certificate.

In the case where the person having the power to grant permission issues an order refusing to grant renewal of the term of validity of the licence or certificate, if the holder of the licence or certificate has conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals in possession under the licence or certificate in respect of which renewal of the term of validity is refused to be granted, any of the actions under section 79 paragraph one shall be completely taken within one year as from the date on which the person having the power to grant permission issues the order refusing to grant renewal of the term of validity of the licence or certificate and the provisions of section 79 paragraph two shall apply *mutatis mutandis* to the case where the holder of the licence or certificate fails to complete the action within the specified period of time.

Section 81. In the performance of duties under this Act, the competent official shall have the duties and powers as follows:

(1) to demand, in writing, a person to give statements or furnish documents or relevant evidence for assisting the consideration and pursuit of activities under this Act;

(2) to enter any place of business or any place during sunrise and sunset or during office hours of such place of business or such place for conducting inspection and exercising control to ensure compliance with this Act;

(3) to search any place or vehicle during sunrise and sunset or during office hours of such place in the case where there is a reasonable cause to suspect that an offence is committed under this Act and there is a reasonable cause to believe that a delay in securing a warrant of search will result in property, articles, things or documents connected with the commission of the offence being moved, concealed, sent or taken out of the Kingdom or destroyed

(4) to seize or attach wild animals, carcasses of wild animals or products from carcasses of wild animals, documents or any evidence or article connected with the commission of an offence under this Act for the purpose of conducting inspection or taking legal proceedings.

When a search, seizure or attachment has been conducted under (3) or (4), if the action has not yet been accomplished, it may be continued during the night time or out of office hours of such place.

Section 82. In the case of a violation of or failure to comply with the provisions of this Act, the competent official shall have the duties and powers as follows:

(1) to order any person to refrain from any act or order any person to leave a wild animal varieties preservation zone or a wild animal hunting prohibition zone;

(2) to order, in writing, the offender under this Act to demolish, relocate, move, correct or otherwise perform against a structure, a thing causing danger to wild animals or a thing deteriorating, or causing danger in, a wild animal varieties preservation zone or a wild animal hunting prohibition zone;

(3) to carry out a seizure, destruction, demolition or correction or otherwise perform when the offender fails to take action under (2) or the offender is not known or the offender is known but is not found;

(4) to take any action as deemed appropriate, for preventing or mitigating damage to a wild animal varieties preservation zone or a wild animal hunting prohibition zone in the case of emergency.

Section 83. The question as to what positions or levels of competent officials shall have such powers, whether in whole or in part, as provided in section 81 and section 82 or shall require approval from any particular person before taking action and also the procedures for the performance of duties and the qualifications of competent officials of each position or each level shall be as prescribed in the Notification of the Minister. In this regard, in the performance of duties, officially entrusting documents shall be prepared for the entrusted competent officials for production to persons concerned.

Section 84. In the performance of duties under this Act, competent officials shall produce official identification cards to persons concerned.

Identification cards under paragraph one shall be in accordance with the form prescribed in the Notification of the Minister.

Section 85. For the purpose of making an arrest of an offender under this Act, competent officials shall be administrative or police officials under the Criminal Procedure Code.

Section 86. In handling wild animals seized by competent officials or wild animals which vest in the State under this Act or in accordance with the judgment of the Court or deserted wild animals or handicapped, injured, sick or weak wild animals, competent officials shall have the duty to provide them with assistance, care or treatment, distribute them, release them to their natural habitat, return them to their origin, transfer or destroy them, retain them for official use or handle them in any manner.

Competent officials, in their providing wild animals with assistance, care or treatment under paragraph one, may refer such wild animals to be in care of a zoo, an animal medical establishment under the law on animal medical establishments, an animal welfare centre under the law on prevention of animal cruelty and provision of animal welfare or a place provided for nurturing, taking care of and treating wild animals registered with the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be.

If it is thereafter apparent that the wild animal seized under paragraph one is not property connected with the commission of an offence, the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, shall return such property. If its return may not be effected, payment of the price of such property shall be made

in compensation by reference to prices of wild animals in accordance with the Rule prescribed by the Director-General with the approval of the Commission under section 74.

