

RUBBER CONTROL ACT,

B.E. 2542 (1999)

BHUMIBOL ADULYADEJ, REX.

Given on the 15th Day of October B.E. 2542;

Being the 54th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on rubber control;

This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 35, section 36, section 48 and section 50 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

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

Section 1. This Act is called the “Rubber Control Act, B.E. 2542 (1999)”.

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

Section 3. The following shall be repealed:

- (1) Rubber Control Act, B.E. 2481 (1938);
- (2) Rubber Control Act (No. 2), B.E. 2483 (1940);
- (3) Rubber Control Act (No. 3), B.E. 2490 (1947).

Section 4. In this Act:

* Translated by Ms. Arriya Phasee under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

“rubber tree” means a para rubber tree (*Hevea brasiliensis*), and shall include other types of rubber trees determined in the Notification by the Minister to be the rubber tree under the control of this Act;

“good-quality rubber tree” means the rubber tree determined in the Notification by the Minister to be the rubber tree of which the species are appropriate for planting on a rubber plantation;

“rubber” means natural rubber latex, rubber piece, rubber scrap, concentrated latex, rubber sheet, block rubber, crepe rubber or any other types of rubber made of or derived from any parts of the rubber tree, and shall include compound rubber, whether in solid or liquid form, which is a mixture of natural rubber and chemicals or other substances, but excluding finished artificial rubber materials;

“rubber content” means rubber content in each type of latex or rubber, measured in weight in accordance with the method prescribed by the Department of Agriculture, the Ministry of Agriculture and Cooperatives;

“rubber plantation” means the land on which rubber trees are planted with an area of not less than one rai. Each rai contains not less than ten rubber trees, or in the case where there are connected planting areas for rubber trees of more than one rai, each rai contains not less than twenty-five trees on average of the total areas;

“rubber planting” means the planting of rubber trees on a rubber plantation, maintenance of rubber trees, tapping of rubber trees or processing of natural rubber latex into rubber pieces, rubber scrapes or raw rubber sheets;

“rubber transportation control area” means an area designated in the Notification by the Minister as a rubber transportation control area;

“rubber processing plant” means a place where natural rubber latex, rubber pieces, rubber scraps or raw rubber sheets are processed into concentrated latex, air dried sheets, smoked sheets, block rubber, crepe rubber or any other types of raw rubber, or the combination thereof, and shall include a place that produces compound rubber, but exclude any place that produces raw rubber sheets;

“controlled amount of rubber content” means the amount of rubber content allowed by the Minister for production by rubber planters which shall be in accordance with the amount and period of time prescribed in the Notification by the Minister;

“allocated amount of rubber content” means the amount of rubber content allocated by the Minister for import into or export out of the Kingdom by rubber importers or exporters which shall be in accordance with the amount and period of time prescribed in the Notification by the Minister;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

“rubber standard” means the characteristics of each type or grade of rubber as prescribed in the Notification by the Minister;

“packing and packaging method for rubber” means the packing and packaging method for rubber as prescribed in the Notification by the Minister;

“rubber trade” means a purchase, sale or exchange of rubber, and shall include a purchase or sale of rubber via instruments issued by any person or otherwise, but shall not include the case where a rubber planter sells natural rubber latex, rubber pieces, rubber scrapes or raw rubber sheets which are the products from his or her rubber plantation;

“Licensor” means the Director-General or a person entrusted by the Director-General;

“Board” means the Rubber Control Board under this Act;

“competent official” means a person appointed by the Minister to execute this Act;

“Director-General” means the Director-General of the Department of Agriculture;

“Minister” means the Minister having charge and control over the execution of this Act.

Section 5. The Minister of Agriculture and Cooperatives shall have charge and control over the execution of this Act and shall have the power as follows:

- (1) to issue Ministerial Regulations prescribing fees not exceeding the rates provided in the Annex of this Act, reducing or exempting fees and prescribing other acts;
- (2) to issue Notifications;
- (3) to appoint competent officials,
for the execution of this Act.

