

Unofficial Translation*

FORESTS ACT,
B.E. 2484 (1941)

In the Name of His Majesty King Ananda Mahidol;
The Council of Regency;

(By the Notification of the President of the House of Representatives,
dated 4th August B.E. 2480 (1940))
Arthityathiparpa;
General Pichayendrayodhin;
Given on the 14th Day of October B.E. 2484 (1941);
Being the 8th Year of the Present Reign.

Whereas the House of Representatives considers it expedient to modernise the law on forests;

Be it, therefore, enacted by the King, by and with the advice and consent of the House of Representatives, as follows:

Section 1. This Act is called the “Forests Act, B.E. 2484 (1941)”.

Section 2.¹ This Act shall come into force on the 1st of January B.E. 2485 (1942).

Section 3. The following shall be repealed:

(1) Royal Command on Taxes on Teak Logs and Other Hard Woods (*Maih-Kraya-Loei*) dated on Sunday of the fourth month, the eighth day of the waning moon, year of the Dog, *Chorh-Sok, Chulah-sakaraj* 1236 (1874);

*Translated by Mr. Watthana Suksiripakonchai, and reviewed by Associate Professor Pisawat Sukonthapan under contract for the Office of the Council of State of Thailand’s Law for ASEAN project. – Tentative version –pending review and approval by the Office of the Council of State.

¹Published in the Government Gazette Vol. 58, Page 1417, dated 15th October B.E. 2484 (1941)

(2) Royal Command related to Purchase and Sale of Teak Logs dated on Wednesday of the ninth month, the first day of the waxing moon, year of the Monkey, *Chorh-Sok, Chulah-sakaraj* 1246 (1884);

(3) Royal Command related to Teak Logs dated on Sunday of the seventh month, the first day of the waxing moon, year of the Pig, *Nob-Pa-Sok, Chulah-sakaraj* 1249 (1887);

(4) Royal Command (Additional Provisions) related to Teak Logs dated on Monday of the eleventh month, the first day of the waning moon, year of the Pig, *Nob-Pa-Sok, Chulah-sakaraj* 1249 (1887);

(5) Logs (*mai-soohng* and *mai-torhn*) with Faded Imprint Act, *Rattanakosin* Era 115 (1896);

(6) Forests Conservation Act, *Rattanakosin* Era 116 (1897);

(7) Teak Conservation Act, *Rattanakosin* Era 116 (1897);

(8) Act on Prevention of Illegal Log Marking Act, *Rattanakosin* Era 117 (1898);

(9) Act on Prevention of Illegal Hauling of Teak in Which Cutting Fees and Taxes Have Not Been Paid, *Rattanakosin* Era 118 (1899);

(10) Ministerial Regulation on Driftwood, *Rattanakosin* Era 119 (1900);

(11) Rules to Permit the Use of Teak for Construction of Government Buildings and Public Amenities, *Rattanakosin* Era 119 (1900);

(12) Forests Conservation, Act B.E. 2456 (1913);

(13) Rules to Regulate the Methods of Conserving Forests, B.E. 2456 (1913);

(14) Rules to Regulate Searching for Forest Products With Respect to Collection of Bee Hives, B.E. 2464 (1921);

(15) Rules to Regulate Searching for Forest Products With Respect to Drilling and Burning Ta-Kien for Dammar in Pattani Province, B.E. 2465 (1922);

(16) Rules to Regulate Searching for Forest Products With Respect to Drilling and Burning for Wood Oil, B.E. 2465 (1922);

(17) Act Amending Internal Tax Rates Act, B.E. 2470 (1927) only for Section 4 (a) and (b);

(18) Forests Conservation Act (No. 2), B.E. 2479 (1936);

(19) Control of Turpentine Making Act, B.E. 2480 (1937); and,

(20) all other laws, rules and by-laws in so far as they have already been provided herein, or are inconsistent with the provisions of this Act.

Section 4. In this Act:

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(1) “Forest” means land claimed by no one, according to the law on land.

(2)² “Wood” means teak and other types of wood, whether it be a log, a bush, or a vine. The term also includes wood imported into the Kingdom, all types of bamboo, palm, rattan palm together with a root, a node, a stump, a remnant, a tip, and a branch of the wood regardless of it being cut, slashed, sawn, sliced, grazed, dug, or done through other means.

(3)³ “Process” means one of the acts done to wood as follows:

(a) sawing, cutting, grazing, digging, or other means, which transforms a form or a size of wood to be different from its original state other than removing barks or decorating necessary for the hauling.

(b) burning, baking, crushing, or other means, which transforms a state of wood to be different from its original state in order to use a substance or a byproduct of the wood;

(4)⁴ “Processed wood” means wood that has been processed. The term also includes wood disguised as construction material; or has been used in construction that does not conform to typical characteristics of construction or is abnormal; or is used as a tool that does not conform to typical characteristics of tools in that geographic area, or is abnormal;

Wood in a state of a construction or state of a tool shall not be considered processed wood for the duration it is in such state. This applies to non-teakwood that the owner has proven has been in that state for two years, and teakwood that the owner has proved has been in that state for five years for teak.

(5)⁵ “Logging” means cutting, slicing, pruning, felling, cropping, sawing, grazing, slashing, digging, hauling wood in a forest, or taking wood out of the forest for any purposes. The term shall also include any of these acts to teak or rubber wood grown on land that is not in the forest, or the taking of teak or rubber wood out of the land that such wood is grown.

(6) “Driftwood” means a tree, a log, a pillar, a pile, a pole, angular wood, or a plank, which is restricted wood and floating without any control.

² Section 4(2) is added by the Forests Act (No. 5) B.E. 2518.

³ Section 4(3) is added by the Forests Act (No. 3) B.E. 2494.

⁴ Section 4(4) is added by the Revolutionary Council Announcement No. 116 dated 10 April B.E. 2515.

⁵Section 4(5) is added by the Forests Act (No. 5) B.E. 2518.

(7)⁶ “Forest Product” means any matter that is naturally born or occurring in a forest, viz.,

(a) wood including parts of the wood, wood coal, wood oil, resin and other things that come from the wood;

(b) a plant including other things that come from the plant;

(c) a bird nest, a lac, a beehive, a wax, and bat dropping;

(d) a stone that is not an ore under the law on minerals.

The term shall also include charcoal made by a person;

(8) “Firewood” means any wood with characteristics and qualifications suitable for using as fuel rather than for other purposes.

(9) “Hauling” means the bringing of wood or a forest product from a forest to another place through labour;

(10) “Transport” means hauling or making wood or a forest product move from its location through some means;

(11)⁷ “Allowable size” means a size of a tree as prescribed by the Minister.

(12) “Royalty” means a fee, which a person who logs wood or collects a forest product must pay under this Act;

(13) “Wood processing factory” means a factory or a place established to be a location for the processing of wood including the area of such factory or place.

(14) “Processed wood trading house” means a place for trading processed wood or a place where processed wood is kept for trading. The term shall also include the area of such place.

(15) “Seal” means an object created to make a mark or a sign other than a number to wood which is under the control of this Act;

(16) “Competent official” means a forest official, a ranger, or a person appointed by the Minister to comply with this Act;

(17) “Minister” means the Minister having charge and control of this Act.

Section 5. Copies of a Royal Decree or a Notification from the Minister issued under this Act shall be displayed at the *Amphoe* Office and Office of the head (*kam-nahn*) of the *Tambon* or public places in relevant areas.

⁶ Section 4(7) is added by the Forests Act (No. 5) B.E. 2518.

⁷ Section 4(11) is added by the Forests Act (No. 5) B.E. 2518.

