

Legality Definition Draft

Ad-hoc (LD)				
Principle	Criteria	Legal reference	Section/Regulation	
P1: Legal existence/Recognition and Eligibility to operator/entity in forestry sector:	P1-C1: The operator must be legal person or juristic person according to the law of the Kingdom of Thailand	Forest Act B.E. 2484 (1941)	Ministerial Regulation (Issue 25 (A.D. 1976)) issued in compliance with Forest Act B.E. 2484 (1941) on Timber Processing and Possession of Processed Timber	
			Ministerial Regulation (Issue 27) issued in compliance with Forest Act B.E. 2484 (1941) on Trade or Possession of Products for Trade, Equipment, or Any Others made with Restricted Species according to Regulation on Control of Processed Timber B.E. 2541 (1998)	
		Civil and Commercial Code	15,65 (Regarding natural person and juristic person)	
	P1-C2: The operation must hold certificates for business operated in forestry sector, for example, processing certificates (permission is not needed if there is no requirements by law)		Forest Act B.E. 2484 (1941)	16, 39, 48, 53 tri
			Chainsaw Act B.E.2454 (1911)	4
				Ministerial Regulation on Criteria, Methods, and Conditions on Permitting and Issuing Certificate to Possess, Produce, or Import Chainsaws and Modify Chainsaws for Higher Power including Qualifications and Characteristics of Persons Forbidden to be granted the Certificate B.E. 2551 (2008) and Revisions
			Forest Plantation Act B.E. 2535 (1992) and Revisions	5,6

			Regulation of Royal Forest Department on Registration of Plantation and Plantation Registration Transfer B.E. 2535 (1992)
		Factory Act B.E. 2535 (1992)	12 Ministerial Regulation on Criteria on Permit Requesting and Permission Granted for Factories in Category 3 B.E. 2549 (2006)
		Highway Act B.E. 2535 (1992)	Payload Section 61 and Announcement of Director of Highway
		Land Traffic Act B.E. 2522 (1979)	32,35 Ministerial Regulation (Issue 54) issued in compliance with Land Traffic Act B.E. 2522 (1979)
P2: Forest land permission and Private land for Timber planting, and Types of Timber planted:	P2-C1: Public land must be legally permitted for utilization	National Reserved Forest Act B.E. 2507 (1964)	16, 16 bi, 20
		Forest Act B.E. 2484 (1941)	54
			Ministerial Regulation Issue 16 (B.E. 2498 (1955)) issued in compliance with Forest Act B.E. 2484 (1941) on Forest Reclamation
		Ratchaphatsadu Land Act B.E. 2518 (1975)	Ministerial Regulation on Criteria and Methods, Administration, Maintenance, and Utilization of Ratchaphatsadu Land B.E. 2545 (2002) Ministerial Regulation on Criteria and Methods, Administration, Maintenance, and Utilization of Ratchaphatsadu Land (Issue 2) B.E. 2545 (2002)

	Ministerial Regulation on Criteria and Methods, Administration, Maintenance, and Utilization of Ratchaphatsadu Land (Issue 3) B.E. 2545 (2002)
	Ministerial Regulation on Criteria and Methods, Administration, Maintenance, and Utilization of Ratchaphatsadu Land (Issue 4) B.E. 2545 (2002)
	Regulation of Ministry of Finance on Administering, Maintaining, and Utilizing Ratchaphatsadu Land B.E. 2546 (2003)
	Regulation of Ministry of Finance on Utilizing Ratchaphatsadu Land B.E. 2552 (2009)
	The Cabinet Resolution on 12 September 2006 agreeing upon the proposal of Ministry of Natural Resource and Environment to repeal the Cabinet Resolution on 27 December 2005 on allocating land for the needy in accordance with Poverty Solving Policy
	The Cabinet Resolution on 10 June 2008 assigning Ministry of Finance to expropriating Ratchaphatsadu Land in which possessed by government agencies but not being utilized or used inappropriately, and is apt for agriculture
Land Code B.E. 2497 (1954)	Regulation of Ministry of Interior on Permission to Utilize Public Land B.E. 2547 (2004)

