

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 (2019)

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 the 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 needs for the restriction of rights and liberties of persons under this Act lie in protecting maritime national interests with efficiency and optimization; and maintaining the sovereign, sovereign rights, and any other rights and duties, under the international laws, 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 after the date of its publication in the Government Gazette.

Section 3 In this Act:

“Maritime National Interests” means the interests of Thailand gained through the maritime activities, or any other benefits in the maritime zone, either directly or indirectly, which create the

benefits in all aspects, such as, security, economy, society, science, and technology, resources, or environment.

“Maritime Zone” means the coasts and the marine areas over which Thailand has the sovereign or sovereign right or right or freedom to use or has the duties and responsibilities under the international laws or treaties or any things such as internal water, territorial sea, contiguous zone, exclusive economic zone, continental shelf, and high seas including an artificial island, installation and structure in the sea as well as the air space over the sea, the sea bed and sea subsoil and other marine areas as promulgated by the Committee in the Government Gazette.

“Maritime Activity” means an act to use the Maritime Zone in various forms such as merchant marine, fishery, tourism, exploration of non-living resources, submarine cables and pipelines laying, marine and coastal environment and natural resource preservation and management, disaster prevention and mitigation or marine scientific research and survey.

“Vehicle” means a ship, aircraft or any vehicle which can transport people or goods by sea.

“Seaside Province” means a province whose borders adjacent to the sea as promulgated by the Director in the Government Gazette.

“State Agency” means a government agency, a state enterprise, a public organization, a local administrative organization, and other state agencies but does not include a court, attorney organization and an independent agency under the Constitution.

“State Official” means the civil servant, employee and State Agency’ wage earner.

“Committee” means a Maritime National Interests Protection Planning Committee.

“Thai - MECC” means Thai Maritime Enforcement Command Center.

“Director” means a director of Thai Maritime Enforcement Command Center.

“Competent Official” means a person appointed by the Director to perform an act under this Act from the following persons:

(1) A navy or a police officer in a ranking of a commissioned officer or a civil official of not less than practitioner level who holds a position of commanding officer a master of ship, operator of aircraft, or equivalent;

(2) Any person possesses the qualifications as determined by the Director.

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

Chapter 1

Maritime National Interests Protection Planning Committee

Section 5 There shall be an committee called “Maritime National Interests Protection Planning Committee”, abbreviated as, “PIM” comprising:

(1) The prime minister or a deputy prime minister designated by the prime minister as a chairman.

(2) The 27 ex officio commissioners, which are, 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 Ministry of Social Development and Human Security, Permanent Secretary of Ministry of Digital Economy and Society, Permanent Secretary of Ministry of Energy, Permanent Secretary of Ministry of Justice, Permanent Secretary of Ministry of Labour, Permanent Secretary of Ministry of Science and Technology, Permanent Secretary of Ministry of Public Health, Secretary - General of the National Economic and Social Development Board, Director of National Intelligence Agency, Director of Budget Bureau, Attorney - General, Supreme Commander, Commanders - in - Chief of the Royal Thai Army, Commander - in - Chief of the Royal Thai Navy, Commander - in - Chief of the Royal Thai Air Force, Police Commissioner General, Secretary - General of Narcotics Control Board and Secretary - General of Internal Security Operations Command.

(3) Not more than three qualified commissioners appointed by the cabinet from the persons who are knowledgeable, skilled or experienced in maritime activities, legal affairs, navy affairs or other areas which shall be beneficial for maritime national interests protection.

The Secretary - General of National Security Council shall be a commissioner and a secretary, the Secretary - General of Thai - MECC shall be a commissioner and a deputy secretary, one officer of National Security Council appointed by the Secretary-General of National Security Council and one officer of Thai - MECC appointed by the director, shall be the deputy secretaries.

For benefits of performance under the committee’s functions and power, the committee is empowered to invite the minister or chief of the State Agency who has the duties and power directly involved with the matters to be considered or a person who is knowledgeable, skilled or experienced in the maritime national interests protection or an academic who is involved with the maritime national interests protection to periodically attend the meeting as an ad hoc commissioner. In such case, those who are invited to and attends the meeting shall have a status of a commissioner, in pursuant to paragraph one, for such meeting to which a commissioner is invited.

