

THE ACT ON THE ESTABLISHMENT OF DISTRICT COURTS
AND CRIMINAL PROCEDURE IN DISTRICT COURTS B.E. 2499

BHUMIBOL ADULYADEJ, REX.

Given on the 24th Day of September B.E. 2499

Being the 11th Year of the Present Reign

His Majesty King Bhumibol Adulyadej has the Royal Proclamation to announce that:

Whereas it is expedient to establish district courts and especially to have criminal procedure in district courts for speedier trial and for protection of rights and liberties of the public.

Therefore, His Majesty the King Bhumibol Adulyadej has graciously been pleased to enact this Act, with the advice and consent of the House of Representatives, as follows:

Section 1 This Act shall be called the “Act on the Establishment of District Courts and Criminal Procedures in District Courts B.E. 2499”.

Section 2¹ This Act shall come into force when a period of 60 days as from the date following the date of its publication in the Government Gazette has been elapsed.

Section 3 District courts shall be established under the law governing the charter of the courts of justice in all provinces; whereas, the number of district courts in one province and the scope of jurisdiction and the scheduled dates of operation thereof shall be announced by the Royal Decree.

District courts which were established prior to the date when this Act shall come into force shall still exist and shall have powers and duties under this Act.

The change of jurisdiction of district courts shall be announced by the Royal Decree.

Section 4² The criminal procedure under the provisions of this Act shall apply to district courts but in case, there is no applicable provision in this Act, the law governing the charter of the courts of justice, the law governing criminal procedure, the law governing civil procedure shall apply; provided that it shall not affect the law governing the establishment of the juvenile court and the law governing the juvenile procedure.

¹ The Government Gazette, Volume 73 Section 78, p.1039 (1956, October 2)

² Section 4 was amended by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517”.

Section 5³ (Repealed)

Section 6⁴ (Repealed)

Section 7⁵ Regarding the investigation of criminal cases within the jurisdiction of district courts, when an alleged offender has been arrested, the Inquiry Official in charge shall dispatch the alleged offender and the case files to the public prosecutor so that the public prosecutor shall prefer a charge to the district court within the time limit of 48 hours as from the time when the alleged offender was arrested. However, such time limit of 48 hours shall not include travelling time spent on taking the alleged offender from the place of making an arrest to the office of the Inquiry Official and from the office of the Inquiry Official or from the office of the public prosecutor to the Court.

In case, no arrest was made but the Inquiry Official has notified the charge to the alleged offender, then, the Inquiry Official in charge shall send the files of inquiries to the public prosecutor and shall order the alleged offender to meet the public prosecutor so that the public prosecutor shall prefer a charge to the district court within the time limit of 48 hours as from the time when the alleged offender was notified of the charge. However, such time limit of 48 hours shall not include travelling time spent from the office of the Inquiry Official or from the office of the public prosecutor to the Court.

In case of necessity which prevented the public prosecutor from preferring a charge against the alleged offender to the Court within such time limit under Paragraph 1 or Paragraph 2, then, the Inquiry Official or the public prosecutor, as the case may be, shall file a petition to the Court for postponement of a charge for a period of not exceeding 6 days per occasion; provided that, in total, it shall not exceed 3 occasions. Regarding the adjudication of such petition, in case, there is a request for confinement of the alleged offender, or the alleged offender has appeared in the Court, the Court shall inquire the alleged offender whether the alleged offender has any objection or not, and the Court may demand the Inquiry Official or the public prosecutor to clarify the necessity or may summon witnesses to give testimony.

When the Court has issued its permission for postponement of a charge for completely 3 occasions, in case, the Inquiry Official or the public prosecutor has filed a petition to the Court for further postponement of a charge by citing the necessity thereof, the Court may approve accordingly only when the Inquiry Official or the public prosecutor has clarified the necessity thereof and has introduced witnesses to testify to the satisfaction of the Court. In case, there is a request for confinement of the alleged offender, or the alleged offender has appeared in the Court, the Court shall inquire the alleged offender whether the alleged offender has any objection or not. In such a case, the Court shall have powers to approve the postponement of a charge for a period of not exceeding 6 days per occasion; provided that, in total, it shall not exceed 2 occasions.

³ Section 5 was repealed by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517”.

