

The Community Forest Act
B.E. 2562 (2019)*

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun,

Given on the 24th day of May, BE. 2562 (2019);

Being the 4th year of the Present Reign

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

Whereas it is expedient to have the law on community forest:

This Act has certain provisions regarding restriction of the rights and liberty of individuals, which is permitted by section 26, taken in conjunction with section 28, section 37, and section 43 (2) of the Constitution of the Kingdom of Thailand by virtue of legal provisions.

The need and reason to restrict the rights and liberty of individuals under this Act is to support communities to cooperate with the government in effectively managing natural resources in community forests, resulting in the country's abundant and sustainable natural resources, environment, and biodiversity. The enactment of this Act is aligned with the provision of section 26 of the Constitution of the Kingdom of Thailand.

His Majesty King has therefore gracefully endorsed this Act, on the advice and approval of the National Legislative Assembly performing its parliamentary duty, as follows.

Section 1. This Act is called the "Community Forest Act B.E. 2562 (2019)".

Section 2. This Act shall come into force as from the date following its publication in the *Government Gazette*, except the provisions in Chapter 4, Chapter 5, Chapter 6, Chapter 7, and Chapter 8, and section 97, section 98, section 99, section 100, section 101, section 102, and

* Unofficial Translation

section 103, which will come into force after the lapse of one hundred and eighty days from the publication in the *Government Gazette*.

Section 3. The intention of the provisions of this Act is to cause people and communities to benefit from community forests and to have an attitude of maintaining and managing community forests in cooperation with the government; to maintain and restore natural resources, environment, and biodiversity in the forests so that they are in perfect conditions and can still be the natural heritage of the country and humanity; and to stipulate the rights of people and communities in preserving, restoring, managing, maintaining, and utilizing natural resources, environment, and biodiversity in a well-balanced and sustainable manner pursuant to the Constitution of the Kingdom of Thailand.

Section 4. In this Act;

"Community Forest" means any forest outside a protected forest area or other government areas outside a protected forest area which is approved as a community forest where the community work with the government in preserving, restoring, managing, maintaining, and utilizing natural resources, environment, and biodiversity of the community forest in a well-balanced and sustainable manner pursuant to this Act;

"Community" means a group of people that have mutual purposes or interests in performing lawful activities; help or support any mutual interest of community members; consistently meet one another, and have a committee that can act or express opinions on behalf of the community;

"Protected forest area" means a national park area under the national park law, a wildlife sanctuary and a non-hunting area pursuant to the wild animal preservation and protection law, and any other area that has natural value or any other value in that the environment should be preserved or maintained, as prescribed by ministerial regulations;

"Timber" means all species of plant; whether having trunk or growing in cluster or creeping, live or dead; as well as root, node, stump, sucker, branch, bud, tuber, corn, remains,

extremity or any part of plant that is cut, stabbed, sawed, spitted, trimmed, chopped, dug, or done in any manner whatsoever;

"To utilize timbers" means to cut, stab, lop, fell, crop, saw, spit, trim, chop, dig, or drag timbers in a community forest or to conduct any action whatsoever to remove timbers from a community forest;

"Valuable timber" means restricted timbers under the forest law, including any other timber worthy of being preserved as per the characteristics and the types specified in ministerial regulations;

"Forest product" means things that happen or exist in a community forest, such as:

(1) Firewood, charcoals, bamboos, leaves, flowers, seeds, fruits, suckers, resins, and gum of timber;

(2) Grass, bents, sorghums, reeds, perennial sedges, cogon grass, bulrush, cyperaceous, floating ferns, mushrooms, and other plants;

(3) Lacs, beehives, honey, bee wax, bat dropping;

(4) Terrestrial animals, aquatic animals, amphibians, poultry, insects, including eggs of insects that are not considered preserved wild animals or protected wild animals under the wildlife preservation and protection law; and

(5) Soil, stone, pebble, and sand that is not considered a mineral under the law regarding minerals;

"Firewood" means pieces or tips of timber or natural dead logs suitable to be used as fuel rather than other purposes;

"Biodiversity" means the diversity of all living beings, including genetic diversity, species diversity, and the diversity of any ecosystem that is the origin of living beings;

"Community forest member" means a member of a community forest established under this Act;

"Community forest network" means a network of the Community Forest Management Committees or members of community forests under the same purposes: to learn, understand, and exchange experiences, which will lead to a collaboration in sustainable community forest

management. The network shall be registered with the Royal Forest Department as a community forest network, as per the regulations specified by the Director-General;

“Common property” means any money and property obtained for the benefit of community forest management; trees cultivated by community forest members for usage; and any property made by community forest members for the purpose of community forest management;

“Civil society organization” means an organization registered as a juristic person with an objective related to environment protection and natural resources conservation; or an organization that is not registered as a juristic person but has shown continuous works on environment protection and natural resource conservation without seeking any personal profit or income and which is registered as a civil society organization with the Royal Forest Department, as per the regulations specified by the Director-General;

“Policy Committee” means the Community Forest Policy Committee;

“Community forest official” means a person appointed by the Provincial Community Forest Committee from among community forest members that are nominated by the Community Forest Management Committee; or a person appointed by the officials of the Royal Forest Department or any related government agency to be a community forest official for the execution of this Act;

"Competent official" means a person appointed by the Minister for the execution of this Act;

“Director-General” means the Director-General of the Royal Forest Department; and

"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 power to appoint competent officials and issue ministerial regulations and notifications for the execution of this Act.

Such ministerial regulations and notifications shall come into force upon their publication in the *Government Gazette*.

Chapter 1
General Provisions

Section 6. In order to promote the community's collaboration with the government in the conservation, rehabilitation, management, maintenance, and usage of natural resources, environment, and biodiversity in a balanced and sustainable manner; that is, as a community forest, a community forest must be established for the following objectives:

- (1) to conserve natural resources, environment, and biodiversity;
- (2) to rehabilitate community forests by reforestation;
- (3) to promote collaboration of every sector in managing community forests;
- (4) to promote the diversity of community culture for conservation, rehabilitation, development, monitoring, and natural resource usage within community forests; and
- (5) to promote balanced and sustainable use of natural resources in community forests.

Section 7. The establishment of a community forest in a forest area or other government areas pursuant to this Act shall not result in a change to the boundary of or a cancellation of any forest area nor a change to the status of or a cancellation of the condition of any other government area to be established as a community forest. The law regarding forest and the law regarding the national reserved forest shall not apply for the time being until the cancellation of the community forest. The regulations prescribed by the Policy Committee under section 18 shall apply instead unless otherwise specified by this Act.

Section 8. The establishment of community forests in other government areas shall be as prescribed in a royal decree.

The royal decree in the first paragraph shall at least specify the qualifications and the prohibited characteristics of a person requesting the establishment of a community forest,

community forest members, members of the Community Forest Management Committee, and community forest officials; and prescribe the rules, procedures and conditions of community forest establishment, community forest management, community forest monitoring, community forest cancellation, and other necessary matters.

