

(Translation)

Unofficial Translation\*

## NATIONAL RESERVED FORESTS ACT

B.E.2504

BHUMIBOL ADULYADEJ, REX.

Given on the 16<sup>th</sup> Day of April B.E. 2507;

Being the 19<sup>th</sup> Year of the Present Reign

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

Whereas it is expedient to revise the law on the protection and reservation of forests;

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

**Section 1** This Act shall be called the “National Reserved Forests Act B.E. 2507”.

**Section 2**<sup>1</sup> This Act shall come into force as from the date following the date of its publication in the Government Gazette.

**Section 3** The following Acts shall be repealed:

- (1) The Protection and Reservation of Forests Act B.E. 2481
- (2) The Protection and Reservation of Forests Act (No. 2) B.E. 2496
- (3) The Protection and Reservation of Forests Act (No. 3) B.E. 2497

All other laws, rules and regulations insofar as provided in this Act or in contrary to or inconsistent with the provisions of this Act shall be superseded by this Act.

**Section 4** In this Act:

“Forest” means the land including mountain, brook, swamp, canal, marsh, basin, waterway, lake, island and seashore which has not yet been acquired by a person according to the law;

“National Reserved Forests” means forests which are fixed as National Reserved Forests under this Act;

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<sup>1</sup> The Government Gazette, Volume 81 Section 38, Page 263 dated 28<sup>th</sup> April 1964

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“Timber” means all kinds of wood which are trees, brushwood, or creepers whether standing up or falling down, and it shall include roots, burrs, stumps, shoots, branches, buds, tubers, origins, odds, ends or parts thereof regardless of having been cut, chopped, sawn, split, hewn, logged, hollowed out or treated otherwise;

“Forest Products” means things which are originated from or available in the forest such as:

- (1) Firewood, charcoal, bark, leaf, flower, seed, fruit, bamboo-shoot, resin and gum;
- (2) Grass, giant reed, elephant grass, reed, thatch grass, cogon grass, sedge, orchid, fern, mushroom and other plants;
- (3) Carcass, egg, hide, horn, tusk, jaw, bone, hair, bird's nest, lac, bee-hive, honey, bees-wax and bat guano;
- (4) Soil, rock, gravel, sand, minerals and oil.

“Domestic Animals” means elephant, horse, ass, mule, cow, buffalo, goat, sheep and swine owned by a person;

“Logging” means cutting, chopping, girdling, felling, lopping, sawing, splitting, hewing, reducing, digging out, or hauling timber in the forest or taking timber by any means whatsoever out of the forest;

“Competent Official” means the person appointed by the Minister for the execution of this Act;

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

“Minister” means the Minister taking charge under this Act;

**Section 5** The Minister of Agriculture shall take charge under this Act and shall have powers to appoint the competent officers and issue ministerial regulations in fixing fees, royalties and forest improvement charges for not exceeding the rates in the Schedule annexed to this Act and to determine other activities for the execution of this Act.

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

## CHAPTER 1

### DETERMINATION OF NATIONAL RESERVED FORESTS

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**Section 6** All forests which have already been announced as reserved forests under the Law on Protection and Reservation of Forests before the date of the enforcement of this Act shall be National Reserved Forests under this Act.

When the Minister deems it expedient to determine any other forest as National Reserved Forests for reservation of its nature, timber, forest products or other natural resources, it shall be made by issuing of Ministerial Regulations. A map showing the boundary lines of the forests determined as the National Reserved Forests shall be appended to such Ministerial Regulations.

**Section 7** The change of boundary lines or the revocation, in whole or in part, of any National Reserved Forests shall be made by issuing of Ministerial Regulations. In case of partial change

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or revocation thereof, a map showing the boundary lines changed or revoked shall also be appended to the Ministerial Regulations.

**Section 8** The competent authority shall provide the boundary posts and signs or other marks showing the boundary lines of national reserved forests sufficient for the general public to realize the boundary of the national reserved forests.

The provision of boundary posts or signs or other marks under Paragraph 1 shall include the repair of boundary posts or signs or other marks which are broken, damaged or lost; and such action of the competent authority shall be notified in writing to local administrative organizations, sub-district headmen and village headmen in the localities where such national reserved forests are located for acknowledgment of the boundary lines of national reserved forests.<sup>2</sup>

**Section 9** A copy of Ministerial Regulations and a map appended thereto under Section 6 Paragraph 2 or Section 7 shall be posted up at the District Office or the Sub-district Office or Office of Sub-district Headman and at a place easily seen in the village of such locality.

**Section 10**<sup>3</sup> In any province where a national reserved forest has been announced, the “Provincial Committee for Control and Protection of National Reserved Forests” shall be established, consisting of the Provincial Governor, as the Chairman, the Provincial Chief Public Prosecutor, the Director of Provincial Office of Natural Resources and Environment, the Provincial Agriculture and Cooperative Officer, Provincial Land Officer, Provincial Land Reform Officer, Deputy Governor, Commander of the Provincial Police, President of the Provincial Administrative Organization, one representative of the municipality in the locality where the national reserved forest is located and three representatives of the Tambon Administrative Organization in the locality where the national reserved forest is located, as members.

In any province consisting of areas under powers and duties of the Department of National Parks, Wildlife and Plant Conservation, one representative of the Department of National Parks, Wildlife and Plant Conservation shall be appointed as one additional member; and in any province consisting of areas under powers and duties of the Department of Marine and Coastal Resources, one representative of the Department of Marine and Coastal Resources shall be appointed as one additional member.

The Director of the Forest Resource Management Bureau in the locality where the national reserved forest is located or a person designated by the Director-General shall act as member and secretary.