⁴ Section 6 was repealed by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503”.

⁵ Section 7 was amended by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.6) B.E. 2556”.

The alleged offender may appoint an attorney-at-law to make a statement of objection and examination of witnesses.

During the inquiry conducted by the Inquiry Official, in case, the alleged offender who was notified with a charge has absconded, the Inquiry Official in charge shall continuously conduct an inquiry promptly; and in case, the inquiry has been complete, the Inquiry Official in charge shall send files of inquiries to the public prosecutor for further consideration and demand, and the provisions contained in Section 141 of the Criminal Procedure Code shall apply *mutatis mutandis*. In the event that the period of request for postponement of a charge under this Section has expired during the time when the alleged offender has still absconded, and the public prosecutor has issued an order for prosecution, the public prosecutor may request for permission of prosecution to the Attorney General under Section 9 in advance.

Section 7 (bis)⁶ In the event that the alleged offender has absconded from custody or confinement, such period of absconding of the alleged offender shall not be included in the prescribed period of time as specified in Section 7.

In the event that the alleged offender has been dispatched for prosecution in the Military Court or the Juvenile Court, in case, it appeared afterwards that the alleged offender was not under the jurisdiction of the Military Court or the Juvenile Court under the law governing the constitution of the military court or under the law governing the juvenile procedures, as the case may be, and the alleged offender has been dispatched to the Inquiry Official for prosecution in the jurisdiction of the district court, then, the period when the alleged offender has been detained or confined under such law shall not be included in such prescribed period of time as specified in Section 7.

Section 8⁷ In a criminal case under the jurisdiction of the district court which shall conduct the trial, the custody of the alleged offender shall be in accordance with the law governing the criminal procedures; however, in any case whatsoever, the administrative official or the police officers may not keep the alleged offender in custody exceeding to the prescribed period of time under Section 7 Paragraph 1.

In case, the alleged offender is under the custody of the administrative official or the police officers, then, the Inquiry Official or the public prosecutor, as the case may be, shall dispatch the alleged offender to the Court and shall file a petition for postponement of a charge and shall request the Court to issue a warrant of detention of the alleged offender, with supporting evidences to the satisfaction of the Court regarding the reason of failure to dispatch the alleged offender to the Court. In the event that the Court has issued its order for permission of the postponement of a charge, then, the Court shall issue a warrant of detention of the alleged offender equal to the period of time that the Court has approved for postponement of a charge.

⁶ Section 7 (*bis*) was added by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503”.

⁷ Section 8 was amended by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.6) B.E. 2556”.

In the event that the alleged offender was under the custody of the administrative official or the police officers after the Court approved the postponement of a charge, then, the Inquiry Official or the public prosecutor shall dispatch the alleged offender to the Court at the first chance of dispatching so that the Court shall issue a warrant of detention of the alleged offender equal to the period of time approved by the Court for postponement of a charge.

An application for the Court's issuing of a warrant of detention of the alleged offender may be included in the petition for postponement of a charge. In case, the Court deems it expedient, the Court may issue an order to dispatch the alleged offender to be under the custody of the administrative official or the police officers as usual. In any case whatsoever, the Court may not issue a warrant of detention of the alleged offender or to issue an order to dispatch the alleged offender to be under the custody of the administrative official or the police officers exceeding the period of time as prescribed by the law governing the criminal procedure.

In case, the alleged offender is not under the custody of the administrative official or the police officers but the Inquiry Official has ordered the alleged offender to appear in the Court for issuing of a warrant of detention under Section 134 Paragraph 5 of the Criminal Procedure Code, then, the Inquiry Official or the public prosecutor, as the case may be, shall file a petition for postponement and shall request the Court to issue a warrant of detention of the alleged offender; and the provisions contained in Section 7 Paragraph 3, Paragraph 4 and Paragraph 5 shall apply *mutatis mutandis*. In the event that the Court has issued an order for permission for postponement of a charge, the Court shall issue a warrant of detention of the alleged offender equal to the period of time that the Court has permitted for postponement of a charge; however, in case, a request for issuing of such warrant of detention was made after the Court had issue an order for permission for postponement of a charge, then, the Court shall issue a warrant of detention of the alleged offender equal to the period of time that the Court has permitted the postponement of a charge.

