

Regulation

On the Provision of Other Privileges to Competent Officials or Government Officers
Performing Duties in Areas under an Announcement of Irregular Circumstances,
B.E. 2563 (2020)

Whereas it is deemed expedient to prescribe rules and criteria for the provision of other privileges in addition to those already prescribed by law for competent officials or government officers who suffer from illness, death, severe disability, disability or loss of organ as a result of their performance of duties in the areas under an announcement of irregular circumstances under the laws on the protection of national maritime interests,

By virtue of Section 40 paragraph two of the National Maritime Interests Protection Act, B.E. 2562 (2019), the Cabinet hereby issues a regulation as follows:

Clause 1 This Regulation is called the "Regulation on the Provision of Other Privileges to Competent Officials or Government Officers Performing Duties in Areas under an Announcement of Irregular Circumstances, B.E. 2563 (2020)".

Clause 2 This Regulation shall come into force on the day following its publication in the Government Gazette onward.

Clause 3 The Director-General shall have charge and control of the execution of this Regulation.

Clause 4 In this Regulation,
"assistance benefit" means the money paid to competent officials or government officers who suffer from illness, death, severe disability, disability or loss of organ as a result of their performance of duties in areas with irregular circumstances;

"area with irregular circumstances" means an area declared by the Prime Minister, with the approval of the Cabinet, to be an area where there are irregular circumstances under Section 27 paragraph three;

"severe disability" means the loss of an organ or the functioning of an organ or part of a body or a normal state of mind that results in diminishing work performance to the extent that the person is unable to perform normal work in accordance with the rules and criteria prescribed by the Assistance Benefit Consideration Committee.

Section 1 Assistance benefit

Clause 5 Entitlement to the privilege of assistance benefit under this Regulation. In the case where government officers or public officers are eligible to similar benefit under any other law, Cabinet resolutions or related government regulations, if such privilege is less than the prescribed rate in Clause 7, additional payment shall be provided to make up the full amount that they should receive.

Clause 6 Payment of assistance benefit under this Regulation shall come from the Thai Maritime Enforcement Command Center's budgets.

Clause 7 The assistance benefit shall be paid at the following rates:

- (1) death – 500,000 baht per person;
- (2) severe disability – not exceeding 200,000 baht per person;
- (3) severe injury resulting in the loss of any organ – not exceeding 200,000 baht per person;
- (4) serious injury – not exceeding 60,000 baht per person;
- (5) minor injury – not exceeding 10,000 baht per person;
- (6) for physical or mental illness that results in severe disability, in cases other than (2), (3), (4) and (5) which is decided by a physician to be admitted to a hospital for treatment longer than 45 days, but no more than twice per budgetary year. However, the assistance shall not exceed 200,000 baht per person per budgetary year.

In the case where a competent official or government officer sustains injury as a result of the performance of duties and subsequently dies or sustains severe disability, additional assistance benefit shall be provided. However, the combined amount of the assistance benefit in such case shall not exceed the rates prescribed in (1) or (2).

In case of illness, if it later appears that the government officer or public officer subsequently died from such illness, additional assistance benefit shall be provided at the total amount not exceeding the rate prescribed in (1).

The Assistance Benefit Consideration Committee shall prescribe rules and criteria for payment of the assistance benefit under paragraph one by taking into consideration the extent of damage sustained by competent officials or government officers and the nature of the performance of duties that caused such damage.

Clause 8 In applying for the assistance benefit under this Regulation, the competent official or government officer involved shall file an application together with the following documents or evidences:

- (1) the order of assignment to perform duties in areas of irregular circumstances or a confirmation issued by the superior who gave such order;
- (2) medical certificate issued by a government hospital or a sanatorium under the law on sanatoriums or a death certificate, as the case may be;
- (3) documents or evidences confirming that the applicant is the heir of the deceased such as a copy of household registration, birth certificate or marriage license, court decision or court order;
- (4) other documents or evidences as prescribed by the Assistance Benefit Consideration Committee.

An application for assistance benefit shall be filed at the following locations:

- (1) the Thai Maritime Enforcement Command Center,
- (2) the Area Thai Maritime Enforcement Command Center,
- (3) the Provincial Thai Maritime Enforcement Command Center in the area where the applicant resides or the location where the incident took place.

Submission of the application in paragraph two must be completed within one hundred and eighty days from the date that the injury or death occurs.

Clause 9 In the case where the eligible receiver of assistance benefit had died or cannot file an assistance benefit application for any cause of necessity, his or her attorney-in-fact, heir or estate executor shall submit the application on his or her behalf, as the case may be.

Clause 10 Submission of an assistance benefit application shall be in the form attached to this Regulation.

Section 2 The Assistance Benefit Consideration Committee

Clause 11 In the interest of assistance benefit payment, there shall be a committee called the "Assistance Benefit Consideration Committee" consisting of the Secretary-General of Thai-MECC as the Committee Chairman and representatives of the Ministry of Finance, the Bureau of Budget, the Royal Thai Navy and no more than three qualified persons, who are appointed by the Secretary-General of the Thai-MECC from experts in the fields of law and medicine, as Committee members to consider payment of assistance benefit under this Regulation.