Chapter 2

Community Forest Policy Committee

Section 9. There shall be a committee called the “Community Forest Policy Committee”, consisting of:

(1) the deputy prime minister who is assigned by the prime minister to be the chairman of the Committee;

(2) the minister of Natural Resources and Environment as the Vice-Chairman;

(3) the *Ex officio* committee members: the permanent secretary of the Ministry of Defence; the permanent secretary of the Ministry of Natural Resources and Environment; the secretary-general of the Agricultural Land Reform Office; the secretary-general of the Office of the National Water Resources; the director-general of the Department of Marine and Coastal Resources; the director-general of the Department of Lands; the director-general of the Treasury Department; the director-general of the Land Development Department; the director-general of the Department of Social Development and Welfare; the director-general of the Department of Local Administration; and the director-General of the Cooperative Promotion Department

(4) the expert committee members of not exceeding eight members, appointed by the chairman of the Committee from among selected personnel who are knowledgeable and high-experienced experts: not exceeding two members shall be from the field of natural resource and environmental management or humanities or social science; not exceeding two members shall be the representatives of civil society organizations; and not exceeding four members shall be the representatives of the chairmen of the provincial community forest network.

The Director-General shall be the committee member and secretary. The Director-General can appoint an official of the Royal Forest Department to be an assistant secretary of the Policy Committee as necessary.

Section 10. The expert committee members must have the following qualifications and must not have any of the following prohibited characteristics:

A. Qualifications

- (1) being of Thai nationality;
- (2) being at least 25 years of age; and
- (3) having knowledge, expertise, works, and experience related to activities that are aligned with the objectives specified in section 6.

B. Prohibited characteristics

- (1) being bankrupt or having previously been dishonest bankrupt;
- (2) being incompetent or quasi-incompetent;
- (3) being a narcotics addict;
- (4) having not passed over the punishment for one year as of the date of nomination if having ever been convicted by final judgment to imprisonment, except for petty offenses or offenses committed by negligence;
- (5) having ever been subject to the court's judgment or final order of asset confiscation due to unusual wealth or an unusual amount of property;
- (6) having ever been dismissed, fired, or discharged from a government agency or a private agency due to dishonesty or gross misconduct.

Section 11. There shall be one Nomination Committee to nominate persons who deserve to be appointed as expert committee members pursuant to section 9 (4). The Nomination Committee members shall consist of the representatives of the Ministry of Natural Resources and Environment; the representatives of the Ministry of Interior; the representatives of the Office of the Higher Education Commission; and the representatives of the Office of the National Economic and Social Development Council.

The Director-General shall appoint one representative of the Royal Forest Department as a member of the Nomination Committee and secretary.

The members of the Nomination Committee shall elect one member as the chairman of the Nomination Committee.

The Royal Forest Department shall carry out administrative duties of the Nomination Committee.

Section 12. The Nomination Committee pursuant to section 11 shall have the duties of nominating and listing experts, who have all qualifications and do not have any prohibited characteristics under section 10, from among people who have expertise, works, and experience regarding natural resource and environment management or humanity or social science; representatives of the civil society organizations, and representatives of the chairmen of provincial community forest networks. The number of experts nominated shall be twice the number of the positions of expert committee members to be appointed in each group. The Nomination Committee shall propose the name list to the chairman to select expert committee members from the name list of experts.

The experts who are not selected by the chairman as the expert committee members shall be in the alternative list. The alternative list will still be effective until there is a new nomination for expert committee members.

The rules and procedures for the nomination of the expert committee members shall be pursuant to the regulations prescribed by the Nomination Committee.

Section 13. The expert committee members shall hold their position for the term of three years at a time and can be re-appointed, with a term limit of two terms.

During the time that the new expert committee members have not been appointed, the expert committee members who have just retired by rotation shall carry out their duties until the new expert committee members are appointed.

Section 14. When the expert committee members are going to retire by rotation, the nomination process for the new expert committee members shall take place within ninety days prior to the retirement date.

Section 15. In addition to retirement by rotation under the first paragraph of section 13, expert committee members shall vacate their office upon their:

- (1) death;
- (2) resignation;
- (3) being dismissed by the committee chairman due to poor performance, disgraceful behavior, or incompetence;
- (4) lacking any qualification or having any prohibited characteristics specified in section 10.

If an expert committee member vacates the office before his or her term expires, the chairman shall appoint a new expert committee member from the alternative name list. And the new expert committee shall hold the position for the remaining term of the previous expert committee member. However, if the remaining term of the previous expert committee member is less than ninety days, the chairman may not appoint a new member, and during the time that such position is vacant, the Policy Committee shall consist of the remaining members.

Section 16. The Policy Committee shall have the following duties and power:

- (1) offering opinions to the cabinet regarding a policy to promote and support community forests and community forest networks or opinions on matters regarding community forest as assigned by the cabinet or the prime minister;
- (2) giving suggestions to the cabinet in order to impose financial measures or any other measure to support the Community Forest Management Committee in managing community forests;
- (3) making suggestions regarding the enactment of a royal decree and issuance of a ministerial regulation pursuant to this Act;
- (4) prescribing regulations for the execution of this Act;

(5) approving the list of persons who have expertise, works, and experience regarding natural resource and environment management or humanity or social science; the representatives of the civil society organizations; and the representatives of community forest management committees in provinces as proposed by the Royal Forest Department so that the provincial governor shall appoint the expert committee members of the Provincial Community Forest Committee;

(6) making reports and the report on the performance of community forests in the country and submitting the report and opinions to the cabinet once a year in order to be used as a guideline to promote, conserve, and rehabilitate nature in community forests and to support community forest management;

(7) considering an appeal against a resolution to establish or cancel a community forest;

(8) considering an appeal against an order of the Provincial Community Forest Committee issued pursuant to section 74 and considering the suggestion of the Director-General pursuant to section 76; and

(9) carrying out any other action as prescribed in this Act or as prescribed by other laws to be the duty and power of the Policy Committee.

In offering opinions to the cabinet on the policy to support and promote community forest and community forest network under (1) and making suggestions regarding enactment of a royal decree and issuance of a ministerial regulation under (3), the Policy Committee shall conduct a public hearing to consider opinions of the people involved, pursuant to the public hearing rules prescribed by the Policy Committee.

Section 17. The Policy Committee shall impose regulations regarding the making of plans regarding community forest management and the conservation, rehabilitation, development, monitoring, and utilization of natural resources within community forests.

The regulations under the first paragraph may prescribe that the Community Forest Management Committee issue rules that are suitable for each community forest under the guideline and framework of the Policy Committee.

Section 18. The Policy Committee shall impose regulations regarding the governance, maintenance, and utilization of timbers and the utilization of community forest areas, taking into consideration the law regarding forest and the law regarding the national reserved forest.

Section 19. In a meeting of the Policy Committee, at least a majority of the committee members must attend the meeting in order to constitute a quorum.

In a meeting of the Policy Committee, if the chairman is not present or cannot participate in the meeting, the vice-chairman will act as the chairman of the meeting. If the chairman and the vice-chairman are not present or cannot participate in the meeting, the meeting shall select one committee member to act as the chairman of the meeting.

The final decision of the meeting shall be made by a majority of votes. Each member shall have one vote. In case of an equality of votes, the chairman of the meeting shall have an additional vote as the casting vote.

