

Translation*

MARITIME NATIONAL INTERESTS PROTECTION ACT
B.E. 2562 (2019)

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN

Given on the 9th Day of March B.E. 2562;

Being the 4th Year of the Present Reign.

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

Whereas it is expedient to have the law on the maritime national interests protection;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 28, section 33, section 37, section 38 and section 40 of the Constitution of the Kingdom of Thailand so permits by virtue of the provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in facilitating the protection of maritime national interests in an efficient and optimal manner, and maintaining the sovereign power, sovereign right, and any other rights and duties under international law, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly serving as the National Assembly, as follows.

Section 1. This Act is called “Maritime National Interests Protection Act, B.E. 2562 (2019)”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.¹

^{*}This translation has been reviewed by the Office of the Council of State based on a prior draft submitted by the Office of the National Security Council.

¹ Published in the Government Gazette, Vol. 136, Part 30 a, page 1, dated 12th March B.E. 2562 (2019).

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Section 3. In this Act:

“maritime national interests” means the interests of Thailand gained through maritime activities, or any other benefits in the maritime zone, whether directly or indirectly, which create benefits in all aspects, such as security, economy, society, science and technology, resources, or environment;

“maritime zone” means coasts and marine areas over which Thailand has the sovereign power or sovereign right, or has the right or liberty to use or will use, or has the duties to take responsibilities under international law or treaties or for any other reasons, namely internal water, territorial sea, contiguous zone, exclusive economic zone, continental shelf, and high seas, and shall include artificial islands, installations and structures in the sea as well as air space over the sea, sea bed, sea subsoil and other marine areas as prescribed by the Notification of the Committee in the Government Gazette;

“maritime activity” means an act for utilising the maritime zone in various forms, such as merchant marine, fishery, tourism, exploration of non-living resources, submarine cables or pipelines laying, marine and coastal environment and natural resource preservation and management, disaster prevention and mitigation or marine scientific survey and research;

“vehicle” means a vessel, an aircraft or any vehicle which can carry people or goods by sea;

“seaside province” means a province whose borders are adjacent to the maritime zone as prescribed by the Notification of the Director in the Government Gazette;

“State agency” means a government agency, a state enterprise, a public organisation, a local administrative organisation, and other State agencies, but does not include the Courts, the State Attorney Organ and the Independent Organs under the Constitution;

“State official” means a government official, an officer and employee of a State agency;

“Committee” means the Maritime National Interests Protection Policy Committee;

“Thai-MECC” means the Thai Maritime Enforcement Command Center;

“Director” means the Director of Thai Maritime Enforcement Command Center;

“competent authority” means a person appointed by the Director for the execution of this Act from the following persons:

(1) a commissioned naval officer or police officer or an ordinary civil officer ~~service~~ of not less than practitioner level, who holds a position of commanding officer, master of a vessel, operator of an aircraft, or equivalent;

(2) any person who possesses the qualifications in accordance with the Rule prescribed by the Director.

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Section 4. The Prime Minister shall have charge and control of the execution of this Act.

CHAPTER I

MARITIME NATIONAL INTERESTS PROTECTION POLICY COMMITTEE

Section 5. There shall be a Committee called “Maritime National Interests Protection Policy Committee”, called in brief “MIP”, consisting of:

(1) the Prime Minister or a Deputy Prime Minister entrusted by the Prime Minister, as Chairperson;

(2) twenty seven *ex officio* members, viz., the Minister of Defence, Minister of Finance, Minister of Foreign Affairs, Minister of Agriculture and Cooperatives, Minister of Transport, Minister of Natural Resources and Environment, Minister of Interior, Minister of Education, Permanent Secretary of Ministry of Tourism and Sports, Permanent Secretary of the Ministry of Social Development and Human Security, Permanent Secretary of the Ministry of Digital Economy and Society, Permanent Secretary of the Ministry of Energy, Permanent Secretary of the Ministry of Justice, Permanent Secretary of the Ministry of Labour, Permanent Secretary of the Ministry of Science and Technology, Permanent Secretary of the Ministry of Public Health, Secretary-General of the National Economic and Social Development Board, Director of the National Intelligence Agency, Director of the Budget Bureau, Attorney-General, Supreme Commander, Commander-in-Chief of the Royal Thai Army, Commander-in-Chief of the Royal Thai Navy, Commander-in-Chief of the Royal Thai Air Force, Commissioner General of Royal Thai Police, Secretary-General of the Narcotics Control Board and Secretary-General of the Internal Security Operations Command;

(3) not more than three qualified members appointed by the Council of Ministers from persons with knowledge, expertise or experience in maritime activities, legal affairs, navy affairs or other areas which are beneficial to maritime national interests protection.