The Secretary-General of the Thai-MECC shall appoint government officials of Thai-MECC to act as the Committee's secretary and assistant secretary as deemed necessary.

The Assistance Benefit Consideration Committee is empowered to appoint sub-committees to assist with its operations.

Clause 12 The qualified committee members shall hold office for a term of three years.

Upon the expiration of the term under paragraph one, if a new qualified committee member has not yet been appointed, the existing qualified committee member, who leaves office upon the expiration of his or her term, shall remain in office to perform duties until the newly appointed qualified committee member takes office.

Clause 13 The Assistance Benefit Consideration Committee shall have the following duties and powers:

(1) to consider payment of assistance benefit to competent officials or government officers who sustain damages from the performance of duties in areas of irregular circumstances;

(2) to consider and decide problems in the execution of this Regulation;

(3) to prescribe rules and criteria for the execution of this Regulation;

(4) to give final decision on disputes relating to the rights of the person who applies for competent official or government officer assistance benefits;

(5) to summon involved persons to clarify the facts or deliver documents in their possession;

(6) to order a suspension or return of assistance benefit;

(7) to perform other tasks as assigned by the Director-General.

Clause 14 Not less than half of the total number of members of the Assistance Benefit Consideration Committee shall attend a Committee meeting to form the meeting quorum. If the Committee Chairman does not attend or is not present at a meeting or is unable to perform his or her duties, the attending Committee members shall select among themselves one member to serve as Chairman of the meeting.

Final decisions of a meeting shall be made by a majority of votes. One member shall have one vote. In case of an equality of votes, the Chairman of the meeting shall have the casting vote.

Clause 15 In the case where an assistance benefit applicant under Clause 8 disagrees with the Assistance Benefit Consideration Committee's decision, the applicant is entitled to file an appeal to the Executive Board of the Thai-MECC within thirty days of the date that the applicant is informed about the Committee's decision. The Executive Board of the Thai-MECC shall complete consideration of the said appeal within ninety days of the receiving date of the appeal, and its decision shall be final.

The appeal under paragraph one shall be filed at the Thai-MECC or the Area Thai-MECC or the Provincial Thai-MECC that the assistance benefit application was filed, and it shall be deemed that the appeal has already been filed to the Executive Board of the Thai-MECC under paragraph one.

Clause 16 Regarding an order of suspension or return of assistance benefit under Clause 13 (6) after a person has collected the assistance benefit, such person shall return the payment to the Thai-MECC or the Area Thai-MECC or the Provincial Thai-MECC within sixty days of the date that he or she was informed about the Assistance Benefit Consideration Committee's resolution. If the receiver of assistance benefit has not returned it within the prescribed period, the Thai-MECC shall promptly consider taking legal action against the receiver.

In the case where the suspension or return of assistance benefit under paragraph one is the result of the production of counterfeit or false documents by the applicant or related person, the Assistance Benefit Consideration Committee shall forward the case to the Thai-MECC for consideration and relevant legal action.

Issued on 16 December 2020

General Prayut Chan-ocha

Prime Minister

Assistance Benefit Application Form

Written at.....

Date..... Month..... Year.....

To.....

I, (Name-Surname)....., Age.....yrs Address No. Village No.

Lane..... Street..... Khwaeng/Sub-district.....

Khet/District..... Province.....

Postcode..... Tel.

National ID Card No.

Apply as ☐ Eligible receiver of assistance ☐ Heir/Estate executor ☐ Attorney-in-fact

Eligible receiver of assistance (Name – Surname)..... Age.....yrs

Address No. Village No. Lane..... Street.....

Khwaeng/Sub-district..... Khet/District..... Province.....

Postcode..... Tel. National Identity Card No.

am a person who sustain damage in the performance of duties, the details of which are as follows:

1. Day/Month/Year/Time/Place of incident

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2. Damage details

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3. Relevant documents or evidences:

3.1 Copy of the national ID card/government officer card (eligible receive of assistance/heir/estate executor/attorney-in-fact);

3.2 Medical certificate issued by the attending hospital;

3.3 Documents/photographs/list of other damages;

3.4 Copy of proof of evidence for being a legal heir/estate executor;

3.5 Power of attorney;

3.6 Other documents or evidences as prescribed by the Assistance Benefit

Consideration Committee.

Informed for consideration of assistance benefit payment to the applicant.

Signed..... Applicant

(.....)

Superior's confirmation

I,, Position..... Affiliation.....
certify that Position..... Affiliation.....
is truly an eligible receiver of assistance benefit for the performance of duties in the protection
of the national maritime interests in an area of irregular circumstances in all respects.

Signed..... Certifier
(.....)

Note The certifier must be a government official who is involved in the case of the application
and holds a position at the Division Head level, its equivalent or higher.