The criteria and method of selection of representative of the municipality and representatives of the Tambon Administrative Organization under Paragraph 1 shall be in accordance with the regulations prescribed by the Minister.

**Section 11**<sup>4</sup> The Provincial Committee for Control and Conservation of the National Reserved Forest shall have powers and duties, as follows:

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<sup>2</sup> Section 8 Paragraph 2 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>3</sup> Section 10 Paragraph 2 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>4</sup> Section 11 Paragraph 2 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

- (1) To determine measures for supervision and promotion of afforestation and reforestation in accordance with the guidelines prescribed by the Director-General; provided that such guidelines shall be specified with participation of local people and communities;
- (2) To control the operation in accordance with Section 8 and Section 9;
- (3) To conduct inquiry and diagnosis of the petition under Section 13;
- (4) To demand a person, in writing, to make a statement or to send documents relating to the inquiry under Section 13;
- (5) To demand a local governing officer or other related government official to give the data for consideration and determination of measures under (1);
- (6) To appoint a subcommittee for consideration or taking any action as designated.

**Section 11/1**<sup>5</sup> The provisions concerning a committee authorized to take administrative consideration under the law governing administrative procedures shall, *mutatis mutandis*, apply to meetings of the Provincial Committee for Control and Conservation of the National Reserved Forest.

**Section 12**<sup>6</sup> Any person claiming to have rights or utilization in any national reserved forest prior to the date of enforcement of the Ministerial Regulations Prescribing such National Reserved Forest, shall file a petition, in writing, to the District Chief Officer of the locality within one hundred and twenty days as from the date of enforcement of such Ministerial Regulations. If such person has failed to file a petition within such time limit, it shall be regarded that such person has waived such rights or utilization therein.

The District Chief Officer of the locality shall, without delay, refer such petition under Paragraph 1 to the Provincial Committee for Control and Conservation of the National Reserved Forest in the locality where such national reserved forest is located.

The provisions under Paragraph 1 shall not apply to the case of person's rights on land under the Land Code.

**Section 13**<sup>7</sup> When the Provincial Committee for Control and Conservation of the National Reserved Forest has received a petition under Section 12, then, the Committee shall conduct an inquiry under such petition. In case, it appears that the petitioner has lost his rights or utilization, the Provincial Committee for Control and Conservation of the National Reserved Forest shall fix the compensation for the petitioner, thus, as per the regulations prescribed by the Royal Forest Department, with approval of the Ministry of Finance.

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<sup>5</sup> Section 11/1 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>6</sup> Section 12 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>7</sup> Section 13 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>8</sup> Section 13/1 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

In case, the petitioner is unsatisfied with the compensation fixed by the Provincial Committee for Control and Conservation of the National Reserved Forest, then, the petitioner shall be entitled to lodge an appeal to the Minister within sixty days as from the date of receiving the notification of the adjudication of the Provincial Committee for Control and Conservation of the National Reserved Forest; and the adjudication of the Minister shall be final.

**Section 13/1**<sup>8</sup> In case, the government agency or the state agency intends to use certain area within the national reserved forest as workplace or for other state benefits, the Director-General, with the approval of the Committee for Consideration of Utilization of National Reserved Forest, shall announce and prescribe such area as the area for use by the authorities within the national reserved forest, and, within such area, the provisions under Section 14 and Section 16 shall not apply to the fact that such government agency or state agency needs to take actions to achieve the objective of operation for use of such area.

Regarding the utilization of area under Paragraph 1, in case, the area of land utilized by the authorities has its boundary line overlaying the land that a person has already received benefits under Section 14, the receipt of benefits in the land in the area utilized by the authorities shall be terminated after the expiry of a period of three hundred and sixty days as from the date when such area has been prescribed and announced as the area utilized by the authorities.

The use of area under Paragraph 1 shall be in accordance with the criteria, methods and conditions prescribed by the Committee for Consideration of Utilization of National Reserved Forest and published in the Government Gazette.

## CHAPTER 1/1

### COMMITTEE FOR CONSIDERATION OF UTILIZATION IN THE NATIONAL RESERVED FOREST<sup>9</sup>

**Section 13/2**<sup>10</sup> “The Committee for Consideration of Utilization in the National Reserved Forest” shall be established, consisting of the Permanent Secretary for Natural Resources and Environment, as the Chairperson, the Director-General of the Department of Marine and Coastal Resources, the Director-General of the Department of Mineral Resources, the Director-General of the Department of National Parks, Wildlife and Plant Conservation, representative of the Ministry of Defence, representative of the Department of Agriculture and Cooperatives, representative of the Ministry of Interior, and expert members as appointed by the Minister from those who have knowledge, abilities, expertise and manifest experiences in conservation of natural resources and environment, totally four people, as members.

The Director-General shall act as member and secretary.

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<sup>9</sup> Chapter 1/1 “The Committee for Consideration of Utilization in the National Reserved Forest” Section 13/2 to Section 13/9 have been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>10</sup> Section 13/2 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>11</sup> Section 13/3 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

**Section 13/3**<sup>11</sup> An expert member shall have qualifications and shall not have any prohibited characteristics, as follows:

- (1) Having the Thai nationality;
- (2) Aged not less than completely thirty-five years old;
- (3) Not being a bankrupt, incompetent or quasi-incompetent;
- (4) Having never been sentenced by a final judgment to imprisonment, except for offences committed by negligence or petty offences;
- (5) Not being a holder of political position, member of local council or local executives, member or executive of a political party, advisor of a political party or official of a political party.

**Section 13/4**<sup>12</sup> An expert member shall not be a stakeholder in businesses or operations relating to natural resources and environment which may be contrary to or inconsistent with the common interest or benefits of the authorities.