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

Section 6. For the purpose of rubber production, rubber trade and the import and export of rubber, the Minister by and with the advice of the Board shall have the power to issue Notifications by publishing in the Government Gazette to prescribe:

- (1) other types of rubber trees as the rubber tree under the control of this Act;
- (2) good-quality rubber trees;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(3) rubber planting areas;

(4) requirements for the notification of the amount of area of a rubber plantation, the number of rubber trees and the species of rubber trees on a rubber plantation including the amount of rubber content produced by a rubber planter in each year;

(5) non-rubber growing areas;

(6) rubber planting methods in certain localities;

(7) rubber transportation control areas;

(8) controlled amount of rubber content and allocated amount of rubber content as suitable to the rubber situation in the country;

(9) establishment of a central market for exchanging natural rubber, including the operating procedures, power and duties and control of such central market for exchanging natural rubber;

(10) rubber standards and packing and packaging methods of rubber for exports.

The Minister may entrust the Director-General to issue the Notifications under paragraph one on behalf of the Minister.

Section 7. Upon the existence of the Notification of the Minister requiring rubber planters to notify the amount of area of a rubber plantation, the number of rubber trees, the species of rubber trees on a rubber plantation and the amount of rubber content produced in each year under section 6 (4), the rubber planters shall notify such information to a competent official within the period of time prescribed in the Notification.

The notification of the information under paragraph one shall be in accordance with the rules prescribed by the Director-General.

Section 8. In the case where there is an outbreak of rubber diseases in any locality, the Minister shall have the power to issue a Notification to designate non-rubber growing areas under section 6 (5).

Upon the existence of the Notification designating non-rubber growing areas under paragraph one, any person may no longer plant a rubber tree in such areas.

In the case where it is necessary to destroy rubber trees on the non-rubber growing areas under paragraph one, the Director-General shall have the power to order the rubber planters to destroy the rubber trees which, in the Director-General's opinion,

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

contribute to the outbreak in accordance with the method prescribed by the Director-General.

Section 9. Upon the existence of the Notification of the Minister designating rubber planting areas and rubber planting methods in any locality under section 6 (3) or (6), the rubber planters in such locality shall plant good-quality rubber trees as determined in the Notification by the Minister to be appropriate for planting in such locality and shall undertake rubber planting in accordance with the method prescribed in the Notification by the Minister.

Section 10. Upon the establishment of a central market for exchanging natural rubber according to the Notification of the Minister under section 6 (9), a person carrying out a rubber trade and a rubber importer or exporter shall comply with the criteria for the rubber trade prescribed by the central market for exchanging natural rubber.

CHAPTER I RUBBER CONTROL BOARD

Section 11. There shall be a Rubber Control Board, consisting of the Minister of Agriculture and Cooperatives or the Deputy Minister of Agriculture and Cooperatives appointed by the Minister of Agriculture and Cooperatives as Chairperson; the Permanent Secretary of Ministry of Agriculture and Cooperatives as Vice-Chairperson; the Director-General of Department of Agricultural Extension, the Director-General of Cooperative Promotion Department, the Secretary-General of Office of Agricultural Economics, the Secretary-General of Agricultural Land Reform Office, the Director of Office of the Rubber Replanting Aid Fund, the Director of Rubber Estate Organisation, the Director-General of Customs Department, the Director-General of Department of Industrial Promotion, the Director-General of Department of Foreign Trade and a legal advisor to the Ministry of Agriculture and Cooperatives as members, together with seven qualified members appointed by the Minister, four of which shall be appointed from representatives which are juristic persons of agriculture institutes, one of which from owners of rubber processing plants, one of which from owners of rubber product plants and one of which from persons carrying out a rubber trade. The Director-General of Department of Agriculture shall be a member and

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

secretary, and the Director of Rubber Research Institute, Department of Agriculture shall be a member and assistant secretary.

Section 12. A qualified member shall hold office for a term of two years. A qualified member who vacates office may be reappointed.

