

**FOREST ACT, B.E. 2484**  
**(A.D. 1941)**

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Authorized Official Translation

UNDER THE NAME OF HIS MAJESTY KING ANANDA MAHIDOL  
THE COUNCIL OF REGENCY

(by notification of the President of the Assembly of the  
People's Representatives dated 4th August B.E. 2480)  
(A.D.1937)

ADITYA DIBABHA

GEN. CHAO PHYA BIJAYENDRA YODHIN

ENACTED ON THE 14TH DAY OF OCTOBER B.E. 2484 (A.D. 1941)

BEING THE 8TH YEAR OF THE PRESENT REIGN

Whereas the Assembly of the People's Representatives has passed a resolution that it is deemed expedient to revise the laws relating to forest matters, so as to be more appropriate to prevailing conditions, Beit, therefore, enacted by His Majesty the King, by and with the advice and consent of the Assembly of the People's Representatives, as follows:

SECTION 1. This Act shall be called the "Forest Act, B.E. 2484 (A.D. 1941)."

SECTION 2. This Act shall come into force on and from the 1st January B.E. 2485 (A.D. 1942).

SECTION 3. The following laws and regulations shall be repealed:

- (1) Royal Proclamation: Duty on Teak and Other Timber Species, S.E. 1236.
- (2) Royal Proclamation: The Sale of Teak, S.E. 1246.
- (3) Royal Proclamation: Teak, S.E. 1249.
- (4) Supplementary Royal Proclamation: Teak, S.E. 1249.
- (5) Forest Act: Teak Logs Which Bear Defaced Hammer Marks, R.E. 115 (A.D. 1896).
- (6) Forest Protection Act, R.E. 116 (A.D. 1897).
- (7) Teak Trees Protection Act, R.E. 116 (A.D. 1897).

- (8) Act for Evention of Illegal Marking of Timber, R.E. 117 (A.D. 1898).
- (9) Act for Evention of Hauling of Teak on which the Royalty and Duty has not Paid, R.E. 118 (A.D. 1899).
- (10) Regulations of the Ministry of Interior: Drifted Timber, R.E. 119 (A.D. 1900 ).
- (11) Regulations: Special Permission to Utilize Teak Free of Royalty for Construction of Office Building and Other Public Purposes, R.E. 119 (A.D. 1900).
- (12) Forest Protection Act, B.E. 2456 (A.D. 1913).
- (13) Rules and Regulations issued under Forest Protection Act, B.E. 2456 (A.D. 1913).
- (14) Rules and Regulations for the Collection of Forest Products: Collection of Bee-Hives, B.E. 2464 (A.D. 1921).
- (15) Rules and Regulations for the Tapping of Forest products: Takien Trees Resin in Pattani County, B.E. 2465 (A.D. 1922).
- (16) Rules and Regulations for the Tapping of Forest Products: Yang Trees Oil, B.E. 2465 (A.D. 1922).
- (17) Inland Duty Amendment Act, B.E. 2470 (A.D. 1927) with reference to Section 4. (a) and (b) only.
- (18) Forest Protection Act, (No.2) B.E. 2479 (A.D. 1936).
- (19) Pine Resin Tapping Control Act, B.E. 2480 (A.D. 1937).
- (20) All other laws, regulations and rules, in so far as their contents are governed by this Act or are contrary to or inconsistent with the provisions of this Act.

SECTION 4. In this Act;

- (1) "forest" means land which has not been taken up or acquired by any other means under the Land Law;
- (2) 1 "timber" means teak and all other kinds of wood which are trees, brushwood, creepers, and also includes imported timber into the Kingdom, all kinds of bamboos, palms and rattans as well as other roots, burrs, stumps, tops and branches of which whether cut or not, logged, sawn, split, adzed or stripped, dug out or altered in any other way;
- (3) 2 "conversion" means do any way, as follows:
  - (a) sawn, chopped, split, or changed in any form other than debarking and dressing, to the extent necessary for hauling, so as to change the timber from its original size;
  - (b) burnt, kilned, crushed or altered in any form other than changing or dressing up for holding implements or by product of the timber.

4 (4) 3 "lumber" means converted timber, but excludes timber of the character of a structure or utensil as long as it may have such character.

Timber which has had the character of a structure or utensil, the possessor being able to substantiate that it has had such character for at least two years for other timber species than teak and five years for teak, shall not be deemed to be lumber;

(5) 4 "logging" means cutting, chopping, girdling, felling, lopping, sawing, splitting, hewing, reducing, digging out, hauling or howsoever bringing out of timber.

The foresaid logging applies to teak and yang which grow on land not in the forest or the bringing out of teak and yang timber growing on the land therefrom;

(6) "drifted timber" means trees, logs, posts, stakes, squares, piles, or planks from reserved timber species and drifted without control;

(7) 5 "forest products" means all things that naturally exist in the forest; things which originate from, or are found in the forest by nature:

(a) timber and all parts thereof, charcoal, wood oil, resin and all other things derived from trees or timber;

(b) all kinds of plants, mushrooms and things derived therefrom;

(c) birds' nests, lac, bee-hives, honey, bees-wax and guano;

(d) rock, minerals which are not prescribed in accordance with the Law on Mining and also includes charcoal which is man-made.

(8) "firewood" means timber having the characteristic and quality more suitable to be used as fuel than for any other purposes;

(9) "hauling" means moving the timber or forest products from place to place by power of force;

(10) "movement" means hauling or in any way causing the timber or forest products to be moved from its original site;

(11) 6 "grith limit" means a particular size measured along the circumference of a tree which is specified in accordance with the ministerial regulations;

(12) "royalty" means the fees to be paid by the loggers or collectors of forest products in accordance with this Act;

(13) "lumber mill" means a mill or a place established for the purpose of timber conversion including its periphery;

- (14) "store for trading in lumber" means a selling place of lumber or a place where lumber, including its periphery, is available for sale;
- (15) "marking hammer" means any instrument or implement made for the purpose of causing any marks or symbols other than numerical figures on the timber which is controlled by this Act;
- (16) "competent officer" means a forest officer of any grade or any other person appointed by the Minister for the execution of this Act;
- (17) "Minister" means the Minister in charge of the enforcement of this Act.

SECTION 5. Royal Decrees or Notifications of the Minister issued under this Act shall be duplicated and affixed at the offices of District and Sub-District or at public places in the localities concerned.