**Section 13/5**<sup>13</sup> An expert member shall have the term in office of two years each.

In the event that an expert member has vacated the office before the term in office expires, the person who has been appointed to fill a vacancy shall be in office only for the remaining term in office of such expert member who has vacated the office, unless the remaining term in office of such expert member is less than ninety days, such replacement expert member may not be appointed.

When the term in office under Paragraph 1 expires, in case, a new expert member has not yet been appointed, the expert member who has vacated the office at the end of the term shall remain in office to carry on the work until a newly appointed expert member shall assume the duties.

**Section 13/6**<sup>14</sup> An expert member who has vacated the office at the end of the term may be reelected but may assume the office for not exceeding two consecutive terms.

In the event that an expert member has vacated the office before the term in office expires, the Committee for Consideration of Utilization in the National Reserved Forest shall consist of all the existing members until a new expert member under Section 13/5 Paragraph 2 shall be appointed.

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<sup>12</sup> Section 13/4 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>13</sup> Section 13/5 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>14</sup> Section 13/6 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>15</sup> Section 13/7 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>16</sup> Section 13/8 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

**Section 13/7**<sup>15</sup> In addition to vacating the office at the end of the term, an expert member shall vacate the office upon:

- (1) Death;
- (2) Resignation;
- (3) Dismissal by the Minister due to indiscretion, infamous conduct or defective competency;
- (4) Disqualification or having any prohibited characteristics under Section 13/3 or having any stake-holding under Section 13/4;

**Section 13/8**<sup>16</sup> “The Committee for Consideration of Utilization in the National Reserved Forest” shall have powers and duties, as follows:

- (1) Recommend measures and guidelines for utilization of the national reserved forest to the Minister;
- (2) Consider and approve the utilization of areas in the national reserved forest under Section 13/1, Section 16 and Section 20;
- (3) Prescribe the criteria, methods and conditions regarding the use of areas in the national reserved forest of government agencies or state agencies, application for permission and the permission for utilization or inhabitation in the national reserved forest and maintenance of forest or growing of forest plantations or perennial trees in areas of degraded forests;
- (4) Recommend the determination of compensation in lieu of permission under Section 20 to the Minister;
- (5) Appoint a subcommittee for consideration or taking any actions as designated;
- (6) Take any other actions as provided in this Act or taking other actions as designated by the Cabinet or the Prime Minister.

**Section 13/9**<sup>17</sup> The provisions of Section 11/1 shall, *mutatis mutandis*, apply to a meeting of the Committee for Consideration of Utilization in the National Reserved Forest.

## CHAPTER 2

### CONTROL AND CONSERVATION OF THE NATIONAL RESERVED FOREST

**Section 14**<sup>18</sup> Within the National Reserved Forests, no person shall be allowed to occupy, possess, utilize and inhabit the land, or to develop, clear, burn the forest, collect the forest products, or to cause any damage whatsoever to the National Reserved Forests, except:

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<sup>17</sup> Section 13/9 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>18</sup> Section 14 has been amended by the National Reserved Forests Act (No.3) B.E. 2528.

<sup>19</sup> Section 16 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

(1) Logging or collection of forest products under Section 15, utilization or inhabitation under Sections 16, Section 16 (*bis*), or Section 16 (*ter*), carrying out any activity under Section 17, utilization under Section 18, or carrying out activities under Section 19 or Section 20;

(2) Logging of reserved timber species or collection of reserved forest products under the Law on Forests.

**Section 15** Logging or collection of forest products in the National Reserved Forests may be made after receiving permission from the competent officer, or when the competent officer has given announcement of such permission from time to time in any particular area of the National Reserved Forests.

Regarding the granting of permission, it shall be in accordance with the forms, regulations and methods as specified in the Ministerial Regulations.

**Section 16**<sup>19</sup> The Director-General, with the approval of the Committee for Consideration of Utilization in the National Reserved Forest, has powers to grant permission to any person to make use or reside in the National Reserved Forests in the following cases:

(1) Regarding the utilization or inhabitation in the National Reserved Forests for each period of not less than five years but not exceeding thirty years, in the event that the licensee is a government agency or a state agency, the permission may be granted with exemption of fees in whole or in part, as it is deemed expedient.

(2) Regarding the utilization relating to mining under the Law on Mining for each period of not exceeding ten years, such person shall be exempted from applying for permission for collecting forest products and from payment of royalties on forest products under this Act in respect to the mineral, kaolin or stone, as the case may be.

The application for permission and obtaining of permission under Paragraph 1 shall be in accordance with the criteria, methods and conditions as prescribed by the Committee for Consideration of Utilization in the National Reserved Forest and published in the Government Gazette.

**Section 16 (*bis*)**<sup>20</sup> In case, any National Reserved Forest, in whole or in part, contains deserted farmland or grassland or without valuable timber or with limited quantity of fertile and valuable timber and with limited possibility of natural rehabilitation, thus, as per the criteria and conditions as prescribed by the Minister, then, such area of the National Reserved Forest shall be regarded as the degraded forest.

In case, the authorities need to reclaim any degraded forest, in whole or in part, the Minister shall prescribe and announce such area of the degraded forest, in whole or in part, as the reclamation area of the National Reserved Forest.

In reclamation area of the National Reserved Forest, in case, any person has utilized or inhabited in such area until the date of announcement under Paragraph 2:

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<sup>20</sup> Section 16 (*bis*) has been added by the National Reserved Forests Act (No.3) B.E. 2528.