Section 20. The committee chairman and members shall receive meeting allowance, travel allowance, daily allowance, accommodation allowance, and other expenses, pursuant to the regulations prescribed by the committee chairman, with the approval of the Ministry of Finance.

Section 21. The Policy Committee shall have the power to appoint a sub-committee to consider or take any action regarding any matter, as assigned by the Policy Committee.

The provision of section 19 and section 20 shall apply to the sub-committee *mutatis mutandis*.

Section 22. In carrying out duties under this Act, the Policy Committee and the sub-committee under section 21 shall have the power to summon any person to provide facts, opinions, or suggestions or to deliver any document for consideration.

Chapter 3

Provincial Community Forest Committee

Section 23. There shall be a Provincial Community Forest Committee in a province where a community forest establishment request is filed or a community forest is already established. The committee members shall consist of:

- (1) the provincial governor or the vice governor assigned by the governor, as the chairman;
- (2) the *ex officio* committee members: the representative of the Ministry of Defence, the director of the Forest Resource Management Office of the region, the provincial chief public prosecutor, the director of the Provincial Natural Resources and Environment Office, the deputy governor, and the Chief of the Provincial Administration Organization.
- (3) one administrator of the local administrative organization in the region where the community forest is located who is appointed by the provincial governor and two officials of government agencies that are related to the community forest location who perform their duties in the province and are appointed by the provincial governor, as committee members;
- (4) the chairman of the provincial Community forest network, as a committee member; and
- (5) not exceeding seven expert committee members who are appointed by the provincial governor.

The provincial governor shall appoint a government official of the Royal Forest Department as the secretary, as nominated by the Director-General and a not exceeding two assistant secretaries.

If there is no person holding the committee member positions under (3) or (4), the Committee shall consist of the existing committee members.

Section 24. The criteria, nomination, and appointment of the administrators of local administrative organizations and officials of government agencies related to the regions where

community forests are located under section 23 (3) shall be pursuant to the regulations prescribed by the Policy Committee.

Section 25. In appointing expert committee members under section 23 (5), the provincial governor shall appoint not exceeding two members from among personnel with knowledge, expertise, works, and experience related to natural resource and environment management or humanities or social science; not exceeding two members who are the representatives of civil society organizations; and not exceeding three members who are the representatives of the Community Forest Management Committee in the province pursuant to the name list approved by the Policy Committee under section 16 (5)

The provisions of section 10, section 13, section 14, section 15, section 19, section 20, and section 22 shall apply to expert committee members of the Provincial Community Forest Committee and their duties *mutatis mutandis*.

Section 26. The Provincial Community Forest Committee shall have the following duties and power:

(1) considering matters regarding the request to establish a community forest, extension of the boundaries of community forests, and cancellation of a community forest either in whole or in part;

(2) extending the time period to consider the request to establish a community forest under Chapter 4: Community Forest Establishment;

(3) passing a resolution regarding the removal of the members of the Community Forest Management Committee under the third paragraph of section 44;

(4) appointing and revoking community forest officials under section 27 and section 30;

(5) approving the community forest management plan, approving rules of the Community Forest Management Committee, and granting approval under the second paragraph of section 50, section 52, section 63 (4), and section 66;

(6) providing suggestion and assistance to the Community Forest Management Committee in managing community forests;

(7) monitoring the performance of the Community Forest Management Committee in managing the community forest to ensure that it is aligned with this Act, the regulations of the Policy Committee, the rules of the Community Forest Management Committee, and the community forest management plan;

(8) checking, following, and evaluating the community management in the province and making a report to be presented to the Policy Committee at least once a year, pursuant to the regulations of the Policy Committee; and

(9) carrying out any other action as prescribed by this Act or as assigned by the Minister or the Policy Committee.

Section 27. The Provincial Community Forest Committee shall have the power to appoint community forest officials to carry out duties pursuant to section 64 or to carry out any other action as prescribed by this Act.

Community forest officials shall be appointed from among the members of the community forest who are nominated by the Community Forest Management Committee. Community forest officials shall work at the community forest that they are members of.

If it is deemed necessary to assist in monitoring a community forest, pursuant to the objectives of the community forest, or to prevent any encroachment or damage to natural resources in the community forest, the Provincial Community Forest Committee may also appoint officials of the Royal Forest Department or any related government agency performing their duties in the area where the community forest is located as community forest officials.

Section 28. Community forest officials who are appointed from the members of the community forest must be at least twenty years of age and have qualifications and not have any prohibited characteristics prescribed by the regulations of the Policy Committee.

Section 29. Community forest officials shall vacate their offices upon their:

(1) death;

(2) resignation, if the community forest officials are appointed from community forest members; or

(3) lacking any qualification or having any of the prohibited characteristics under section 28.

Section 30. Revocation of community forest officials under section 26 (4) shall be done if:

(1) the community forest official does not perform his or her duties under section 64; or

(2) the community forest official violates or fails to comply with this Act, or any regulations or rules issued pursuant to this Act.

Chapter 4

Community Forest Establishment

Section 31. In order to align community forest establishment with the conservation, rehabilitation, management, maintenance, and utilization of natural resources, environment, and biodiversity as prescribed in Chapter 5: Community Forest Management, the determination of the size and utilization ratio within a community forest must also take into consideration the geographical conditions, community size, and the community's potential to manage a community forest.

The determination of community forest size and utilization ratio under paragraph 1 shall be pursuant to regulations prescribed by the Policy Committee.

Section 32. For any community that is located within the same district as a forest outside a protected forest area and has the capability to take care of the forest, if that community wishes to establish that forest area as a community forest, at least fifty persons in that community shall group together and appoint representatives in writing to submit the community forest establishment request to the provincial governor. If a Provincial Community

Forest Committee already exists in that province, the request shall be submitted to the Provincial Community Forest Committee of the region where that forest is located or to a person assigned by the Provincial Community Forest Committee.

The persons under the first paragraph must be at least eighteen years of age and have a domicile within the region where the forest is situated for at least five years until the date of filing the request.

If it is a request to establish a forest area as a community forest, the rules regarding forest utilization requests under the forest law and the national reserved forest law shall not apply. If it is a request to establish a mangrove forest or a national reserved forest that is a mangrove forest as a community forest, the prior consent of the Department of Marine and Coastal Resources must be obtained.

When a request to establish a community forest in any forest area had been filed and after a lapse of the period to post or publish an announcement on the request under section 35, there shall be no repetition of another community forest establishment request for the same forest either in whole or in part.

Rules, procedures, and conditions on community forest establishment and the approval thereof shall be pursuant to the regulations prescribed by the Policy Committee.

Section 33. The request under section 32 and the ancillary documents and evidence must at least consist of the following:

- (1) the objectives of the community forest;
- (2) the name list and short biography of the requesters, who have qualifications and must not have any prohibited characteristics of a community forest member, pursuant to the regulations prescribed by the Policy Committee under the second paragraph of section 42;
- (3) the name list of the Community Forest Committee members who are elected from the requesting persons in (2); the members shall have qualifications and not have any prohibited characteristic of a Community Forest Committee member, as per the regulations prescribed by the Committee under paragraph 2 of section 42;

(4) the short history of the community; conditions of the area where the community forest will be established; a rough map showing the boundaries and surrounding areas;

(5) the community forest management plan, which must be aligned with the community forest objectives; the plan must determine areas for conservation and utilization or areas for conservation only as aligned with the geographical conditions and living conditions of community members and show all plans and procedures to conserve, rehabilitate, develop, or monitor the environment, biodiversity, and sustainable use of natural resources without affecting the forest conditions both in conservation areas and utilization areas; and

(6) other items as prescribed by the Policy Committee.