The Secretary-General of the National Security Council shall be member and secretary. The Secretary-General of the Thai-MECC shall be member and assistant secretary. One official of the Office of the National Security Council appointed by the Secretary-General of the National Security Council and one official of the Thai-MECC appointed by the Director shall be assistant secretaries.

For the benefit of the performance of duties and powers of the Committee, the Committee may resolve to invite a Minister or head of a State agency who has duties and powers directly involved with the matters to be considered or a person having knowledge, expertise or experience in the maritime national interests protection or an academic who is involved with the maritime national interests protection, to periodically attend the meeting

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as an ad hoc member. In such case, the person who is invited and attends the meeting shall have a status of a member under paragraph one for the meeting to which he or she is invited.

Section 6. A qualified member shall have the qualifications and not be under the prohibitions, as follows:

- (1) being of Thai nationality;
- (2) not being bankrupt or having been bankrupt due to dishonesty;
- (3) not being an incompetent person or a quasi-competent person;
- (4) not having been imprisoned by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (5) not being a person holding political position, a member of local assembly or local administrator, or a director or person holding a position responsible for the administration of a political party, an advisor to a political party or an official of a political party.

Section 7. A qualified member shall hold office for a term of three years.

Upon the expiration of the term of office under paragraph one, if a new qualified member has not yet been appointed, the qualified member whose term of office has expired shall be in office to continue to perform his or her duties until a new qualified member assumes the duties.

A qualified member who vacates office upon the expiration of the term may be reappointed but may not be appointed for more than two consecutive terms.

Section 8. In addition to vacating office upon the expiration of term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Ministers;
- (4) being disqualified or being under any of the prohibitions under section 6.

Section 9. In the case where a qualified member vacates office before the expiration of the term or an additional qualified member is appointed while the appointed qualified members remain in office, whether it be an additional appointment or an appointment to replace a vacant position, the appointee shall be in office for the remaining term of office of the qualified members already appointed. However, in the case of an appointment to replace a vacant position where the remaining term of office is less than ninety days, the appointment for the replacement of a qualified member is not required.

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In the case where a qualified member vacates office before the expiration of the term, the Committee shall consist of all existing members until the qualified member appointed under paragraph one assumes the duties.

Section 10. The Committee has the following duties and powers:

(1) to prescribe policies, strategies, plans for maritime national security, and measures for maritime national interests protection so as to correspond with policies of the government, national policies and plans on the national security, the National Economic and Social Development Plan and the National Strategies;

(2) to provide advice, consultation and support for the performance of duties with respect to the administration and management of the maritime national interests protection;

(3) to monitor and evaluate the results of operation in terms of policy, strategy, master plan, measures on the maritime national interests protection of Thai MECC or the relevant State agencies and submit them to the National Security Council and the Council of Ministers for their acknowledgment;

(4) to perform any other acts prescribed by law as the duties and powers of the Committee or as entrusted by the Council of Ministers.

Section 11. In carrying out the duties under this Act, the Committee shall have the power to issue a written order requesting a State agency or State official to submit any relevant information or documents for its consideration, or to summon any person to give explanations.

Section 12. The provisions on committees authorised to carry out administrative proceedings under the law on administrative procedures shall apply *mutatis mutandis* to the meetings of the Committee.

Section 13. The Committee has the power to appoint a sub-committee to perform any act on its behalf.

The number, qualifications, rules, and procedures for the appointment of the sub-committee, as well as the recruitment procedures, the terms of office and the vacation of office shall be as prescribed by the Notification of the Committee in the Government Gazette.

For the sub-committee meetings, the provisions of section 12 shall apply *mutatis mutandis*.

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Section 14. The Committee shall appoint a sub-committee for advice and knowledge management for the maritime national interests, called in brief “SAKM”, in an appropriate number, whereby one qualified member under section 5 paragraph one (3) shall be appointed as the chairperson of the sub-committee; to carry out the duty of providing advice and managing knowledge relating to the maritime national interests protection for the Committee and Thai-MECC as well as to perform other tasks as entrusted by the Committee.

The provision of section 13 paragraph two shall apply *mutatis mutandis* to SAKM.

For the meetings of SAKM, the provision of section 12 shall apply *mutatis mutandis*.

Section 15. A member of the Committee, a member of the Executive Committee of Thai-MECC, a member of a sub-committee, an advisor to the Thai-MECC, a member of the Advisory Committee of the Regional Thai-MECC and a member of the Advisory Committee of the Provincial Thai-MECC shall receive meeting allowance and other benefits as prescribed by the Council of Ministers.