(1) When such person has requested, and the Director-General or his designated person deems it necessary for such person to sustain the land for living, the Director-General or his designated person shall have powers to grant permission in writing for such person to continue the utilization or inhabitation of such land, but for not exceeding twenty rai per each household and within each period of not less than five years but not exceeding thirty years; provided that the fees for the first period thereof shall be exempted, however, such person shall pay such fees for the next periods thereof;

(2) Any person who is granted with permission under (1), may apply for permission for additional reforestation or growing of perennial trees in same area that he used to utilize or inhabit in the reclamation area of the National Reserved Forest, if he can prove that he has the capacity and sufficient tools and instruments for reforestation and growing of perennial trees on such additional land. The Director-General or his designated person shall have powers to issue a written permission for reforestation and growing of perennial trees but not exceeding thirty-five rai per each household and within each period of not less than five years but not exceeding thirty years; provided that the fees therefor shall be paid as prescribed by the law.

The permission granted under Paragraph 3 shall not be regarded as acquisition of rights in the land under the Land Code.

The person who has been granted with permission under Paragraph 3 (1) and (2) shall be exempted with royalties and forest maintenance fees for trees grown on such permitted land.

The person who has been granted with permission shall utilize the land as per the criteria and conditions in the regulations as prescribed by the Director-General, and shall not allow any person other than his family members to utilize such land.

In case, the person who has been granted with permission fails to utilize or inhibit in the permitted land for exceeding two consecutive years or allowing any person other than his family members to utilize such land, or failing to comply with the criteria and conditions in the regulations as prescribed by the Director-General, then, the Director-General or his designated person shall have powers to revoke such permission.

**Section 16 (*ter*)**<sup>21</sup> In case, the person who has been granted with permission under Section 16 (*bis*) died, his family members who have resided with him shall be entitled to continue the utilization or inhabitation in such land, but for not exceeding one hundred and eighty days as from the date of death of such person.

In case, the husband, the wife, child or any family member residing with the person who has been granted with permission and being specified in writing by such person as per the form prescribed by the Director-General to be the successor of such person, intends to continue the utilization or inhabitation in such land, he or she shall submit an application for permission to the Director-General or his designated person within one hundred and eighty days as from the date of death of such person.

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<sup>21</sup> Section 16 (*ter*) has been added by the National Reserved Forests Act (No.3) B.E. 2528.

<sup>22</sup> Section 18 has been amended by the National Reserved Forests Act (No.3) B.E. 2528.

Upon submission of the application for permission under Paragraph 2, the person under Paragraph 1 may continue the utilization or inhabitation in such land as permitted by the Director-General or his designated person.

**Section 17** For the purpose of academic study or research, the Director-General shall have powers to grant a written permission to ministries, departments or any other persons to take any action in the National Reserved Forest as per the regulations prescribed by the Director-General, with approval by the Minister; and when it is deemed expedient, the Minister may issue an order for exemption of fees, royalties and forest maintenance fees.

**Section 18**<sup>22</sup> The Director-General shall have powers to issue regulations relating to the utilization of the National Reserved Forest in the following matters by means of publication in the Government Gazette:

- (1) Entry, passing or use of access roads;
- (2) Bringing or releasing domestic animals into the area;

The regulations under Paragraph 1 which shall be applicable to any National Reserved Forest shall be announced at the District Office, the Office of Sub-district Headman and the Office of Village Headman in the locality where such National Reserved Forest is located.

**Section 19** For the purpose of control, supervision or maintenance of the National Reserved Forest, the Director-General shall have powers to issue a written order that the competent authorities or the staff of the Royal Forest Department may take any action in the National Reserved Forest.

**Section 19/1**<sup>23</sup> The Director-General shall, with the approval of the Minister, have powers to fix rates and to prescribe regulations on the collection of service fees or compensation for the competent authority's service provision or facilitation to the general public in the National Reserved Forest.

The service fees or compensation collected under Paragraph 1 shall be retained for spending on the maintenance of the National Reserved Forest as per the criteria and methods prescribed by the Director-General, with the approval of the Minister.

**Section 20**<sup>24</sup> In the event that any National Reserved Forest is considered as the degraded forest under Section 16 (*bis*), then, the Director-General, with the approval of the Committee for Consideration of Utilization in the National Reserved Forest, shall have powers to grant a written permission to any person for maintenance or growing of forest plantations or perennial trees in the degraded forests within the period and as per conditions prescribed in the written permission, with payment of compensation as prescribed and announced by the Minister; however, in case of granting permission for exceeding one thousand rai per case, it shall be agreed by the Committee for Consideration of Utilization in the National Reserved Forest and shall be approved by the Cabinet.

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<sup>23</sup> Section 19/1 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>24</sup> Section 20 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

Regarding the application for permission and the granting of permission under Paragraph 1, it shall be in accordance with the criteria, methods and conditions as prescribed by the Committee for Consideration of Utilization in the National Reserved Forest and published in the Government Gazette.

**Section 21** A license for logging or collection of forest products in the National Reserved Forest under Section 15 shall be valid for a period of time specified therein, as per the regulations prescribed by the Director-General but not exceeding one year as from the date of issuing of the license.

The license renewal shall be in accordance with the form, regulations and methods as prescribed in the Ministerial Regulations.

**Section 22** In case, the license is damaged or lost, an application for license replacement shall be submitted to the competent authority.

The issuing of license replacement shall be in accordance with the form, regulations and methods as prescribed in the Ministerial Regulations.

**Section 23** A license issued under Section 15 may not be transferrable unless receiving permission from the competent authority.

The license transfer shall be in accordance with the regulations and methods prescribed in the Ministerial Regulations.

**Section 24** The licensee or a recipient of written permission under this Act shall provide operation manuals as licensed to its workers, contractors or representatives, as per the form, regulations and methods as prescribed in the Ministerial Regulations.