The pursuit of activities under paragraph one and paragraph two and rules, procedures and conditions for registration and revocation of registration of places provided for nurturing, taking care of and treating wild animals shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

CHAPTER IX

PENALTIES

Section 87. Any person who unlawfully acts or omit to act, whether intentionally or negligently, and thereby causes damage to natural resources in a wild animal varieties preservation zone or a wild animal hunting prohibited zone shall be liable to payment of damages to the extent of the value of natural resources so destroyed, lost or damaged.

Damages under paragraph one shall also include expenses incurred in the rehabilitation of such natural resources, ecosystem and biological diversity.

Rules for the quantification of the value of natural resources under paragraph one shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

For the purpose of this section, the Department of National Parks, Wildlife and Plant Conservation shall be the injured person in the institution of a lawsuit.

Section 88. The provisions of section 87 shall apply to a person who hunts conserved wild animals or protected wild animals which are outside a wild animal varieties preservation zone or outside a wild animal hunting prohibited zone *mutatis mutandis*, unless it is the case of an act under section 13.

For the purpose of this section, the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, shall be the injured person in the institution of a lawsuit.

Section 89. Any person who violates section 12 or section 29 shall be, if the act is committed against protected wild animals, carcasses of protected wild animals or products

from carcasses of protected wild animals, liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to both.

Any person who violates section 12, section 22 paragraph one or section 29 shall be, if the act is committed against conserved wild animals, carcasses of conserved wild animals or products from carcasses of conserved wild animals, liable to imprisonment for a term of three to five years or to a fine of three hundred thousand to one million five hundred thousand Baht or to both.

Section 90. Any person who violates or fails to comply with section 14, section 18 paragraph one or section 19 paragraph one or violates a control measure or an order of the competent official under section 70 paragraph three 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 91. Any person who violates section 15 paragraph one or fails to comply with the Ministerial Regulation issued under section 18 paragraph two, section 22 paragraph three, section 23 paragraph four, section 28 paragraph two, section 30 paragraph two or section 33 paragraph four or fails to comply with the Rule issued under section 19 paragraph two or section 25 paragraph two or fails to comply with section 27 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

Section 92. Any person who violates section 17, section 54 paragraph one or section 55 (3) 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 93. Any person who fails to comply with section 23 paragraph one or section 32 paragraph two or violates section 32 paragraph three 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 94. Any person who fails to comply with section 25 paragraph one or section 30 paragraph one shall be liable to imprisonment for a term not exceeding four years or to a fine not exceeding four hundred thousand Baht or to both.

Section 95. Any person who fails to comply with section 28 paragraph one or section 33 paragraph one or violates section 55 (1) 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 section 53 paragraph one shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding thirty thousand Baht or to both.

Section 97. Any person who fails to comply with the Rule or an order of the competent official under section 53 paragraph two shall be liable to a fine not exceeding one hundred thousand Baht.

Section 98. Any person who fails to provide assistance to the competent official under section 81 shall be liable to a fine not exceeding twenty thousand Baht.

Section 99. Any person who holds or possesses land, carries out construction, massively clears or burns a forest or acts in any manner causing deterioration or diversion from originally natural conditions in a wild animal varieties preservation zone, which is a violation of section 55 (2), shall be liable to imprisonment for a term of four to twenty years or to a fine of four hundred thousand to two million Baht or to both.

In the case where the offence under paragraph one is committed in an area of a first-tier river basin or an area of a second-tier river basin as prescribed by the Council of Ministers or a vulnerable area of the ecosystem or biological diversity, the offender shall be liable to heavier penalty than that provided by law in paragraph one by one half.

Section 100. Any person who collects, takes away or acts in any manner endangering or deteriorating wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carries out any other act affecting natural resources, the environment, the ecosystem or biological diversity in a wild animal varieties preservation zone, which is a violation of section 55 (5), 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.

In the case where the offence under paragraph one is committed against seasonally renewable natural resources of which the aggregate value does not exceed two thousand Baht, the offender shall be liable to a fine not exceeding five thousand Baht.

In the case where the offence under paragraph one is an act which causes damage to trees or logs or a combination of the two, in the aggregate quantity exceeding twenty or in the aggregate volume exceeding four square metres, the offender shall be liable to imprisonment for a term of four to twenty years and to a fine of four hundred thousand to two million Baht.