Section 13. In addition to vacating office on the expiration of term under section 12, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister;
- (4) ceasing to be a representative which is a juristic person of agriculture institutes, an owner of rubber processing plants, an owner of rubber product plants or a person carrying out a rubber trade;
- (5) being bankrupt;
- (6) being incompetent or quasi-incompetent;
- (7) being subject to an imprisonment penalty by a final judgement to imprisonment, except for an offence committed through negligence or a petty offence.

If the member vacates his or her office prior to the expiration of the term, the Minister may appoint another person to replace his or her position and the appointed person shall be in office for the remaining term of office of the member whom he or she replaces.

Section 14. At a meeting of the Board, the presence of not less than one-half of all members is required to constitute a quorum. If the Chairperson is not present at the meeting or is unable to perform the duties, the Vice-Chairperson shall preside over the meeting. If the Chairperson and Vice-Chairperson are not present at the meeting or are unable to perform their duties, the members present shall elect one among themselves to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 15. The Board shall have the duty to provide recommendations or opinions to the Minister or the Licensor, as the case may be, on the following matters:

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

- (1) issuance of the Notifications under section 6;
- (2) issuance of the Ministerial Regulations under section 29, section 30, section 31, paragraph two, section 35, paragraph two and section 42, paragraph two;
- (3) suspension or revocation of a license under section 32;
- (4) making of an appeal decision under section 34;
- (5) other matters as assigned by the Minister or as requested by the Licensor;
- (6) compliance with the conventions, obligations and international schemes relating to rubber.

Section 16. The Board shall have the power to appoint a sub-committee to consider any matter or carry out any act as assigned by the Board, and the provision of section 14 shall apply, *mutatis mutandis* to the meetings of the sub-committee.

Section 17. In performing the duties under this Act, the Board shall have the power to issue an order in writing to summon any person to come to give statements or submit related documents or evidence or anything else in support of consideration.

CHAPTER II

APPLICATION FOR AND ISSUANCE OF LICENSE

Section 18. Any person who intends to import into or export out of the Kingdom of rubber trees or flowers, seeds or buds of rubber trees or any parts of rubber trees which may grow shall obtain a license from the Licensor.

Section 19. An importer and exporter of rubber trees or flowers, seeds or buds of rubber trees or any parts of rubber trees which may grow shall import or export them through the customs checkpoints specified in the license.

Section 20. Upon the existence of the Notification of the Minister designating rubber transportation control areas under section 6 (7) in any locality, any person who intends to transport rubber into, through or out of such areas shall obtain a license from the Licensor.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 21. Any person who intends to propagate rubber trees for trading purposes shall obtain a license from the Licensor, and the licensee shall propagate rubber trees that are good-quality rubber trees.

Section 22. Any person who intends to carry out a rubber trade shall obtain a license from the Licensor.

Section 23. A person carrying out a rubber trade shall prepare a rubber purchase account, a rubber sales account and an account of outstanding amount of rubber for each month and submit the same to a competent official within the tenth day of the following month.

A rubber purchase account, a rubber sales account and an account of outstanding amount of rubber under paragraph one shall be in accordance with the rules prescribed by the Director-General.

Section 24. In each rubber trade, the buyer, the seller and the exchanger of rubber shall inspect the licenses for rubber trade and record the numbers of the licenses for rubber trade of each party and the amount of rubber purchased, sold or exchanged as evidence for the preparation of the accounts under section 23.

Section 25. Any person who intends to establish a rubber processing plant shall obtain a license from the Licensor.

Section 26. Any person who intends to import rubber into or export it out of the Kingdom shall obtain a license for importers or exporters of rubber from the Licensor, except for the imports into or exports out of the Kingdom rubber to be used as samples and the weight of such rubber does not exceed five kilograms.

Section 27. In each rubber import into or export out of the Kingdom, the importer or the exporter shall obtain a customs declaration from a competent official and shall import or export the rubber through the customs checkpoints specified in the customs declaration.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 28. In exporting rubber out of the Kingdom, the exporter shall export rubber that meets the standards and shall arrange to have such rubber packed and packaged as prescribed in the Notification by the Minister under section 6 (10).

Section 29. Any person who intends to arrange for analysis or testing of rubber quality shall obtain a license from the Licensor, and the licensee shall use tools and appliances for the analysis or testing of rubber quality including employing operators as prescribed in the Ministerial Regulations.