CHAPTER I
LOGGING AND COLLECTING FOREST PRODUCTS

Part I

Determination of Prohibited Wood, Royalties and Allowable Sizes

Section 6. Prohibited wood comprises two types:

Type A – General Restriction (normally prohibited wood): wood which requires permission from a competent official to be logged or is subject to a concession under the provisions of this Act.

Type B – Strict Restriction (specially prohibited wood): rare wood or wood worth being conserved. Logging of this type of wood is prohibited, unless the Minister grants permission in a special case.

Section 7. Teak, rubber wood, Ching-Chun, Ked-Daeng, E-mang, Payoong-Klap, Sapwood, Jeen-daeng, Kha-Yoong, Chik, Kra-Sik, Kra-Sib, Payoong, Mhark-Plu-Takka-Taen, Kra-Pi-Khao-Kwai, Ked-Dum, E-Thao, and Ked-Khao-Kwai regardless of where they grow in the Kingdom, is the prohibited Wood Type A. Other types of wood in a forest are to be prescribed by a Royal Decree.⁸

All of the following shall be executed through Royal Decree: adding or removing a type of wood, or changing the type of prohibited wood that has been prescribed by a royal decree, or prescribing a type of wood to be a prohibited wood in any local area other than what has been prescribed by a provision in the Royal Decree.

The Royal Decree issued under the provisions of paragraph one and paragraph two shall be enforced after ninety days from the date of its publication in the Government Gazette.

Section 8.⁹ (Repealed)

Section 9.¹⁰ The Minister has the power to prescribe the following royalty rates and publish them in the Government Gazette:

⁸ Section 7, paragraph one is added by the National Council for Peace and Order No. 106/2557 on Amendment to Law on Forests dated 21 July B.E. 2557.

⁹ Section 8 is repealed by the Forests Act (No. 5) B.E. 2518.

(1) For the prohibited wood Type A (only teak), or the prohibited wood Type B, it is to be prescribed as per the type, size, and volume of the wood, not exceeding two hundred baht per cubic metre.

(2) For other prohibited wood, it is to be prescribed as per the type and volume of the wood, not exceeding eighty baht per cubic metre.

(3) For the prohibited wood used as firewood or charcoal, not exceeding five baht per cubic metre if the wood is burnt and becomes coal, the royalty rate is to be twice the royalty rate of the prohibited wood used as firewood or charcoal.

(4) For the prohibited wood or the charcoal burnt from the prohibited wood, which is normally purchased and sold as per standards other than cubic metre, the rates can differ from those prescribed under (1), (2) or (3), but shall not exceed 10% of the market price in the Kingdom, as per the average price of the prohibited wood or the charcoal burnt from the prohibited wood, as the case may be.

Section 9bis.¹¹ If the Minister deems it is appropriate, he or she may decrease or exempt royalties for an individual case of a person who experiences a natural disaster as necessary.

Section 10. The Minister has the power to prescribe allowable sizes of prohibited wood and publish them in the Government Gazette.

Part 2

Logging of Prohibited Wood

Section 11.¹² A person who logs or screws or chops or burns or imposes any danger to the prohibited wood must receive permission from the competent official, or receive a concession as per the provisions of this Act, and must comply with the requirements in a Ministerial Regulation or permission.

In giving permission, the competent official, after receiving approval from the Minister, may grant a monopoly by having the permitted person pay the monopoly fee to the government, as per the amount prescribed by the Minister.

¹⁰ Section 9 is amended by the Forests Act (No. 5) B.E. 2518.

¹¹ Section 9bis is added by the Forests Act (No. 5) B.E. 2518.

¹² Section 11 is amended by the Forests Act (No. 3) B.E. 2494.

The monopoly permission or the concession for logging firewood or charcoal, regardless of it being direct or indirect, shall be granted only in a backcountry area, or only for logging of the type of wood that is valuable or rare.

A request for the monopoly or concession under the previous paragraph shall be considered by a committee appointed by the Minister.

Section 11bis.¹³ If the permitted person under section 11, or the concessionaire, wishes to bring equipment, tools, beasts of burden, vehicles, or other mechanical devices, that do not belong to the concessionaire or permitted person, into a permitted forest area or a concession area, the permitted person or concessionaire must inform the competent Official no less than thirty days beforehand through the form prescribed by the Minister.

All of the property under paragraph one that the permitted person or concessionaire brings into the permitted forest area or the concession area without informing the competent official as per paragraph one, are assumed to belong to the permitted person or concessionaire.

Section 12. No permitted person is authorised to log wood that has no official seal of authorization affixed thereon, except in instances where the permit specified authorisation.

Section 13.¹⁴ No permitted person is allowed to log wood of a size smaller than the allowable size. However, if there is a public disaster or it is necessary and appropriate to help citizens in special circumstances, the Minister may allow the permitted person on an individual case to temporarily log wood of a size smaller than the allowable size.

Logging wood of a size smaller than the allowable size as per the permission by the Minister under paragraph one, the permitted person may do so after the competent official marks the permit seal on that wood except in cases where the seal is not able to be marked and the competent official has stated in the permit that it may be done without marking the seal.

Section 14.¹⁵ A person who is permitted to log wood must pay royalties as prescribed, in the following situations:

(1) Royalties must be paid beforehand at the rate of two baht per log (*tohn*) or a part thereof after receiving a permit from the competent official, except in a local area where a *Changwat* committee makes an announcement by receiving approval from the Minister to

¹³ Section 11bis is added by the Forests Act (No. 5) B.E. 2518.

¹⁴ Section 13 is amended by the Forests Act (No. 5) B.E. 2518.

¹⁵ Section 14 is amended by the Forests Act (No. 3) 2494.

exempt the collection of royalties beforehand, or to decrease the royalty rate from the prescribed rate. This shall conform to the announcement of that *Changwat* committee.

In the case of logging teak, the permitted person must pay the royalties beforehand, as per the rate prescribed by the *Changwat* committee with approval from the Minister, or as per the rate prescribed by the Minister in an individual case.

In the case of logging firewood or charcoal, royalties are not required to be paid beforehand.

(2) The entirety of the royalties must be paid within thirty days from the date the amount of royalties is informed by the competent official.

If the permitted person fails to pay the royalties within the required period under previous paragraph, wood, firewood, charcoal, or coal shall vest in the State, except if the permitted person is permitted to defer the royalty payment as per the requirement in a Ministerial Regulation. In the case of paying the royalty beforehand and having logged wood within the required period in the permit, the wood in the excess part of what has been paid beforehand shall vest in the State.

Section 14bis.¹⁶ The provisions of section 14 are not applicable to a permitted person who logs teak that grows on land with a title deed under the Lands Code, for personal use. The provisions are not applicable to a permitted person who logs rubber wood, which grows on land with a *Nor. Sor. 3* or a title deed under the Lands Code, for personal use either.

Section 15.¹⁷ Payment of royalties for a type of prohibited wood, if a permitted person makes payment when the wood has been processed, payment must be as per the volume of the processed wood, which is at the rate twice the royalty rate of what is prescribed for that type of wood.

Section 16. All royalties, which have been paid beforehand as per the provision of section 14 (1), are to be deducted from the royalties for wood that has been logged. The differences shall be collected until the total amount is paid. If a permitted person has logged wood less than the amount, as per the permit without *force majeure*, in which after calculating the royalties is still not comparable to the amount of the royalties paid beforehand. Royalties paid beforehand in excess of the prescribed amount shall belong to the government.

¹⁶ Section 14bis is added by the Forests Act (No. 5) B.E. 2518.

¹⁷ Section 15 is amended by the Forests Act (No. 3) B.E. 2494.