### **Part I**

#### **DETERMINATION OF RESERVED TIMBER SPECIES, ROYALTY AND GIRTH LIMIT**

SECTION 6. Reserved timber species are divided into two categories, viz:

Category (A): Ordinary reserved timber species are timber species for logging, comprised of those timber species for which permission must be obtained from the competent officer or which are granted concessions under this Act.

Category (B): Special reserved timber species are those comprising rare species, or need to be preserved for which logging permission cannot be granted, unless special permission shall have been obtained from the Minister.

SECTION 7.7 Teak and Yang timber in the forests throughout the Kingdom are reserved timber species under Category (A). Other species in the forests which are to be reserved in any locality and under any category shall be prescribed by a Royal Decree to that effect.

Any addition or deletion of reserved timber species or changing the category status of any reserved timber species which has been prescribed by a Royal Decree, or determining any timber as reserved timber species under any category and in any locality other than the

locality which has been prescribed by a Royal Decree in accordance with the provisions of the foregoing paragraph, can be carried out by the issuance of a Royal Decree to that effect. The Royal Decree issued under the provisions of the first and second paragraph shall come into force after ninety days from the date upon its publication in the Government Gazette.

SECTION 8.8 The provisions of this Section was repealed and no replacing text provided.

SECTION 9.9 The Minister is empowered to determine the rates of royalty by publishing a notice in the Government Gazette in the following manners:

- (1) for the logging of reserved timber species of Category (A), especially for teak timber, or reserved timber species of Category (B), the rate of royalty shall be fixed according to the kind, size and volume of the timber. Such rate of royalty shall not exceed two hundred baht per cubic meter;
- (2) for the logging of other reserved timber species, the rate of royalty shall be fixed according to the kind and volume of the timber. Such rate of royalty shall not exceed eighty baht per cubic meter;
- (3) for the logging of reserved timber species for making firewood and charcoal, the rate of royalty shall be fixed. Such rate of royalty shall not exceed five baht per cubic meter. If already converted to charcoal, the rate of royalty shall be double for that of logging of reserved timber species for making firewood and charcoal;
- (4) for the logging of reserved timber species or making charcoal from reserved timber species, if it is commonly sold as a matter of practice at any standard other than the cubic meter, the rate of royalty may be fixed diverting there from the provisions of (1), (2) and (3); but such rate of royalty shall not exceed ten percent *tad-valorem* the value, being an average of those obtained in the Kingdom of the reserved timber species or charcoal, as the case may be.

SECTION 9.(bis), In cases where the Minister so advises, he shall deduct or waive from the royalty for any person who has caused natural damages, to the extent necessary for any particular case thereof.

SECTION 10. The Minister is empowered to set up the girth limit of reserved timber species by publishing a notice in the Government Gazette.

**Part II**  
**LOGGING OF RESERVED TIMBER SPECIES**

SECTION 11.10 Any person desiring to log out the timber or to tap, chop, burn or in any way cause damage to any reserved timber species in the forest shall obtain permission from the competent officer or obtain a concession under this Act, and shall comply with the rules laid down in the ministerial regulations or license. In issuing a license, the competent officer, having received the approval of the Minister, may grant a monopoly on the conditions that the licensee shall pay to the government the monopoly fee as determined by the Minister.

In issuing a license, the Minister may grant a monopoly or concession for firewood or charcoal, may directly or indirectly issue a license only for a forest which is very distant and where there is scarcity of timber, or for logging only for valuable species or rare species.

In the consideration of issuing a license, the Minister may grant a monopoly or concession under the provisions of the foregoing paragraph, which shall be made by the committee appointed by the Minister.

SECTION 11. (bis), In cases where the licensee under Section 11, or concessionaire desiring to bring in any implement, tool, beasts of burden, vehicle or heavy equipment which is not owned by himself, for entrance to the permitted forest or concession, the licensee or concessionaire of the said properties shall inform the fact to the competent officer in advance within a period not less than thirty days in accordance with the forms specified in the ministerial regulations.

The properties of the first paragraph, the licensee or concessionaire is considered to have brought them into the permitted forest or concession. If he fails to inform to the competent officer under the provisions of the first paragraph, it shall be presumed that such properties are owned by the licensee or concessionaire.

SECTION 12. Unless permission has been specified in the license, no licensee shall log out any timber which bears no impression of hammer marks by a competent officer authorizing the logging of the same.

SECTION 13.11 No licensee shall cut out any timber of a size below the girth limit. However, if there is a natural disaster or other event where it is necessary to assist the public, the

Minister may, on considering that special case arises, grant special temporary permission to log out timber of a size below the girth limit.

If the logging of any timber of a size below the girth limit has been granted by the Minister under the provisions of the first paragraph, the licensee shall not log out any timber unless it bears impression of hammer marks of a competent officer authorizing the logging of the same or unless it otherwise cannot be impressed with hammer marks and permission has been specified in the license to log out the timber without bearing impression of hammer marks.

SECTION 14.12 The licensee shall pay a royalty according to the following prescriptions:

(1) advance royalty shall be paid at the rate of two baht per log or per tree after receiving the license from the competent officer, unless otherwise provided for at any place where the Provincial Government Board, with the approval of the Minister, publishes a notification to waive advance royalty or to reduce from the said rate, in which cases the payment or non-payment of advance royalty shall be as such.

For the logging of teak timber, the licensee shall have to pay advance royalty at such a rate as has been notified by the Provincial Government Board, with the approval of the Minister, or at such rate as has been fixed by the Minister on each particular case basis.

For the logging of timber for firewood or charcoal, no advance royalty needs to be paid.

(2) royalty shall be paid within thirty days from the date on which the competent officer has notified the licensee of the amount of royalty to be paid.

If the licensee fails to pay the royalty within the period specified in the foregoing paragraph, the ownership of the timber, firewood and charcoal shall belong to the government, unless it has otherwise been provided that the licensee has been permitted to defer the payment of the royalty in accordance with the rules specified in the ministerial regulations. In the event that the advance royalty had been paid, and the timber logged out within the specified period in the license, any excess of timber from advance royalty paid shall revert back to the government.

SECTION 14.(bis), Subject to the provisions of Section 14 shall not apply to the licensee where teak timber is logged out on land with title deed in accordance with the Land Code for

domestic purposes, and it shall not apply to the licensee where yang timber is logged out on land with Nor. Sor. 3 certificate or title deed in accordance with the Land Code for personal domestic purposes.