Section 101. Any person who violates section 55 (4) shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand Baht or to both.

Section 102. Any person who violates section 55 (6) shall be liable to a fine not exceeding twenty thousand Baht.

In the case where the offence under paragraph one is an act of bringing or releasing animals seriously harmful to or affecting the ecosystem in the wild animal varieties preservation zone concerned, the offender 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 103. Any person who violates section 67 (1) or (2) shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding seven hundred thousand Baht or to both.

In the case where the violation under section 67 (2) is committed against seasonally renewable natural resources of which the aggregate value does not exceed two thousand Baht, the offender shall be liable to a fine not exceeding five thousand Baht.

Section 104. Any person who fails to comply with an order of the competent official under section 82 (1) shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

In addition to the penalty under paragraph one, such person shall also be liable to a fine not exceeding ten thousand Baht a day until correct performance takes place.

Section 105. Any person who fails to comply with an order of the competent official under section 82 (2) shall be liable to imprisonment for a term of one year to three years or to a fine not exceeding three hundred thousand Baht or to both.

In addition to the penalty under paragraph one, such person shall also be liable to a fine not exceeding ten thousand Baht a day until correct performance takes place.

Section 106. For all offences only punishable by a fine or imprisonment for a term not exceeding one year, the Director-General or the person entrusted by the Director-General shall have the power to settle them in accordance with the Rule prescribed by the Minister.

When the 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 provisions of the Criminal Procedure Code.

Fines received under this section are not required to be remitted to the Treasury as State revenue and the Department of National Parks, Wildlife and Plant Conservation shall retain them as the proceeds under section 59.

Section 107. In taking criminal proceedings against a violator of this Act, when the Public Prosecutor submits a criminal action, a claim of damages under section 87 or section 88 shall be made simultaneously.

Section 108. In the case where a person has provided information leading to an arrest of an offender under this Act, the Public Prosecutor shall make a request to the Court and the Court shall have the power to order payment of an arrest reward to the person providing information leading to the arrest in an amount not exceeding one half of the amount of the fine required by the judgment, provided that payment shall be made out of the fine paid before the Court. If the offender fails to pay the fine or makes payment in an amount lower than the full amount required to be paid as an arrest reward, payment of the outstanding arrest reward shall be made out of the proceeds of sale of exhibits seized by the Court's order. Any deficient amount shall be disregarded.

In the case of several persons providing information leading to an arrest, an arrest reward shall be shared amongst them equally.

Payment of an arrest reward may be made when the case becomes final.

Section 109. All logs, carcasses of wild animals or any other natural resources in a wild animal varieties preservation zone or a wild animal hunting prohibited zone acquired by a person from the commission of an offence or carcasses of wild animals or products from carcasses of wild animals acquired from the commission of an offence under this Act, weapons, tools, appliances, structures, equipment, beasts of burden, vehicles or any machines used in the commission of an offence or possessed for use in the commission of an offence under section 55 (1), (2), (3), (4), (5) or (6) or section 67 (1) or (2) shall be confiscated, irrespective of whether they belong to the offender and whether any person is inflicted with penalty by judgment of the Court or not.

The Public Prosecutor shall request the Court to order confiscation of the property under paragraph one and, when a request has been made by the Public Prosecutor, the

competent official shall post the notification thereof at the *Amphoe* Office, Office of *Kamnan*, Office of *Poo Yai Ban* and Office of the local government organisation in whose area the incident has occurred, whether in such case the person believed to be the owner is known or not. In the case where there appears evidence that a particular person is the owner of such property, such notification shall be sent, by registered post with advice of receipt, to the domicile of the owner thereof in order that the person claiming to be the owner shall submit an application to join the case before the Court of First Instance renders judgment.

In the case where nobody claims to be the owner before the Court of First Instance renders judgment or there exists the owner but the owner is unable to prove to the satisfaction of the Court that the owner did not have an opportunity to know or did not have a reasonable cause to suspect that such property would be used in the commission of the offence and the owner exercised reasonable care to prevent the commission of such offence or is unable to prove to the satisfaction of the Court that the owner did not have an opportunity to know or did not have a reasonable cause to suspect that such property would be used in the commission of the offence under this Act, the Court shall order confiscation of such property at the expiration of thirty days as from the first day of the notification being posted. In the case where there appears evidence that a particular person is the owner of the property, the time shall be counted as from the date on which the owner of the property receives or is deemed to have received the notification sent by registered post with advice of receipt under paragraph two and, in such case, section 36 of the Penal Code shall not apply.