If the permitted person fails to log wood, as per the permit, completely without *force majeure*, or commits an offence resulting in the revocation of the permit, the entirety of the royalties shall belong to the government.

Section 17. The provisions in this Part are not applicable in the following cases:

(1) a competent official who performs any action related to the benefit of forest nourishing, research, or academic experiment;

(2) persons who collect salvaged wood, salvaged stumps and salvaged roots that possess characteristics of firewood and are not teak, or Type B prohibited wood, for their household use or business.

Section 18.¹⁸ When there is a public disaster or it is necessary and appropriate to help citizens in special circumstances, the Minister may temporarily permit a person on an individual case to log the prohibited wood, which may be different from the requirements in a Ministerial Regulation or regulations on permission.

Part 3 Exemption of Royalties¹⁹

Section 19. (Repealed)

Section 20. (Repealed)

Section 21. (Repealed)

Section 22. (Repealed)

Section 23. (Repealed)

Section 24. (Repealed)

Part 4 Non-prohibited Wood²⁰

¹⁸ Section 18 is amended by the Forests Act (No. 5) B.E. 2518.

¹⁹ Part 3, Exemption of Royalties, Section 19 to Section 24 is repealed by the Forests Act (No. 4) B.E. 2503.

²⁰ Part 4, Non-prohibited Wood, Section 25 to Section 23 is added by the Forests Act (No. 5) B.E. 2518.

Section 25. A person who takes non-prohibited wood past a forest checkpoint must pay a fee as per the rate prescribed by the Minister except if it is for his or her personal use within a local area of a *Changwat* where logging occurs.

Taking wood across several forest checkpoints is subject to a fee at the first checkpoint only.

Section 26. The Minister has the power to prescribe and publish in the Government Gazette fee rates under section 25, not exceeding forty baht per cubic metre. However, if the wood is usually purchased and sold, as per standards other than a cubic metre unit, it may be possible to prescribe the rate for such wood to be different from what is stated herein, but it must not exceed ten percent of the market price in a local area, calculated by averaging the price of said wood.

Part 5 Prohibited Forest Products

Section 27. A forest product in any local area may be deemed a prohibited forest product through prescription in a Royal Decree.

Section 28. Addition or revocation of a prohibited forest product with an existing royal decree, or prescribing a forest product to be a prohibited forest product for any local area, other than the area with an existing Royal Decree, as per the provision of the previous paragraph may be done by a Royal Decree.

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

Section 29.²¹ A person who collects or poses any danger to a prohibited forest product must receive permission from the competent official and pay royalties in addition to complying with the requirements, as per the Ministerial Regulation or permission.

In giving permission, the competent official, after receiving approval from the Minister, may give permission for the monopoly by having the permitted person pay the monopoly fee to the government, as per the amount prescribed by the Minister.

²¹ Section 29 is added by the Forests Act (No. 3) B.E. 2494.

For the monopoly permission, it shall be granted only in cases where the forest product being valuable or rare, or only in a backcountry area, or if it is required for the method of collection in which it is necessary to bestow permission for a monopoly.

Section 29bis.²² No person is allowed to trade or possess prohibited forest products in excess of the amount prescribed by the Minister in the Government Gazette, except with permission from the competent official. The requirements in the ministerial regulation or the permission must be complied with as well.

The provision of paragraph one is not applicable to transport of the prohibited forest product with a pass from the competent official.

Section 30.²³ The Minister has the power to publish in the Government Gazette a royalty rate, not exceeding ten percent of the market price in the Kingdom, as per the average price of the prohibited forest product.

Section 31. In a local area where a bee hive is prescribed as a prohibited forest product, no person, regardless of being a permitted person or a concessionaire of forest product collection, is allowed to cut or fell a Yuan-Pueng tree or a tree where bees nest, or impose any danger to such trees in a manner not necessary for collecting the bee hive.

Section 32. The provisions in this Part are not applicable to cases where the competent official performs any action for the benefit of forest nurturing, research, or academic experiment.

Section 33.²⁴ When there is a public disaster or it is necessary and appropriate to help citizens in special circumstances, the Minister may permit an individual to collect prohibited forest products in a different manner to the requirements in the ministerial regulation or the requirements of the permission, temporarily.

CHAPTER II SEALS

Section 34. The characteristics of government seals used for marking may be prescribed by the Minister in the Government Gazette.

²² Section 29bis is added by the National Council for Peace and Order Announcement No. 166 dated 10 April B.E. 2515.

²³ Section 30 is amended by the Forests Act (No. 5) B.E. 2518.

²⁴ Section 33 is amended by the Forests Act (No. 5) B.E. 2518.

Section 35.²⁵ A private sector entity seal is permitted to be used only after its owner has taken said seal to register and received permission.

When a permit becomes invalid for any reason, the seal owner or the seal possessor must bring the seal to be destroyed in front of the competent official within ninety days from the date the permit becomes invalid except in cases where the permitted person dies, and an heir or an estate administrator wishes to continue using the seal. The application to continue using the seal and to change the registration shall be lodged before the stated period lapses.

The registration, the permission together with conditions of using the seal and the fees associated with it shall be in accordance with the requirements in the Ministerial Regulation.

Section 36. A seal of a private sector entity, if lost by any reason, the seal owner must inform the competent official in writing within ninety days from the owner becomes aware of the loss.

Section 37. In cases where a provision in this Part is violated, if there be wood containing an imprint of a private sector entity's seal, the owner of the seal is assumed to be the violator.

CHAPTER 3

WOOD AND FOREST PRODUCTS IN TRANSPORT

Part 1

Transport

Section 38.²⁶ The provisions in this Part shall be applicable to transporting wood or forest products after:

(1) having transported wood or a forest product that is permitted to be logged or collected from one place to another place, as specified in the permit;

²⁵ Section 35 is amended by the Forests Act (No. 3) B.E. 2494.

²⁶ Section 38 is amended by the Forests Act (No. 5) B.E. 2518.

(2) having transported logged wood , which is not subject to permission, to the first forest checkout;

(3) having transported wood or a forest product into the Kingdom via a customs checkpoint, or via a customs checkpoint after taking it in; and,

(4) having transported wood or a forest product purchased from the government from where the wood or forest product is located.

Section 39. A person who transports wood or a forest product must have a pass from the competent official as per the requirements in the Ministerial Regulation.

Section 39bis.²⁷ A person who is permitted to establish a wood processing factory or a processed wood trading house may issue a letter to accompany the processed wood so that it can be transported from his or her permitted place to another place. The issuance can be done after having received authorisation from the Director-General of the Forest Department, and shall comply with the conditions imposed by the Director-General. The letter accompanying the processed wood shall conform to the form prescribed by the Director-General of the Forest Department, and it is deemed to be a pass of the competent Official as per section 39.

Section 39ter.²⁸ A person who transports teak that used to be in a state of a construction material or a tool and has not been in such state for more than five years out of a *Changwat* area where the construction is located or the place of assembling the tool must receive permission from the competent official but is not required to pay the fees.

The permission under paragraph one shall be in accordance with the Rules prescribed by the Director-General of the Forest Department with approval from the Minister. Such regulation may also impose any conditions on the permitted person to comply with.

Section 40.²⁹ A person who transports wood or a forest product into a forest checkpoint area must inform the competent official who is stationed at that forest checkpoint, by presenting the pass for the wood or the forest product, or the letter accompanying the processed wood, as the case may be, within five days from the date of entering into the checkpoint area. After the competent official checks and has checked and given permission in writing, the wood or the forest product may be removed.

For the permission, the competent official must proceed without delay.

²⁷ Section 39bis is added by the Forests Act (No. 4) B.E. 2503.