SECTION 15.13 In paying a royalty for any reserved timber species, if the licensee prefers to pay after the timber has been converted to lumber, the royalty is to be paid on the volume of the lumber and shall be double the rate specified for such timber.

SECTION 16. The advance royalty which had been paid in accordance with the provisions of Section 14.(1) shall be deducted from the total royalty assessable on the timber logged out and a deficit, if there is any, shall be made good by the licensee. If the timber is not logged out to the full amount specified in the license, and it is not caused by force majeure and if after the calculation has been made, the royalty is found to be less than the advance royalty paid, the excess amount thereof shall revert back to the government.

If no timber at all is logged out and it is not caused by force majeure, or if the license is cancelled on account of the licensee's violation, the advance royalty paid shall revert back to the government.

SECTION 17. The provisions of this Part shall not be applied to the following cases:

- (1) a competent officer is carrying out forest improvement, scientific research or experiment;
- (2) a person is collecting, for domestic purposes, the odds and ends of timber or fallen dead trees of a character suitable for firewood, and not of teak or reserved timber species of Category (B).

SECTION 18.14 If there is a natural disaster or other event where it is necessary to assist the public, the Minister may, on considering that any special case arises, temporarily grant logging permission to specific person extract timber in different from those notified in the ministerial regulations.

### **Part III**

#### **WAIVER FROM ROYALTY 15**

SECTION 19, 20, 21, 22, 23 and 24 were repealed, no replacing provisions.



**Part IV**  
**NON-RESERVED TIMBER SPECIES**

SECTION 25.16 Any person who transports non-reserved timber species into the limit of any Forest Check Point, shall pay royalty at the rates as specified in the ministerial regulations, except for personal domestic purposes in the locality of logging concerned.

If timber is transported into the limit more than one of Forest Check Point, the royalty shall be paid only to the first Forest Check Point.

SECTION 26.17 The Minister is empowered to prescribe, by publishing a notice in the Government Gazette, fixed rates of royalty under the provisions of Section 25, not exceeding forty baht per cubic meter. If it is commonly sold as a matter of practice at any standard other than the cubic meter, the rates of royalty may be fixed diverting there- from, but such rates shall not exceed ten per cent of the local market ad-valorem, the value being an average of those items obtained in the local market for the kind of timber concerned.

**Part V**  
**RESERVED FOREST PRODUCTS**

SECTION 27. In this regard, any kind of forest products which shall be come reserved in any locality a Royal Decree to that effect shall be issued.

SECTION 28. Any addition or deletion of forest products as reserved forest products which has been prescribed by a Royal Decree, or determining any forest products as reserved forest products in any locality other than the locality which has been prescribed by a Royal Decree under the provisions of the aforesaid Section, can be carried out by the issuance of a Royal Decree to that effect.

The Royal Decree issued under this Section shall come into force after ninety days from the date of its publication in the Government Gazette.

SECTION 29.18 Any person collects or in any way cause damage to any reserved forest products in the forest must be obtained permission from the competent officer, paid royalty, and complied with the terms as specified in the ministerial regulations, or permission.

In granting a license, the competent officer may upon receiving the approval from the Minister grant a monopoly on the conditions that the licensee shall pay the government a monopoly fee as determined by the Minister.

In granting of a monopoly shall be made only if the forest products are sufficiently valuable or for rare species, or if the forest products are found at a distant site, or necessary in granting by the monopoly.

SECTION 29. (bis), No person shall trade or possess reserved forest products exceeding the amount stipulated by the Minister as published a notice in the Government Gazette, unless written permission has been obtained from the competent officer and as complied with the terms specified in the ministerial regulations.

Subject to the provisions of the first paragraph shall not be applied to any person transporting reserved forest products and shall at the same time provide the removal pass covering him that was issued by the competent office.

SECTION 30.19 The Minister is empowered to determine the rates of royalty, which shall not exceed ten per cent ad-valorem, the value being an average of those obtained in the Kingdom of the relevant reserved forest products, by publishing a notice in the Government Gazette.

SECTION 31. In localities where bee-hives have been declared as reserved forest products, no licensee or concessionaire for the collection of forest products shall cut or fall the trees on which bees prefer making their nests or trees to which bee-hives are attached or in any way cause damage to the said trees without any necessity for the collection of bee-hives.

SECTION 32. The provisions of this Part shall not be applied to any act performed by a competent officer in carrying out forest improvement, scientific research or experiment.

SECTION 33.20 In case of natural disaster or other event where it is necessary to assist the public, the Minister may, on considering that any special case arises, temporary grant permission to specific person to collect reserved forest products in different from those notified in the ministerial regulations.

## **CHAPTER II**

### **MARKING HAMMER**

SECTION 34. The Minister shall prescribe the objects for use of government marking hammers and their characteristics by publishing a notice in the Government Gazette.

SECTION 35.21 No private marking hammer shall be used in marking timber unless it has been duly registered and licensed.

Whensoever the license expires, the owner or possessor of the marking hammer shall have it destroyed in the presence of the competent officer within a period of ninety days from the date of the expiration. When the licensee dies, his heir or the administrator of the estate may carry on the operation of such marking hammer, if his heir or the administrator of the estate wishes to continue such operation, and he shall apply for a license and change the title of the registration before the date of the expiration of the said period.

The registration, obtaining of license, conditions for use marking hammers and fees for such purposes shall be in accordance with the terms specified in the ministerial regulations.

SECTION 36. In case any private marking hammer is lost, the owner of such hammer shall give written notice of the loss to the competent officer within sixty days from the date when such fact became known to him.

SECTION 37. In case of violation of the provisions of this Part, for any timber which bears impressions of any private marking hammer, the owner is presumed to have committed such violation.

### **Part I**

#### **MOVEMENT**

SECTION 38.22 The provisions of this Part shall be applied to move timber or forest products after:

- (1) The timber that has been logged or forest products collected with permission has been transported from the place to the place specified in the license;
- (2) The timber that has been logged without requiring a license has been transported to the first Forest Check Point;

- (3) The timber that has been logged or forest products that have been imported into the Kingdom or have been transported to the Customs Office or Forest Check Point;
- (4) The timber that has been logged or forest products that have been purchased from the competent officer and transported from the site where the timber or forest products have been collected.