Section 34. The local Forest Resource Management Office, as assigned by the Director-General, shall complete the reviewing the community forest establishment request and all ancillary documents and evidence within ten days from the date that the request is received.

If the community forest establishment request and ancillary documents and evidence are not correct or incomplete, the local Forest Resource Management Office shall notify the requester to amend the request or deliver all correct documents or evidence within the specified period of time, which shall not be less than thirty days.

If the requester fails to amend the request or deliver all correct documents and evidence within the period under paragraph two, the request shall be deemed canceled after a lapse of such period and the Forest Resource Management Office shall notify the requester in writing.

Section 35. The local Forest Resource Management Office shall investigate and survey the area to establish the community forest and prepare a map showing the boundaries of the requested community forest within forty-five days from the date that the request and all ancillary documents or evidence are correctly and completely received. If it is found that any area is an area of the government, a state enterprise, or a government agency, or an area where a person is permitted to utilize, or an area that is used, managed, or announced by the Royal

Forest Department for research or other matters, or an area obtained by a person under the Land Code, the area shall be excluded from the requested area.

The local Forest Resource Management Office shall post an announcement of the community forest establishment request in a public area at the Provincial Hall, the District Office, and the Local Administrative Organization Office of the region of the requested community forest or other places, or publish the announcement in any other way as the Provincial Community Forest Committee deems appropriate for at least thirty days.

The preparation of the map showing the boundaries of the community forest shall be pursuant to the regulations prescribed by the Director-General.

Section 36. Any government entity, state enterprise, or government agency, or a person who is filing a request to utilize the area of the requested community forest, or a person in section 35, whether or not they are in the region of the requested community forest, shall have the right to file an objection to the community forest establishment in writing to the Provincial Community Forest Committee within the period of request announcement and publication in section 35. If the end date of the announcement and the publication is not on the same day, the later date shall be considered.

Section 37. The local Forest Resource Management Office shall consider the objection to community forest establishment in section 36 and make a report consisting of the consideration result for the community forest establishment request, a map showing the boundaries of the community forest, and opinions on the appropriateness of establishing the community forest, and then submit the report to the Provincial Community Forest committee for their consideration within forty five days from the ending of the announcement or publication period in section 35.

The report on the result of consideration in paragraph one shall be pursuant to the regulations prescribed by the Policy Committee.

Section 38. The Provincial Community Forest Committee shall consider the community forest establishment request, the community forest management plan, and the result of consideration within thirty days from the date of receiving the result of consideration in section 37.

If the Provincial Community Forest Committee is of the opinion that the community forest management plan is inaccurate or inappropriate, the Committee may notify the requester to amend the plan. The amendment must be completed within forty-five days from the date that the requester receives the notice from the Provincial Community Forest Committee.

If the community forest management plan is not amended within the period of time specified in the second paragraph, the Provincial Community Forest Committee may not approve the establishment of the community forest.

Section 39. When the Provincial Community Forest Committee resolves that the community forest shall be established as requested, either in whole or in part and whether there are conditions; or resolves that the community forest will not be established, the Provincial Community Forest Committee shall deliver a notice on such resolution to the requester, the person who objects to the request, and the Director-General within fifteen days from the date of the resolution.

The requester or the person objecting to the establishment has the right to appeal to the Policy Committee against the resolution of the Provincial Community Forest Committee within forty-five days from the date that the resolution notice in paragraph one is received.

If the Director-General disagrees with the resolution of the Provincial Community Forest Committee, the Director-General shall give his or her opinion to the Policy Committee within forty-five days from the date that the resolution notice in paragraph one is received.

The Policy Committee shall consider the appeal in paragraph two and the opinion of the Director-General in paragraph three within forty-five days from the date that the appeal or the opinion is received. The decision of the Policy Committee shall be final, and the Provincial Community Forest Committee shall comply with the decision.

The notice of the Provincial Community Forest Committee, the appeal of the requester or the person objecting to the establishment, the opinion of the Director-General, and the decision of the Policy Committee must provide clear reasons.

Section 40. If the Provincial Community Forest Committee resolves to approve the community forest management plan and the establishment of the community forest; the Director-General agrees with the resolution of the Provincial Community Forest Committee under paragraph one of section 39; and there is no appeal throughout the period for filing an appeal under paragraph two of section 39; or if the Policy Committee considers the Director-General's opinion received under paragraph three of section 39 or an appeal under paragraph two of section 39 and decides that the community forest will be established, the Director-General shall publish the approval to establish the community forest in the *Government Gazette*. The publication must consist of materials prescribed in the regulations of the Policy Committee and must be annexed with a map showing the boundaries of the community forest.

The community forest establishment shall be effective once it is published in the *Government Gazette*.

Section 41. During the period of announcement posting or publication of the request under section 35, if it appears that there are more than one community forest establishment requests in the same forest area and overlapped boundaries, either in whole or in part, the local Forest Resource Management Office shall suspend the consideration of the requests with overlapped boundaries and notify the requesters to reach an agreement regarding the area where the community forest will be established, the members of the Community Forest Management Committee, the community forest management plan, and other particulars specified in the request. This action must be completed within ninety days from the date that the notice from the local Forest Resource Management Office is received.

If the requesters under paragraph one agree to revoke all but one request, the local Forest Resource Management Office shall continue to consider that previously suspended request and remove the revoked requests from the system.

If the requesters under paragraph one agree to revoke all requests and file only one request together, the local Forest Resource Management Office shall remove the suspended requests from the system.

If the requesters fail to complete the action within the time period specified in paragraph one, the local Forest Resource Management Office shall remove the suspended requests from the system.

Chapter 5

Community Forest Management

Section 42. After the community forest establishment is announced, the person listed under section 33 (2) shall be the members of the community forest and those listed in (3) shall be the Community Forest Management Committee.

Types, qualifications, and prohibited characteristics of community forest members and the Community Forest Management Committee; change to community forest members; election of the Community Forest Management Committee; the structure and number of committee members; term of office; vacation of office; and replacement of committee members who prematurely vacate their office shall be pursuant to the regulations prescribed by the Policy Committee.

Section 43. Community forest management shall be done by the Community Forest Management Committee together with the community forest members and aligned with the community forest objectives and the community forest management plan approved by the Provincial Community Forest Committee. The Community Forest Management Committee's declaration of intention shall be made by the resolution of the Community Forest Management Committee.