Section 16. The Office of the National Security Council shall be responsible for the administrative work and meetings of the Committee, including the performance of other tasks in connection with the duties and powers of the Committee.

CHAPTER II

THAI MARITIME ENFORCEMENT COMMAND CENTER

Section 17. There shall be established the Thai Maritime Enforcement Command Center, called in brief “Thai-MECC”, in the Office of the Prime Minister, having the status of a government agency in a specific form; and having the duties, powers, and responsibilities in relation to the maritime national interests protection.

The Thai-MECC is under the direct supervision of the Prime Minister, whereby the procedures for the performance of official affairs and management of work, the structure, the work division of organisation, and the duties and powers of divisions, and the manpower shall be as prescribed by the Council of the Ministers.

The Prime Minister shall be the Director of the Thai Maritime Enforcement Command Center, called in brief “Director of Thai-MECC”, the superior official of the government officials, officers, and employees of Thai-MECC, and shall be responsible for the performance of official affairs of Thai-MECC, with the Commander-in-Chief of the Royal Thai Navy as the Deputy Director.

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The Director may appoint an Assistant Director from among the government officials attached to Thai MECC or other State officials, as appropriate, taking into consideration the structure and internal work division of Thai-MECC.

The Chief of Staff of the Royal Thai Navy shall be the Secretary-General of Thai-MECC and responsible for the managerial and administrative work of Thai-MECC.

The Deputy Director, the Assistant Director, and the Secretary-General of Thai-MECC have the power to supervise the government officials, officers and employees of Thai-MECC and have other duties and powers as prescribed by the Director.

The Director shall have the power to perform a juristic act, file a lawsuit, be sued, and perform any act regarding legal cases concerning the duties and powers of Thai-MECC, which shall be on behalf of the Office of the Prime Minister.

In carrying out the duties and exercising the powers under this Act, the Director may authorise the Deputy Director, in writing, to act or exercise the powers on his or her behalf.

Section 18. The Thai-MECC shall be the government agency under the law on budgetary procedures and the law on treasury reserves.

Section 19. The Thai-MECC shall have the following duties and powers:

(1) to plan, administer, coordinate, order and support the operation of the State agencies which involve in the maritime national interests protection;

(2) to monitor, inspect, and evaluate the tendency of a situation which may inflict the threat to the maritime national interests, and to report to the Committee and the Council of Ministers respectively for their further consideration;

(3) to propose plans and guidelines for performance of tasks and operations under policies, strategies or plans on the maritime national security to the Council of Ministers for approval. Upon the approval given by the Council of Ministers, the relevant State agencies shall prepare an operational plan and project for the execution in accordance with such plans and guidelines;

(4) to plan, develop and operate in regards of command and control, and the information and communication technology system for the work performance of Thai-MECC in order to enable communication, connection or exchange of information among State agencies or other agencies domestically and internationally;

(5) to disseminate information for the public to become aware of the importance of maritime national interests, sovereign rights, jurisdiction and the right to explore resources in maritime zone of various areas and the duty to preserve and protect the maritime national interests as well as to encourage the public to participate in preventing and solving of any problems affecting the maritime national interests;

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(6) to perform any other acts prescribed by law as the duties and powers of Thai-MECC or as entrusted by the Council of Ministers.

Section 20. Apart from the authorisation under the law on state administration, the Director may authorise the Director of the regional Thai-MECC or the Director of the provincial Thai-MECC or head of an agency named otherwise to perform all the duties and powers of the Director under this Act on his or her behalf.

Section 21. For the benefit of operations in accordance with the duties and powers of Thai-MECC under this Act, a State agency shall dispatch State officials to serve at Thai-MECC as requested by the Director, and the central personnel administration organisation or other organisation having similar duties and powers of that State agency shall arrange for the State agency dispatching State officials to serve at Thai-MECC to have a substitute workforce as necessary but not exceed the dispatched manpower. The arrangement for the substitute workforce may be made on a rate or unit basis.

A State official who is ordered to serve at Thai-MECC under paragraph one shall be entitled to the positional allowance at the same rate as currently available. Other benefits shall be given in accordance with the respective law.