Section 6 A qualified commissioner must possess the qualifications and must not be under the prohibitions, as follows:

- (1) being of Thai nationality;
- (2) not being adjudged bankrupt or having been adjudged dishonest bankrupt;
- (3) not being an incompetent or quasi-competent person;
- (4) having been imprisoned by final sentence of imprisonment for a criminal offence, with the exception of sentences for offences committed negligently or minor offences;
- (5) being a holder of a political position, a member of a local assembly or a local administrator or a commissioner or a holder of an executive position in a political party, an advisor to a political party or officer of a political party;

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

Upon the expiration of the term in the first paragraph but the new qualified commissioners have not yet been appointed, the commissioners vacating office shall continue to serve in the office until the newly appointed commissioners shall assume the duties.

A commissioner vacating office may be re-appointed but cannot hold the office for more than two consecutive terms.

Section 8 Apart from retirement from office upon the expiration of term, the qualified commissioner retires from their offices upon:

- (1) death;
- (2) resignation;
- (3) removal by the cabinet;
- (4) lacking any qualification or being under any prohibition under Section 6.

Section 9 In a case where a qualified commissioner vacates the office before the expiration of term or another qualified commissioner is appointed while the appointed qualified commissioner remains in the office under his/her term, either being additionally appointed or appointed in replacement of the vacating office, the later appointed commissioner shall hold the office only for the remaining term of the former appointed commissioner. In a case of an appointment for a vacant office where the term of remaining commissioners is less than ninety days, the appointment of a replacing commissioner is not required.

In a case where a qualified commissioner vacates the office before the expiration of term, the committee shall comprise the existing commissioners until the qualified commissioner appointed under paragraph one shall assume the duties.

Section 10 The committee shall have the following duties and powers:

- (1) To formulate the maritime national security policies, strategies, plans, and measures for maritime national interests protection so as to correspond with the government's policies, national policies and plans on the national security, the National Economic and Social Development Plan and the National Strategies;
- (2) To provide the advice, consult and support the performance of duties with respect to the administration and management of maritime national interests protection;
- (3) To monitor and evaluate the results of operation in terms of the policy, strategy, master plan, measures on protection of the Maritime National Interests of Thai-MECC or the relevant State Agencies and present them to the National Security Council and cabinet for their acknowledgment;
- (4) To perform any actions which are prescribed by the laws as the duties and powers of the committee or as assigned by the cabinet.

Section 11 In carrying out the duties under this Act, the committee shall be empowered to issue a written order to summon, from the State Agency and State Official, any relevant information or documents or any person to give the explanation.

Section 12 The provisions on the committees authorized 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 is empowered to appoint a sub-committee to act on its behalf.

The numbers, qualifications, rules and procedures for the appointment of the sub - committee, including recruitment procedures, terms of office and retirement from office shall be as prescribed by the committee in the Royal Gazette.

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

Section 14 The Committee shall appoint the marine knowledge management advisory sub - committee, abbreviated as, "MKMS" in the numbers as deemed suitable. One qualified commissioner under Section 5, paragraph one (3) shall be a chairman of sub-committee to carry out the duty of providing the advice and knowledge management in connection with the maritime national interests protection to the Committee and Thai-MECC as well as to perform the other tasks as assigned by the Committee.

The provisions of Section 13 paragraph two shall apply mutatis mutandis to MKMS.
For the MKMS' meetings, the provisions of Section 12 shall apply mutatis mutandis.

Section 15 The Committee, the executive committee of Thai - MECC, subcommittee, the advisors to Thai-MECC, advisory commissioner to the regional Thai-MECC and advisory commissioner to the provincial Thai-MECC shall receive the meeting allowance and other benefits as prescribed by the cabinet.

Section 16 The Office of National Security Council shall be responsible for the administration works and meetings of the committee, including the performance of other works in connection with the committee's duties and powers.

Chapter 2

Thai Maritime Enforcement Command Center

Section 17 The Thai Maritime Enforcement Command Center shall be established, abbreviated as “Thai - MECC” in the Prime minister’s Office, having the status of a specific government agency. It shall have the duties, powers, and responsibilities on the maritime national interests protection.