The provisions under this Section shall not affect the Court's powers to issue an order for temporary release of the alleged offender.

Section 9⁸ The public prosecutor shall be prohibited to conduct a criminal case when the prescribed period of time under Section 7 unless receiving permission from the Attorney General or the public prosecutor holding position of not lower than the Director General or Director General for Regional Public Prosecution as assigned by the Attorney General; provided that the assigned public prosecutor shall report the result of such action to the Attorney General.

An application for permission and the permission under Paragraph 1 shall be in accordance with the criteria, methods and conditions as prescribed in the Regulations of the Attorney General.

Section 10⁹ (Repealed)

Section 11¹⁰ (Repealed)

⁸ Section 9 was amended by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.7) B.E. 2558".

⁹ Section 10 was repealed by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517".

Section 12¹¹ Regarding a criminal case which is under the jurisdiction of the district court for trial, in the event that there was a non-prosecution order and such order was not issued by the Director-General of the Public Prosecution Department, if in Bangkok, the Inquiry Official shall hurriedly send files of inquiries together with orders to be proposed to the Director-General of the Police Department, Deputy Director-General of the Police Department or Assistant Director-General of the Police Department; if in the provinces, the Inquiry Official shall hurriedly send files of inquiries together with orders to be proposed to the provincial governor, thus, without prejudicing the powers of the public prosecutor to manage for the release of the alleged offender, temporary release, custody or to request the Court for detention, as the case may be, and to manage or command accordingly.

In the event that the Director-General of the Police Department, Deputy Director-General of the Police Department or Assistant Director-General of the Police Department in Bangkok or the provincial governor in the provinces, has objected the order of the public prosecutor, then, case files and opinions in dispute shall be sent to the Director-General of the Public Prosecution Department for adjudication; however, in case, the case was precluded by prescription or there were other necessary causes to expedite the prosecution, then, such case shall be sued as per opinions of the Director-General of the Police Department, Deputy Director-General of the Police Department or Assistant Director-General of the Police Department or the provincial governor.

The provisions contained in this Section shall apply, *mutatis mutandis*, to the event that the public prosecutor shall not appeal, shall not lodge a Supreme Court appeal or shall withdraw a charge, appeal or Supreme Court appeal.

Section 13¹² (Repealed)

Section 14¹³ (Repealed)

Section 15¹⁴ (Repealed)

Section 16¹⁵ (Repealed)

Section 17¹⁶ (Repealed)

Section 18¹⁷ (Repealed)

Section 19 Regarding a criminal case which is under the jurisdiction of the district court for trial, the victim or the public prosecutor may institute such criminal case verbally or in writing; however, in case, the accused has requested or the Court has deemed it expedient, such criminal case may be instituted in writing.

Regarding the oral pleading, the prosecutor shall notify the Court relating to the prosecutor's name, name, address and nationality of the accused, counts, action claiming that the accused has committed the offence, matters of facts and details relating to time, place and other

¹⁰ Section 11 was repealed by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517".

¹¹ Section 12 was amended by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517".

¹² Section 13 was repealed by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503".

¹³ Section 14 was repealed by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503".

¹⁴ Section 15 was repealed by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503".

¹⁵ Section 16 was repealed by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503".

¹⁶ Section 17 was repealed by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503".

¹⁷ Section 18 was repealed by the "Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517".

related matters as may be reasonable so that the accused shall understand the charge well, and legal provisions prescribing that such action shall be an offence.

The accused may make a verbal or written statement.

In case of oral pleading or making of verbal statement, the Court shall record the content thereof as evidence and shall have both parties to the case affix their signatures therein.

The Court shall record the subject matters of witness statements as evidence and shall have both parties to the case affix their signatures therein.

[The word “Public Prosecutor” was amended by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517”.]

Section 20¹⁸ In a criminal case which is under the jurisdiction of the district court for trial, in case, the alleged offender pleaded guilty to all charges against him or her to the Inquiry Official, the Inquiry Official shall take the alleged offender to the public prosecutor or shall order the alleged offender to meet the public prosecutor in the event that the alleged offender was not under custody for prosecution in the court without conducting inquiry, and oral pleading was required. The Court shall ask the alleged offender how to testify, and in case, the alleged offender still pleaded guilty, the Court shall record the charge, confession and shall execute the judgment in the same record and shall have the prosecutor and the accused affix their signatures in such record. In case, the alleged offender pleaded not guilty, the Court shall order the public prosecutor to take back the alleged offender for further actions.