²⁸ Section 39ter is added by the National Council for Peace and Order Announcement No. 166 dated 10 April B.E. 2515.

²⁹ Section 40 is amended by the Forest Acts (No. 4) B.E. 2503.

Section 41. No person is permitted to transport wood or a forest product past a forest checkpoint from sunset to sunrise except with permission in writing by the competent official.

Section 42. The provisions in the previous two sections are not applicable in the following cases:

- (1) if there are other requirements in a concession, a permit, or a pass;
- (2) if a public body and the Forrest Department have otherwise agreed upon;
- (3) if it is an act of a person permitted to collect driftwood who keeps it in order to submit it to the competent official stationed at the place designated to inspect and keep driftwood, as per the provisions in this Act.

Part 2 Control of Wood in Waterway

Section 43. The Minister has the power to designate controlling areas for wood in a waterway and publish the designation in the Government Gazette.

Within the area designated by the Minister under the provision in the previous paragraph, no person, who is not the owner of wood, or the person authorised by the owner, is allowed to collect any driftwood, except with permission from the competent official.

Section 44. A person permitted to collect driftwood must collect and retain it, as per the requirements in the Ministerial Regulation.

After the permitted person collects the driftwood, it is to be submitted to the competent official without delay.

Section 45. In February and August of every year, if driftwood falls into possession of the competent official, the competent official shall make an announcement requesting the owner to claim it within a required period. However, it shall not be less than ninety days from the date of announcement.

The competent official has the power to order the return of the driftwood to the claimant of the right to it if the competent official is satisfied with the evidence the claimant demonstrates. If the competent official orders otherwise and if the claimant is not satisfied with the order, the claimant must file a petition with the court within thirty days from the date of knowing the competent official's order. If this is not done within the required period, his or her right to claim is deemed to end.

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In cases where the competent official or the court does not identify who owns the wood, such wood shall vest in the State.

Section 46. A person who has the right to retrieve any wood from the competent official must pay a reward to the person permitted to collect the driftwood and a fee to the competent official, as per the rate prescribed in a Ministerial Regulation.

In cases where no one is entitled to retrieve the Wood from the competent official, the competent official shall pay a reward to the person permitted to collect the driftwood at the same rate.

CHAPTER IV CONTROL OF WOOD PROCESSING

Section 47. The Minister has the power to designate any area to be a controlled area for wood processing and publish the designation in the Government Gazette. This publication shall come into force after the expiration of ninety days from the date of its publication.

Section 48. Within the controlled area for wood processing, no person is allowed to process any wood, establish a wood processing factory, a processed wood trading house, possess teak, rubber wood, Ching-Chun, Ked-Daeng, E-Meng, Payoong-Klaep, Kra-pi, Jeen-Daeng, Kha-Yoong, Chik, Kra-Sik, Kra-Sip, Payoong, Mhak-Plu-Tak-Ka-Taen, Kra-Pi-Khao-Kwai, Ked-Dum, E-Thao, and Ked-Khao-Kwai that have been processed, regardless of the amount, or be in possession of other processed wood in excess of 0.20 cubic metres, except with approval from the competent official. The requirements in the ministerial regulation and the permission must be complied with as well.³⁰

For the benefit of the provision of paragraph one, a log (*mai-soohng* or *mai-torhn*) sunk in a river or a canal within a radius of fifty metres around the area of wood processing, so long as it has no owner, is assumed to be the possession of a person who holds permission to establish a wood processing factory in that area.

The provision of paragraph one includes an act done to wood that has been imported into the Kingdom.

³⁰ Section 48, paragraph one is amended by the National Council for Peace and Order Announcement No. 106/2557 on Amendment to the Law on Forests dated 21 July B.E. 2557.

Section 49.³¹ A person seeking permission to establish a wood processing factory that uses a machine must:

- (1) be the owner; and,
- (2) never have been imprisoned due to a final judgment to a term of imprisonment, except for a petty offence or an offence committed through negligence; or,
- (3) not be a bankrupt; or,
- (4) not be under a suspension period of a permit, or never had a permit issued under the provisions in the Part, or a logging permit or logging monopoly or logging concession issued under the provisions of this Act, revoked.

If a person seeking permission to establish a wood processing factory is a juristic person, its managing partner or managing director must not possess the prohibited characteristics under (2), (3), or (4).

Section 49bis.³² A person permitted to establish a wood processing factory must be responsible for the management of the affairs related to wood processing he or she is permitted to do.

Section 50.³³ The provision of section 48 shall not apply to the following cases:

- (1) an act of merely sawing, cutting, chopping, digging, or trimming wood in order to make logwood, angular wood, a stirrup, a dugout boat, a pillar, or a railway sleeper; or to make firewood; or to saw only for hauling; so long as the competent official specifies that this act may be done as per the permit, and the permitted person has done so before transporting wood away from a tree stump area;
- (2) processing of wood that has been processed from a log (*mai-soohng* or *mai-torhn*) for non-commercial purposes;
- (3) being in possession of processed wood for non-commercial purposes with evidence that the wood has been legally obtained under this Act;
- (4) processing of non-prohibited wood or being in possession of non-prohibited processed wood;

³¹ Section 49 is amended by the National Council for Peace and Order Announcement No. 116 dated 10 April B.E. 2515.

³² Section 49bis is amended by the National Council for Peace and Order Announcement No. 116 dated 10 April B.E. 2515.

³³ Section 50 is amended by the National Council for Peace and Order Announcement No. 116 dated 10 April B.E. 2515.

(5) processing of wood by using human labour for non-commercial purposes on non-processed and non-prohibited wood with evidence showing that such wood has been legally obtained under this Act.

Section 51.³⁴ A permitted person under the provision of this Part may, at his or her permitted location, be in possession of only one of the following classes of wood:

(1) wood for which there have been royalties and forest maintenance fees paid, or if it is wood permitted to be processed before paying royalties and forest maintenance fees, which is accompanied by a permission letter from the Director-General of the Forest Department, and which contains a permitted seal;

(2) wood permitted to be processed without having to pay royalties, and the competent official has included a seal proving it is the wood permitted to be processed without having to pay royalties;

(3) wood purchased from the forest-related public agency that has marked its official seal thereon as sold;

(4) processed wood belonging to a person who has received permission under the provision in this Part, which is accompanied by a letter identifying the processed wood of the permitted person, or a pass from the competent official as evidence;

(5) wood imported into the Kingdom accompanied by a pass, as per section 38 (3).

Section 52. No person permitted to conduct wood processing is allowed to do so between sunset and sunrise without written permission from a competent official.

Section 53. In order to determine whether a permitted person under the provision in this Part correctly complies with this Act, the competent official has the power to check the wood processing and the business of the permitted person. The permitted person must facilitate the competent official's performance of his or her duties and answer the competent official's questions related thereto.

Section 53bis.³⁵ The Minister has the power to prescribe a local area as a controlled area for a device, a tool, or others made from prohibited wood through publication in the Government Gazette.

In prescribing the area under paragraph one, the Minister shall prescribe a wood type, a size or an amount of the device, the tool, or others made from prohibited wood in

³⁴ Section 51 is amended by the Forests Act (No. 5) B.E. 2518.

³⁵ Section 53bis is added by the Forests Act (No. 5) B.E. 2518.

which a seller or a person in possession of it for commercial purposes must apply for permission as per section *53ter* or section *53quarter*.

Section 53ter.³⁶ Within a controlled area, no person is allowed to sell or be in possession, for commercial purposes, of a device, a tool, or others made from prohibited wood with a wood type, a size, or an amount in excess of what is prescribed by the Minister under section *53bis* except with permission from the competent official.