Section 22. There shall be the Executive Committee of the Maritime Enforcement Command Center, called in brief “Executive Committee of Thai-MECC”, consisting of the Commander-in-Chief of the Royal Thai Navy as Chairperson, a Deputy Commander-in-Chief of the Royal Thai Navy who is entrusted by the Commander-in-Chief of the Royal Thai Navy as Vice-Chairperson, the Director-General of the Department of Employment, the Director-General of the Pollution Control Department, the Director-General of the Marine Department, the Director-General of the Department of Mineral Fuels, the Director-General of the Department of Marine and Coastal Resources, the Director-General of the Government Public Relations Department, the Director-General of the Department of Fisheries, the Director-General of the Department of Disaster Prevention and Mitigation, the Director-General of the Customs Department, the Director-General of the Department of Treaties and Legal Affairs, the Director-General of the Excise Department, the Director-General of the Department of Labour Protection and Welfare, the Director-General of the Department of Special Investigation, a representative of the Ministry of Social Development and Human Security, a representative of the Ministry of Interior, a representative of the Office of the National Security Council, a representative of the Office of the Attorney General, a representative of the Royal Thai Police, a representative of the Office of the Narcotics Control Board, a representative of the Internal Security Operations Command and the Director of regional Thai-MECC, as members.

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The Chief of Staff of the Royal Thai Navy shall be member and secretary. One official of Thai-MECC who is appointed by the Commander-in-Chief of the Royal Thai Navy shall be assistant secretary.

Section 23. The Executive Committee of Thai-MECC has the following duties and powers:

- (1) to consider and render opinion or recommendation on preparation of operational plans, projects and budget to be submitted to the Director for approval;
- (2) to recommend or provide advice on the performance of tasks in accordance with the duties and powers of Thai-MECC;
- (3) to lay down rules on the administration and coordination with the State agencies involved with the protection of maritime national interests;
- (4) to lay down rules on actions to be taken to create the integration of the joint operation between the relevant State agencies for the surveillance, inspection or preparation of precaution to avoid any incidents or situations which impact or may impact the maritime national interests or maritime activities for the benefits of the missions under section 27 in a prompt and efficient manner;
- (5) to lay down rules on the collection and integration of data of State agencies allowing the interconnection or data exchange amongst them for the benefits of the protection of maritime national interests or maritime activities;
- (6) to lay down rules on the operation of Thai-MECC, the Regional Thai-MECC, and the Provincial Thai-MECC;
- (7) to lay down rules on the performance of duties, inquiry, and investigation under this Act, whereby such rules shall, at least, stipulate rules and procedures for the performance of duties or investigation of the competent authority in collaboration with the public prosecutor or the inquiry officer under the Criminal Procedure Code and designate a place for the detention of suspects, and for the storage and actions in connection with the exhibits, which shall be consistent with the Criminal Procedure Code;
- (8) to issue by-laws governing the personnel administration, budget, finance, treasury, management of properties of Thai-MECC, the Regional Thai-MECC and the Provincial Thai-MECC and other actions as necessary;
- (9) to appoint a sub-committee to perform duties as entrusted;
- (10) to appoint a panel of advisors to the Thai-MECC to provide recommendation for the solution of problems or precaution against upcoming threats and provide consultation to the Executive Committee of Thai-MECC and Thai-MECC;
- (11) to perform any other acts prescribed by law as duties and powers of the Executive Committee of Thai-MECC or as entrusted by the Committee.

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The appointment of the panel of advisors to Thai-MECC under (10) shall allow participation by the public from various sectors that are involved with the threat or maritime national interests in various areas in accordance with the rules prescribed by the Executive Committee of Thai-MECC.

Section 24. The provision of section 12 shall apply *mutatis mutandis* to the meetings of the Executive Committee of Thai-MECC.

Section 25. There shall be established the Regional Thai Maritime Enforcement Command Center, called in brief “Regional Thai-MECC”, under Thai-MECC, having the Commander, Naval Area Command as the Director of the Regional Thai Maritime Enforcement Command Center, called in brief “Director of Regional Thai-MECC”, who has the duties, powers, and responsibilities in relation to the protection of maritime national interests within the responsible area of the Naval Area Command and seaside provinces as entrusted by the Director.

For the benefit of the performance of duties of the Regional Thai-MECC, the Director shall have the power to appoint government officials, officers, and employees of Naval Area Commands as well as government officials, officers, and employees of State agencies located in the area to serve at the Regional Thai-MECC regularly or periodically.

The Director of Regional Thai-MECC is the superior official of the government officials, officers, and employees who are ordered to serve at the Regional Thai-MECC and is responsible for the performance of official affairs of the Regional Thai-MECC.

The structure, the work division, the duties and powers, the manpower, and the management of internal work divisions within the Regional Thai-MECC shall be as prescribed by the Director.

For the benefit of the administration and coordination of the Regional Thai-MECC, the Director may appoint the Advisory Committee of the Regional Thai Maritime Command Center, called in brief “Advisory Committee of Regional Thai-MECC”, consisting of the heads or representatives of the State agencies which are involved with the protection of maritime national interests within the area of the Regional Thai-MECC, to provide advice or assist the Regional Thai-MECC with regard to the performance of the duties and powers of the Regional Thai-MECC as well as to provide advice or assist the Director of Regional Thai-MECC with regard to the protection of maritime national interests within the area of the Regional Thai-MECC, whereby the meetings and other actions of the Advisory Committee of Regional Thai-MECC shall be in accordance with the rules prescribed by the Director.