**Section 25** When any forest has been announced as National Reserved Forest, and the Minister has appointed the competent authority to supervise and maintain such National Reserved Forest, then, the competent authority shall have powers, as follows:

(1) To order any person to leave the National Reserved Forest or to refrain from any action in the area of the National Reserved Forest, in case, the matter of fact has appeared or there is a reasonable cause to suspect that there is a commission of offence under this Act;

(2) To order any offender under this Act, in writing, to remove, correct or take any other action against anything which may be hazardous or degradable to the National Reserved Forest within the prescribed time;

(3) To seize, destroy, remove, correct or otherwise, when the offender fails to comply with (2), or the offender does not show up, or the offender is ascertained but may not be found.

In case, the competent authority has taken any action and has paid the expenses for such purpose, then, the offender shall fully indemnify or reimburse such expenses, or the competent authority shall take the seized property for sale by auction or sale by other methods as it is deemed expedient for reimbursement of such expenses; and the provisions of Section 1327 of the Civil and Commercial Code shall, *mutatis mutandis*, apply to such money obtained from the sale of such property.

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<sup>25</sup> Section 26/1 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>26</sup> Section 26/2 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

(4) To take any action as it is deemed expedient, thus, to prevent or mitigate damage to the National Reserved Forest in case of emergency.

**Section 26** Regarding the arrest or suppression of offenders under this Act, the competent authority shall be the administrative official or the police officer under the Criminal Procedure Code.

**Section 26/1**<sup>25</sup> The competent authority shall have powers to seize or attach all wood, forest products, equipment, tools, utensils, beast of burden, vehicles or any machine acquired or used by any person in the commission of offence, or there is a reasonable cause to suspect that they were used in the commission of offences under this Act, as evidence in the trial thereof until there is an absolute order of non-litigation or until the case shall become final, thus, no matter whether such property shall belong to the offender or the suspect; and upon litigation, the provisions of Section 35 Paragraph 2 and Paragraph 3 shall apply.

In case, there is an absolute order of non-litigation, if the owner or occupier thereof fails to apply for repossession of such property within a period of six months as from the date of acknowledgment thereof or regarded as having been acknowledged of the order to return the property to the person entitled to apply for repossession of such property from the competent authority who has powers to seize such property, then, the ownership of such property shall be vested in the State.

In case, there is an absolute order of non-litigation, and there is no evidence of ownership of such property, then, the period of time under Paragraph 2 shall be counted as from the date of issuing of an absolute order of non-litigation.

**Section 26/2**<sup>26</sup> In case, the property seized or attached under Section 26/1 Paragraph 1 does not belong to the offender or the suspect, then, the competent authority, with the approval of the Minister, shall return the property or money, as the case may be, to the owner thereof before the time limit under Section 26/1 Paragraph 1, in any of the following cases:

(1) When such property required no evidence for trial which resulted in the seizure or attachment of such property; or

(2) When the offender or the suspect has acquired such property from the owner by means of commission of a criminal offence;

**Section 26/3**<sup>27</sup> In case, the property seized or attached under Section 26/1 Paragraph 1 shall be risky to damage, or the maintenance expenses thereof shall exceed the value of such property, then, the Director-General may take actions, as follows:

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<sup>27</sup> Section 26/3 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>28</sup> Section 26/4 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>29</sup> Section 26/5 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

(1) To sell or dispose of the property prior to the expiry of the time limit under Section 26/1 Paragraph 2; when the net amount of money has been obtained, it shall be seized in lieu of such property; or

(2) In case, the utilization of the seized or attached property shall mitigate damage or the maintenance expenses thereof, then, such property shall be used for the benefits of the authorities as per the regulations prescribed by the Director-General.

**Section 26/4**<sup>28</sup> Whoever has taken an unlawful action or has omitted to take any action which destroyed or causing the destruction, loss, or damage to the natural resources in the National Reserved Forest, such person shall be obliged to indemnify damages according to the total value of the natural resources which have been destroyed, lost or damaged.

**Section 26/5**<sup>29</sup> Regarding the criminal proceeding against the person who has breached this Act, when the public prosecutor has entered a criminal action, damages under Section 26/4 shall be claimed simultaneously.

**Section 27** When it appears that the licensee/permit holder, workers, contractors or representatives of the licensee/license holder breached this Act or Ministerial Regulations or conditions contained in the license or the permit issued in accordance with this Act, which may cause severe damage, then, the competent authority shall have powers to issue a written order to suspend the license or the permit for not exceeding sixty days as from the date of issuing of such order.

Regarding the order for suspension of the license or the permit under Paragraph 1, the Director-General shall have powers to suspend the order or to increase or reduce the period of suspension of the license or the permit as it is deemed expedient; however, in case, there is an order for increase of such period, it may be increased for not exceeding one hundred and twenty days.

**Section 28** The licensee or the permit holder shall be entitled to appeal the order of suspension of license or permit of the competent authority or order of the Director-General under Section 27 to the Minister by submitting an appeal thereof to the competent authority within the time limit of thirty days as from the date of acknowledging the order.

The Minister's decision shall be final.

**Section 29** In the event that the order of suspension of license or permit has been issued, if the Minister deems it expedient, the Minister shall have powers to revoke such license or permit.

**Section 30** In case, it is necessary for the benefits of the authorities or public interest, or when it appears that such license has been unlawfully issued, the Minister shall have powers to revoke any license, in whole or in part.

In case, it is not the fault on the part of the person whose license has been revoked, compensation shall be paid in an amount which is fair to the person whose license has been revoked.

### CHAPTER 3 STIPULATED PENALTIES

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**Section 31**<sup>30</sup> Whoever has breached the provisions of Section 14 shall be imprisoned for a period of one to ten years and shall be fined for an amount of twenty thousand to two hundred thousand Baht.