Thai - MECC is under the supervision and directly accountable to the prime minister. The civil functions procedures and management, structuring, division of subdivisions and the duties and powers of subdivisions shall be as prescribed by the cabinet.

The Prime minister shall be the Director of the Thai Maritime Enforcement Command Center, abbreviated as "Director of Thai-MECC", a superior official in charge of the officials, employees or wage - earners of Thai - MECC and shall be responsible for the civil functions of Thai - MECC. The Commander - in - Chief of the Royal Thai Navy shall be the deputy director.

The Director may appoint the assistant director from the officials attached to Thai - MECC or the other State Officials, as appropriate, by taking into consideration of the structure and division of internal subdivisions of Thai - MECC.

The Chief of Staff, Royal Thai Navy, shall be a secretariat of Thai - MECC who is responsible for the managerial and administrative tasks.

The deputy director, assistant director, and secretariat of Thai - MECC shall have the powers to supervise the officials, employees, and wage-earners of Thai-MECC and have the other duties and powers as prescribed by the Director.

The Director shall have the powers to enter into a juristic act, file a charge/complaint, to be filed with a charge/complaint and take all proceedings of the legal suit concerning the duties and powers of Thai - MECC which is behalf of the Office of Prime minister.

In carrying out the duties and exercising the powers under this Act, the Director shall authorize the deputy director, in writing, to act or exercise the powers in his/her place.

Section 18 Thai - MECC shall be the government agency under the laws on budgetary procedures and laws on treasury reserve.

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

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

(2) To monitor, inspect, and evaluate a tendency of a situation which may inflict the threat to the maritime national interests protection and report to the committee and cabinet respectively for their further consideration.

(3) To propose the plans and guidelines for performance and execution according to the maritime national interest security plans, strategies or policies to the cabinet for their approval. Upon the approval given by the cabinet, the relevant State Agencies shall prepare the action plan and project for execution to be consistent with the plans and guidelines mentioned above;

(4) To plan, develop and execute in regards of hierarchal control system and the information technology to enable Thai-MECC's operation to communicate, connect or exchange information between the State Agencies or any other agencies domestically and inter - country.

(5) To disseminate the information for the public to become aware of the importance of maritime national interests, sovereign rights, jurisdiction and the rights to explore the resources in the areas of Maritime Zone and the duties to preserve and protect the maritime national interests as well as to encourage the public to participate in prevention and solution of any problems affecting the maritime national interests.

(6) To carry out any acts which are prescribed by law as the duties and powers Thai - MECC or assigned by the cabinet.

Section 20 Apart from the authorization under the law on state administration act, the Director may authorize all the duties and powers of the Director under this Act to the director of regional Thai - MECC or the director of provincial Thai-MECC or head of an agency under the other name to perform in his/her behalf.

Section 21 For the benefits of Thai - MECC's performance of duties and exercise of powers under this Act, the State Agency shall dispatch a State Official to serve the duties at Thai - MECC as per the request of Director. The central personnel administration agency or the other agency which has similar duties and powers to the said agency shall arrange for the State Agency, which dispatches the State Official to serve the duties at Thai-MECC, to have the reserve workforce as necessary but not exceed the dispatched workforce. Such arrangement for the reserve workforce can be made on the rank or unit basis.

The State Official who is ordered to serve the duties at Thai - MECC under paragraph one shall be entitled to the same current rate of positional allowance. While the other benefits shall be given under the respective law.

Section 22 There shall be the executive committee of Maritime Enforcement Command Center, abbreviated as “executive committee of Thai-MECC”, comprising Commander - in - Chief of the Royal Thai Navy as the chairman, Deputy Commander - in - Chief of the Royal Thai Navy who is assigned by Commander - in - Chief of the Royal Thai Navy as the vice chairman, Director - General of Department of Employment, Director - General of Pollution Control Department, Director - General of Marine Department, Director-General of Department of Mineral Fuels, Director-General of Department of Marine and Coastal Resources, Director - General of Public Relations Department, Director - General of Department of Fisheries, Director-General of Department of Disaster Prevention and Mitigation, Director - General of Customs Department, Director-General of Department of Treaties and Legal Affairs, Director - General of Excise Department, Director - General of Department of Labor Protection and Welfare, Director - General of Department of Special Investigation, a representative from Ministry of Social Development and Human Security, a representative from Ministry of Interior, a representative from Office of National Security Council, a representative from the Office of Attorney General, a representative from Royal Thai Police, a representative from Office of the Narcotics Control Board, a representative from Internal Security Operations Command and the director of regional Thai - MECC, as the commissioners.