The Thai-MECC and State agencies shall consider providing support in terms of personnel, properties, and budget in connection with personnel and property support for the work performance of the Regional Thai-MECC as requested by the Director of Regional Thai-

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MECC. The provisions of section 20 and section 21 shall apply *mutatis mutandis* to the Regional Thai-MECC.

Section 26. There shall be established the Provincial Thai Maritime Enforcement Command Center, called in brief “Provincial Thai-MECC” and followed by the province name, in every seaside province within the area of the Regional Thai-MECC, as an agency directly accountable to the Regional Thai-MECC, having the Governor as the Director of the Provincial Thai Maritime Enforcement Command Center, called in brief “Director of Provincial Thai-MECC”, who has the duties and powers, and responsibilities in relation to the protection of maritime national interests within the responsible areas of the seaside province.

For the benefit of the performance of duties of the Provincial Thai-MECC, the Director shall have the power to appoint government officials, officers, and employees of State agencies located in the area to serve at the Provincial Thai-MECC regularly or periodically.

The Director of Provincial Thai-MECC is the superior official in charge of the government officials, officers, and employees who are ordered to serve at the Provincial Thai-MECC and is responsible for the performance of official affairs of the Provincial Thai-MECC.

The structure, the work division, the duties and powers, the manpower, and the management of internal work divisions within the Provincial Thai-MECC shall be as prescribed by the Director.

The provision of section 25 paragraph five shall apply *mutatis mutandis* to the appointment of the Advisory Committee of the Provincial Thai-MECC.

The Thai-MECC and State Agencies shall consider providing support in terms of personnel, properties and budget in connection with personnel and property support for the work performance of the Provincial Thai-MECC as requested by the Director of Provincial Thai-MECC. The provisions of section 20 and section 21 shall apply *mutatis mutandis* to the Regional Thai-MECC.

CHAPTER III MARITIME NATIONAL INTERESTS PROTECTION MISSION

Section 27. The general protection of maritime national interests shall be conducted in compliance with the duties and powers of the State agencies within the scope of the law which confers the duties and powers on such State agencies.

In the case of normality where it appears that the general protection of maritime national interests under paragraph one, in any case, exceeds the competence of a

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State agency, in the case where there is no State agency in charge, in the case where the integration of operation is necessary, or in other cases of necessity as stipulated by the Committee, the Thai-MECC shall take control and command over State agencies in order to supervise, oversee, administer, and integrate the management or solution of problems as well as increase the competence of State agencies by aggregation in the prevention, suppression, or solution of the problems, incidents or commission of unlawful acts which impact or may impact the maritime national interests or maritime activities.

In the case of abnormality due to any situation which impacts or may impact the maritime national interests or maritime activities expansively or aggressively, in the case where the state of emergency under the law on public administration in emergency situation is announced, or in other cases of necessity where a state of abnormality must be announced, the Council of Ministers may resolve to entrust Thai-MECC to take control and command over State agencies in order to supervise, oversee, prevent, suppress, terminate, withhold, manage, solve or mitigate problems which impact or may impact the maritime national interests or maritime activities within a determined area and specified period. The Prime Minister, upon the approval of the Council of Ministers, shall announce the state of abnormality for the public knowledge. When the state of abnormality has ended, the Prime Minister shall announce the revocation of the state of abnormality and the mission of Thai-MECC in the state of abnormality shall end and be reported to the Council of Ministers for acknowledgement.

Section 28. In carrying out the mission under section 27, the Thai-MECC shall have the following duties and powers:

(1) to control and command State agencies as to supervise, oversee, prevent, suppress, terminate, withhold, manage, solve, or mitigate problems, incidents, disasters, or unlawful acts which impact or may impact the maritime national interests or maritime activities under section 27 paragraph two or paragraph three. For the purpose of the disaster prevention and mitigation, Thai-MECC shall have the power to announce the area of disaster prevention and mitigation by determining an area to take such action specifically in the emergency or compelling necessity and within the specified period, whereby such announcement shall be in accordance with the rules, procedures, and conditions prescribed by Thai-MECC upon the approval of the Ministry of Finance, as well as request the relevant State agencies to allocate budget for disaster prevention and mitigation as necessary and appropriate;

(2) to take action to create the integration of the joint operation among the relevant State agencies for the surveillance, inspection or preparation of precaution to avoid any incidents or situations which impact or may impact the maritime national interests or

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maritime activities for the benefits of carrying out the missions under section 27 in a prompt and efficient manner under the rules prescribed by the Executive Committee of Thai-MECC;

(3) to supervise, monitor and expedite the relevant State agencies and State officials to take the actions or integrate the actions according to the relevant incident action plans or instructions of Thai-MECC;

(4) to instruct, and supervise wharves, port businesses, harbours, ports for cargo carriage, ports for passenger carriage, fishing ports, fish markets, and the areas or places in accordance with the Notification as prescribed by the Director. In the case under section 27 paragraph one, a State agency which has the duty to control such places or businesses shall make a request.