<p>Agricultural Land Reform Act, B.E.2518 (1975) and Revisions</p>	<p>Regulation of Agricultural Land Reform Committee on Criteria, Methods, and Conditions on the Selection of Agriculturists to Hold the Rights in Agricultural Reform Land B.E. 2535 (1992) and Revisions (Issue 3) B.E.2538 (1995)</p>
	<p>Regulation of Agricultural Land Reform Committee on Issuing Certificate, Revising, Revoking, and Issuing Substitute of Certificate Permitting to Utilize the Land Reform Area B.E. 2540 (1997)</p>
	<p>Regulation of Agricultural Land Reform Committee on Issuing, Revising, Revoking, and Issuing Substitute of Certificate Permitting to Utilize the Land Reform Area (Issue 2) B.E. 2540 (1997)</p>
	<p>Regulation on Agricultural Land Reform Committee on Criteria, Methods, and Conditions in Transferring and Inheriting the Right to Rent or Hire-purchase the Land in Agricultural Land Reform Area B.E. 2535 (1992)</p>
	<p>Regulation of Agricultural Land Reform Committee on Land Hire-purchase Criteria and Methods B.E. 2526 (1983)</p>
	<p>Regulation of Agricultural Land Reform on Criteria, Methods, and Conditions on Permission Granting and Allowing the Permission Grantees to Utilize the Land or Real Estate in Support or Concern of Agricultural Land Reform B.E. 2541 (1998)</p>

	Regulation of Agricultural Land Reform Committee on Granting Consent to Utilize Natural Resource in Agricultural Land Reform in accordance with Other Laws B.E. 2541 (1998)
Land Allocation for Living Act B.E.2551 (2008)	Regulation of Cooperative Promotion Department on Criteria and Methods of Permitting the Cooperatives Members to Utilize the Land of the Cooperatives and Issuing Certificate of Utilization B.E. 2535 (1992)
	Regulation of Cooperative Promotion Department on Criteria and Rate of Maintenance Fees for Utilizing or Other Activities within the Cooperatives Colony B.E. 2547 (2004)
	Regulation of Cooperative Promotion Department on Criteria and Rate of Maintenance Fee for Utilizing or Other Acts Within the Cooperatives Community (Issue 2) B.E. 2547 (2004)
	Order of Department of Public Welfare No. 99/2512 Regarding Regulation on Land Utilization for Agriculture of Members in Settlement Area B.E. 2511 (1968) ordered on 31 January 1969
	Order of Department of Public Welfare No. 583/2513 Regarding Regulation on Settlement Area Administration B.E. 2513 (1970) ordered on 30 December 1970

Order of Department of Public Welfare No. 7/2523 on Rates of Government's Supporting Fund for Settlement Area and Methods of Charging ordered on 4 January 1980
Regulation of Department of Public Welfare on Land Utilization Permission in Settlement Area B.E. 2534 (1991) announced on 6 September 1991
Regulation of Department of Public Welfare on Land Utilization for Other Activities in Settlement Area B.E. 2535 (1992) announced on 22 July 1992
Regulation of Department of Public Welfare on Issuing Certificate of Utilization to Heirs of Settlement Area Members B.E. 2536 (1993) announced on 8 February 1993
Regulation of Department of Public Welfare on Timber Processing, Mineral, and Other Natural Resources in Settlement Area B.E. 2537 (1994) announced on 21 September 1994
Order of Department of Social Development and Welfare No. 554/2547 on Issuing Certificate of Utilization ordered on 31 March 2004
P2-C2: Private land must be legally permitted for utilization
Land Code Act B.E. 2497 (1954)
1, 5, 30, 33, 58, 58 bi, 59, 59 bi
Ministerial Regulations Issue 43 (B.E. 2537 (1994))