Section 110. In the case where the offender under this Act is a juristic person, if the commission of such offence 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.

TRANSITORY PROVISIONS

Section 111. In the initial period, the Wild Animal Conservation and Protection Commission shall consist of *ex officio* members under section 39, who shall perform the duties under this Act for the time being until the appointment of qualified members of the Wild Animal Conservation and Protection Commission is made, provided that this shall take place not later than one hundred twenty days as from the date on which this Act comes into force.

Section 112. Protected wild animals under Ministerial Regulations issued under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) shall be protected wild animals under this Act until a Ministerial Regulation under section 7 is issued and comes into force.

Wild animals of the breedable kinds under Ministerial Regulations issued under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) shall be breedable protected wild animals under this Act until a Notification of the Minister under section 8 is issued and comes into force.

Wild animals of the kinds prescribed in the Notification of the Minister prohibiting importation or exportation under section 23 paragraph one of the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) shall be controlled wild animals under this Act until a Notification of the Minister under section 9 is issued and comes into force.

Section 113. Any person who has in possession Bryde's whales (*Balaenoptera edeni*), Omura's whales (*Balaenoptera omurai*), leatherback sea turtles (*Dermochelys coriacea*) and whale sharks (*Rhincodon typus*) or carcasses of such conserved wild animals prior to the date on which this Act comes into force shall give notification of particulars of the kinds and quantity of such conserved wild animals or carcasses of such conserved wild animals to the competent official within ninety days as from the date on which this Act comes into force and, when the competent official has received the notification, shall take action as follows:

(1) with respect to Bryde's whales (*Balaenoptera edeni*), Omura's whales (*Balaenoptera omurai*), leatherback sea turtles (*Dermochelys coriacea*) and whale sharks (*Rhincodon typus*), if the possessor intends to retain possession of such conserved wild animals, the Director-General of the Department of Fisheries shall consider whether to issue a licence for temporary possession of conserved wild animals to such possessor thereof, having prime regard to welfare and safety of such animals, and the holder of a licence for temporary possession of the conserved wild animals may not distribute, supply or transfer the conserved wild animals unless it is a transfer by way of inheritance, but if the possessor has no intention to retain possession of the conserved wild animals, the possessor shall completely distribute, supply or transfer such conserved wild animals to a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties within one hundred eighty days as from the date of the notification to the competent official and, where there remain conserved wild animals in possession at the expiration of such time, it shall be deemed that the possessor of such conserved wild animals agree to allow them to vest in the State and such person shall hand over the conserved wild animals to the Department of

Fisheries for further proceedings in accordance with the Rule prescribed by the Director-General of the Department of Fisheries with the approval of the Commission;

(2) with respect to carcasses of Bryde's whales (*Balaenoptera edeni*), Omura's whales (*Balaenoptera omurai*), leatherback sea turtles (*Dermochelys coriacea*) and whale sharks (*Rhincodon typus*), the Director-General of the Department of Fisheries shall consider whether to issue a certificate of possession of carcasses of conserved wild animals to the possessor for further possession of the carcasses of such conserved wild animals, provided that they shall not be distributed, supplied or transferred any other person unless written permission is granted by the Director-General of the Department of Fisheries or it is a transfer by way of inheritance.

Rules, procedures and conditions for giving the notification and receiving the notification, the issuance of licences for temporary possession of conserved wild animals, the issuance of certificates of possession of carcasses of conserved wild animals, terms of validity of licences for or certificates of possession of conserved wild animals or carcasses of conserved wild animals, renewal of terms of validity of licences or certificates, a transfer of licences or certificates and the issuance of substitutes for licences or certificates shall be in accordance with the Rule prescribed by the Director-General of the Department of Fisheries with the approval of the Commission.