Section 29. For the benefit of consideration concerning the maritime national interests protection under this Act or the maintenance of internal security within the Kingdom under the law on internal security, as the case may be, the Prime Minister shall have the power to summon a joint meeting between the Committee under this Act and the Committee of Internal Security Operations Command under the law on internal security for consideration of such matter.

CHAPTER IV OPERATION AND COMPETENT AUTHORITY

Section 30. In carrying out the mission under section 27, if it appears that an action has been committed or there is a reasonable cause to suspect that a vehicle or a person in that vehicle has committed an offence under the laws of Thailand, in the maritime zone, concerning the maritime national interests or other maritime activities, whether there is another offence committed or not, the competent authority shall have the powers to conduct the investigation and inquiry. In the case where the competent authority conducts the inquiry, the competent authority shall have the same duties and powers as the inquiry officer under the Criminal Procedure Code. The competent authority within the respective maritime zone shall be deemed the inquiry officer, whereby the determination of the area for investigation and the designation of a responsible inquiry officer shall be in accordance with the Notification as prescribed by the Director in the Government Gazette, and shall have the following power to act in so far as it is necessary:

(1) to order a vehicle to stop and take an enforcement measure in so far as necessary to stop such vehicle as well as order and force a master of the vehicle and the members of the crew on board to take the vehicle to any place;

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(2) to order a person or a vehicle that prevents, obstructs or hinders the performance of mission to leave the designated area;

(3) to board a vehicle to examine its documentation and the documentation of members of the crew on board;

(4) to search a suspected vehicle and members of the crew on board, give an order to dismantle or transfer things on any vehicle for the search without a search warrant;

(5) to detain the suspect as well as detain vehicles and things to be used or having been used for a commission of offence or obtained from a commission of offence. If the search of vehicles or the inquiry shows a reasonable cause to suspect that an offence will be committed or has been committed, it shall be prohibited to detain the vehicle, the master of vehicle or the persons on board in excess of necessity under circumstances of the case;

(6) to give an order to tow a vehicle or perform other acts in order to take such a vehicle to a place where it is convenient for search, inquiry, or prosecution;

(7) to pursue any vehicle which has committed an offence or is suspected of a reasonable cause to commit an offence under the law over which Thailand has jurisdiction as well as pursue and arrest suspects who escape ashore, as necessary;

(8) to inquire and detain a person suspected of committing an offence for no more than forty-eight hours as from the time the suspect was brought ashore at the office of the competent authority; the time taken for an ordinary journey to bring the suspect to the office of the competent authority shall not be counted as the suspect's detention time by the inquiry officer under the Criminal Procedure Code. After the inquiry is completed, the opinion as to the prosecution order shall be made and submitted to a public prosecutor together with a case file under the Criminal Procedure Code. In the case where it is uncertain which area the case file shall be submitted to the public prosecutor, it shall be submitted to the public prosecutor as specified by the Attorney-General.

As to the inquiry or joint inquiry under this Act, in the case where there is a non-prosecution order, and it is not the order issued by the Attorney-General, the inquiry case file together with the order shall be forwarded to the Director or the Deputy Director without delay. In the case where the Director or the Deputy Director dissents from the order of the public prosecutor, the case file, together with the dissenting opinion, shall be forwarded to the Attorney-General for adjudication. But if the statute of limitations of the case is on the verge of expiration, or there is another crucial cause to expedite the prosecution, the charge shall be filed according to the opinion of the Director or the Deputy Director. However, this shall not preclude the power of the public prosecutor to do any acts towards the accused as provided in section 143 of the Criminal Procedure Code.

The provision of paragraph two shall apply *mutatis mutandis* to cases in which a public prosecutor intends to file an appeal and a *dika* appeal, or withdraw the charge, appeal, and *dika* appeal.