Section 53quarter.³⁷ In cases where there is an announcement by the Minister prescribing any local area as a controlled area, as per section *53bis*, a seller or a person in possession of, for commercial purposes, a device, a tool, or other objects made from prohibited wood, with a wood type, size, or an amount in excess of the controlled wood type, the size, or the amount before the announcement by the Minister is enforced shall submit to the competent official an application for permission within thirty days from the date the announcement of the Minister is enforced.

After applying for the permission under paragraph one, such a person may sell or be in possession of, for commercial purposes, the device, the tool, or other objects made from the prohibited wood until the competent official declines to grant the permission, as per the application.

CHAPTER V FOREST RECLAIMING

Section 54.³⁸ No person is allowed to construct, reclaim, or burn a forest; or perform any other acts that may destroy a forest; or occupy or take possession of a forest for himself or herself or for others, except within the area classified as an agricultural type in which the Minister has provided notification in the Government Gazette, or if permission has been granted by the competent official.

The application and granting of permission shall conform to the rules and the conditions prescribed in the Ministerial Regulation.

³⁶ Section *53ter* is added by the Forests Act (No. 5) B.E. 2518.

³⁷ Section *53quarter* is added by the Forests Act (No. 5) B.E. 2518.

³⁸ Section 54 is amended by the Forests Act (No. 5) B.E. 2518.

Section 55. A person who is in possession of a forest that has been reclaimed in contravention of the provisions in the previous Section is assumed to be the person who reclaims the forest.

CHAPETER VI MISCELLANEOUS

Section 56. A permit issued under the provisions of this Act may be transferred subject to permission from the competent official.

If the permitted person dies, an heir or an estate administration may continue to conduct the affairs under such permit. However, it must not exceed ninety days from the date of the permitted person's death. If the heir or the estate administration wishes to continue to conduct the affairs under the permit, he or she must apply for permission before the required period ends.

Section 57. A permitted person under this Act must ensure a worker or an employee who performs an action, as per the permit, has an identification document showing his or her status, in accordance with the form prescribed in the Ministerial Regulation.

Section 58.³⁹ Application for permission and giving permission as per this Act shall be in accordance with the rules, procedures, and the conditions prescribed in a Ministerial Regulation. Under a special circumstance, if the Minister deems appropriate, a permitted person may be required to conform to any further compliance.

The competent official has the power to renew a permit issued under the provisions in the Act if the competent official deems appropriate.

Section 58bis.⁴⁰ If one of the following situations occur, the Minister has the power to require: (1) the concessionaire or the permitted person to nurture forests or to plant a forest plantation, in accordance with the order and methods laid down by the competent official; or (2) the concessionaire or the permitted person to defray costs in order to have a competent official nurture the forests or plant forest plantations on his or her behalf. The situations are: logging prohibited wood, or collecting a prohibited forest product, through a concession or monopoly; granting of permission to log prohibited wood in a National Reserved

³⁹ Section 58 is amended by the Forests Act (No. 5) B.E. 2518.

⁴⁰ Section 38bis is amended by the Forests Act (No. 5) B.E. 2518

Forest area, or in a forest prepared to be National Reserved forest, for commercial purposes; or permission granting under section 13, section 18 or section 54.

With regard to (2), the costs shall not exceed six times the royalties, or per the rate of the forest area subject to the concession or permission, not exceeding one thousand and two hundred baht per *rai*, as the Minister deems appropriate.

Section 59.⁴¹ The competent official has the power to suspend a permit issued under the provisions of this Act as follows:

(1) When it appears that the permitted person has contravened or failed to comply with this Act, the ministerial regulation, or the requirements or conditions in the permit, or has failed to comply with an order of the competent official who gives the order as per this Act. The suspension period shall not exceed one hundred and twenty days.

(2) If a lawsuit has been brought against a permitted person for having contravened this Act, the permit may be suspended until the final judgment is made.

Section 60. When there is an order of the competent official to suspend a permit, the right attached to the permit is suspended from the date of acknowledging the order of the competent official until the end of the suspension, or until the Minister revokes the suspension order.

Section 61.⁴² If justification for the suspension in section 59 is brought to the attention of the Minister, or the competent official has suspended the permit under section 59, and if the Minister deems appropriate, he or she may revoke the permit issued under the Act.

If a person permitted to establish a factory to process wood using a machine, or a person acting on behalf of a permitted juristic person does not possess the qualification under section 49 (1), or is subject to the prohibitions under section 49 (2), (3) or (4), as the case may be, the Minister shall revoke the permit.

Section 61bis.⁴³ A permit suspension order or a permit revocation order is to be issued as a letter informing the person whose permit is suspended or revoked.

In cases where the competent official is unable to inform the person whose permit is suspended or revoked under paragraph one, the order shall be displayed at an easily seen location of the operation site as per the permit, or at the residence of the person whose

⁴¹ Section 59 is amended by the National Council for Peace and Order Announcement No. 116 dated 10 April B.E. 2515.

⁴² Section 61 is amended by the National Council for Peace and Order Announcement No. 116 dated 10 April B.E. 2515.

⁴³ Section 61bis is added by the Forests Act (No. 5) B.E. 2518.

permit is suspended or revoked. After complying with this, it is deemed that the person whose permit is suspended or revoked acknowledges the order from the date of displaying the order.

Section 62. In cases where the competent official rejects an application of any person under the provisions in this Act, or suspends a permit under Section 59, such person has the right to appeal to the Minister within thirty days from the date of acknowledging the order. The Minister's decision is deemed final.

Section 63. Subject to the provisions in this Act, the government has the power to give a concession to log any wood or forest product in a forest by imposing any limitation, and that concession may also include requirements and conditions.

The government has the power to have the concessionaire pay royalties as per the rate the Government deems appropriate, but not exceeding the maximum prescribed in this Act. The government may also have the concessionaire pay additional money to the government as per an amount it requires.

Section 64. In complying with this Act in relation to a criminal offence, the competent official is deemed an administrative official or a police official under the Criminal Procedure Code.

Section 64bis.⁴⁴ The competent official shall have the power to confiscate any of the following items, regardless of whether it belongs to an offender or a person reasonably believed to have committed an offence, to serve as evidence in a case until the public prosecutor issues a non-prosecution order or the case is finalized. The items are equipment, tools, beasts of burden, vehicles and machines.

For the property confiscated under paragraph one, if the public prosecutor issues a non-prosecution order, or if the court delivers a final judgment not to confiscate such property, and the owner or possessor does not request its return within six months from the date of knowing or being deemed to know the absolute non-prosecution order, or the date on which the court delivered the final judgment, as the case may be, it shall vest in the Forest Department.

If the confiscated property is likely to be damaged or the maintenance costs will exceed the value of the property, the Minister or the person authorised by the Minister may arrange an auction for such property before the required period under paragraph two. The net money gained may be confiscated instead of the property.

⁴⁴ Section 64bis is added by the Forests Act (No. 5) B.E. 2518.

Section 64ter.⁴⁵ In cases where the confiscated property under section 64bis does not belong to the offender or a person under suspicion of being the offender, the competent official with approval from the Minister may return the property or money, as the case may be, to the owner before the required period under section 64bis in the following cases:

(1) when it is not necessary to use the confiscated property as evidence for considering a case related to the cause of such property being confiscated; and,

(2) when the offender or the person under suspicion of being the offender has obtained such property from the owner through a criminal offence.

Section 65. In order to relieve and prevent danger, which becomes public under an emergency related to wood or a forest product in any forest, the competent official has the power to order the permitted person or the concessionaire in such forest or a nearby forest including staff or employees of the permitted person or the concessionaire to render assistance through labour or items as per the necessity of the situation.