Section 21 The district court shall conduct the trial promptly; meanwhile, the court’s order or judgment may be made verbally but a written record shall be reasonably made.

Section 21 (bis)¹⁹ (Repealed)

Section 22²⁰ In a criminal case, it is prohibited to appeal the judgment of the district court in the question of facts, except in the following cases, the accused may appeal in the question of facts:

(1) The accused has been adjudged with punishment of imprisonment or confinement in lieu of imprisonment.

(2) The accused has been adjudged with punishment of imprisonment but such punishment was suspended by the Court.

(3) The Court has adjudged that the accused was found guilty but the determination of punishment was suspended.

(4) The accused has been adjudged with punishment of fines of exceeding 1,000 Baht.

¹⁸ Section 20 was amended by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.6) B.E. 2556”.

¹⁹ Section 21 (*bis*) was added by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503” and was repealed by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517”.

²⁰ Section 22 was amended by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.4) B.E. 2532”.

Section 22 (bis)²¹ In a criminal case which is prohibited to appeal under Section 22, in case, any judge has conducted the trial or affix his or her signature in the judgment or has expressed the dissenting opinions in the district court. According to the consideration thereof, it was agreed that the adjudged statements were important problems which should be referred to the Court of Appeal, and it was permitted to appeal; or the Director-General of the Public Prosecution Department or the public prosecutor as assigned by the Director-General of the Public Prosecution Department has affixed the signature to certify the appeal that there was a reasonable cause for the Court of Appeal to adjudicate, then such appeal shall be accepted for consideration.

Section 23²² (Repealed)

Section 24²³ (Repealed)

Section 25²⁴ (Repealed)

Section 26²⁵ The President of the Supreme Court, the Prime Minister, the Minister of Interior and the Attorney General shall be in charge under this Act.

The President of the Supreme Court and the Attorney General shall have powers to issue regulations, and the Prime Minister and the Minister of Interior shall have powers to issue Ministerial Regulations for execution under this Act, thus, in relation to their powers and duties.

Upon publication in the Government Gazette, such Ministerial Regulations or regulations shall come into force.

TRANSITORY PROVISIONS

Section 27²⁶ (Repealed)

Section 28²⁷ (Repealed)

²¹ Section 22 (*bis*) was added by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503”.

²² Section 23 was repealed by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503”.

²³ Section 24 was repealed by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503”.

²⁴ Section 25 was repealed by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503”.

²⁵ Section 26 was amended by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.6) B.E. 2556”.

²⁶ Section 27 was repealed by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517”.

²⁷ Section 28 was repealed by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503”.

Section 29 All criminal cases which are under the inquiry of the Inquiry Official, prosecution of the public prosecutor, or trial of the Court prior to the date of application of criminal procedures under the provisions of this Act shall be in accordance with the law which has been enforced earlier until the cases shall be final.

Counter-Signature:

Field Marshal Plaek Pibulsongkram

Prime Minister

Note:- Reason for promulgation of this Act: Whereas, for the time being, district courts have not yet been established in all provinces; therefore, it is deemed expedient to establish district courts in all provinces so that the trial of cases shall be complete promptly. Moreover, procedures for district courts should be specially provided for protection of rights and liberties of the public, for example, in normal cases, district courts shall approve the issuing of warrant of arrest or warrant of search, and normal citizens shall be appointed as associate judges of district courts, etc.

The Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503²⁸.

Section 13 Criminal cases which are not under the jurisdiction of district courts for trial and the charges there of have been accepted by district courts or during the preliminary examination of district courts prior to the date when this Act shall come into force, shall still be in accordance with the law which has been enforced earlier until the cases shall be final.

Regarding criminal cases which were accepted by the Criminal Court or the Provincial Court on or after the date when this Act has come into force, if such criminal cases have been issued with warrant of detention of the alleged offender by district courts, it shall be regarded that the issuing of such warrant of detention or order of temporary release by district courts shall be the issuing of warrant of detention or order of temporary release by the Criminal Court or the Provincial Court which has accepted such charges, as the case may be.