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

Section 23 The executive committee of Thai-MECC shall have the duties and powers as follows:

(1) To consider and render the opinion or suggestion on preparation of plans, projects and budget to be presented for the Director’s consideration and approval.

(2) To suggest or provide advice on performance of duties and exercise of powers of Thai - MECC.

(3) To lay down the rules on the administration and coordinate with the State Agencies involved with the protection of maritime national interests.

(4) To lay down the rules on the actions to be taken to create the integration in the joint operation between the relevant State Agencies for surveillance, inspection or preparation of precaution preventing any incidents or situations which impaction or may impact the Maritime National Interests or Maritime Activities for the benefits of mission execution under section 29 in a prompt and efficient manner.

(5) To lay down on the collection and integration of the data of the State Agencies allowing the interconnection or data exchange amongst them for the benefits of protection of maritime national interests or marine activities.

(6) To lay down the rules on the operation of Thai - MECC, regional Thai - MECC, and provincial Thai - MECC.

(7) To lay down the rules on the performance of duties, inquiry, and investigation under this Act. The said rules shall, at least, establish the measures and procedures on the performance of duties or investigation of the competent official in collaboration with the public prosecutor or the inquiry officer under the Criminal Procedure Code, a designation of the place of detention for the alleged offenders and storage and actions in connection with the exhibits. These shall be consistent with the Criminal Procedure Code.

(8) To issue the by - laws governing the personnel administration, budgetary, financing, treasury, management of properties of Thai - MECC, regional Thai - MECC and provincial Thai - MECC and other actions as necessary.

(9) To appoint the sub - committee to serve the duties as assigned.

(10) To appoint the advisors to Thai-MECC to give the suggestion and solution or precaution and consultation to the executive committee of Thai - MECC and Thai - MECC.

(11) To perform any actions which are prescribed by the law as the duties and powers of the executive committee of Thai - MECC or as assigned by the Committee.

The appointment of advisors to Thai-MECC under (10) shall be partaken by the public in various sectors which involve with the threat or maritime national interests under the rules prescribed by the executive committee of Thai - MECC.

Section 24 The provisions of section 12 shall apply mutatis mutandis to the meetings of the executive committee of Thai - MECC.

Section 25 The regional Thai Maritime Enforcement Command Center, abbreviated as “Regional Thai - MECC” shall be established under Thai - MECC. The Commander, Naval Area Command shall be the director of the regional Thai Maritime Enforcement Command Center, abbreviated as “Director of Regional Thai - MECC” who has the duties, powers, and responsibilities on the protection of maritime national interests within the responsible area of naval area command and the Seaside Provinces as assigned by the Director.

For the benefits of performance of duties of Regional Thai - MECC, the Director is empowered to appoint the officials, employees, and wage - earners of naval area command and the officials,

employees, and wage - earners of the State Agencies within the jurisdiction to serve the functions at Regional Thai - MECC regularly or periodically.

The Director of Regional Thai - MECC shall be a superior official in charge of the officials, employees or wage - earners who are ordered to serve the functions at Regional Thai - MECC and shall be responsible for the civil functions of Regional Thai - MECC.

The organization of structure, division of subdivisions, powers and powers, ranks and management of subdivisions within Regional Thai - MECC shall be as stipulated by the Director.

For the benefits of administration and coordination of Regional Thai - MECC, the Director may appoint the advisory committee of Regional Thai Maritime Command Center, abbreviated as "Advisory Committee of Regional Thai - MECC" comprising a head or a representative of the State Agencies which involve with the protection of maritime national interests within the jurisdiction of Regional Thai - MECC. They shall give the advice or assistance to the Director of Regional Thai - MECC on the performance under the duties and powers of Regional Thai - MECC as well as to provide the advice or assistance to the Director of Regional Thai - MECC on the protection of maritime national interest within the jurisdiction of Regional Thai - MECC. The meetings and other actions of the Advisory Committee of Regional Thai - MECC shall comply with the rules prescribed by the Director.