Section 114. All wild animal varieties preservation zones or wild animal hunting prohibited zones under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) as in existence prior to the date on which this Act comes into force shall be wild animal varieties preservation zones or wild animal hunting prohibited zones under this Act.

Section 115. All proceedings in connection with the preparation for designating areas as wild animal varieties preservation zones or wild animal hunting prohibited zones, which have been carried out at any stage prior to the date on which this Act comes into force, shall be valid insofar as they are not contrary to or inconsistent with this Act, provided that proceedings at further stages shall be pursued in accordance with this Act.

Section 116. All Ministerial Regulations, Rules, Notifications or orders issued under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) as in force prior to the date on which this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with this Act until Ministerial Regulations, Rules, Notifications or orders are issued under this Act and come into force.

The issuance of Ministerial Regulations, Rules, Notifications or orders under paragraph one shall be completed within two years as from the date on which this Act comes into force. If their completion cannot be achieved, the Minister shall report the reasons therefor to the Council of Ministers for information.

Section 117. The permission, licences, written permission, documents evidencing the notification of possession and certificates granted to any person under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) prior to the date on which this Act comes into force shall continue to be valid until their expiry or revocation.

Section 118. All applications submitted prior to the date on which this Act comes into force shall be deemed to be applications under this Act and the Director-General shall completely demand supporting documents or evidence specified under this Act except that, where any application is incapable of approval under this Act, such application shall lapse.

Section 119. All licences, concession certificates and permits under the law on minerals or concessions, permits or written permission for the exploitation or residence under the law on forests or the law on national reserved forests as granted to any persons in a wild animal varieties preservation zone or a wild animal hunting prohibited zone, as the case may be, prior to the date on which this Act comes into force shall continue to be valid only for the remaining term of such licences, concession certificates and permits under the law on minerals or concessions, permits or written permission for the exploitation or residence under the law on forests or the law on national reserved forests.

Section 120. Money retained by the Department of National Parks, Wildlife and Plant Conservation as revenue for the maintenance of wild animal varieties preservation zones or wild animal hunting prohibited zones under section 46 of the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) shall be transferred to be the proceeds under section 59 of this Act.

Section 121. The Department of National Parks, Wildlife and Plant Conservation shall complete a survey of the holding of land of people residing or earning the living in each wild animal varieties preservation zone or wild animal hunting prohibited zone within two hundred forty days as from the date on which this Act comes into force.

When the period of time under paragraph one elapses and the Government has an action plan or policy aimed at assisting landless people who have resided or earned their living in wild animal varieties preservation zones or wild animal hunting prohibited zones designated prior to

the date on which this Act comes into force, the Department of National Parks, Wildlife and Plant Conservation shall, with the approval of the Commission, prepare a project on the preservation and upkeep of natural resources within such wild animal varieties preservation zones or wild animal hunting prohibited zones, without granting rights in the land, for submission to the Council of Ministers for approval. For this purpose, this shall be made by enactment of a Royal Decree.

The Royal Decree under paragraph two shall have an objective of assisting landless persons who have resided or earned their living in wild animal varieties preservation zones or wild animal hunting prohibited zones under the time frames in accordance with the resolution of the Council of Ministers on 30th June 1998 Re: Resolution of Problems Concerning Land in Forest Areas or in accordance with the Order of the National Council for Peace and Order No. 66/2557 Re: Addition of Agencies for the Suppression and Prevention of Forest Resources Trespass and Destruction and Work Performance Policies as Temporary Matters in Current Circumstances dated 17th June 2014. In this regard, a map indicating boundary lines of the project to be operated shall be annexed to the Royal Decree and a period of time for its application shall not exceed twenty years and the Royal Decree shall at least contain key substances concerning rules for consideration and qualifications of persons residing or earning their living in the community under the project to be operated, duties of persons residing or earning their living in the community in the preservation, rehabilitation, care and upkeep of wild animals, natural resources, the ecosystem and biological diversity in the area in which the project is to be operated, rules, procedures and conditions for the residence or the earning of the living and the termination thereof and measures for the supervision, monitoring and evaluation of the project operation.