Section 44. The Community Forest Management Committee shall have the following duties and power:

(1) cooperating with competent officials in providing boundary posts and signs or other marks under section 49;

(2) issuing rules regarding community forest management, criteria for accepting a person as a community forest member; and management of the community forest' common property without violating or contradicting the regulations of the Policy Committee;

(3) taking care of the community forest; maintaining and rehabilitating the community forest; promoting education and raising awareness regarding natural resources, environment, and biodiversity conservation and rehabilitation in the community forest; and publicizing the community forest;

(4) taking care of the community forest' common property; keeping an account of the common property as prescribed by the Director-General, and reporting to the Provincial Community Forest Committee every year;

(5) ensuring that community forest members carry out their duties prescribed in this Act;

(6) ordering any person who violates or fails to comply with the provision in (2) to exit the community forest or ordering any person to act or refrain from any action in the community forest in order to comply with the provision in (2) or this Act;

(7) mediating or compromising in the case of any dispute in community forest management;

(8) aiding competent officials if there is an arrest or suppression of offenders under this Act;

(9) resolving to accept any person as a community forest member or resolving with at least three-fourths of all votes to discharge a community forest member from his or her position;

(10) taking any appropriate action to prevent or alleviate any damage to the community forest; and

(11) carrying out any other actions as prescribed in this Act or other actions that the Policy Committee or the Provincial Community Forest Committee prescribe as duties of the Community Forest Committee.

Issuance of rules under (1) requires prior approval from the Provincial Community Forest Committee.

If the Community Forest Management Committee or its members violate or fail to carry out their duties under this Act, the Provincial Community Forest Management Committee may resolve, with at least three-fourths of all votes of the existing members of the Provincial Community Forest Management Committee, to discharge the whole Community Forest Management Committee or any of its members who violate or fail to carry out their duties and prohibiting them from becoming members of the Community Forest Management Committee again.

Section 45. Community forest members have the duty to take care of the community forest, as follows:

- (1) complying with the regulations of the Policy Committee, the rules of the Community Forest Management Committee; and the community forest management plan;
- (2) cooperating with the government in taking care of the community forest, wild animals, and natural resources in the community forest; and
- (3) cooperating with the Community Forest Management Committee in conserving and rehabilitating natural resources in the community forest.

If a community forest member violates or fails to carry out duties under this Act, the Community Forest Management Committee may resolve, with at least three-fourths of all votes of the existing members, to discharge that person from his or her status as a community forest member.

Section 46. The community forest management plan which is approved by the Provincial Community Forest Committee is effective for five years.

The Community Forest Management Committee shall propose the community forest management plan to the Provincial Community Forest Committee for their approval at least six months prior to the expiration date of the previous community forest management plan.

When considering the community forest management plan, if the Provincial Community Forest Committee is of the opinion that the plan is inappropriate, the Provincial Community Forest Committee shall notify the Community Forest Management Committee to amend the plan within forty-five days from the date that the notice is received.

If the Provincial Community Forest Committee does not approve of the community forest management plan under paragraph two, the provision of section 39 in respect of appeal and appeal consideration shall apply *mutadis mutandis*.

When the Provincial Community Forest Committee has approved of the new community forest management plan, the plan shall be effective from the date following the expiration date of the previous plan or any other date as prescribed by the Provincial Community Forest Committee, as the case may be.

If the previous community forest management plan has expired and the Provincial Community Forest Committee has not approved of a new community forest management plan, the previous plan shall be effective until a new plan is approved.

Section 47. If the Community Forest Management Committee wishes to improve the existing community forest management plan while it is still effective, the Community Forest Management Committee shall propose the improved community forest management plan to the Provincial Community Forest Committee for their approval and the provision of paragraph three and paragraph four of section 46 shall apply *mutadis mutandis*.

After the Provincial Community Forest Committee has approved of the improved community forest management plan, the improved plan shall be enforced in place of the previous plan on the date prescribed by the Provincial Community Forest Committee.

Section 48. If necessary, the Community Forest Management Committee may request an extension of the community forest boundaries or the cancellation of the community forest whether in whole or in part. However, reasons and details must be provided for such request.

If it is a request for an extension of the community forest boundaries, the provisions of section 32, section 33, section 34, section 35, section 36, section 37, section 38, section 39, section 40, and section 41 shall apply *mutadis mutandis*.

If it is a request for the cancellation of a part of the community forest and the Director-General has an cancellation order under section 78, the Community Forest Management Committee shall improve the community forest management plan to align it with the reduced area and propose the plan to the Provincial Community Forest Committee for their approval within sixty days from the date that the Director-General issues the order and the provision of section 47 shall apply *mutadis mutandis*.

Section 49. Competent officials must provide the boundary posts and signs or other marks to show the boundaries of the community forest, the area for conservation, and the area for utilization so that people realize that such area is a community forest. Moreover, competent officials must arrange for any repair of a damaged or lost boundary post, sign, or other marks. The Community Forest Management Committee and community forest members must assist in this matter.

Rules, procedures, and characteristics of the boundary posts and signs or other marks under paragraph one shall be pursuant to the regulations prescribed by the Director-General.

Section 50. Within a community forest, community forest members have the right to enter the community forest for recreation and to earn benefits from products and services of the community forest pursuant to the community forest management plan that is approved by the Provincial Community Forest committee, as follows:

- (1) collecting forest products in the community forest;
- (2) utilizing timbers as allowed in the area for utilization and not utilizing natural valuable timbers; such utilization can only be done as necessary for normal usage in the members' households or for public activities in the community; and

(3) utilization of other natural resources in the community forest can only be done as necessary for normal usage in the members' households or for public activities in the community.

The utilization of products and services of the community forest in paragraph one must be done in a balanced and sustainable manner. It must not destroy the biodiversity or affect the environment of the community forest and must comply with the rules, procedures, and conditions prescribed in the regulations of the Policy Committee. Such regulations shall prescribe the types of products or services of a community forest that one is prohibited from utilizing and types or cases of the utilization of community forest products or services that require written approval of the Provincial Community Forest Committee.

Section 51. The Community Forest Management Committee and community forest members may utilize a community forest for education or raising awareness about conservation and rehabilitation of natural resources and the environment in the community forest and for ecotourism in the community, pursuant to the community forest management plan approved by the Provincial Community Forest Committee.

In utilizing the community forest under paragraph one, the following actions are prohibited:

(1) carrying out any action that causes the community forest to deteriorate or damages or destroys natural resources, environment, and biodiversity; or

(2) carrying out any other actions as prohibited by the regulations of the Policy Committee.

Section 52. If the Community Forest Management Committee or community forest members need to utilize natural timbers in the community forests to alleviate damage due to any public disaster or to help people under special circumstances, written approval from the Provincial Community Forest Committee must be obtained.

The rules, procedures, and conditions in requesting and granting such approval must be pursuant to the regulations prescribed by the Policy Committee.

Section 53. A person who is not a community forest member has the right to enter a community forest to learn about natural resource and environment conservation and rehabilitation, recreation, and collecting forest products only to the extent specified in the provision regarding community forest management of section 44 (2).

Section 54. For timbers and forest products obtained from a community forest pursuant to the community forest management plan that is approved by the Provincial Community Forest Committee or to this Act, fees, royalty, or charges for forest maintenance are not required.

Section 55. Any fine collected under this Act from offenses committed in any community forest shall be deducted at the rate of fifty percent to be used as a fund for the management of that community forest; the rest of the fine collected shall be vested with the state, pursuant to regulations prescribed by the Director-General, with the approval of the Ministry of Finance.