In case of offences under this Section, if such offences have been committed covering the area of exceeding twenty-five rai or causing damage to:

- (1) Teak, rubber wood, coniferous trees, or any restricted wood, type B under the Law on Forests; or
- (2) Other timbers in the form of either trunks or logs, or both, exceeding twenty trunks or logs totally exceeding the volume of four cubic meters; or
- (3) River sources; or
- (4) Coastal areas.

The offender shall be imprisoned for a period of two to twenty years and shall be fined for an amount of two hundred thousand to two million Baht.

In the event that any person has been adjudged as an offender under this Section, if it appears that such person has taken hold of or has occupied the land in the National Reserved Forest, the Court shall have powers to order the offender, workers, contractors, representatives and dependents of the offender to leave the National Reserved Forest and to order the offender to remove structure or anything which may cause degradation of the National Reserved Forest out of the National Reserved within the prescribed period of time.

**Section 32** Whoever has breached the provisions of Section 24 shall be fined for not exceeding one thousand Baht.

**Section 33**<sup>31</sup> Whoever has caused damage or destroyed boundary posts, signs or any other marks provided under this Act shall be imprisoned for not exceeding three years or shall be fined for not exceeding sixty thousand Baht, or both.

**Section 33/1**<sup>32</sup> Whoever has failed to comply with the regulations prescribed by the Director-General under Section 18 or has breached or failed to comply with orders of the competent authority issued under Section 25(1) or (2) shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

In addition to the punishments under Paragraph 1, the person who failed to comply with the regulations prescribed by the Director-General under Section 18 or has breached or failed to comply with orders of the competent authority issued under Section 25(1) or (2) shall also be fined for not exceeding five thousand Baht per day until such person shall have duly complied therewith.

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<sup>30</sup> Section 31 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

**Section 33/2**<sup>33</sup> Any licensee or permit holder who has breached or failed to comply with conditions specified in the license or permit shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

In the event that any person has breached or failed to comply with conditions under Paragraph 1 and caused severe impacts on lifestyle or health of the general public shall be imprisoned for a period of one to ten years and shall be fined for an amount of one hundred thousand to one million Baht.

**Section 33/3**<sup>34</sup> Any licensee or permit holder who has neglected and allow other person to encroach, take a hold of, occupy, or breach the provisions of Section 14 in the licensed area shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

**Section 34** Whoever has accepted, concealed, disposed or taken otherwise woods or forest products that he or she has knowingly been informed that they were woods or forest products acquired by the commission of offence under this Act shall be punished as though he or she was the principal who had committed such offence.

**Section 35**<sup>35</sup> All woods, forest products, equipment, tools, utensils, weapons, beasts of burden, vehicles or any machines acquired or used by any person in the commission of offence or available for use in the commission of offence, or used as equipment for the outcome of the commission of offence under this Act, shall be totally confiscated, regardless of person who shall be punished according to the Court's judgment.

The public prosecutor shall request the Court to issue its order of confiscation of the property under Paragraph 1; and when the public prosecutor has already requested so to the Court, the public prosecutor shall post up a notice at the District Office, the Office of Sub-district Headman, the Office of Village Headman and the Office of Local Administrative Organization where the incident took place, thus, no matter whether the person who may be believed to be the owner has shown up in the case, in case, there is evidence that there is a person who is the owner of the property under Paragraph 1, such notice shall be sent via response-registered mail to the domicile of the owner of such property so that the person who claimed himself or herself to be the owner thereof shall submit an application in the case prior to the issuing of judgment of the Court of First Instance.

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<sup>31</sup> Section 33 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>32</sup> Section 33/1 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>33</sup> Section 33/2 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>34</sup> Section 33/3 has been added by the National Reserved Forests Act (No.4) B.E. 2559.

<sup>35</sup> Section 35 has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

In the event that no person claimed himself or herself as the owner prior to the issuing of judgment of the Court of First Instance, or there was the owner thereof but such owner was unable to prove and convince the Court to believe that he or she had no opportunity to be informed or there was a reasonable cause to suspect that there was the commission of such offence, and that he or she had exercised proper care to prevent the occurrence of such commission of offence or was unable to prove and convince the Court to believe that he or she had no opportunity to be informed or there was a reasonable cause to suspect that such property was used in the commission of offence under this Act, then, the Court shall issue its order to confiscate such property when a period of thirty days as from the first date of posting up of the notice has been elapsed

#### TRANSITORY PROVISIONS

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**Section 36** All forests which are already the protected forests under the Law on Protection and Conservation of Forests before the date when this Act shall come into force shall be regarded as the National Reserved Forests under this Act until the Ministerial Regulations under Section 6 Paragraph 2 or Section 7 shall be issued within five years as from the date when this Act shall come into force.

**Section 37** The license issued to a person to take any action under the Law on Protection and Conservation of Forests before the date when this Act shall come into force shall be valid until the expiry date as specified therein.

**Section 38** Within a period of one year from the date when this Act shall come into force, all Ministerial Regulations, announcements, requirements and regulations issued in accordance with the Law on Protection and Conservation of Forests and being in force on the date of publication of this Act in the Government Gazette shall, insofar as they are not contrary to or inconsistent with this Act, be enforceable until there shall be other Ministerial Regulations, announcements, requirements or regulations repealing them, containing the same provisions, being contrary to or consistent with them or otherwise provided.