		Civil and Commercial Code	537,538 (Real Estate Rental), 572 (Hire-purchase)
P3: Forest/Timber management operations, harvesting and importing	P3-C1: Planting in the land permitted by the government must be managed according to the law of forest management and timber products	Forest Act B.E. 2484 (1941)	11,38,39
			Ministerial Regulation (Issue 24 (B.E. 2518 (1975)) issued in compliance with Forest Act B.E. 2484 (1941) on Restricted Species Processing
			Ministerial Regulation (Issue 26 (B.E. 2528 (1985)) issued in compliance with Forest Act B.E. 2484 (1941) on Transportation of Timber and Forest Products
		National Reserved Forest Act B.E. 2507 (1964)	15
			Ministerial Regulation Issue 1106 (B.E. 2528 (1985)) issued in compliance with National Reserved Forest Act B.E. 2507 (1964) on Timber Processing in National Reserved Forest
		Forest Plantation Act B.E. 2558 (2015)	Section 11,21
P3-C2: Planting in ownership land must be managed according to the law of forest management and timber products	Forest Act B.E. 2484 (1941)	Section 11 Ministerial Regulation (Issue 24 (B.E. 2518 (1975))) issued in compliance with Forest Act B.E. 2484 (1941) on Restricted Species Processing	
	Commercial Forest Plantation Act B.E. 2535 (1992) and Revisions	11, 21	
P3-C3: Imported timber must be treated according to the law	Forest Act B.E. 2484 (1941)	38, 39	

			Ministerial Regulation (Issue 26 (B.E. 2528 (1985))) issued in compliance with Forest Act B.E. 2484 (1941) on Transportation of Timber and Forest Products
		Civil and Commercial Code	
		Custom Act B.E. 2469 (1926)	Section 10, 40, 45
		Customs Tariff Decree B.E. 2530 (1987)	Section 12 and 14
		Export and Import of Goods Act, B.E. 2522 (1979)	Announcement of Ministry of Commerce Declaring Timber must be Permitted prior to Exporting out of the Country B.E. 2555 (2012) announced on 11 April 2012
			Announcement of Ministry of Commerce on Import of Timber and Processed Timber Including Handicraft, Equipment, and Others into the Kingdom through the borders in Tak Province and Kanchanaburi Province B.E. 2548 (2005)
		Plants Act B.E. 2518 (1975), revised by Plants Act (Issue 2) B.E. 2535 (1992)	3, 29 tri, 61 bi
P4: Social obligation and benefit sharing	P4-C1: The operator must follow the rules on social impact	City Plan Act B.E. 2518 (1975)	No direct relevant regulations, it is under authority of local administration to monitor building construction according to Designated Act B.E. 2522 (1979)
			Designated Building Act B.E. 2522 (1979)
		Public Health Act B.E. 2535 (1992)	Ministerial Regulation on Criteria, Methods, and Measures on Control of Hazardous Building B.E. 2545 (2002)
			Announcement of Ministry of Public Health on Businesses Hazardous to Health, announced on 27 June 1995