SECTION 39.23 Whoever moves the timber or forest products shall have a removal pass issued by the competent officer in accordance with the terms specified in the ministerial regulations.

SECTION 39.(bis), Any person, obtaining of permission to establish a lumber mill or store for trading of lumber, may issue in writing and shall thus cover any person moving the lumber from his own place to another when the Director- General has given an authorization to do so and in accordance with the conditions laid down by the Director-General. Such writing shall be deemed the same as a removal pass issued by the competent officer under Section 39.

SECTION 39.(ter), No person shall transport teak wood used in construction or for other implements until after five years from the Province where it has been located, unless permission has been obtained from the competent officer, and no fees shall be levied.

In granting a license under the first paragraph shall be in accordance with the rules laid down by the Director General with the approval of the Minister. If he thinks fit, the competent officer may impose additional terms to be conducted by the licensee.

SECTION 40.24 Whoever moves timber or other forest products into the limits of any Forest Check Point shall inform the fact to the competent officer in charge of the Forest Check Point, as the case may be, within five days of the entry and shall, at the same time, produce for him the removal pass issued covering such timber or forest products, and only after written permission has been granted by the competent officer in charge of the Forest Check Point may such timber or other forest products be moved further. Such permission shall be granted by the competent officer without delay.

SECTION 41. Unless written permission has been obtained from the competent officer, no person shall move the timber or other forest products through a Forest Check Point between sunset and sunrise.

SECTION 42. The provisions of the two foregoing Sections shall not be applied to the following cases:

- (1) where there are stipulations in the concession, license or removal pass allowing persons to do otherwise;
- (2) where agreements to the contrary have been made between any public body and the Royal Forest Department;
- (3) where the work is done by a person who has a license to collect and deliver drifted timber to the competent officer in charge of a station appointed to examine and to receive drifted timber as provided in this Act.

## **Part II**

### **CONTROL OF TIMBER IN RIVERS**

SECTION 43. The Minister shall have the power to determine the area for controlling timber in rivers by publishing a notice in the Government Gazette.

Within the area determined by the Minister in accordance with the provisions of the foregoing paragraph, no person being the owner of the timber or being authorized by the owner of the timber shall collect drifted timber, unless permission has been obtained from the competent officer.

SECTION 44. A person receiving permission to collect drifted timber shall collect and keep the timber in compliance with the terms specified in the ministerial regulations.

The drifted timber collected by the person receiving permission to collect the same shall be delivered to the competent officer without delay.

SECTION 45. In the months of February and August of each year the competent officer shall put up a public notice requiring the owner of such drifted timber to file his claim within the specified period, but not less than ninety days from the date of such notice.

The competent officer, if satisfied with the evidence produced by the claimant, is empowered to order the return of the drifted timber to such claimant. If the competent officer orders otherwise and the claimant is not satisfied with such an order, the claimant shall file a claim in Court within the period of thirty days from the date of knowing the order of the competent officer. If the claimant fails to file the claim within the specified period he shall have no further right to exercise it.

In cases where the competent officer or the Court has not given the order declaring any person to be the owner of the drifted timber, such timber shall belong to the State.

SECTION 46. A person who is entitled to receive the timber from the competent officer shall pay the cost of reward to the person receiving permission to collect drifted timber and also a fee to the competent officer at the rates specified in the ministerial regulations.

In cases where there is no person entitled to receive the timber from the competent officer, the reward shall be paid to a person receiving permission to collect drifted timber by the competent officer at the same rates.

#### **CHAPTER IV CONTROL OF LUMBER**

SECTION 47. The Minister shall have the power to determine any locality as a lumber control area. Such determination shall be notified and take effect ninety days from the date of its publication in the Government Gazette.

SECTION 48.25 Unless permission has been obtained from the competent officer, within the lumber control area no person shall convert timber, establish a lumber mill, store lumber for trading or have in possession teak wood of what so ever amount or other species of lumber exceeding 0.20 cubic meter, and the licensee shall be complied with the terms specified by the ministerial regulations and rules stated in license.

For the purposes under the provisions of the first paragraph, log or timber that is sunk in a river or a canal in a radius of fifty meters of the lumber area, and the log or timber is not owned by anyone, it shall be presumed that the log or timber is possessed by the licensee of the lumber mill in such area therein.

The provisions of the first paragraph apply to timber as well as altering timber imported into the Kingdom.

SECTION 49.26 Whoever desires to convert timber, by establishing a lumber mill using the mechanical operation shall:

- (1) be the owner; and
- (2) not have been sentenced by a final judgement to imprisonment, except for a petty offence or offence committed through negligence; or
- (3) not be a destitute person; or
- (4) not have been permission suspended or permission cancelled under the provisions of this Chapter or not have permission to log or permission for a logging monopoly or a logging concession issued in accordance with this Act.

In case of a person desires to establish a lumber mill as a juristic person in a limited partnership, a managing director or a general manager of a juristic person, and found not to have the characteristics under (2), (3) or (4).

SECTION 49.(bis), A person, obtaining of permission to establish a lumber mill, has to follow conditions of the lumber operation according to the permission received.

SECTION 50.27 The provisions under Section 48, shall not be applied to:

- (1) sawing, cutting, lopping, hewing, or any other forms dressing of timber for making into logs, rough squares, hewn posts, railway sleepers or for making firewood or wood for charcoal, provided that such operation is carried out before the timber is moved from the stump or from the inspection yard specified in the license by the competent officer for logging;
- (2) lumber already converted from logs which is not for trading purposes;
- (3) lumber in possession which is not for trading purposes, the fact of which shall be substantiated by the possessor under this Act;
- (4) lumber in possession which is not from reserved timber species;
- (5) lumber in possession from reserved timber species by power of force, which is not for trading purposes, the fact of which shall be in a lawful manner under this Act.

SECTION 51.28 The licensee under this Chapter may have in the possession as specified in the license only timber which are the following:

- (1) timber for which royalty and forest improvement charges have already been paid, or timber which has been impressed with hammer marks, or timber which has been authorized for conversion before payment of a royalty and forest improvement charges, unless written permission has been obtained from the Director-General;
- (2) timber which has been impressed with a free-grant mark;
- (3) timber purchased from the forest authorities marked by the competent officer on which has been impressed with government sale hammer mark;
- (4) lumber of the licensee under this Chapter who has in writing permission to cover lumber issued for the licensee or a removal pass issued from the competent officer;
- (5) timber imported into the Kingdom and covered by a removal pass issued under Section 38(3).