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In the case where there is a reasonable cause to suspect that any vehicle or any person on a vehicle has committed an act contrary to international law in a maritime zone outside the Kingdom such as unauthorised broadcast of radio, television or telecommunication, the vehicle without nationality, or a ship flying a flag of over two States for convenience or changing its flag during the voyage, which can be treated as a vessel without nationality, or a vessel flying a foreign flag or refusing to show its flag, which is in fact a Thai vessel, the competent authority shall have the power to order such vehicle to stop or take enforcement measures so far as necessary to stop such vehicle and board such vehicle to examine the documentation and any other things on the vehicle so far as necessary to search for evidence. If evidence is found, the competent authority shall have the power to order a halt to action or prohibit the entry into the Kingdom, as the case may be. In the case where there is evidence showing that it is a Thai vessel, the competent authority shall have the power under paragraph one.

Section 31. For the efficiency of the investigation of cases under the duties and powers of the competent authority under this Act, the Director may grant approval for a public prosecutor or an inquiry officer under the Criminal Procedure Code, as the case may be, to jointly conduct the inquiry with the competent authority or to jointly perform duties with the competent authority in order to give advice and examine evidence from the beginning stage of the inquiry, whereby such joint conduct the inquiry or joint performance of duties shall be in accordance with the Rule prescribed by the Executive Committee of Thai-MECC.

Section 32. In carrying out the duties, the competent authority must present the identity card of Thai-MECC or the State official identity card of the State agency to which the State official is affiliated, together with the order appointing the competent authority of Thai-MECC to relevant person. The identity card of the competent authority of Thai-MECC shall be in accordance with the form prescribed by the Director.

The Director may designate a mark to be used in place of the identity card of the competent authority. The use or presentation of the mark shall be in accordance with the Rule prescribed by the Director.

Section 33. When the competent authority has a reason to believe that a foreign vessel has committed an offence under the law over which Thailand has jurisdiction, the competent authority shall give a signal within such distance that the foreign vessel can see or hear the signal, to order the halt, whereby it is not necessary that the vessel of the competent authority who issues the order, at the time of issuing the order to halt, stays within the maritime zone over which Thailand has jurisdiction. If the foreign vessel does not stop, the competent authority has the right to a hot pursuit of such foreign vessel to force it to

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stop or go to any place and to continue the action outside the territorial sea, contiguous zone, or the exclusive economic zone if the hot pursuit has not been interrupted. The right to a hot pursuit is terminated immediately when the foreign vessel under the hot pursuit enters the territorial sea of its country or another country.

The hot pursuit under paragraph one may be conducted by a vessel or other aircraft of the competent authority who jointly operates with Thai-MECC.

In the case of a hot pursuit by an aircraft, the provisions of paragraph one shall apply *mutatis mutandis*, whereby the aircraft which issues an order to halt must vigorously take a hot pursuit of a foreign vessel by itself until another vessel or aircraft which is summoned by the former aircraft arrives and takes over the hot pursuit unless the former aircraft can arrest the foreign vessel by itself. The hot pursuit shall not be conducted if the aircraft of the competent authority to take a hot pursuit only sees a foreign vessel committing an offence or suspects of committing an offence but does not order a halt and no hot pursuit has been uninterruptedly conducted by a vessel or aircraft of the competent authority or another vessel or aircraft of State.

The hot pursuit under paragraph one, paragraph two and paragraph three shall apply *mutatis mutandis* to a foreign vessel which commits an offence against Thai laws applicable in the exclusive economic zone, continental shelf, or the safe zone around installations on the continental shelf.

The hot pursuit under this section shall include a pursuit of a foreign vessel which has committed an offence or where there is a reason to believe that it has committed an offence under Thai law through a small boat of such a foreign vessel or by collaboration with other vehicles, using the foreign vessel as the mother vessel which stays in or enters the maritime zone over which Thailand has jurisdiction, whether it be a co-principal or an accomplice of an offence. An offence committed outside of the Kingdom shall be deemed as committed in the Kingdom and shall be punished in the Kingdom.

Section 34. For the benefit of the execution of the missions under section 27, if there is a necessity for Thai-MECC to exercise the powers or duties under any law which is under the duties and powers or the responsibility of any State agency, the Council of Ministers shall have the power to appoint any person holding any position in Thai-MECC to be the official or competent authority under such law or to resolve that the State agency shall authorise the duties and powers and responsibility under the said law to Thai-MECC to act on its behalf or to also have the power to take actions within a specified area and time period; provided that rules and conditions for the exercise of such power must be prescribed.

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Section 35. For the benefit of the execution of the missions under section 27, the Director, upon approval of the Council of Ministers, shall have the power to issue the following Regulations:

- (1) to order relevant State officials to perform or refrain from performing any action;
- (2) to prohibit the entry into or request the departure from a maritime zone or other water zone including areas on land, buildings or specified places during the time of operation;
- (3) to prohibit vessels to leave or to dock at any places;
- (4) to prohibit the use of transportation route or the use of vehicle, or to lay down conditions for the use of transportation route or the use of vehicle.