In the case where a person who holds residence or earns the living possesses the land, carries out construction, carries out an act of massive clearing or carries out an act in any manner causing deterioration of the area or a change from its original condition, collects, takes away or carries out an act in any manner causing danger to or deterioration of wild animals, wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carries out any other act affecting natural resources, the ecosystem or biological diversity or brings or releases animals into the area of the project under the Royal Decree enacted under this section, such person shall not be punished if such act is carried out for the purpose of regular subsistence and complies with the Rule prescribed by the Director-General with the approval of the Commission.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister

RATES OF FEES

- | | |
|--|---|
| (1) Licences for collecting, injuring or possessing nests of protected wild animals | 50,000 Baht each |
| (2) Licences for possessing breedable protected wild animals derived from the breeding | 1,000 for each animal but not exceeding 10,000 Baht for each licence |
| (3) Licences for possessing carcasses of breedable protected wild animals derived from the breeding | 5,000 Baht each |
| (4) Licences for importation or exportation of conserved wild animals | 10,000 Baht for each animal |
| (5) Licences for importation or exportation of carcasses of conserved wild animals or products from carcasses of conserved wild animals | 50,000 Baht each |
| (6) Licences for importation or exportation of protected wild animals or controlled wild animals | 1,000 for each animal but not exceeding 10,000 Baht for each licence |
| (7) Licences for importation or exportation of carcasses of protected wild animals, carcasses of controlled wild animals or products from carcasses of such wild animals | 10,000 Baht each |
| (8) Certificates of importation or exportation of wild animals under section 24 | 500 for each animal but not exceeding 5,000 Baht for each certificate |
| (9) Certificates of importation or exportation of carcasses of wild animals or products from carcasses of wild animals under section 24 | 5,000 Baht each |
| (10) Licences for the operation of the business of breeding breedable protected wild animals or controlled wild animals | 50,000 Baht each |

- | | |
|--|---|
| (11) Licences for trading in breedable protected wild animals or controlled wild animals or carcasses of such wild animals or products from carcasses of such wild animals | 10,000 Baht each |
| (12) Licences for the establishment and operation of a zoo | 100,000 Baht each |
| (13) Written permission for carrying out any activity in a wild animal varieties preservation zone or a wild animal hunting prohibited zone | 100,000 Baht each |
| (14) Licences for temporary possession of conserved wild animals or protected wild animals | 100 for each animal but not exceeding 1,000 Baht for each licence |
| (15) Certificates of possession of carcasses of conserved wild animals or carcasses of protected wild animals | 1,000 Baht each |
| (16) Renewal of a term of validity of licences or certificates | Equivalent to the fees for such licences or certificates on each occasion |
| (17) Transfer of licences or certificates | Half of the fees for such licences or certificates on each occasion |
| (18) Substitutes for licences or certificates | 1,000 Baht each |

LIST OF CONSERVED WILD ANIMALS

No.	Wild Animals
<u>Mammal Wild Animals</u>	
1	Sumatran Rhino (<i>Didermocerus sumatraensis</i>)
2	Chinese Goral (<i>Naemorhedus griseus</i>)
3	Kouprey (<i>Bos sauveli</i>)
4	Fea's Muntjac (<i>Muntiacus feae</i>)
5	Water Buffalo (<i>Bubalus bubalis</i>)
6	Sea Cow (<i>Dugong dugon</i>)
7	Marbled Cat (<i>Pardofelis marmorata</i>)
8	Javan Rhino (<i>Rhinoceros sondaicus</i>)
9	Thamin or Brow-antlered Deer (<i>Cervus eldi</i>)
10	Sumatran Serow (<i>Capricornis sumatraensis</i>)
11	Bryde's Whale (<i>Balaenoptera edeni</i>)
12	Omura's Whale (<i>Balaenoptera omurai</i>)
13	Malayan Tapir (<i>Tapirus indicus</i>)
14	Schomburgk's Deer (<i>Cervus schomburgki</i>)
<u>Bird-Species Wild Animals</u>	
1	Sarus Crane (<i>Grus antigone</i>)
2	White-eyed River Martin (<i>Pseudochelidon sirintarae</i>)
3	Gurney's Pitta (<i>Pitta gurneyi</i>)
<u>Reptile Wild Animals</u>	
1	Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)
<u>Fish-Species Wild Animals</u>	
1	Whale Shark (<i>Rhincodon typus</i>)