SECTION 52. No licensee shall carry out the lumber work between sunset and sunrise, unless written permission has been obtained from the competent officer.

SECTION 53.29 In this regard, the licensee under this Chapter has complied with this Act or not, the competent officer is empowered to inspect the lumber work and operation of the licensee. The licensee shall for this purpose render proper facilities and reply to the question of the competent officer.

SECTION 53. (bis), The Minister shall have the power to determine any locality to be the controlled area for utensils, implements or other articles made of reserved timber species, by publishing a notice in the Government Gazette.

For the provisions of the first paragraph, the Minister shall determine the kind, size or quantity of utensils, implements, or other articles made of reserved timber species, in which the trader or possessor for trade, shall apply for a license under Section 53. (ter), or Section 53. (quater).

SECTION 53.(ter), No person, in the controlled area, shall trade or possess the utensils, implements, or other articles made of reserved timber species which have been determined, of a kind, size or quantity exceeding the notifications as specified by the Minister under Section 53. (bis), unless permission has been obtained from the competent officer.



SECTION 53.(quater), In cases where the notifications, determined by the Minister, of any locality to be a controlled area under Section 53.(ter). If there is a trader or possessor for trade in utensils, implements, or other articles made of reserved timber species of a kind, size or quantity exceeding the kind, size or quantity specified for a controlled area prior to the date of the notifications as specified by the Minister, the said person shall file an application to the competent officer within a period of thirty days from the date of the notifications come into force.

After he filed an application for a license under the first paragraph, such person may proceed further to trade or possess for trade in utensils, implements, or other articles made of reserved timber species until the competent officer issues an order not to accept the license.

## **CHAPTER V FOREST CLEARANCE**

SECTION 54.30 No person shall clear, burn, or by any other means whatsoever destroy any forest or occupy or take possession forcefully of any forest land regardless of whether it is in one's own account or for any other person, except the classified land otherwise provided for agriculture as stipulated by the Minister as published a notice in the Government Gazette, or unless written permission has been obtained from the competent officer.

The application and obtaining of permission shall be in accordance with the rules and conditions as specified in the ministerial regulations.

SECTION 55. Any person found occupying forest land which has been cleared in violation of the provisions of the a fore- said Sections, it shall be presumed to committed have the clearing of that forest land.

## **CHAPTER VI MISCELLANEOUS**

SECTION 56. A license issued under this Act may be transferred only after written permission has been obtained from the competent officer.

When the licensee dies, his heir or the administrator of the estate may carry on the operation under the license for a period not exceeding ninety days from the death of the licensee. If his

heir or the administrator of the estate wishes to carry on such operation, he shall apply for a license prior to the expiration of the said period.

SECTION 57. A licensee under this Act shall provide the workmen or employees who work under his license with a card showing their status as such in accordance with the forms specified in the ministerial regulations.

SECTION 58.31 The application and obtaining of permission under this Act, shall be in accordance with the forms, terms and conditions specified in the ministerial regulations and in any special case the Minister is empowered, as he thinks fit, to impose additional terms to be conducted by the licensee.

The competent officer is empowered to particular give and order the renewal of the license issued under this Act, as he thinks advisable.

SECTION 58.(bis), In cases where the logging of reserved timber species or collection of reserved forest products has been allowed by concession, or granted a monopoly, or permission issued for logging of timber for trade in the National Reserved Forests or an area notified to be the National Reserved Forests, or an area already notified for a project of logging or collection of forest products therein, or 29 obtaining of permission in accordance with Sections 13, 18, or 54, the Minister is empowered to specify the concessionaire or licensee: (1) to carry out forest improvement or reforestation in accordance with the order and procedures specified by the competent officer; or (2) to pay the expenses of forest improvement or reforestation charges to the competent officer or to reforest therein as its substitute. In case of (2), paying of the expenses shall not exceed six times the royalty or according to the ratio of the area of the concession or license issued not exceeding one thousand two hundred baht per rai, if the Minister deems it appropriate.

SECTION 59.32 The competent officer shall have the power to suspend the license issued under this Act for the following:

(1) when it appears that the licensee violates on this Act or fails to comply with the ministerial regulations, notifications or conditions as stated in the permission or fails to comply with the order issued of the competent officer under this Act, such license shall be suspended within a period not exceeding one hundred and twenty days;

(2) when the licensee has been prosecuted in Court for his illegal actions in accordance with this Act. The license issued shall be suspended until the final judgement thereof is made.

SECTION 60. When an order for the suspension of license has been made by the competent officer, the licensee shall from the date of the receipt of the order of the competent officer be deprived of the right under such license until the period of the suspension of license shall expire or until the Minister shall make an order cancelling the order for the suspension of license.

SECTION 61.33 In the event of where there are reasonable grounds to order the suspension of license, the Minister or the competent officer in accordance with the provisions of Section 59, the Minister may, if he thinks fit, make an order for the cancellation of such license thereof.

In cases where a licensee has been granted permission to operate a lumber mill by using the mechanical operation or a juristic person has been given such a license, and found not to have the characteristics under Section 49. (1) or as a juristic person under Section 49.(2), (3) or (4), as the case may be, the Minister shall have a right to order suspension of such license.

SECTION 61.(bis), The competent officer shall give a written notice of the order of the suspension or the cancellation of the license issued to the person whose license is suspended or withdrawn. In cases where the competent officer cannot deliver a written order of the suspension or the cancellation directly to the person whose license is suspended or withdrawn under the first paragraph, the written order shall be posted at the open and conspicuous place at the office given in the license, or at the domicile of the person whose license is suspended or withdrawn. After this procedure has been done, it shall be regarded that the person whose license is suspended or withdrawn shall have received the order as of the date of posting.

SECTION 62. In the event of the competent officer has issued an order not to accept the application in accordance with the provisions of this Act, or the order for suspension of license in accordance with the provisions of Section 59, the applicant who is given the order is entitled to lodge an appeal with the Minister within thirty days from the date of the receipt of the order. The decision of the Minister shall be final.

SECTION 63. Subject to the provisions of this Act, the government shall have the power to grant concession for the logging of any kind of timber species or for the collection of any

kind of or forest products in any forest and may impose the terms or conditions of such concession.

The government shall have the power to demand from the concessionaire a royalty at such rate, if it deems appropriate, but not exceeding the maximum rate defined in this Act, and the concessionaire may be required to pay to the government such payment as determined by the latter.