Counter-Signature:

Field Marshal Thanom Kittikachorn

Prime Minister

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LIST OF RATES AND FEES, ROYALTIES AND FOREST MAINTENANCE FEES<sup>36</sup>

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Logging License	200 Baht per set
Forest Product Collection License	50 Baht per set
Manuals for Workers, Contractors or Representatives of the Licensee or the Permit Holder	50 Baht per set
Replacement License	50 Baht per set
License Transfer	100 Baht per set
Permit for Utilization or Inhabitation	5,000 Baht per rai
Wood Royalties	400 Baht per cubic meter
Forest Product Royalties	40 Baht per cubic meter

In case, the Forest Royalties may not be calculated in cubic meter, or it is popularly sold as per the Standard, in addition to cubic meter, ten percent of the market price.

Forest Maintenance Fees (twice), Wood Royalties or Forest Product Royalties which shall be paid by the Licensee due to logging or collection of forest products in the National Reserved Forest.

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<sup>36</sup> The List of Rates and Fees, Royalties and Forest Maintenance Fees has been amended by the National Reserved Forests Act (No.4) B.E. 2559.

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**Note:-** Reason for promulgation of this Act: As forests are essential natural resources of the nation; and the Government has prescribed the goals in the National Economic and Social Development Plan to reserve forests equal to approximately fifty percent of the total areas of Thailand, i.e., the total area of the reserved forests shall be approximately 250,000 square kilometers or 156 million rai.

Now, it appears that the protected and unprotected areas of reserved forests have been considerably encroached and destroyed, though forests in areas of river sources have been reclaimed and destroyed, which may result in the drought, soil erosion, shoal rivers or flooding which may cause severe damage to agriculture and the national economy; provided that since the applicable law on protection and conservation of forests has improper, verbose and time-consuming procedures; therefore, such areas shall be prescribed and announced as the reserved forests or the protected forests; as a result some groups of people took opportunities to destroy forests more extensively; moreover, punishments against violators were improper and obsolete, and persistent offenders had channels for more encroachment and destruction of forests; therefore, the Government deemed it necessary and urgent to revise the law for protection and conservation of valuable natural resources of the nation and for prevention of agriculturists who are the majority of the Thai people and the national economy from the consequences of destruction of forests.

The National Reserved Forests Act (No.2) B.E. 2522.<sup>37</sup>

**Note:-** Reason for promulgation of this Act: Whereas, the provisions relating to punishments under the law on national reserved forests are improper to the current situations, it is deemed expedient to amend and increase the rates of penalty; and whereas, there have been amendments and increase of the rates of penalty under the law on forests, it is deemed expedient to amend and increase the rates of penalty accordingly; therefore, it is necessary to enact this Act.

The National Reserved Forests Act (No.3) B.E. 2528.<sup>38</sup>

**Section 10** The provisions of Section 16 and Section 20 of the National Reserved Forests Act B.E.2507 as amended by this Act shall not affect the permission granted to any person prior to the date when this Act shall come into force.

**Note:-** Reason for promulgation of this Act: Whereas, the Government had its policy to assist and enable inhabitants who had necessity for living to make a living in the National Reserved Forests without any trouble and to have habitual residences; therefore, the law has been amended that the authorities shall have powers to permit any person to utilize or inhabit in the National Reserved Forest from time to time, both in the short term and in the long term; and it was prescribed that, in the short term, temporary assistance shall be given as may be necessary; and the permission shall be granted for not exceeding five years at each time; moreover, other provisions which were still improper to the actual situations and inconvenient to the official operation have also been amended such as permission granted to the authorities and government organizations for temporary and more flexible utilization of the National Reserved Forests; therefore, it is necessary to enact this Act.

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<sup>37</sup> The Government Gazette, Volume 96 Section 64, Special Edition, Page 14 dated 28<sup>th</sup> April 1979

<sup>38</sup> The Government Gazette, Volume 102 Section 124, Special Edition, Page 1 dated 11<sup>th</sup> Sept 1985

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The Royal Decree Governing the Transfer of the Royal Forest Department under the Ministry of Agriculture and Cooperatives to the Royal Forest Department under the Ministry of Natural Resources and Environment and Adjustment of Powers, Duties and Affairs of the Department of Marine and Coastal Resources, the Royal Forest Department, and the Department of National Parks, Wildlife and Plant Conservation under the Ministry of Natural Resources and Environment B.E.2546.<sup>39</sup>

**Section 10** By operation of the provisions of Section 230 Paragraph 5 of the Constitution of the Kingdom of Thailand, this Royal Decree shall be operative as amendment or repeal of the provisions of law, as follows:

(6) In the National Reserved Forests Act B.E.2507 as amended by operation of the Royal Decree Governing the Amendment of Provisions in Conformity with the Transfer of Powers and Duties of Government Agencies to be in Accordance with the Reorganization of Ministries, Ministerial Bureaus and Departments Act B.E.2545 B.E.2545, the words “Department of National Parks, Wildlife and Plant Conservation” shall be corrected to “Royal Forest Department” and the words “Director-General of the Department of National Parks, Wildlife and Plant Conservation” shall be corrected to “Director-General of the Royal Forest Department”.

**Note:-** Reason for promulgation of this Act: Since the Reorganization of Ministries, Ministerial Bureaus and Departments Act B.E.2545 and the Royal Decree Governing the Transfer of Powers and Duties of Government Agencies to be in Accordance with the Reorganization of Ministries, Ministerial Bureaus and Departments Act B.E.2545 B.E.2545 has prescribed that the Royal Forest Department shall be a government agency under the Ministry of Agriculture and Cooperatives; and that the Department of National Parks, Wildlife and Plant Conservation shall be a government agency under the Ministry of Natural Resources and Environment, which caused management problems in terms of policy, academic, personnel and law enforcement, and resulted in the inefficiency of the management system and law enforcement; therefore, in order to achieve the objectives of integration of forest resource management as per the mission groups of natural resources and the Government’s policies, it is deemed expedient to transfer the Royal Forest Department under the Ministry of Agriculture and Cooperatives, including all affairs, powers, duties, property, budgets, debts, rights, obligations, civil servants, workers, positions and manpower to be the Royal Forest Department under the Ministry of Natural Resources and Environment; and it is deemed expedient to adjust powers, duties and affairs of the Royal Forest Department and the Department of National Parks, Wildlife and Plant Conservation, and to transfer powers, duties and affairs of the Department of Marine and Coastal Resources relating to the Anghong National Park to be under the Department of National Parks, Wildlife and Plant Conservation for effective management of forest resources, wildlife and plants and with clear scope of responsibilities. Moreover, it is deemed expedient to amend the exercise of powers of the Minister and the exercise of legal powers and duties under the responsibilities of the Department of Marine