Section 56. In order to promote sustainable community forest management, the Policy Committee has the power to stipulate any fee rate and regulations for the Community Forest Management Committee to collect any fee, consideration, or service fee from a person who is not a member of the community forest for any utilization of the community forest.

Money collected under paragraph one, fine under section 55, donation, government funding, and other income shall become the community forest's common property which will be used for community forest management or any purpose specified by the donors, pursuant to the rules and procedures prescribed by the Policy Committee.

Section 57. The Community Forest Management Committee shall have the power to perform a juristic act regarding the community forest's common property and to conduct litigation regarding the community forest's common property.

All juristic acts and litigation under paragraph one shall be performed by the resolution of the Community Forest Management Committee with more than half of the votes of the existing committee members. After the Committee has passed a resolution, the Committee may assign a committee member in writing to perform any juristic act or conduct any litigation regarding the community forest's common property on behalf of the Community Forest Management Committee.

Section 58. The Royal Forest Department has the power to sue any person who violates this Act, or any rules or regulations issued under this Act, resulting in damage to animals, plants, natural resources, or the environment in the community forest, as follows:

- (1) expenses paid by the government to move things that cause damage, or to cause those things to cease to be dangerous or toxic, or to retain or keep those things;
- (2) expenses paid by the government to restore natural resources;
- (3) expenses paid by the government to help or indemnify people or property of other people affected by such damage;
- (4) operation expenses by the government in assessing the damage and indemnity for any impact on natural resources, environment, and an individual's health;
- (5) expenses paid by the government for any procedure to receive damages under the law; and
- (6) value of the damaged natural resources;

If the Community Forest Management Committee has paid for any expense under paragraph one or if any action or an omission of an action under paragraph one resulting in a damage to the community forest members in utilizing the community forest's products and services, the Community Forest Management Committee shall have the power to be the joint plaintiff with the Royal Forest Department or to sue for damage.

Section 59. The provision of section 58 shall apply *mutadis mutandis* to a person who takes any action or omit to take any action, whether intentionally or by negligence, resulting in damage to animals, plants, natural resources, or the environment in the community.

Section 60. In the litigation under section 57, section 58, and section 59, the Community Forest Management Committee may ask a public prosecutor to conduct the litigation and all court fees shall be waived.

Section 61. If there is damage to the community forest's common property and the Community Forest Management Committee does not file a lawsuit, the Director-General has the power to submit the matter to a public prosecutor to file a lawsuit to demand damages to be added to the community forest's common property.

Section 62. Provisions of section 58 and section 59 shall not override or limit a person's existing duties and liabilities under other laws nor shall they undermine the power of a person to perform and exercise his or her duties and power under other laws.

Chapter 6

Monitoring of Community Forest

Section 63. Within a community forest, no person shall take any of the following actions:

- (1) holding, possessing, or using the community forest for residing or making a living;
- (2) clearing, burning, mining, hunting reserved or protected wild animals under the law regarding wildlife preservation and protection, or carrying out any other action that degrades the community forest, unless it is an action performed by competent officials for the benefits of maintaining the forest and preventing or alleviating damage to the community forest or an action performed by the Community Forest Management Committee, community forest officials or members, pursuant to the community forest management plan approved by the Provincial Community Forest Committee;
- (3) utilizing timbers, except utilization under section 50 (2) or section 52;

(4) constructing a building, unless it is a building that is necessary or beneficial to the duties of the Community Forest Management Committee under section 44 (3) such as a fire lookout tower, a check dam, a patrol station, or an education building; such building must be blended to the environment and not destroy the original conditions of the nature and a prior written permission from the Provincial Community Forest Committee is required;

Section 64. For the benefits of protecting, maintaining, and conserving natural resources, environment, and biodiversity of a community forest in a balanced and sustainable manner, a community forest official, who is appointed by the Provincial Community Forest Committee under section 27, shall have the following duties:

(1) investigating the area and monitoring community forest members and non-member persons utilizing the community forest products and services, as well as activities in the community forest;

(2) giving advice, educating, and raising awareness for people in the community and people residing in the area surrounding the community forest about the maintenance and conservation of natural resources, environment, and biodiversity in a community forest, as well as the maintenance of local wisdom, tradition, and local culture;

(3) preventing or alleviating damage to the community forest;

(4) supporting the work of the Community Forest Management Committee pursuant to this Act; and

(5) reporting to the Provincial Community Forest Committee when it appears that the whole or a part of a community forest must be canceled.

Section 65. In performing their duties under section 64, if community forest officials find any person violating or not complying with this Act, regulations of the Policy Committee, or rules of the Community Forest Management Committee and the meeting of the Community Forest Management Committee cannot be arranged in time, the community forest officials shall have the power to order such person to take any action or omit to take any action in the community forest. If the person does not comply with the order, the community forest officials

shall have the power to order the person to exit the community forest and report to the Community Forest Management Committee and the Provincial Community Forest Committee without delay.

Section 66. Any person who wishes to study, research, or explore biodiversity in a community forest must obtain written permission from the Provincial Community Forest Committee. In granting permission, the Committee may prescribe that such person must share benefits earned from the study, research, or exploration with related persons, pursuant to the regulations prescribed by the Policy Committee.

The provision in paragraph one shall not apply to any study, research, or academic exploration conducted by the Royal Forest Department, the Department of Marine and Coastal Resources, the Community Forest Management Committee, community forest officials, and competent officials. However, such persons must notify and report the study result to the Provincial Community Forest Committee. This shall be pursuant to the regulations prescribed by the Policy Committee.

In the study, research, and exploration under paragraph one or paragraph two, it is prohibited to take any biological resource out of the community forest unless the person:

- (1) has obtained written permission of the Provincial Community Forest Committee; or
- (2) has notified the Provincial Community Forest Committee if the study, research, and exploration is performed by the Royal Forest Department or the Department of Marine and Coastal Resources.

Section 67. In carrying out duties under this Act, a competent official shall have the following powers:

- (1) entering a community forest to inspect and monitor operations in the community forest and compliance to this Act; if competent officials find that a member of the Community Forest Management Committee violates or does not comply with this Act, or regulations or rules issued pursuant to this Act, the competent officials shall report to Director-General without delay;

(2) ordering a person to exit a community forest or refrain from any action in the community forest if it is found or if there is a reason to believe that an offense is committed under this Act;

(3) searching a person or vehicle if there is a reason to believe that an offense is committed under this Act; and

(4) seizing property used in or obtained from an offense under this Act or any evidence related to an offense under this Act for the purpose of investigation and lawsuit;

Section 68. All involved parties shall facilitate the Community Forest Management Committee, community forest officials, and competent officials in performing their duties.

Section 69. For the property seized under section 67 (4), if the public persecutor issues a final non-prosecution order or the court orders that the property shall not be forfeited and the owner or possessor does not request to have the property returned within two years from the date of the final non-prosecution order or the final judgment, the property shall be vested in the state.

For the property seized under section 67 (4), if the owner or possessor cannot be found and no person shows himself or herself as the owner to request to have the property returned within two years from the seizure date, the property shall be vested in the state.

For the property seized under section 67 (4), if the public persecutor issues a final non-prosecution order or the court orders that the property shall not be forfeited, the competent officials shall remove the seizure of that property without delay.