SECTION 64.34 As far as criminal offence is concerned.

In implementing under this Act, the competent officer shall be regarded as the administrator or the police officer under the Criminal Procedure Code.

SECTION 64.34 (bis), The competent officer is empowered to confiscate any implement, tool, beasts of burden, vehicle or heavy equipment used in or acquired through the commission of an offence, regardless of whether they belong to the offender, or if there are reasonable grounds to suspect such use or acquisition in committing offences under Sections 11, 48, 54 or 69. These are to be used as evidence in the criminal case or until the Public Prosecutor issues an order not to prosecute, or the case reaches the final appeal, regardless of whether they belong to the offender or were acquired through a commission of an offence.

If the Public Prosecutor issues an order not to prosecute or the Court decides not to confiscate, and the person whose properties were confiscated does not request the return of the properties within a period of six months after the date of the decision or the order not to prosecute or after the date of the final court decision, the properties designated in the first paragraph which have been confiscated shall belong to the Royal Forest Department.

If the seized properties have incurred damage or the cost to maintain them exceed the value of the properties, the Minister or a person authorized by the Minister shall sell them by public auction prior to the specified period under the second paragraph, and the total amount of money shall be used in place of the seized properties.

SECTION 64.(ter), In cases where the seized properties under Section 64. (bis), do not belong to the offender or to the person of whom there is reasonable grounds to suspect of misdeed, the competent officer, with the approval of the Minister, as the case may be, shall

return the properties or 33 the money to the owner prior to specified period under Section 64.(bis), in the following cases:

- (1) when the properties that were confiscated are not necessary to be used as evidence for the trial;
- (2) when the offender or person of whom there is reasonable grounds to suspect of misdeed had obtained the properties from the owner through the misdeed.

SECTION 65. For the purpose of averting an immediate common danger to the timber or forest products in any forest, the competent officer is empowered to order the licensee or concessionaire in such forest or in any forest nearby as well as his workmen or employees to render assistance by lending service or articles as may be necessary for such purpose.

SECTION 66. The transfer of timber or forest products made before payment of royalty or before receiving a written permission from the competent officer shall not be raised as an argument against the official.

SECTION 67. The Minister shall set up Forest Check Point and fix the jurisdiction area of such Forest Check Point by publishing a notice in the Government Gazette.

SECTION 68.35 The royalty due under this Act shall be deemed as taxes due to the government and the government shall also be entitled for their payment to the same general preferential right as provided for in the Civil Procedure Code.

#### CHAPTER VI (bis)

The Forest Act, B.E. 2484 (A.D. 1941), shall be sought to amend by the Royal Decree, B.E. 2532, with the addition of CHAPTER VI(bis). The order issued is to alter concessions and to ban on log concessions.

SECTION 68. (bis), Where for reasons of necessity in areas of a concession, if the government has the intent to construct a dam for irrigation or hydroelectric power or to protect against damage caused to the general public, or for national security or to assure ecological balance, or for any other public purpose, the Minister is empowered to make an order with the approval of the Cabinet, the following orders:

- (1) The concession shall terminate in those areas where it overlaps in its whole;

- (2) The concessionaire shall temporarily suspend concession in such an area within an appropriate period of time;
- (3) The deletion of such area from the area of the concession.

The order issued by the Minister under the provisions of the first paragraph shall come into force from the day following the date the order is issued.

SECTION 68.(ter), Apart from the expiration according to the period of time of the concession, or notifications or rules as stated in the concession, or in accordance with other laws, the right to receive the concession, in its whole or in part, shall come to an end when such area has been notified to be: 35

- (1) a National Park in accordance with the National Park Act; or
- (2) a Wildlife Sanctuary in accordance with the Wildlife Preservation and Protection Act.

SECTION 68. (quater), In cases where the concession is terminated by the order issued under Section 68.(bis), or the right to receive the concession has expired under Section 68. (ter), or the concession is terminated by the competent officer who has the right to revoke the concession on reasonable grounds that the concessionaire has not complied with the notifications or conditions as stated in the concession, the timber and forest products for which royalty has been not paid, regard less of whether they are in or outside the area of the concession, shall belong to the government. The concessionaire is entitled to the ownership of the timber or forest products after he is able to substantiate that he has logged out or collected forest products in a lawful manner or within the notifications and conditions as stated in the concession, prior to the date that the right of the concession shall come to an end.

In cases where the concessionaire wishes to substantiate in accordance with the first paragraph, he shall make an application of substantiation to the Minister within thirty days of the date of the receipt of the notice from the competent officer, who has notified according to the order issued by the Minister or notified the logging ban in the concession under the first paragraph of Section 68.(octiens), as the case maybe. The methods of the application, the procedures of substantiation, the consideration and the order issued by the Minister shall be in accordance with the rules, procedures 36 and conditions as specified in the ministerial regulations.

In cases where the concessionaire is not satisfied with the order issued by the Minister, he shall have a right to appeal in the Court in the area where he has logged or collected forest products in a lawful manner as specified in the notifications and conditions stated in the concession prior to the time when the right of the concession shall come to an end. This appeal must be submitted within a period of sixty days from the date of the receipt of the order issued by the Minister.

SECTION 68.(quini), In cases where it is a logging concession that receives of the order issued from the Minister under Section 68. (bis), or where the right of logging has expired under Section 68.(ter), the concessionaire shall stop all activities of logging in the concession thereof, and stop moving any log from the log yard and calculating any log for royalty. The competent officer shall inspect the conditions of logging and timber at the log yard and make a report to submit to the Director-General without delay. The said report shall indicate the facts regarding the particular procedure of logging, the total amount and size of the timber, and shall give the opinions whether the concessionaire has been logged out according to the notifications and conditions as stated in the concession.

In cases where the result of the inspection under the first paragraph shows that the concessionaire acted in contravention or failed to comply within the notifications or conditions as stated in the concession, the official has the right to revoke the concession or to terminate the right of logging concession under Section 68. (bis), or 68. (ter), 37 without prejudice to the right of an official to revoke the concession, prior to effective date upon the date of the right of logging concession comes to terminate.