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

Section 26 The provincial Thai Maritime Enforcement Command Center, abbreviated as "Provincial Thai - MECC" with a name of the respective Seaside Province attached to its name shall be established in every Seaside Province which is within the jurisdiction of Regional Thai - MECC. It is the agency directly accountable to the Regional Thai - MECC. A provincial governor shall be the director to the provincial Thai Maritime Enforcement Command Center, abbreviated as "Director of Provincial Thai - MECC", who will have the duties and powers and responsibility concerning the protection of Maritime National Interests within the jurisdiction of Seaside Province.

For the benefits of performance of duties of Provincial Thai - MECC, the Director is empowered to appoint the officials, employees, and wage-earners of the State Agencies within the jurisdiction to serve the functions at Provincial Thai - MECC regularly or periodically.

The Director of Provincial Thai - MECC shall be a superior official in charge of the officials, employees or wage-earners who are ordered to serve the functions at Provincial Thai - MECC and shall be responsible for the civil functions of Provincial Thai - MECC.

The organization of structure, division of subdivisions, powers and powers, ranks and management of subdivisions within Provincial Thai - MECC shall be as stipulated by the Director.

The provisions of section 25, paragraph five shall apply mutatis mutandis to the appointment of the advisory committee of Provincial Thai - MECC.

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

Chapter 3

Maritime National Interests Protection Mission

Section 27 The protection of Maritime National Interests in general shall be conducted in compliance with the duties and powers of the State Agencies within the scope of laws which confer the rights and powers to such State Agencies.

In normal circumstances, if it appears that the general protection of Maritime National Interests under paragraph one, in any case, exceed the competence of any State Agencies, in a case there is no in charge State Agency, in a case where the integration of operation is necessary, or other cases of necessity as stipulated by the Committee, Thai-MECC shall control and command the State Authorities as to supervise, oversee, administer and integrate the management or solution of problems and increase the competence of the State Agencies to prevent, suppress or solve the issues, incidents or commission of unlawful acts which impact or may impact the Maritime National Interests or Maritime Activities.

In abnormal circumstances contributed to any incidents which impact or may impact the Maritime National Interests or Maritime Activities expansively or aggressively, in a case where the state of emergency under the law on Emergency Decree on Public Administration in Emergency Situation is announced, or in a case of necessity where the abnormal circumstance must be announced, the cabinet shall resolve to assign Thai-MECC to control and command the State Authorities as to supervise, oversee, prevent, suppress, terminate, withhold, manage, solve or mitigate the problems which impact or may impact the Maritime National Interests or Maritime Activities within a determined area and specified period. The prime minister, with approval of the cabinet, must announce the abnormal circumstance for the public knowledge. When the abnormal circumstance has ended, the prime minister must announce the revocation of abnormal circumstance and the mission in the abnormal circumstance of Thai - MECC shall end and shall be reported to the cabinet.

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

(1) To control and command the State Agencies as to supervise, oversee, prevent, suppress, terminate, withhold, manage, solve or mitigate the 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 disaster prevention and mitigation, Thai - MECC is empowered to announce the area of disaster prevention and mitigation by determining the area to take such action specifically in the emergency or compelling necessity and within the specified period. Such announcement shall comply with the measures, procedures, and conditions stipulated by Thai - MECC with approval

of the Ministry of Finance. The relevant State Agencies may be requested for the budget allocated for disaster prevention and mitigation as necessary and appropriate.

(2) To take action to create the integration in the joint operation between the relevant State Agencies for surveillance, inspection or preparation of precaution preventing any incidents or situations which impaction or may impact the Maritime National Interests or Maritime Activities for the benefits of mission execution under section 29 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 plan or Thai - MECC's instruction.

(4) To instruct, supervise and oversee the wharves, port businesses, harbors, ports for cargo carriage, ports for passenger carriage, fishing ports, fish markets, and the areas or places promulgated by the Director. In a case under section 27, paragraph one, the State Agency which is obliged to control the said places or businesses must make a request.