Section 66. Transfer of wood or a forest product that the permitted person or the concessionaire has completed before paying royalties, or before receiving permission from the competent official in writing, is not permitted to be used as an excuse against the competent official.

Section 67. The Minister shall establish a forest checkpoint and prescribe a boundary of the checkpoint through publication in the Government Gazette.

Section 68. Any debt incurred for royalties for wood or a forest product is deemed as a revenue taxes debt, which must be paid to the government, and the government is to retain the right to receive the payment of its debt having general preferential right as equivalent to the revenue taxes under the provisions in the Civil and Commercial Code.

CHAPTER VIBIS

CONCESSION AMENDMENT AND TERMINATION⁴⁶

⁴⁵ Section 64ter is added by the Forests Act (No. 5) B.E. 2518.

⁴⁶ Chapter 6bis Amendment Order to Concession and Concession Cessation, Section 68bis to Section 68undecies, is added by the Royal Decree Amending the Forests Act B.E. 2484 B.E. 2532.

Section 68bis. In cases where it is necessary to use an area within a concession area for the benefit of constructing a royal irrigation dam or a hydroelectricity dam, or for prevention of public calamity, or for protection of national security, or for maintaining the balance of the environment, or for other public benefits, the Minister may, with approval from the Council of Ministers, have the power to issue the following orders:

- (1) to cease the concession covering the area in its entirety;
- (2) to have a concessionaire temporarily stop conducting business through the concession in the area as per the period the Minister deems appropriate;
- (3) to exclude the area from the concession.

The ministerial orders under paragraph one shall enter into force on the day following their issuance.

Section 68ter. Other than the cessation as per the validity of the concession, or as per the requirements or conditions of the concession, or as per provisions of other laws, the right to conduct business through the concession in the concession area, whether it be in whole or in part, ceases when such area is in prescribed areas as follows:

- (1) a national park in accordance with the law on national parks; or,
- (2) a wildlife sanctuary in accordance with the law on wildlife conservation and protection.

Section 68quater. In cases where the Minister issues an order under section 68bis, or in cases where the right to conduct business through the concession ceases under section 68ter, or in cases where the concession ceases due to the public sector using the right to revoke the concession because the concessionaire does not comply with the requirements or the conditions of the concession; all of the wood and forest products in the area over which the concession is being ceased, and all of the wood in which its royalties have been paid regardless of whether it is in that concession area or not; shall vest in the State, and the concessionaire will be entitled to gain the right or the ownership in the wood or forest products when the concessionaire can prove that the concessionaire has logged or collected forest products in accordance with the law, the requirements, and the conditions prescribed in the concession before the concession ceases.

In cases where the concessionaire wishes to prove as per paragraph one, the concessionaire shall submit an application for proof to the Minister within thirty days from the date the concessionaire receives the concession letter from a competent official who informs the concessionaire of the ministerial order or the cessation of the concession under section 68octies paragraph one, as the case may be. The application process for the proof request, the

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proof process, the consideration process, and the Minister's order shall conform to the rules, procedures, and conditions in a ministerial regulation.

In cases where the concessionaire is not satisfied with the order of the Minister, the concessionaire has the right to file a lawsuit with the court in order to prove that the concessionaire has logged or collected forest product in accordance with the law, the requirements, and the conditions prescribed in the concession before the concession right ceases. However, the lawsuit must be filed within sixty days from the date of receiving the order of the Minister.

Section 68quiquies. If it is a case of a concession to log wood, and if the Minister has issued an order under section 68bis, or the right to log wood in an area covered by a concession has ceased, as per section 68ter, the concessionaire shall stop logging in the area. In addition, concessionaire shall cease entirely the transporting of wood from the area designated for gathering logs for the purposed of calculating royalties. The competent official shall inspect the condition of logging and the wood gathered at the place designated for gathering the concessionaire's logs. The competent official shall also prepare a report for submission to the Director-General of the Forest Department. The report shall contain facts related to logging methods, amount and size of the wood, and an opinion on whether the concessionaire has logged the wood in accordance with the law and related requirements, as well the conditions prescribed in the concession.

If the result of the survey under paragraph one reveals that the concessionaire's logging has contravened the law, the requirements, or the conditions prescribed in the concession, the government has the right to revoke the concession. The revocation is effective on the day prior to the date the right to log wood ceases. Said right is not affected by the cessation of the right to log, under section 68bis or section 68ter.

When the concessionaire proves to the Minister under section 68quater that the concessionaire has logged Wood in accordance with the law, the requirements and the conditions prescribed in the concession before the date the right to the concession ceases, or when the court decides the same, the Director-General of the Forest Department shall issue a letter informing the concessionaire to haul and transport such wood. In doing so, the Director-General shall prescribe rules, procedures and conditions in addition to the period within which the concessionaire must comply. Any concessionaire who fails to comply with the rules, procedures, conditions, and period prescribed by the Director-General of the Forest Department shall be deprived of the right to the wood and such wood shall vest in the State.

Section 68sexies. A concessionaire who receives an order under section 68bis, or a concessionaire whose concession ceases under section 68ter, has the right to receive compensation for damage, as per the rules and procedures prescribed in section 68septies, section 68octies, section 68nonies, section 68decies, and section 68undecies, if he or she is:

(1) a concessionaire whose entire concession area in whole must cease under section 68bis (1) or section 68ter; and,

(2) a concessionaire who receives an order under section 68bis (2) or (3), or a concessionaire whose concession area in part must cease under section 68ter; this applies only to the concessionaire who has surrendered his or her remaining concession to the government.

In cases where there is an order under section 68bis, or the concession ceases under section 68ter, a claim or paying of compensation or indemnities for damage other than that stated in this section is not permitted.

Section 68septies. Compensation for damage that the concessionaire has the right to receive shall be in accordance with the following rules:

(1) The damage must be limited to the damage the concessionaire has actually suffered and only for the following:

(a) the capital that the concessionaire has spent on the operation of the business subject to the concession such as costs of machines, vehicles, equipment, instruments, and tools that the concessionaire has not fully benefited from; this shall take into account the depreciation costs, which have been deducted, the period of the concession that the concessionaire has used the right to operate the business subject to the concession, the amount of wood or forest products that the concessionaire has logged and together with other benefits that the concessionaire has received due to the operations of the business subject to the concession during the concession period, and the value of the property or remaining items, which may still be useful for the concessionaire;

(b) the costs that the concessionaire has paid for the operations of the business subject to the concession and from which the concessionaire has not benefited; this shall take into account the conditions set in (a); and,

(c) the legal commitment that the concessionaire has in accordance with the law on labour protection in the part related to payment of compensation for employees in the case of employment termination.

The capital or the costs used in consideration for the compensation under (a) and (b) must not be more than the capital or the costs that a business operator will normally invest or pay for such operations.

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(2) If there is a contract between the concessionaire and a third person that requires the concessionaire to be liable even in a case of force majeure, which is in contradiction to the Civil and Commercial Code, or holds the concessionaire liable in cases where the government amends or revokes the concession, such contractual terms cannot be used as grounds for claiming compensation under this section.

(3) No compensation for profits or other benefits that the concessionaire expects to receive from the operations of business subject to the concession shall be paid.

(4) In cases where the cancellation of the concession causes the concessionaire to receive money, property or other benefits arising from insurance or security (*karn-pra-kan*) or other means of compensation for damage, the money, property or other benefits shall be deemed to form part of the compensation for the damage, as per this section.

In cases where the concessionaire surrenders the concession under section 68*sexies* (2), the concessionaire is entitled to receive the compensation for the damage only as per the ratio of the area, or the amount of wood or forest products that have been logged from the area where the concession ceases, depending on whichever amount is larger. However, except in cases where there is a reason that the area where the concession makes the concessionaire unable to operate the business in the concession surrendered, the compensation may be received as in the case that the area of concession as a whole ceases.