If an alleged offender or an accused passes away, the seized property under section 67 (4) shall be vested in the state. However, if within two years from the date that the offender or the accused passes away, the successor of that offender or accused can prove that the property is not related to an offense under this Act, the property shall be returned to the successor of the offender or accused.

Any action to be taken on the property that is vested in the state under this section shall be pursuant to the regulations prescribed by the Director-General, with the approval of the Ministry of Finance.

Section 70. If the property seized under section 67 (4) is a perishable thing or if maintaining such property may pose the risk of any damage or maintenance expense of the higher value than that of the property or if it will become a burden to the government rather than a benefit, an appropriate action can be taken as per the procedures prescribed by the Director-General.

The competent officials may sell the property seized under paragraph one by auction or any other means, as prescribed by the Director-General. The money earned from the sale shall be forfeited instead by net of all related expenses and costs.

Section 71. In performing their duties, the Community Forest Management Committee, community forest officials, and competent officials shall produce their identification cards to related personnel.

The form of the identification cards of the members of the Community Forest Management Committee, community forest officials, and competent officials shall be as prescribed by the notification of the Minister.

Section 72. In performing their duties under this Act, the Community Forest Management Committee, community forest officials, and competent officials shall be officials under the Criminal Code.

Section 73. In performing their duties under this Act, competent officials shall be administrative officials or police officials under the Criminal Procedure Code.

Section 74. If the Provincial Community Forest Committee finds that the Community Forest Management Committee or any of its member, any community forest member, or

competent official violate or do not comply with this Act, regulations of the Policy Committee, or rules of the Community Forest Management Committee, the Provincial Community Forest Committee shall have the power to order the Community Forest Management Committee or its members, community forest members, or competent officials to take any action or to refrain from any action as it deems appropriate.

Any person who receives the order of the Provincial Community Forest Committee under paragraph one shall comply with such order within the period specified by the Provincial Community Forest Committee.

If the person receiving the order of the Provincial Community Forest Committee under paragraph one disagrees with such order, the person shall bring an appeal to the Policy Committee within fifteen days from the date that the order is received and the provisions of paragraph four and paragraph five of section 39 shall apply *mutadis mutandis*.

The appeal shall not suspend the compliance to the order of the Provincial Community Forest Committee unless otherwise ordered by the Provincial Community Forest Committee or the Policy Committee.

Any action taken under this section shall not affect the right of the Royal Forest Department to take legal action against the Community Forest Management Committee and its members, community forest members, or community forest officials.

Section 75. The Director-General has the duties and power to promote and monitor the operation of the Provincial Community Forest Committee and may order the members and the secretary of the Provincial Community Forest Committee to provide clarifications or opinions regarding the operation of the Provincial Community Forest Committee.

Section 76. The Director-General may ask the Provincial Community Forest Committee to take any action or refrain from any action pursuant to the law, the policy or resolution of the cabinet, and rules of the Policy Committee.

After the Provincial Community Forest Committee has received the request from the Director-General under paragraph one, the Provincial Community Forest Committee shall

consider the matter and notify the Director-General within thirty days from the date that the request is received.

If the Director-General disagrees with the opinion of the Provincial Community Forest Committee under paragraph two, the Director-General shall submit the matter to the Policy Committee for their consideration within thirty days from the date that the Director-General is notified of the result and the provision of paragraph four and paragraph five of section 39 shall apply *mutadis mutandis*.

Section 77. If there is a violation against this Act resulting in any new building or other things within the community forest, the Provincial Community Forest Committee shall have the duty to order the person to destroy or dismantle the building or things in the community forest or take other appropriate actions within the specified period of time.

If the person violating the provisions of this Act does not comply with the order in paragraph one, or to prevent or alleviate any damage to the community forest, the Provincial Community Forest Committee can destroy or dismantle the structure or things or take any appropriate action themselves. In this case, the person violating the provisions of this Act must indemnify for the expenses incurred to the Provincial Community Forest Committee and pay the extra money at the rate of twenty-five percent of such expenses per year.

Chapter 7

Cancellation of a Community Forest

Section 78. The Director-General has the power to cancel the whole or a part of a community forest if:

(1) the Community Forest Management Committee request for the cancellation under section 48;

(2) the Community Forest Management Committee neglects or no longer manages or rehabilitates that community forest;

(3) the Community Forest Management Committee does not comply with this Act, or rules or regulations issued under this Act, resulting in damage to the community forest, or if there is a reason to believe that the Community Forest Management Committee should not be trusted to continue managing the community forest; or

(4) there is a reason of national security, with the approval of the cabinet.

If the Provincial Community Forest Committee finds a reason under (2) or (3) and is of the opinion that the community forest should be canceled, the Provincial Community Forest Committee shall notify the Director-General to cancel the community forest. If competent officials find a reason under (2) or (3), the competent officials shall report to the Director-General to consider canceling the community forest.

After the Director-General has the order to cancel the community forest, the Director-General shall issue a written notice regarding the order to the Community Forest Management Committee within fifteen days from the date of the order.

If the Director-General has the order to cancel a community forest on the ground of (2), (3), or (4), the Community Forest Management Committee has the right to bring an appeal to the Policy Committee against the cancellation order within forty-five days from the date that the order of the Director-General is received. The provision of paragraph four and paragraph five of section 39 shall apply *mutadis mutandis*.

If a community forest is canceled on the ground of (2) or (3), the members of the Community Forest Management Committee of the canceled community forest are prohibited from becoming members of the Community Forest Management Committee under this Act.

The cancellation of a community forest shall be effective upon its publication in the *Government Gazette*. If a part of the community forest is canceled, a map showing the boundary lines shall be annexed to the announcement.

Section 79. If the whole of a community forest is canceled, the Community Forest Management Committee of the canceled community forest shall examine the common property of the community forest and pay all outstanding debts or enforce the existing right of

claim and then report to the Provincial Community Forest Committee within one year from the date that the cancellation of the community forest is published in the *Government Gazette*.

If the Community Forest Management Committee fails to complete the actions within the period specified in paragraph one, the Community Forest Management Committee of the canceled community forest shall not have the right to file another request for community forest establishment until the actions are completed.

After the common property is examined and all outstanding debts are paid or the existing right of claim is enforced, if there is any remaining movable property among the common property, that property shall become the property of the Royal Forest Department or shall be given to the Community Forest Management Committee of another community forest for the benefits of managing that forest, as prescribed by the Provincial Community Forest Committee.

Section 80. The common property of the canceled community forest which consists of timbers or immovable property shall be vested in the state and managed by the Royal Forest Department pursuant to the regulations prescribed by the Director-General.

Section 81. Another request can be made to re-establish the area of the canceled community forest under section 78, pursuant to the regulations prescribed by the Policy Committee and the provision of Chapter 4: Community Forest Establishment shall apply *mutatis mutandis*.

Chapter 8

Penalty

Part 1

Administrative Penalty

Section 82. Whoever violates or fails to comply with the regulations of the Policy Committee under section 17 shall be liable to an administrative fine not exceeding fifty

thousand baht and another administrative fine not exceeding one thousand baht per day until he or she so complies.