The provision of paragraph one shall not apply to the analysis or testing of rubber quality conducted by State agencies.

Section 30. The application for and issuance of a license under section 18, section 20, section 21, section 22, section 25, section 26 and section 29 shall be in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations.

In issuing a license, the Licensor may prescribe conditions in the license to be observed by the applicant.

Section 31. A license under section 21, section 22, section 25, section 26 and section 29 shall have a term of one year from the issuance date. If the licensee wishes to renew the term of the license, he or she shall file the application before his or her license has expired. When the application has been filed, he or she may continue his or her operation until the Licensor has given an order of non-renewal of the license.

The application for a license renewal and the permission of renewal shall be in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations.

Section 32. When it appears that any licensee fails to comply with this Act or the Ministerial Regulations, the Notifications or the conditions in the license or when the licensee has been sentenced by a final judgement for an offence under this Act, the Licensor by and with the advice of the Board shall have the power to order to suspend such license for a period of not more than ninety days each time or revoke such license, depending on the severity of the offence. In the case where the licensee is prosecuted in the court for an offence under this Act, the Licensor may suspend the license pending the final judgement of the court.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

The licensee whose license has been suspended shall cease operating the business under such license and may not apply for any license under this Act during the license suspension period.

The person whose license has been revoked may not apply for any license under this Act until the period of two years from the date of the revocation order has elapsed.

Section 33. An order of license suspension and an order of license revocation shall be made in writing and notified to the licensee. If it is unable to submit such order to the licensee or the licensee refuses to receive such order, it shall be posted at the open and noticeable place at the place specified in the license or the residence of the licensee, and the licensee shall be deemed to have acknowledged such order from the date of posting the order.

Section 34. In the case where the Licenser refuses to issue a license or refuses to renew the term of a license or issues an order of license suspension or an order of license revocation, the applicant for the license or the applicant for the license renewal or the person whose license has been suspended or the person whose license has been revoked shall have the right to file an appeal in writing with the Minister within thirty days from the date of acknowledgement of the non-issuance, the non-renewal, the suspension or the revocation of the license, as the case may be.

The Minister's decision shall be final.

If the Licenser refuses to renew the term of a license, when the appeal has been filed with the Minister under paragraph one, the appellant may continue his or her operation until the Minister has made an appeal decision of non-renewal of the license.

CHAPTER III DUTIES OF LICENSEE

Section 35. In the case where a license under section 21, section 22, section 25, section 26 and section 29 is lost or materially destroyed, the licensee shall notify a competent official and apply for a replacement license within fifteen days from the date of acknowledgement of such loss or destruction.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

The application for a replacement license and the issuance of a replacement license shall be in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations.

Section 36. The licensee of a license under section 21, section 22, section 25, section 26 and section 29 must present the license or the replacement license, as the case may be, at the open and noticeable place at the place specified in the license or the replacement license. In the case where there is more than one place specified, a photograph of the license or the replacement license shall be presented at each of such places.

Section 37. In the case where a licensee which is a natural person is deceased and the term of his or her license has not expired, if his or her heir who is *sui juris* or administrator wishes to continue to operate such business, such person may continue to operate such business until the expiration of the term of the license, provided that the Licensor shall be informed within sixty days from the date of the licensee's death.

Section 38. In the case where a licensee transfers his or her business to other persons and the term of his or her license has not expired, the transferee shall file an application for a license with the Licensor within sixty days from the date of acceptance of the transfer and the transferee may continue to operate such business until receiving a new license.

Section 39. A licensee who wishes to change the premises of operation shall notify such change in writing to a competent official within fifteen days from the date of the change.