The concessionaire who has substantiated himself with the Minister under Section 68. (quater), that he has logged in a lawful manner with the notifications and conditions stated in the concession, prior to effective date upon the date of the right of the logging concession comes to terminate or the Court has adjudication to do so, the Director-General shall have a written notice to the concessionaire for hauling or moving out of the timber there in and he may impose the rules, methods, conditions and a specified period of time to be conducted by the concessionaire, if any concessionaire does not comply therewith, he shall have non-right of such timber, and it shall belong to the State.

SECTION 68.(sexiens), In this regard, the concessionaire receiving the order issued under Section 68. (bis), or the concessionaire whose license is terminated under Section 68.

(ter), as follows, shall have the right to refund for the compensation for damage in accordance with the rules, procedures as prescribed under Section 68. (septies), 68. (octiens), 68.(noveni), 68.(deni), and 68.(undeni):

(1) the concessionaire whose license is terminated, in its whole compartments in accordance with Section 68.(bis), (1) or 68.(ter); and (2) the concessionaire receiving the order issued in accordance with Section 68. (bis), (2) or (3), or the concessionaire whose license is terminated, in part, in accordance with Section 68. (ter), only for the concessionaire who made a formal request for expropriation of the maining of its whole of the concession to the official.

In case of the order issued under Section 68. (bis), or the logging concession is terminated under Section 68. (ter), the claim or the payment of the compensation for damage or any other compensation for damage without prescribed under this Section, he shall have no further right to exercise it.

SECTION 68.(septies), The compensation for damage to the concessionaire who is entitled to receive according to the rules, viz:

(1) must depend on the actual damage to the concessionaire and in respect only to, as follows:

(a) the expenditure of investment of the concessionaire for his logging operation, such as: the cost of heavy equipment, vehicles, implements and other instruments used in and which have not yielded financial returns, shall be taken into consideration of the depreciation values deducted from a period of the right concession of logging therein, the total amount of timber or forest products and as well as other benefits that have yielded financial returns during a period of the time of logging operation and the value of properties or things of the remaining still have the benefits to the concessionaire;

(b) the expenditure, which the concessionaire has invested for his logging operation and which have not yielded financial returns, shall be taken into consideration as notified in (a); and

(c) the attachment in accordance with the Protection of Employee Code, the concessionaire shall make severance pay for employees in any case if they are laid off.

The investment or the expenditures shall be taken into the consideration for yielding financial returns in accordance with (a) and (b), shall not exceed the investment or the expenditure of a general principle business.



(2) the responsibility of the concessionaire with a third party, who has an agreement in dealing with the logging operation where the agreement has been contracted with the concessionaire, shall be responded in any case by force majeure in different from those the Civil Procedure Code or an agreement between the third party and the concessionaire grounded according to the government has an order issued to vary or dissolve the logging concession, the said agreement involved in the contract will not be compensated, nor with the benefits concessionaire expected in accordance with this Section;

(3) non-payment shall not pay compensation to the concessionaire any profit or any other benefit within suspected;

(4) in cases where the dissolution to extent that the concessionaire, shall yield the payment or property or profit or any other compensation from the insurance or any other compensation for damage, regard as, it is in a part of the compensation for damage in accordance with this Section.

In cases where any concessionaire has been made the expropriation for receiving the concession under Section 68. (sixth), (2), the concessionaire shall be yielded the compensation for damage only the ratio of such area therein, or the total amount of timber or forest products has been carried out there from, in part, of area of the determination of the concession, whichever is higher. Apart from the reasonable grounds of the expiration, in part, of area of the concession is made to the concessionaire not being able to process to carry out his logging operation on the expropriation therefor, the compensation for damage shall be yielded the same as the case of, in whole, of the determination of the concession.

SECTION 68.(octiens), After the Minister issued an order under Section 68.(bis), the competent officer shall notify in writing the order of the Minister to the known concessionaire or if the right of logging operation, in whole or in part, of the concession shall be terminated under Section 68. (ter), the competent officer shall notify in writing to the concessionaire to know the determination.

If the concessionaire has any desire to claim for the compensation for damage he shall file his formal requests with the Director-General within ninety days of the date of the receipt of the given notice from the competent officer, or the order issued by the Minister, or the given notice on the determination of the concession of the first paragraph, as the case may be.

The formal requests for the compensation for damage in accordance with the second paragraph shall be in writing and including the list of account of the compensation for damage to appropriate of a yield within the stipulations prescribed under Section 68. (septies), and has an evidence to support of the formal requests as necessary.

In case of the formal requests for the compensation for damage, the concessionaire shall have the right under Section 68. (sexiens), (2), and he shall file the expropriation of the yield of there remaining, in whole, of the area in the logging concession prior to or of the date of the formal requests for compensation for damage under this Section.

SECTION 68. (noveni), In the consideration of the determination of the payment for the compensation for damage, the Director-General shall appoint a committee consisting of are presentative from the Revenue Department, a representative from the Office of the Auditor-General, an Expert of Property Determination and a Forest Officer, to consider the amount of the payment to be paid as the compensation of damage.

The committee is empowered to call the concessionaire to clarify any matter or to deliver the supplementary documents and information with inquiry for discussion on the compensation of damage. In case the concessionaire fails to comply with the order or does not cooperate therewith, the committee is empowered to make the decision as such, the amount of the payment to be paid for the compensation for damage without delay, if he deems it appropriate.

After the committee under the first paragraph has finished deciding the compensation for damage, it shall make a report and submit to the Director-General of the Royal Forest Department, such report shall include the particular matters and reasons of the decision for the payment of the compensation for damage and the method of consideration and shall indicate the evidence to support the consideration.

If the Director-General does not agree with the Committee, he is empowered to alter, if he deems it advisable, and produce a reason covering on such report therewith.

The Director-General shall notify in writing to the known concessionaire to yield the amount of the payment for the compensation for damage within a reasonable fact and may impose a period of time to be conducted by the concessionaire.

SECTION 68. (deni), Any concessionaire is not satisfied for the compensation for damage as notified by the Director- General for yielding under Section 68.(noveni), he shall have the right to appeal to the Minister within sixty days of the date of the receipt of the written notice from the Director- General.

In the consideration of an appeal under the second paragraph, the Minister shall appoint a committee consisting of a legal expert and an appraisal expert not less than five persons but not more than nine persons to consider such report and give opinions and submit the same to the Minister, regarding he shall make the decision of the appeal within sixty days of the date of the receipt of the appeal.