The Regulations under paragraph one may prescribe rules, exceptions, time limits or conditions; provided that such prescriptions must not cause undue hardship to the public.

Section 36. The Director and the competent authority entrusted by the Director shall be the administrative officer or senior police officer under the Criminal Procedure Code.

Section 37. In carrying out the duties under this Act, the Director, the Deputy Director, the Assistant Director, the Secretary-General of Thai-MECC, the Director of Regional Thai-MECC, the Director of Provincial Thai-MECC and the competent authority shall be the competent official under the Penal Code.

Section 38. The Director, the Deputy Director, the Assistant Director, the Secretary-General of Thai-MECC, the Director of Regional Thai-MECC, the Director of Provincial Thai-MECC and the competent authority shall not be subject to civil, criminal or administrative liability arising from the performance of duties and exercise of powers in good faith under this Act.

Section 39. If the exercise of powers by Thai-MECC causes damage to an honest person, Thai-MECC shall arrange for such person to be compensated for damages as appropriate to the case under rules and conditions prescribed by the Council of Ministers.

Section 40. A competent authority or State official who performs duties within the area determined under section 27 paragraph three may be granted with right and special remuneration as prescribed by the Council of Ministers.

A competent authority or State official under paragraph one who becomes sick, passes away, becomes infirm, disabled, or loses an organ due to the performance of duties shall be entitled to benefits in addition to those prescribed by law, in accordance with the Rule prescribed by the Council of Ministers.

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Section 41. All Regulations, Notifications, orders, or actions of the competent authority or State official under this Chapter is not subject to the law on administrative procedures.

Any legal action due to a Regulation, Notification, an order, or action under this Chapter shall be under the jurisdiction of the Court of Justice. In the case where the court will consider a provisional measure or method before delivery of judgment under the Civil Procedure Code or the Criminal Procedure Code as the case may be, the court shall summon the competent authority or State official who issued the Regulation, Notification, order, or took the action to clarify the facts, report, or demonstrate the reasons for supplementing the consideration of the provisional measure or method.

Chapter V Penalties

Section 42. Any person who violates or fails to comply with an order of Thai-MECC under section 28 (4) or violates or fails to comply with an order of the competent authority under section 30 paragraph one (1) or (2) or paragraph four, or resists or obstructs the performance of duties of the competent authority under this Act, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht, or to both.

If the offence under paragraph one is committed by resisting or obstructing the performance of duties of the competent authority under this Act within the Kingdom, the offender shall be liable to the penalties prescribed for such offence under the Penal Code.

Section 43. Any person who violates the Regulations issued under section 35 paragraph one (2), (3) or (4) shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht, or to both, except in the case of an offence relating to the fishery or environment in the exclusive economic zone, he or she shall be liable to a fine of one hundred thousand baht to ten million baht.

Section 44. An accomplice or any person who obtains a return from the commission of an offence under this Act shall also be liable to the same penalty as the principal of such offence, unless the person who commits such act is a member of the crew on board who is neither the vessel owner nor vessel master, and the court deems that such act has been committed pursuant to an instruction of the vessel owner or vessel master. The

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court may not impose any punishment or impose a lesser punishment to any extent than that provided by law for such offence.

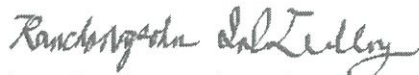
TRANSITORY PROVISIONS

Section 45. All Rules or Regulations in any matters concerning the performance of duties issued by the Thai Maritime Enforcement Coordinating Center established by the resolution of the National Security Council No. 2/2540 dated 17th March B.E. 2540 (1997) in conjunction with the resolution of the Council of Ministers on 17th April B.E. 2540 (1997) or a coordinating center named otherwise which may be established to perform duties in place of the Thai Maritime Enforcement Coordinating Center shall apply to the Thai-MECC for the time being until Rules, Notifications or Regulations in those matters issued by the Committee or the Executive Committee of Thai-MECC or the Director under this Act come into force in their place.

The issuance of Rules, Notifications, or Regulations under this Act shall be completed within one year from the date this Act comes into force. In the case of a failure, the Prime Minister shall report the reason for the failure to the Council of Ministers for acknowledgement.

Countersigned by
General Prayut Chan-o-cha
Prime minister

Certified Translation



(Mrs. Kanchanapohn Inthapanti Lertloy)

Director of Foreign Law Division

Acting for the Secretary-General of the Council of State

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