Section 40. Any licensee who has terminated the business which has been licensed under this Act shall notify such termination in writing to a competent official within fifteen days from the date of the termination, and the license shall be deemed to have expired from the date of the termination as notified.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

CHAPTER IV
COMPETENT OFFICIALS

Section 41. In the execution of the duties, a competent official shall have the power as follows:

(1) to enter rubber plantations or breeding plots during the period from sunrise to sunset to inspect the amount of area of rubber plantations, the number of rubber trees, the species of rubber trees and the methods of rubber planting, and enter rubber trading stores, rubber storage places, rubber processing plants, rubber product plants and places for analysis and inspection of rubber quality during their office hours to inspect the licenses, amount and quality of rubber, tools and appliances, rubber production methods, analysis and inspection of rubber quality and number and profiles of employees of a licensee, including related documents and evidence to ensure compliance with this Act;

(2) to take the samples of rubber trees or any parts of rubber trees or rubber at a reasonable amount for inspection or analysis;

(3) to enter any place or vehicle in the case where there is a reasonable suspicion of commission of an offence under this Act to inspect the species of rubber trees and rubber, and confiscate or seize rubber trees or any parts of rubber trees, rubber, rubber containers, tools and appliances and documents and evidence in relation to such offence;

(4) in the case of necessity which may cause damage to rubber planters or rubber industry, to issue a letter of inquiry or a written summons to any rubber planter or licensee or any agent or employee of such person to come to give statements or clarification in relation to the rubber planting or business which has been licensed or submit related documents and evidence for inspection.

In the execution of the duties under paragraph one, the rubber planter or licensee or the persons concerned shall render appropriate facilities.

Section 42. In the execution of the duties, the competent official shall produce his or her identification card to the rubber planter or licensee or the persons concerned.

The identification card of a competent official shall be in accordance with the form prescribed in the Ministerial Regulations.

Section 43. For the rubber trees or any parts of the rubber trees, rubber, rubber containers, tools and appliances or documents or evidence confiscated or seized

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

under section 41 (3), if the owner or occupier of such things could not be identified or a public prosecutor issues a final order of non-prosecution or the court orders not to forfeit such things by a final judgement and the owner or occupier did not make a request for the return of such things within ninety days from the date of confiscation or seizure or the date of acknowledgement of the final order of non-prosecution or the date of final judgement, as the case may be, such things shall be vested in the Ministry of Agriculture and Cooperatives.

Section 44. In the execution of the duties under this Act, the competent officials shall be officers under the Criminal Code.

CHAPTER V PENALTY PROVISIONS

Section 45. Any rubber planter who fails to comply with section 7, paragraph one shall be liable to a fine not exceeding one thousand baht.

Section 46. Any person who violates section 8, paragraph two shall be liable to a fine charged on each rubber tree at the rate of not exceeding one hundred baht per tree, and the rubber trees which have been planted in violation shall be destroyed.

If any person fails to destroy the rubber trees which have been planted in violation under paragraph one or fails to destroy the rubber trees according to the order of the Director-General under section 8, paragraph three, a competent official shall be empowered to destroy such rubber trees at the cost of the violator.

Section 47. Any rubber planter in the locality subject to the Notification of the Minister designating rubber planting areas or rubber planting methods under section 6 (3) or (6) who fails to comply with section 9 shall be liable to a fine not exceeding one thousand baht, and if the rubber trees which have been planted are not good-quality rubber trees as determined in the Notification by the Minister to be appropriate for planting in such locality, such rubber trees shall be destroyed.

If the rubber planter fails to destroy the rubber trees which are not good-quality rubber trees under paragraph one, a competent official shall be empowered to destroy such rubber trees at the cost of the rubber planter.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 48. Any person carrying out a rubber trade and any rubber importer or exporter who fails to comply with section 10 shall be liable to a fine not exceeding ten thousand baht.

Section 49. Any person who fails to comply with section 18, section 20 or section 25 shall be liable to imprisonment for a term of not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

Section 50. Any person who fails to comply with section 21, section 22 or section 29, paragraph one shall be liable to a fine not exceeding ten thousand baht.

Section 51. Any person carrying out a rubber trade who fails to comply with section 23 or section 24 shall be liable to a fine not exceeding five thousand baht.

Section 52. Any person importing rubber into or exporting it out of the Kingdom without obtaining a license for importers or exporters of rubber under section 26 shall be liable to imprisonment for a term of not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

Section 53. Any licensee who fails to comply with the conditions specified in the license shall be liable to a fine not exceeding five thousand baht.