Section 29 For the benefits of consideration of Maritime National Interests protection under this Act or the internal security within the Kingdom under the law on internal security, as the case may be, the prime minister shall be empowered 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 4

Operation and Competent Official

Section 30 In carrying out the mission under section 27, if it appears that an action has been committed or that there is a reasonable cause to suspect that the Vehicle or a person in it has committed an offence under the laws of Thailand, within the Maritime Zone, concerning the maritime national interests or other maritime activities whether there is another offence committed or not, the competent official shall have the duties to conduct the investigation and inquiry. In case the competent official conducts the inquiry, he/she shall have the same duties and power as the inquiry officer under the Criminal Procedure Code. The competent official within the respective Maritime Zone shall become the inquiry officer. Determination of area for investigation and designation of a responsible inquiry officer shall be as promulgated by the Director in the Government Gazette as well as empowerment to take action in so far as it is necessary as follows:

(1) To order a Vehicle to stop or take a compulsory measure in so far as necessary to stop such Vehicle as well as order and force a master of the Vehicle and the persons on board to take the Vehicle to any place.

(2) To order a person or a Vehicle that prevents, obstructs or hinders the performance of mission out of the designated area.

(3) To board a Vehicle to examine its documentation and the documentation of the persons on board.

(4) To search a suspected Vehicle and the persons on board, dismantle or remove the things on a Vehicle for the search without a search warrant.

(5) To detain the suspect and the Vehicle and the things to be used or having been used for a commission of offence or obtained from a commission of offence. If the search of Vehicle or inquiry shows a reasonable cause to suspect that an offence will be committed or has been committed, it is prohibited to detain the Vehicle, an operator of Vehicle or the person on board in excess of what necessary in the circumstances of the case.

(6) To tow a Vehicle or do other thing to take such Vehicle to the place which is convenient for the search, inquiry or prosecution.

(7) To pursuit any Vehicle which committed an offence or is suspected for a reasonable cause to commit an offence under the law over which Thailand has the jurisdiction as well as pursuit and arrest the suspects who escape ashore, as necessary.

(8) To inquire and detain the suspect for the commission of the offence for no more than forty eight hours as from the time the suspect was brought ashore to an office of the competent official. The time taken for an ordinary journey in bringing the suspect to the office of the competent official

shall not be counted as the detention time of the suspect by the inquiry officer under the Criminal Procedure Code. After the inquiry is completed, the opinion of prosecution order or non - prosecution order shall be made and submitted to a public prosecutor altogether with a case file under the Criminal Procedure Code. In case where it is uncertain that the case file shall be submitted to the public prosecutor of which area, 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 a case where there is a non - prosecution order, and it is not the order issued by Attorney - General, the inquiry case file together with the order shall be forwarded to the Director or deputy director without delay. In a case where the Director or deputy director dissents from the public prosecutor's order, the case file, together with the dissenting opinion, will be forwarded to the Attorney - General for adjudication. 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 can be filed according to the opinion of the Director or deputy director. However, this does not preclude the power of the public prosecutor to do any acts towards the alleged offender under section 143 of the Criminal Procedure Code.

The provisions of paragraph two shall apply mutatis mutandis to the appeal, dika appeal or withdrawal of the complaint, withdrawal of the appeal, and withdrawal of dika appeal to be made by the public prosecutor.

In a case, there is a cause to suspect that the Vehicle or a person on any Vehicle has committed any act, which is unlawful under the international law, in the Maritime Zone outside the kingdom, such as, unauthorized broadcast of radio, television or telecommunication, Vehicle without nationality, or a ship flies a flag of over two states for convenience or changes its flag during the voyage which can be treated as ship without nationality or a ship flies a foreign flag or refuses to show its flag, but in actuality is a Thai ship, the Competent Official is empowered to order such Vehicle to stop or take the measures in so far as necessary to stop such Vehicle and board a Vehicle to examine the documentation and any other things on the Vehicle in so far as necessary to locate the evidence. If there is evidence, the Competent Official is empowered to order the halt of action or prohibition to enter the Kingdom. In case there is evidence showing that it is the Thai ship, the Competent Official shall be empowered under paragraph one.

Section 31 For the efficiency of investigation of the case under the duties and powers of the Competent Official under this Act, the Director shall grant approval that which case shall have the public prosecutor or the investigating officer under the Criminal Procedure Code, as the case may be, to jointly conduct the investigation with the Competent Official or to jointly perform the duties with the Competent Official in order that they will give advice and examine the evidence from the

beginning stage of investigation. Such joint investigation or duties performance shall comply with the rules prescribed by Thai - MECC.