SECTION 68. (undeni), In cases where any concessionaire is not satisfied with the decision of the Minister under Section 68. (decies), or in case of the Minister is not made the decision of the appeal in notifying of a specified period of time in accordance with the second paragraph of Section 68.(decies). The concessionaire shall file in Court within one year of the date of the receipt of the decision of the Minister or within the date of the expiration of a specified period of time, as the case may be.

In case of a charge in Court and the Court has passed a judgement to the concessionaire, by increasing the compensation for damage, he shall be given the demanded compensation for damage only from those increasing, in part, of the damage, plus seven and one-half percent per year, if the Court rules in his favour.

## **CHAPTER VII**

### **PENAL PROVISIONS**

SECTION 69.36 Whosoever has in their possession any reserved timber species which is not yet converted to lumber and which bears no impression of the royalty hammer marks, or the government sale hammer marks shall, unless otherwise be substantiated that such timber has been in a lawful manner, be penalized with a fine not exceeding fifty thousand baht or with imprisonment not exceeding five years, or both.

In offences under this Section, if the timber in their possession, as follows:

(1) teak, yang or reserved timber species Category (B); or

(2) other timber species in the form of trunks or logs or each of them or both exceeding twenty trunks or logs exceeding four cubic meters in volume.

The offender shall be penalized with imprisonment of one year to twenty years and a fine of five thousand to two hundred thousand baht.

SECTION 70. Whoever receives by any manner or conceals or disposes of or assists in taking away from view any timber or forest products which he knows to have been acquired through a commission under this Act, shall be liable to the penalty as the principal in committing such offence.

SECTION 71.37 Whoever acts in contravention of the provisions of Sections 35, 36, 44 paragraph two, or 57, shall be penalized with a fine not exceeding five thousand baht.

SECTION 71. (bis), Whoever acts in contravention of the provisions of Sections 29, 29. (bis), 39, 39. (ter), 40 paragraph one, 43 paragraph two, or 53, shall be penalized with a fine not exceeding ten thousand baht, or with imprisonment not exceeding one year, or both.

SECTION 72.38 Whoever acts in contravention of the provisions of Section 41, or 52, shall be penalized with a fine not exceeding fifty thousand baht, or with imprisonment not exceeding five years, or both.

SECTION 72. (bis), Whoever acts in contravention of the provisions of Section 51, shall be penalized with a fine not exceeding fifty thousand baht or with imprisonment not exceeding five years, or both.

In offences under this Section, if the timber in their possession, as follows:

- (1) teak, yang or reserved timber species Category (B); or
- (2) other timber species in the form of trunks or logs or each of them or both, exceeding five trunks or of a combined volume exceeding one cubic meter or of lumber exceeding one cubic meter in volume.

The offender shall be penalized with imprisonment of two years to fifteen years and with a fine of ten thousand to one hundred thousand baht.

SECTION 72. (ter), Whoever acts in contravention of the provisions of Section 54, shall be penalized with a fine not exceeding fifty thousand baht, or with imprisonment not exceeding five years, or both.

In cases where the offender clears any forest land exceeding twentyfive rai under this Section, shall be penalized with a fine often thousand to one hundred thousand baht, or with imprisonment of two years to fifteen years.

In cases where the Court has decided a final judgement in reference to the offence for which the prosecution has been instituted under this Section, if it appears that such person occupying or possessing a forest land. The Court is empowered to order the eviction of his employees, representatives, and dependents of the offender from such forest land.

SECTION 73.39 Whoever acts in contravention of the provisions of Sections 11, 12, 13, 31 or 48, shall be penalized with a fine not exceeding fifty thousand baht, or with imprisonment not exceeding five years, or both.

In offences under this Section, if the timber in their possession, as follows:

- (1) teak, yang or reserved timber species Category (B); or
- (2) other timber species in the form of trunks or logs or each of them or both, exceeding twenty trunks or logs or of a combined volume exceeding four cubic meters or of lumber exceeding two cubic meters in volume.

The offender shall be punished with imprisonment of one year to twenty years and with a fine of five thousand to two hundred thousand baht.

SECTION 73. (bis), Whoever acts in contravention of the provisions of Section 53.(bis), or the licensee in this Act infringes on or fails to comply within the specified conditions or additional terms as imposed by the Minister under Section 58, shall be penalized with imprisonment not exceeding of six months to five years and with a fine of five thousand to fifty thousand baht.

SECTION 74.40 The timber or forest products acquired or possessed in violation of this Act and having in utensils, implements or other articles made of reserved timber species acquired through a commission of an offence under the provisions of Section 53.(ter), shall be confiscated.

SECTION 74. (bis), All tools, implements, beasts of burden, vehicles or heavy equipment used in, or acquired through a commission of an offence under the provisions of Sections 11, 48, 54, or 69, shall be confiscated regardless of whether they belong to the offender, and such person is convicted.

SECTION 74.(ter), The Director-General or the competent officer of not less than the Provincial Forest Officer in level or the Chief of Forest Check Point, shall have the power to settle the case with respect to the offences under this Act.

SECTION 74.(quater), In cases where whoever conducts the offender in this Act, the Public Prosecutor shall request to Court, and the Court is empowered to order payment of the cost of the reward to any conducted person not exceeding one-half of the confiscated amount from paying a fine to the Court, if the offender does not pay or otherwise pay in full of the confiscated amount, the reward shall be paid from sale exhibit, or if it does not have sufficient amount in paying, the reward shall be dismissed.

In case of the conducted person has more than one, the reward shall be paid equally after the case is in the final judgement.

## **CHAPTER VIII EXECUTION OF THE ACT**

SECTION 75. The Minister of Agriculture shall take charge and control of the execution of this Act and is empowered to appoint the competent officers and fixed the rates of fees not to exceed the rate in the Schedule Annexed to this Act and issued the ministerial regulations for the execution of this Act.

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

### **TRANSITORY PROVISIONS**

SECTION 76. All concessions and licenses for logging or collecting for est products which have been issued on the date of enforcement of this Act shall be valid up to the time limit specified there in, as if such concessions and licenses have been issued under the provisions of this Act.

SECTION 77. All private marking hammers officially registered and their fees paid prior to the enforcement of this Act may continue to be used for another period of one hundred and twenty days from the date of which this Act comes into force. If an owner desires to continue the use of his private marking hammers after the expiration of the said period he has to renew registration of the same, in accordance with the provisions of this Act without payment of any further registration fee.

Countersigned:

P. Pibulsonggram

President of the Council of Ministers

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