		Sub-district Council and Administrative Organization B.E. 2537 (1994)	Certificate Application and Issuance to Businesses Hazardous to Health According to Public Health B.E. 2535 (1992)
		Municipality Act B.E. 2496 (1953)	Certificate Application and Issuance to Businesses Hazardous to Health According to Public Health B.E. 2535 (1992)
	P4-C2: Affected persons must be aided	Civil and Commercial Code	
P5: Environmental obligations	P5-C1: The operation must be environmentally responsible	พระราชบัญญัติส่งเสริม และรักษาคุณภาพสิ่งแวดล้อม แห่งชาติ พ.ศ.2535 Promotion and Protection of Natural Resource Quality Act B.E. 2535 (1992)	32,43,46,55,97
		National Park Act B.E. 2504 (1961)	The Cabinet Resolution on 30 June 1998 on Measures and Solutions in Forest Areas
		Wildlife Reservation and Protection Act B.E. 2535 (1992)	The Cabinet Resolution on 30 June 1998 on Measures and Solutions in Forest Area
		Factory Act B.E. 2535 (1992)	Announcement of Ministry of Industry on Amount of Carbon Contaminated in Air Released from Factory's Boiler Smokestack dated 31 October 2006
			Announcement of Ministry of Industry on Amount of Chemical Contaminated in Air Released from Factories B.E. 2549 (2006) dated 31 October 2006
Announcement of Ministry of Industry on Disposal of Sewage and Waste dated 27 December 2005			
Ministerial Regulation (B.E. 2549 (2006)) on Safety Measures on Boilers of Liquid for Heat Conductor and Container for Pressure in Factories dated 30 October 2006			

P6: Timber transportation and Traceability	P6-C1: The operator must follow the regulation on timber transportation according to the law and lawful right	Forest Act B.E. 2484 (1941)	38, 39 Ministerial Regulation (Issue 26 (B.E. 2528 (1985)) issued in compliance with Forest Act B.E. 2484 (1941) on Transportation of Timber or Forest Products
		Commercial Forest Plantation Act B.E. 2535 (1992) and Revisions	13
		Land Traffic Act B.E. 2522 (1979)	32, 35
			Ministerial Regulation (Issue 54) issued in compliance with Land Traffic Act B.E. 2522 (1979)
		Highway Act B.e. 2535 (1992)	Land ownership Section 61 and Announcement of Director of Highway (Payload)
		Civil and Commercial Code	Agreement between Ministry of Interior and Royal Forest Department on Timber Verification in Ownership Land
P7: Transformation and timber processing	P7-C1: The operator must follow the regulation on timber processing and timber product producing according to the law and lawful right	Forest Act B.E. 2484 (1941)	48
			Ministerial Regulation (Issue 25 (B.E. 2519 (1976)) issued in compliance with Forest Act B.E. 2494 (1941) on Timber Processing and Possession of Processed Timber
			Regulation of Royal Forest Department on Timber Processing Control in accordance with Forest Act B.E. 2484 (1941)

	Ministerial Regulation (Issue 27) issued in compliance with Forest Act B.E. 2484 (1941) on Trade or Possession of Handicraft, Equipment, or Any Others for Trading made with Restricted Species
Industrial Product Standards Act B.E. 2511 (1968)	15
	Announcement of Ministry of Industry Issue 4026 (B.E. 2552 (2009)) on Standards of Processed Rubber Trees announced on 26 May 2009
Factory Act B.E. 2535 (1992)	Ministerial Regulation Issue 2 (B.E. 2535 (1992)) issued in compliance with Factory Act B.E. 2535 (1992) dated 24 September 1992
	Ministerial Regulation Regarding Criteria on Permission Application and Permit for Factory Category 3 B.E. 2549 (2006)
	Announcement of Ministry of Industry on Types, Amount, and Size of Factories Forbidden to be Built or Located, Section 32 in Factory Act B.E. 2535 (1992)
Commercial Forest Plantation B.E. 2535 (1992) and Revisions	10, 21
Land Code B.E. 2497 (1954)	1, 5, 8 tri, 9, 12, 15, 30, 33, 58, 58 bi, 59, 59 bi,
	Ministerial Regulation Issue 13 (B.E. 2503 (1960))
	Ministerial Regulation Issue 21 (B.E. 2515 (1972))