Section 32 In carrying out the duties, the Competent Official must present Thai - MECC's ID card or the State Official ID card of the original State Agency together with the appointment of Thai - MECC's Official to the involved party. The Thai-MECC's ID card shall be in a format prescribed by the Director.

The Director may designate a mark in place of the State Official ID Card. The use or presentation of mark shall comply with the rules prescribed by the Director.

Section 33 When the Competent Official has a reason to believe that a foreign ship has committed an offence under the law over which Thailand has jurisdiction, the Competent Official shall use a signal to order the halt within a seeing or hearing distance of a foreign ship regardless a ship of ordering Competent Official, at the time of order to halt, stays within the Maritime Zone over which Thailand has jurisdiction. If the foreign ship does not stop, the Competent Official is entitled to a hot pursuit of such foreign ship forcing such foreign ship to stop or go to any place and to proceed the action into the territorial sea, contiguous zone, exclusive economic zone, if the hot pursuit is uninterrupted. The right to a hot pursuit shall be terminated immediately when such foreign ship which is under hot pursuit enters into the territorial sea of its country or the other country.

A hot pursuit under paragraph one may be taken by a ship or other aircraft of the Competent Official who jointly operates with Thai - MECC.

In a case of hot pursuit by an aircraft, the provisions of paragraph one shall apply mutatis mutandis. An aircraft which issues an order to halt must vigorously take a hot pursuit of the foreign ship by itself until the other ship or aircraft which is summoned by the former aircraft arrives and takes over the hot pursuit unless the former aircraft can arrest the foreign ship by itself. The hot pursuit cannot be operated if an aircraft of the Competent Official to take a hot pursuit only see the foreign ship committing the offence or is suspicious of committing the offence but does not order a halt and the hot pursuit by the ship or aircraft of Competent Official or other state ship or aircraft is not uninterrupted.

A hot pursuit under paragraph one, paragraph two and paragraph three shall apply to a foreign ship which commits an offence under the 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 the pursuit of a foreign ship which commits an offence or it has a reason to believe that it commits an offence under the Thai laws through any of its small boats of such foreign ship or collaborates with the other Vehicle and the foreign ship

is used as the mother ship which stays or enters into the Maritime Zone over which Thailand has a jurisdiction. Despite of being the coprincipal or supporter of a commission of offence outside of the Kingdom, such action shall be considered as committed within the Kingdom, that the penalty shall be inflicted within the Kingdom.

Section 34 For the benefits of execution of mission under section 27, if it is necessary that Thai - MECC must exercise the powers or duties under the law which are within the duties and powers of any State Agencies, the cabinet shall be empowered to appoint any person who holds an office in Thai - MECC to be the official or Competent Official under such law or resolve that such State Agency to authorize the duties and powers and responsibility under such law to Thai - MECC for them to act on its behalf and be empowered to take the actions within the specified area and period. The rules and conditions for the exercise of such power must be established.

Section 35 For the benefits of execution of mission under section 27, the Director, with the cabinet's approval, is empowered to issue the following stipulations:

- (1) Arrange the relevant State Official to perform any action or omit any action.
- (2) Prohibit entrance or exit of the Maritime Zone or the other water zone including the area on land, building or designated place during the time of operation.
- (3) Prohibit a ship to leave or to dock in any places.
- (4) Prohibit the use of transportation route or use of Vehicle or stipulate the conditions on the transportation route of use of Vehicle.

The stipulations under paragraph one shall lay down the rules, exceptions or conditions. However, such stipulation will not create excessive trouble with the public.

Section 36 The Director and the Competent Official assigned by the Director shall be an administrative officer or senior police officer under the Criminal Procedure Code.

Section 37 In carrying out the duties under this Act, the Director, deputy director, assistant direction, the secretariat of Thai - MECC, Director of Regional Thai - MECC, Director of Provincial Thai - MECC and the Competent Official shall be the official under the Criminal Code.

Section 38 The Director, deputy director, assistant direction, the secretariat of Thai - MECC, Director of Regional Thai - MECC, Director of Provincial Thai - MECC and the Competent Official shall not be held for the civil, criminal or administrative liability resulted from the performance of duties and exercise of power in good faith under this Act.