Section 68*octies*. When the Minister issues an order under section 68*bis*, the competent official shall inform the concessionaire in writing of the order, or when the right to operate the business subject to the concession in a concession area in part or in whole ceases under section 68*ter*, the competent official shall inform the concessionaire in writing of the cessation.

In cases where the concessionaire wishes to request the compensation for damage, the concessionaire must submit an application to request the compensation to the Director-General of the Forest Department within ninety days from the date the concessionaire receives the letter from the competent official informing the Minister's order, or informing the cessation of the concession under paragraph one, as the case may be.

The request under paragraph two shall be in writing together with a list showing an amount of the compensation that the concessionaire thinks he or she ought to receive as per the rules prescribed in section 68*septies*. This includes supporting evidence for the request as necessary.

In cases where the concessionaire who requests the compensation is the person who uses the right as per section 68*quiquies* (2), the concessionaire must surrender his or her remaining concession before or on the date of requesting the compensation under this section.

Section 68*novies*. The Director-General of the Forest Department shall appoint a committee to determine the compensation. The committee shall comprise one representative from the Revenue Department, one representative from the Office of the Auditor-General, one person with the knowledge of property appraisal, and one officer from the Forest Department.

The committee has the power to request the concessionaire to clarify the facts or send additional evidential documents. The committee also has the power to summon the concessionaire for negotiation and determination of the compensation. In cases where the concessionaire fails to comply with the order or fails to cooperate with the committee, the committee shall proceed with the determination of the compensation, as it deems appropriate, without delay.

After the committee under paragraph one has determined the compensation, the committee shall present its report thereon to the Director-General of the Forest Department. The report must contain details of the determination, the rules used in determining the compensation, the justification for the determination, as well as evidential documents used as part of the consideration. In cases where the Director-General of the Forest Department does not agree with the committee, the Director-General of the Forest Department has the power to amend the report as appropriate. The reasons for the amendment must be given and recorded in the report.

The Director-General of the Forest Department shall issue a letter informing the concessionaire of the compensation amount for the damage that the concessionaire will receive together with justification therefor. The Director-General shall prescribe the time period in which the concessionaire must collect the compensation.

Section 68*decies*. Any concessionaire who is not satisfied with the level of compensation informed by the Director-General of the Forest Department under section 38*novies* has the right to appeal with the Minister within sixty days from the date the concessionaire receives the letter from the Director-General of the Forest Department.

In considering the appeal under paragraph one, the Minister shall appoint a committee to consider the appeal and present an opinion thereon to the Minister. The committee shall comprise no less than five, but not more than nine, qualified members in the

field of law and immovable property appraisal. The Minister shall rule on the appeal within sixty days from the date of receiving the appeal.

Section 68 *undecies*. In cases where the concessionaire who is still not satisfied with the decision of the Minister under section 68*decies* or in cases where the Minister has failed to rule on the appeal within the required period under section 68*decies* paragraph two, the concessionaire has the right to file a lawsuit with the court within one year counting from the date of receiving the decision of the Minister or counting from the date the required period lapses, as the case may be.

In cases where there is a lawsuit with the court and the court decides that the concessionaire is entitled to receive additional compensation for the damage, the concessionaire has the right to receive interest on the compensation for the additional part of the compensation at a rate of seven point five percent per year.

CHAPTER VII PENALTIES

Section 69.⁴⁷ A person who possesses non-processed prohibited wood, which has not been affixed with a seal indicating that royalties have been paid or that the wood has been sold by the government, is liable to imprisonment not exceeding five years or a fine not exceeding fifty thousand baht, or both, unless such a person can prove that the wood has been obtained lawfully.

In the case of an offence under this Section, if the wood in possession is:

(1) Teak, rubber wood, Ching-Chun, Ked-Daeng, E-mang, Payoong-Klap, Sapwood, Jeen-daeng, Kha-Yoong, Chik, Kra-Sik, Krasit, Payoong, Mhark-Plu-Takka-Taen, Kra-Pi-Khao-Kwai, Ked-Dum, E-Thao, Ked-Khao-Kwai or Type B prohibited wood; or,

(2) other Wood, either as a log (*tohn*) or a part thereof, or both, which adds up to more than twenty logs (*tohn*) or parts thereof, or the combined volume more than four cubic metres.

A person who commits an offence is liable to imprisonment of one to twenty years and a fine of fifty thousand to two million baht⁴⁸.

⁴⁷ Section 69 is amended by the Forests Act (No. 7) B.E. 2525.

⁴⁸ Section 69, paragraph two is amended by the National Council for Peace and Order Announcement No. 116/2557 on Amendment to the Law on Forests dated 21 July B.E. 2557.

Section 70. A person who takes through any means, covers, distribute, or assists in the taking away of wood or a forest product in which he or she is aware it is wood or a forest product obtained in contravention of the provisions in this Act is liable just as the person who committed that offence.

Section 71.⁴⁹ A person who contravenes or fails to comply with section 35, section 36, section 44 paragraph two, or section 57 is liable to a fine not exceeding five thousand baht.

Section 71bis.⁵⁰ A person who contravenes or fails to comply with section 29, section 29 *bis*, section 39, section 39*ter*, section 40 paragraph one, section 43 paragraph two, or section 53 is liable to imprisonment not exceeding one year or a fine not exceeding ten thousand baht, or both.

Section 72.⁵¹ A person who contravenes or fails to comply with section 41, or section 52 is liable to imprisonment not exceeding five years or a fine not exceeding fifty thousand baht, or both.

Section 72bis.⁵² A person who contravenes or fails to comply with section 51 is liable to imprisonment not exceeding five years or a fine not exceeding fifty thousand baht, or both.

In cases where it is an offence under this section, if the wood in possession is:

(1) teak, rubber wood, Ching-Chun, Ked-Daeng, E-mang, Payoong-Klap, Sapwood, Jeen-daeng, Kha-Yoong, Chik, Kra-Sik, Kra-sib, Payoong, Mhark-Plu-Takka-Taen, Kra-Pi-Khao-Kwai, Ked-Dum, E-Thao, Ked-Khao-Kwai or Type B prohibited wood; or,

(2) other wood either as a log (*tohn*) or a part thereof, or both, which adds up to more than five logs (*tohn*) or parts thereof, or the combined volume possessed by the person is more than one cubic metre, or the processed wood in a total of more than one cubic metre.

A person who commits an offence is liable to imprisonment of two to five years and a fine of one hundred thousand to one million and five hundred thousand baht.⁵³

⁴⁹ Section 71 is amended by the Forests Act (No. 6) B.E. 2522.

⁵⁰ Section 71*bis* is added by the Forests Act (No. 6) B.E. 2522.

⁵¹ Section 72 is amended by the Forests Act (No. 6) B.E. 2522.

⁵² Section 72*bis* is amended by the Forests Act (No. 6) B.E. 2522.

⁵³ Section 72*bis*, paragraph two is amended by the National Council for Peace and Order Announcement No. 106/2557 on Amendment to the Law on Forests dated 21 July B.E. 2557.

Section 72ter.⁵⁴ A person who contravenes or fails to comply with section 54 is liable to imprisonment not exceeding five years or a fine not exceeding fifty thousand baht, or both.

In cases where it is an offence under this section, if it covers the area of more than twenty five *rai*, the offender is liable to imprisonment of two to five years and a fine of ten thousand to one hundred thousand baht.