Section 54. Any rubber exporter who fails to comply with section 28 shall be liable to imprisonment for a term of not exceeding two years or to a fine not exceeding forty thousand baht or to both.

Section 55. Any person who fails to comply with section 35, paragraph one, section 36, section 37, section 38, section 39 or section 40 shall be liable to a fine not exceeding two thousand baht.

Section 56. Any person who fails to come to give statements or submit any documents or evidence or things as ordered by the Board under section 17 or fails to render facilities to a competent official under section 41, paragraph two shall be liable to imprisonment for a term of not exceeding one month or to a fine not exceeding three thousand baht or to both.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 57. When a penalty is imposed under section 49, section 50, section 52 or section 54, the rubber trees or any parts of the rubber trees, rubber, tools and appliances and rubber containers and packages relating to the offence of the case shall be forfeited, and the Ministry of Agriculture and Cooperatives shall destroy or otherwise deal with them as it deems appropriate.

TRANSITORY PROVISIONS

Section 58. If any person engaged in business as a person carrying out a rubber trade, an owner of rubber rolling mills, an owner of rubber smoking plants or an exporter of rubber who has been licensed under the Rubber Control Act, B.E. 2481 (1938) prior to or on the effective date of this Act wishes to continue his or her business operation, he or she shall file an application for a license for rubber trade, a license for establishment of rubber processing plants or a license for exporters of rubber, as the case may be, under this Act within one hundred and eighty days from the effective date of this Act. When the application has been filed, he or she may continue his or her operation until receiving an order of non-permission from the Licensor. If he or she wishes not to continue his or her operation, he or she may continue his or her operation until the expiration of the term of his or her license.

Section 59. If any person who has been engaged in the business of propagating rubber trees for trading purposes or engaged in the business of producing concentrated latex, air dried sheets, block rubber or other types of raw rubber or engaged in the business as a rubber importer or an arranger for analysis and testing of rubber quality prior to or on the effective date of this Act wishes to continue his or her business operation, he or she shall file an application for a license for rubber tree propagation for trading purposes, a license for establishment of rubber processing plants, a license for importers of rubber or a license for the arrangement of analysis or testing of rubber quality under this Act within ninety days from the effective date of this Act. When the application has been filed, he or she may continue his or her operation until receiving an order of non-permission from the Licensor.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 60. If the applicant for a license under section 58 and section 59 has received an order of non-issuance of the license from the Licensor, the provision of section 34 shall apply, *mutatis mutandis*.

Section 61. All Ministerial Regulations, Notifications or Orders issued under the Rubber Control Act, B.E. 2481 (1938) shall continue in force insofar as they are not in conflict or inconsistent with the provisions of this Act until the Ministerial Regulations, Notifications or Orders issued under this Act come into force.

Countersigned by:

Chuan Leekpai
Prime Minister

Office of the Council of State

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

THE RATES OF FEES

(1)	License for importing rubber trees or flowers, seeds or buds of rubber trees or any parts of rubber trees which may grow	per copy	1,000	baht
(2)	License for exporting rubber trees or flowers, seeds or buds of rubber trees or any parts of rubber trees which may grow	per copy	1,000	baht
(3)	License for rubber tree propagation for trading purposes	per copy	1,000	baht
(4)	License for rubber trade	per copy	1,000	baht
(5)	License for establishment of rubber processing plants	per copy	1,000	baht
(6)	License for importers of rubber into the Kingdom	per copy	5,000	baht
(7)	License for exporters of rubber out of the Kingdom	per copy	5,000	baht
(8)	Customs declaration (charged on the weight of rubber imported or exported)	per kilogram	0.50	baht
(9)	License for the arrangement of analysis or testing of rubber quality	per copy	1,000	baht
(10)	License for transporting rubber into, through or out of rubber transportation control areas	per copy	500	baht
(11)	Replacement license	per copy	200	baht
(12)	License renewal, to be charged for each renewal equal to the amount of fee for each license			

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.