Bail bonds relating to temporary release under the provisions contained in the Preceding Paragraph which were made to the district courts shall be regarded as bail bonds which were made to the Criminal Court or the Provincial Court, as the case may be.

Note:- Reason for promulgation of this Act: Since it was provided by the “Act on the Establishment of District Courts and Criminal Procedures in District Courts B.E. 2499” that the administrative official or the superior police officer shall receive prior permission from the district court before a warrant of arrest or warrant of search may be issued. It appeared that such provisions were practically ineffective, and the issuing of warrant of arrest and warrant of search has already been under powers of the administrative official or the superior police officer according to the law governing criminal procedure, and a petition requesting for the Court’s permission on the issuing of warrant of arrest may result in impairment of rights of civilians who were arrested relating to the request to the Court for release when it appeared that such arrest was unlawfully made and it was improper to impair such rights of civilians. In addition, it was required by such Act that the official conducting cases shall enter criminal actions which were beyond powers of district courts; then, such district courts shall firstly conduct preliminary examination; as a result, lawsuits may be delayed and wasting the time of the public to appear in courts as witnesses, and provisions governing associate judges were improper to the trial of cases; therefore, it is deemed expedient to repeal the provisions relating to these matters. Moreover, since there were limitations on the criminal procedures in district courts preventing from lodging an appeal against judgments of district courts in questions of facts; therefore,

²⁸ The Government Gazette, Volume 77 Section 28, p.264 (1960, April 5)

it is deemed expedient to have provisions governing certification of an appeal in questions of facts for deregulation that cases with reasonable causes to appeal could receive trial in the Court of Appeal.

The Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.3) B.E. 2517²⁹.

Section 2 This Act shall come into force when a period of 30 days as from the date following the date of its publication in the Government Gazette has been elapsed.

Section 5 The word “Official Conducting Cases” appeared in the “Act on the Establishment of District Courts and Criminal Procedures in District Courts B.E. 2499” and in the “Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.2) B.E. 2503” shall be wholly corrected to “Public Prosecutor”.

Section 13 The official conducting cases shall hand over all criminal case files which are during the proceeding of the official conducting cases or during trial of the Court to the public prosecutor completely within 30 days as from the date when this Act shall come into force.

The official conducting cases shall have powers to act as the prosecutor for criminal action in a district court and in the Court of Appeal and the Supreme Court until the criminal case files under Paragraph 1 shall be handed over and the proceeding of the official conducting cases shall be regarded as the proceeding of the public prosecutor.

Section 14 The Minister of Justice and the Minister of Interior shall be in charge under this Act.

Note:- Reason for promulgation of this Act: Whereas, at present, criminal actions in district courts have been conducted by the official conducting cases in the Police Department, it is deemed expedient to be under duties of the public prosecutors who shall be obliged to conduct criminal actions in all courts, and police officers have excessive burdens of arrest and suppression and should not have duties to conduct cases in the Court, therefore, it is necessary to enact this Act.

The Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.4) B.E. 2532³⁰.

Note:- Reason for promulgation of this Act: Whereas, it was deemed expedient to amend the “Act on the Establishment of District Courts and Criminal Procedures in District Courts B.E. 2499” so that the trial of cases in the Court of Appeal shall be complete properly and more rapidly and shall be proper to the current economic condition. It is deemed expedient to prohibit the prosecutor to appeal questions of facts and to increase amount of fines imposed by the Court in cases with exclusions on prohibition of the accused to appeal questions of facts, therefore, it is necessary to enact this Act.

The Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.5) B.E. 2539³¹.

²⁹ The Government Gazette, Volume 91 Section 175 Special Edition, p.20 (1974, October 18).

³⁰ The Government Gazette, Volume 106 Section 149 Special Edition, p.1 (1989, September 8).

³¹ The Government Gazette, Volume 113 Section 61 (A), p.1 (1996, November 17).

Section 4 The provisions contained in Section 7 of the “Act on the Establishment of District Courts and Criminal Procedures in District Courts B.E. 2499” as amended by this Act shall not apply to operations of the Inquiry Official or the public prosecutor in criminal cases which are under operations of the Inquiry Official or the public prosecutor, as the case may be, prior to the date when this Act shall come into force.

Section 5 The Prime Minister and the Minister of Interior shall be in charge under this Act.