In cases where there is a final decision stating that a person has contravened this section, if it appears that such person has possessed the forest subject to his or her offence, the court has the power to order the offender, the staff, the employees, the representatives, and the dependents of the offender to leave the forest as well.

Section 73.⁵⁵ A person who contravenes or fails to comply with section 11, section 12, section 13, section 31, or section 48 is liable to imprisonment not exceeding five years or a fine of not exceeding fifty thousand baht, or both.

In cases where it is an offence under this section, if it is the offence related to:

(1) teak, rubber wood, Ching-Chun, Ked-Daeng, E-mang, Payoong-Klap, Sapwood, Jeen-daeng, Kha-Yoong, Chik, Kra-Sik, Krasib, Payoong, Mhark-Plu-Takka-Taen, Kra-Pi-Khao-Kwai, Ked-Dum, E-Thao, Ked-Khao-Kwai or Type B prohibited wood; or,

(2) other wood either as a log (*tohn*) or a part thereof, or both, which adds up to more than twenty logs (*tohn*) or parts thereof, or the combined volume is more than four cubic metres, or the processed wood in a total of more than two cubic metres.

A person who commits an offence is liable to imprisonment of one to ten years and a fine of fifty thousand to two million baht.⁵⁶

Section 73bis.⁵⁷ A person who contravenes section 53ter or a person with the permit under this Act who contravenes or fails to comply with the conditions specified in the permit or the additional requirements prescribed by the Minister under section 58 is liable to imprisonment of six months to five years and a fine of five thousand to fifty thousand baht.

Section 74.⁵⁸ All of the wood and forest products that are obtained or possessed by a person through an offence under this Act, and an invention, a device, or others,

⁵⁴ Section 72ter is amended by the Forests Act (No. 6) B.E. 2522.

⁵⁵ Section 73 is amended by the Forests Act (No. 7) B.E. 2525.

⁵⁶ Section 73, paragraph two is amended by the National Council for Peace and Order Announcement No. 106/2557 on Amendment to the Law on Forests dated 21 July B.E. 2557.

⁵⁷ Section 73bis is amended by the Forests Act (No. 6) B.E. 2522.

⁵⁸ Section 74 is amended by the Forests Act (No. 6) B.E. 2522.

which is made from the prohibited Wood that the person is in possession of through an offence under Section 53*ter*, shall be forfeited.

Section 74*bis*.⁵⁹ All of the equipment, devices, beasts of burden, vehicles, or any machines that a person uses to commit an offence or uses as accessories to facilitate his or her commission of the offence under section 11, section 48, section 54, or section 69, shall be forfeited regardless of a person being punished as per a decision or not.

Section 74*ter*.⁶⁰ The Director-General of the Forest Department or a competent official holding a position not lower than a *Changwat* Forest officer or a head of a forest checking point has the power to settle all cases involving offences under this Act subject only to fines.

Section 74*quater*.⁶¹ If there is a person having led to an arrest of a culprit under this Act, the public prosecutor shall request the competent court to grant a reward in an amount not exceeding a half of the fine, as per the judgment rendered by the court. This is to be taken from the fine that must be paid to the court. If the offender fails to pay the fine or the payment of the fine is insufficient for the required amount, the remaining amount of the reward must be paid from the proceeds of the sale of the items forfeited by the court. If this is still insufficient, the matter is closed.

In cases where there are many persons leading to an arrest, the reward shall be divided equally.

Payment of the reward is only made when the case is finalised.

CHAPTER VIII EXECUTION OF THIS ACT

Section 75. The Minister for Natural Resources and Environment* is the Minister having charge and control of the execution of this Act. The Minister has the power to appoint competent officials and prescribe fee rates not exceeding the rates prescribed in the schedule attached to this Act. The Minister also has the power to issue Ministerial Regulations in order to comply with this Act.

⁵⁹ Section 74*bis* is added by the Forests Act (No. 4) B.E. 2503.

⁶⁰ Section 74*ter* is added by the Forests Act (No. 5) B.E. 2518.

⁶¹ Section 74*quater* is added by the Forests Act (No. 5) B.E. 2518.

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

TRANSITORY PROVISIONS

Section 76. A concession and a permit, which already have been issued to a person in order to log wood or collect a forest product on the day this Act comes into force, shall continue to be valid as if they were the concession and the permit issued under the provisions of this Act for the duration of that concession and permit.

Section 77. A seal of a private sector entity that has registered and paid the fees before this Act comes into force shall continue to be valid for one hundred and twenty days from the date this Act comes into force. If the owner of the seal wishes to continue using it, the owner must register it again as per the provisions of this Act. In doing so, he or she is not required to pay any fees for the registration.

Countersigned by
Pibulsongkram
Prime Minister

List of Fee Rates⁶²

(1) Application form	25 satang each
(2) Permission to screw Ta-kienn-Ta-Maew for dammar, to screw pine trees for resin, to chop or to slit Ye-Loo-Tong for resin	2 baht per tree 50 satang per tree
(3) Permission to screw or burn rubber trees to produce wood oil	
(4) Permission to screw, chop, or slit other types of wood for oil, dammar, or resin	10 baht per tree 20 baht each
(5) Permit to trade wood	10 baht each
(6) Permit to collect prohibited forest products	
(7) Permit to trade prohibited forest products or permit to possess prohibited forest products	20 baht each 10 baht each
(8) Permit to collect driftwood	
(9) Permit to establish a wood processing factory that uses machines, calculated by horse power	50 baht per horse power 10 baht per person
(10) Permit to establish a wood processing factory that uses manpower, calculated by the number of workers	10 baht per cubic metre
(11) Permit to process wood for commercial purposes, calculated by the volume of unprocessed wood	2,000 baht each 20 baht each
(12) Permit to trade or possess for commercial purposes of an invention, a device, or others made of prohibited wood	1,000 baht each 5 baht each
(13) Permit to possess other types of processed wood exceeding 0.20 cubic metre	10 baht each 15,000 baht each
(14) Permit to establish a processed wood trading house	7,500 baht each
(15) Other permits	1,000 baht each
(16) Substitute permit being at the same rate as the fee for	25 baht each

⁶² Rate of Fees is amended by the Forests Act (No. 5) B.E. 2518.

original permit, but not exceeding	30,000 baht each
(17) Monopoly permit to log teak	15,000 baht each
(18) Monopoly permit to log normally prohibited wood, other than teak	3,000 baht each 500 baht each
(19) Monopoly permit to collect prohibited forest products	
(20) Substitute monopoly permit	
(21) Concession to log teak	
(22) Concession to log normally prohibited wood other than teak	50 baht each
(23) Concession to collect forest products	20 baht each
(24) Substitute concession	5 baht each
(25) Transfer of a permit or concession, half of the fee of the permit or concession	100 baht per time
(26) Pass	
(a) teak	100 baht per time
(b) other types of wood	
(c) forest products	50 baht per time
(27) Appeal	
(a) matters related to permission, monopoly, or concession	50 baht per time 10 baht per time
(b) matters related to application for establishment or permit renewal	1 baht each 200 baht per Seal
of wood processing factory that uses machines	5 baht each
(c) matters related to application for establishment or permit renewal	10 baht per page 100 baht per time
of wood processing factory that uses manpower	500 baht per copy
(d) matters related to permission to establish processed wood trading house	400 baht 20 per piece
(e) other matters	
(28) Identification document for workers or employees or its substitute	
(29) Registration of a seal for a private sector entity	
(30) Document inspection	
(31) Certified copy or photocopy of a document	

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- (32) Forest map inspection
- (33) Certified copy or photocopy of a forest map
- (34) Overtime fee, ten percent of the royalty calculated for that occasion,
but not exceeding
- (35) Retrieval of driftwood

Office of the Council of State

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