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and Coastal Resources, the Royal Forest Department, and the Department of National Parks, Wildlife and Plant Conservation to be in conformity with such operation; therefore, it is necessary to enact this Act.

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

**Section 19** The provision and announcement of areas for utilization under Section 13 (*bis*), permission under Section 16 and Section 20 of the National Reserved Forests Act B.E.2507 issued prior to the date when this Act shall come into force shall continue to be enforced, and it shall be regarded as the provision and announcement of areas for utilization and permission under the National Reserved Forests Act B.E.2507, which has been amended by this Act.

**Section 20** The Committee for National Reserved Forests under the National Reserved Forests Act B.E.2507 that has assumed the office prior to the date when this Act shall come into force shall perform its duties for the time being until the “Provincial Committee for Control and Protection of National Reserved Forests” under the National Reserved Forests Act B.E.2507, which has been amended by this Act, shall be established; provided that such action shall be taken completely within sixty days as from the date when this Act shall come into force.

**Section 21** At the outset, the Committee for Consideration of Utilization of National Reserved Forest shall consist of the Permanent Secretary for Natural Resources and Environment, the Director-General of the Department of Marine and Coastal Resources, the Director-General of the Department of Mineral Resources, the Director-General of the Royal Forest Department, the Director-General of the Department of National Parks, Wildlife and Plant Conservation, representative of the Ministry of Defence, representative of the Ministry of Agriculture and Cooperatives, and representative of the Ministry of Interior, shall perform their duties for the time being until the expert members under Section 13/2 of the National Reserved Forests Act B.E.2507, which has been amended by this Act, shall be appointed; provided that such action shall be taken completely within sixty days as from the date when this Act shall come into force.

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<sup>39</sup> The Government Gazette, Volume 120 Section 93A, Page 6 dated 30<sup>th</sup> September 2003  
The National Reserved Forests Act (No.4) B.E. 2559<sup>40</sup>

<sup>40</sup> The Government Gazette, Volume 133 Section 46A, Page 12 dated 24<sup>th</sup> May 2016

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**Section 22** All applications for utilization of areas in the National Reserved Forests of government agencies, government organizations, application for permission for utilization or inhabitation in the National Reserved Forests and application for permission for growing of forest plantations or perennial trees within the National Reserved Forests, shall be regarded as applications for permission under the National Reserved Forests Act B.E.2507, which has been amended by this Act; and in case, such applications contain significant discrepancy from the applications under the National Reserved Forests Act B.E.2507, which has been amended by this Act, the competent authority who has received the applications shall have powers to issue an order for amendment thereof or to demand additional collateral evidences for consideration.

**Section 23** All Ministerial Regulations, announcements, requirements or regulations issued in accordance with the National Reserved Forests Act B.E.2507, which have been enforced prior to the date when this Act shall come into force, shall continue to be enforced insofar as they are not contrary to or inconsistent with the provisions of the National Reserved Forests Act B.E.2507, which has been amended by this Act, until new Ministerial Regulations, announcements, requirements or regulations issued in accordance with the National Reserved Forests Act B.E.2507, which has been amended by this Act, shall come into force.

The issuing of Ministerial Regulations, announcements, requirements or regulations under Paragraph 1 shall be complete within one hundred and eighty days as from the date when the National Reserved Forests Act B.E.2507, which has been amended by this Act, shall come into force. In case of failure to do so, the Minister shall report the reason of such failure to the Cabinet for acknowledgment.

**Section 24** The Minister of Natural Resources and Environment shall take charge under this Act.

**Note:-** Reason for promulgation of this Act: Whereas, the National Reserved Forests Act B.E.2507 has been enforced for a long period of time and the provisions contained therein have been inconsistent with the changing economic and social situations; moreover, at present, there are more threats of destruction or cause of destruction or loss or damage to natural resources in the National Reserved Forests; therefore, it is deemed expedient to determine measures for protection, prevention and maintenance of natural resources and to prescribe systematic management of natural resources for the public benefits; whereby, the “Provincial Committee for Control and Protection of National Reserved Forests” shall be established to determine necessary measures for supervision and promotion of afforestation and rehabilitation of the National Reserved Forests; and the “Committee for Consideration of Utilization of National Reserved Forest” shall be established to recommend measures and guidelines for utilization of the National Reserved Forests. For this purpose, for highest efficiency of law enforcement, the competent authority shall have powers to seize or attach the property acquired or used in the commission of offences or there is a reasonable cause to suspect that it was used in the commission of offences, and to revise the provisions relating to the stipulated penalties, rates of fees, royalties and forest maintenance fees to be in conformity with the current situations; therefore, it is necessary to enact this Act.

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Revised by: Pornpimon  
30<sup>th</sup> November 2001

Revised by: Panya  
29<sup>th</sup> June 2009

Revised by: Udomkarn  
17<sup>th</sup> January 2013

Checked by: Wichapong  
18<sup>th</sup> January 2013

Added by: Wisanee  
26<sup>th</sup> May 2016

Office of Justice Affairs

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