Section 39 If the exercise of powers by Thai - MECC causes the third party of good faith to suffer from damage, Thai-MECC shall arrange such person to be compensated for damage appropriate for his/her case under the regulations and conditions prescribed by the cabinet.

Section 40 The Competent Official or State Official who performs the duties within the area determined under section 27, paragraph three shall be entitled to the right and special consideration as prescribed by the cabinet.

The Competent Official or State Official under paragraph one who becomes sick, passes away, becomes invalid, disabled, or loses an organ from the performance of duties shall be entitled to the other benefits than those specified by the law, but under the rules prescribed by the cabinet.

Section 41 All the stipulations, announcements, orders, or actions of the Competent Official or State Official under this chapter is not under the law on administrative procedures.

The prosecution of any case resulted from the stipulations, announcements, orders, or actions under this chapter is in a jurisdiction of the court of justice. In case the court must consider the provisional measure before delivery of judgment under the Civil Procedure Code or Criminal Procedure Code, as the case may be, the court may subpoena the Competent Official or State Official who issues the stipulations, announcements, orders, or take such actions to clarify the fact, report or demonstrate the reasons in support of the provisional measure before delivery of judgment.

Chapter 5

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 Official under section 30, paragraph (1) or (2) or paragraph four, or resists or obstructs the performance of duties by the Competent Official under this Act, shall be punished with an imprisonment not exceeding one year or a fine not exceeding twenty thousand Baht, or both.

If a commission of an offence under paragraph one is resistance or obstruction against the performance of duties by the Competent Official under this Act which is done within the Kingdom, an offender shall be subject to the penalties prescribed for such offence under Criminal Code.

Section 43 Any person who violates or fails to comply with the stipulations laid under section 35 paragraph one (2), (3) or (4) shall be punished with an imprisonment not exceeding five years or a fine not exceeding one hundred thousand Baht, or both, except a case of a commission of an offence relating to the fishery or environment in Exclusive Economic Zone, shall be punished with a fine from one hundred thousand Baht to ten million Baht.

Section 44 Any person who supports or yields a return from a commission of offence under this Act shall also be punished in the same manner as a principal of such offence. Unless a person who commits such action is a seafarer who is neither ship-owner nor shipmaster, and a court deems that such action is done in pursuant to an instruction of the ship - owner or shipmaster, the Court may not inflict punishment or inflict less punishment less punishment to any extent than that provided by the law for such offence.

Chapter 6

Transitory Provisions

Section 45 All rules or regulations in any regards concerning the methods of performance issued by Thai Maritime Enforcement Coordinating Center established by the resolution of National Security Office No. 2/2540 dated 17 March 1997 in conjunction with the resolution of cabinet on 17 April 1997 or a coordinating center under the other name which may be established to function in place of Thai Maritime Enforcement Coordinating Center shall provisionally apply with Thai - MECC until there will be the rules, notifications or regulations in such regards issued by the Committee or Thai - MECC executive committee or the director under this Act come into force in their place.

Proceedings for issuance of rules, notifications, or regulations under this Act, shall be completed within one year from the date which this Act comes into force. If such proceedings cannot be conducted, the prime minister shall report their reasons for the cabinet's knowledge.

Countersigned by
General Prayut Chan-o-cha
Prime minister

Remarks:- The reasons for the promulgation of this Act are as follows. Presently, there exist the problems over the protection of maritime national interests, both within and outside the Kingdom. Such problems occur in the Maritime Zones which are diverse in nature. Thailand has the sovereign or sovereign right over them to protect the maritime national interests and also has the other rights and duties under international law with which Thailand is bound to comply. Consequently, the currently existing laws cannot apply over the Maritime Zone outside the Kingdom or may not extend to every aspect of abundantly existed maritime national interests such as security, economic, social, scientific and resources technology or environmental aspect. It is necessary to establish the main operation unit to take charge of maritime national interests protection with unity and integration and effectively coordinate the operation within the Maritime Zone. It is, therefore, necessary to enact this Act.

“This translation is provided by Office of National Security Council as the competent authority for information purposes only. Whilst Office of National Security Council has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.”