Section 83. Whoever violates or fails to comply with the regulations of the Policy Committee under section 18 shall be liable to an administrative fine not exceeding one hundred fifty thousand baht and another administrative fine not exceeding three thousand baht per day until he or she so complies.

Section 84. Whoever does not provide clarifications or submit documents pursuant to the order of the Policy Committee or the sub-committee under section 22 without any reasonable cause shall be liable to an administrative fine not exceeding twenty thousand baht.

Section 85. Whoever violates or fails to comply with the rules of the Community Forest Management Committee regarding community forest management under section 44 (2) shall be liable to an administrative fine not exceeding five thousand baht per day until he or she so complies.

Section 86. Whoever damages, destroys, or moves the boundary posts and signs or other marks provided under section 49 shall be liable to an administrative fine not exceeding sixty thousand baht.

Section 87. Whoever violates or fails to comply with section 50, section 51, section 52, section 53, or paragraph one and paragraph two of section 66 shall be liable to an administrative fine not exceeding one hundred thousand baht.

Section 88. Whoever violates or fails to comply with paragraph three of section 66 shall be liable to an administrative fine not exceeding three hundred thousand baht.

For any offense under section one, if the offender also studies the biological resources for commercial purposes, he or she shall be liable to an administrative fine not exceeding six hundred thousand baht.

Section 89. Whoever fails to facilitate the Community Forest Management Committee, community forest officials, and competent officials under section 68 shall be liable to an administrative fine not exceeding twenty thousand baht.

Section 90. Whoever fails to comply with the order of the Provincial Community Forest Committee under paragraph one of section 77 shall be liable to an administrative fine not exceeding two hundred thousand baht.

Section 91. Competent officials shall impose an administrative fine pursuant to the rates, rules, and procedures prescribed by the Policy Committee.

In prescribing the amount of the administrative fine under section one, competent officials must consider the circumstances of actions, the damage incurred from the action and the level of the penalty which shall be imposed on the offender.

Section 92. Any one and the same act that is an offense under several provisions of the law, whether in this Act or other laws, shall be liable to an administrative fine under this Act, which is a specific law.

Section 93. If the person who is liable to an administrative fine fails to pay the administrative fine, competent officials shall have the power to enter an action in a court of the criminal jurisdiction to force the payment of the administrative fine. If the court passes a judgment that the offender must pay the administrative fine, but the person fails to do so within thirty days from the date of the judgment, the property of that person shall be forfeited on behalf of the administrative fine. The measure regarding detention on behalf of fine shall not be enforced on that person. If the person does not have any or enough property to be

forfeited on behalf of the administrative fine, the court shall order the person to give public services or impose other measures as appropriate.

Part 2

Criminal Penalty

Section 94. Whoever violates section 63 shall be liable to imprisonment not exceeding five years or a fine not exceeding one hundred thousand baht, or both.

If the offense under this act is committed in an area for conservation or to natural valuable timbers, the offender shall be liable to imprisonment not exceeding ten years or a fine not exceeding two hundred baht, or both.

Section 95. All timbers, forest products, or property obtained by the person or used by the person in the offense or possessed by the person to be used to commit an offense under this Act, whether it is an offense that is liable to administrative penalty or criminal penalty, shall be forfeited whether or not there is any person punished under a judgment.

Transitory Provisions

Section 96. During the initial period, the Community Forest Policy Committee shall consist of members under section 9 (1), (2), and (3) and the director-general of the Royal Forest Department as the committee member and secretary to carry out duties in accordance with this Act for the time being until the appointment of specialist committee members of the Community Forest Policy Committee under this Act, which must not exceed one hundred and twenty days from the date that this Act comes into force.

Section 97. In the initial period, the Provincial Community Forest Committee of a province that still does not have any community forest but where the request for community forest establishment has been filed shall consist of the committee members under section 23 (1), (2), (3), and (5): not exceeding two specialist committee members who are appointed by the provincial governor from among people who have expertise, works, and experience regarding natural resource and environment management or humanity or social science and not exceeding two members who are representatives of civil society organizations shall carry out the duties of the Provincial Community Forest Committee for the time being until the appointment of the chairman of the provincial community forest network and specialist committee members, as appointed by the provincial governor from representatives of the Community Forest Management Committee in the province.

After the community forest establishment is approved pursuant to paragraph one, the provincial governor shall appoint the representatives of the Community Forest Management Committee specified in section 25 without delay.

Section 98. In the initial period, any license, concession certificate and permit under the law regarding minerals and concession or concession under the law regarding petroleum already issued to any person and effective in the community forest area under this Act prior to the effective date of this Act shall remain valid until the expiry dates of such license, concession certificate and permit, or concession.

Section 99. A community forest that has been established under the forest law or the national reserved forest law and still valid prior to the effective date of this Act shall be deemed an approved community forest under this Act and actions shall be taken pursuant to this Act. It shall be deemed that any action taken regarding such community forest is an action under the community forest management plan under this Act for the time being until a community forest management plan is made under section 102.

Section 100. Any community forest that has been established with the support of the Royal Forest Department and located in other government areas and still valid prior to the effective date of this Act shall be deemed an approved community forest under this Act and actions shall be taken pursuant to this Act. It shall be deemed that any action taken regarding such community forest is an action under the community forest management plan under this Act for the time being until a community forest management plan is made under section 102.

Any action to be taken on the community forest under paragraph one which is not approved by the related government agency in the area to continue as a community forest shall be pursuant to the regulations prescribed by the Policy Committee.

Section 101. Community forest members and the Community Forest Management Committee of a community forest under section 99 and section 100 shall be the community forest members and the Community Forest Management Committee under this Act until, in the case of the Community Forest Management Committee members, the expiration of their terms or if they lack any qualification or have any prohibited characteristics as prescribed in regulations issued pursuant to the provision of paragraph two of section 42.

Section 102. The Community Forest Management Committee of the community forest under section 99 and section 100 shall propose the community forest management plan to the Provincial Community Forest Committee for their approval pursuant to this Act within two years from the effective date of the regulations regarding the community management plan under section 17. If the Community Forest Management Committee fails to complete the action within the aforementioned period of time, the community forest shall be canceled immediately and the director-general of the Royal Forest Department shall announce the cancellation of the community forest in the *Government Gazette* within fifteen days from the cancellation date.

Section 103. If the community forest under section 99 and section 100 is already in a forest area or other government areas prior to the date of an announcement that determines such area as a protected forest area under the national park law or the wildlife preservation

and protection law. That community forest shall be a community forest under this Act. The national park law or the wildlife preservation and protection law shall not be enforced on the community forest unless otherwise specified by this Act.

Section 104. Issuance of ministerial regulations, regulations, and notifications under this Act shall be completed within one year from the effective date of this Act. If the action cannot be so completed, the Minister of the Natural Resources and Environment shall provide the reasons to the cabinet.

Countersigned the royal command by

General Prayut Chan-o-cha

Prime Minister

Note : - The reason for promulgating this Act is to promote and support communities in cooperating with the government for the conservation, rehabilitation, management, maintenance, and utilization of natural resources, environment, and biodiversity in a balanced and sustainable manner so that communities can manage and gain advantages from community forests resulting in a complete and sustainable maintenance of the country's natural resources, environment, and biodiversity. This Act is therefore enacted.