Note:- Reason for promulgation of this Act: Whereas, as per the “Act on the Establishment of District Courts and Criminal Procedures in District Courts B.E. 2499” which is currently enforced, it is prescribed that the Inquiry Official shall send the alleged offender, together with files of inquiries, to the public prosecutor so that the public prosecutor shall enter criminal actions to district courts within the time limit of 72 hours as from the time of arrest; as a result, the entry of actions has been delayed, and the alleged offender may be unnecessarily under the custody for a long period of time, and it is deemed expedient to amend such Act by requiring that the Inquiry Official shall send the alleged offender, together with files of inquiries, to the public prosecutor so that the public prosecutor shall enter criminal actions to district courts within the time limit of 48 hours as from the time when the alleged offender was arrested; as a result, the entry of actions has been speedier, and rights and liberties of the alleged offender in criminal cases under the jurisdiction of the district courts have been protected, therefore, it is necessary to enact this Act.

The Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.6) B.E. 2556³².

Section 2 This Act shall come into force when a period of 90 days as from the date following the date of its publication in the Government Gazette has been elapsed.

Section 8 In the event that there was no arrest but the Inquiry Official has notified the charges to the alleged offender prior to the date when this Act shall come into force, then, the Inquiry Official in charge shall send files of inquiries to the public prosecutor and shall order the alleged offender to meet the public prosecutor so that the public prosecutor shall enter criminal actions to district courts within the time limit of 48 hours as from the date when this Act shall come into force. However, such time limit of 48 hours shall not include travelling time from the office of the Inquiry Official or from the office of the public prosecutor to the Court.

In case of necessity which prevented the public prosecutor from preferring a charge against the alleged offender to the Court within such time limit under Paragraph 1, then, the provisions contained in Section 7 Paragraph 3, Paragraph 4, Paragraph 5 and Paragraph 6, Section 8 and Section 9 of the Act on the Establishment of District Courts and Criminal Procedures in District Courts B.E. 2499 as amended by this Act, shall apply *mutatis mutandis*.

³² The Government Gazette, Volume 130 Section 30 (A), p.13 (2013, March 29).

Note:- Reason for promulgation of this Act: Since at present, the Criminal Procedure Code has been materially amended in several issues; and whereas, the provisions contained in the Criminal Procedure Code have been applied to the Act on the Establishment of District Courts and Criminal Procedures in District Courts B.E. 2499, it is deemed expedient to amend the provisions relating to the criminal procedure in district courts to be in accordance with the same principle to the Criminal Procedure Code. Moreover, at present, the Office of Judiciary is an independent agency, in the capacity of a juristic person under the command of the President of the Supreme Court; meanwhile, the Royal Thai Police is a government agency under the command of the Prime Minister; and the Constitution of the Kingdom of Thailand has prescribed that the Office of the Attorney General shall be regarded as other organization under the Constitution, and it is deemed expedient to prescribe that the President of the Supreme Court, the Prime Minister and the Attorney General shall be in charge relating to their powers and duties, therefore, it is necessary to enact this Act.

The Act on the Establishment of District Courts and Criminal Procedures in District Courts (No.7) B.E. 2558³³.

Section 2 This Act shall come into force as from the date following the date of its publication in the Government Gazette onwards.

Note:- Reason for promulgation of this Act: Whereas, at present, the number of criminal cases under the jurisdiction of district courts which could not be filed to the Court within the prescribed period of time and requiring permission from the Attorney General for legal actions, has increased significantly and tended to continuously increase, resulting in the delay of permission of entry of actions and affecting the administration of justice to the public; therefore, for convenient and rapid permission of such entry of actions and for protection of rights and liberties of the public, it is deemed expedient to amend the Act on the Establishment of District Courts and Criminal Procedures in District Courts B.E. 2499 requiring that the public prosecutor in positions of not lower than the Director General for Public Prosecution or the Director General for Regional Public Prosecution as assigned by the Attorney General shall have powers to enter criminal actions which are under the jurisdiction of district courts and could not be filed to the Court within the period of time as prescribed by law, therefore, it is necessary to enact this Act.

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28th March 2014

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9th September 2015

³³ The Government Gazette, Volume 132 Section 86 (A), p.67 (2015, September 8).