		Ministerial Regulation Issue 43 (B.E. 2537 (1994))
		Ministerial Regulation Issue 26 (B.E. 2516 (1973))
		กฎกระทรวง ฉบับที่ 45 (พ.ศ.2537) Ministerial Regulation Issue 45 (B.E. 2537 (1994))
		Ministerial Regulation Issue 47 (B.E. 2541 (1998))
		Order of Ministry of Interior No. 194/2501 dated 13 March 2958 on Regulation of Public Land Concession according to Land Code
		Order of Ministry of Interior No. 330/2539 dated 19 November 1996 on Establishment of Concession Consideration Committee according to Section 12 of Land Code
		Regulation of Ministry of Interior on Permission to Utilize Public Land B.E. 2547 (2004)
		Regulation of Ministry of Interior on Governmental Operation for the People regarding Land Concession, Land Trade, and Land Requested for Religions and Land Granted to Alien as Heir-at-law B.E. 2543 (2000)
	Civil and Commercial Code	
	Designated Building Act B.E. 2522 (1979)	4, 8, 10, 40,46 bi
	City Plan Act B.E. 2518 (1975)	No direct relevant regulations, it is under authority of local administration to monitor building construction according to Designated Act B.E. 2518 (1975)

P8: Workers' rights, health safety and welfare	P8-C1: The operation must follow the labour law	Occupational Safety, Health and Environment Act B.E. 2554 (2011)	17,18
		Labour Protection Act B.E. 2541 (1998)	23,38,39,49,
		Ministerial Regulation on Agricultural Labour Protection B.E. 2547 (2004)	
		Immigration Act B.E. 2522 (1979)	11,12,18,23,24,25,26
		Alien Business Act B.E. 2542 (1999)	8,10,11,12,35,36
		Alien Working Act B.E. 2551 (2008)	7,8,9,12,13,14,26,27
		Announcement of Ministry of Labour on Occupations for Aliens Section 12	
	Ministerial Regulation on Certificate Application and Issuance, and Alien Working Notice B.E. 2554 (2011)		
	Act Prescribing Works Relating to Occupation and Profession in which an Alien is Prohibited to Engage, B.E. 2522 (1979)	6,7,9,10,11,17,18	
	Anti-Trafficking in Persons Act, B.E 2551 (2008)	6-14	
	P8-C2: The operator must follow the law on safety, health, and working environment	Occupational Safety, Health and Environment Act B.E. 2554 (2011)	8,13,14,22,32
		Factory Act B.E. 2535 (1992)	(No law requirement)
	P8-C3: The operator must follow the welfare law	Occupational Safety, Health and Environment Act B.E. 2554 (2011)	16, 34
Public Health Act B.E. 2535 (1992)		(No law requirement)	
Labour Protection Act B.E. 2541 (1998)		23, 38	
P9: Taxes, fees, and other payments	P9-C1: The operator must follow the law on taxes, fees, and other payments regarding the planted land	Forest Act B.E. 2484 (1941)	58 bi, 75
		Ministerial Regulation (Issue 23 (B.E. 2518 (1975)) issued in compliance with Forest Act B.E. 2484 (1941) on Fees	

		Announcement of Ministry of Agriculture and Cooperatives on Allocation or Permission Grantees to Nurture Forest or Forest Plantation or Pay for Officers to Nurture Forest or Forest Plantation for, and Rates of Maintaining Forest or Forest Plantation, announced on 17 March 1986
	National Reserved Forest Act B.E. 2507 (1964)	5, 20
		Ministerial Regulation Issue 1221 (B.E. 2531 (1988)) Issued in Compliance with National Reserved Forest Act B.E. 2507 (1964)
		Announcement of Ministry of Agriculture and Cooperatives on Payment Rates that Grantees Permitted to Plant Forest Plantation or Perennial Must Pay to the Government, announced on 1 February 2002
	Sub-district Council and Administrative Organization B.E. 2537 (1994)	29,31
P9-C2: The operator must follow the regulation on taxes, fees, and other payments on requesting permission to process timber and produce timber products	Forest Act B.E. 2484 (1941)	75
		Ministerial Regulation (Issue 23 (B.E. 2518 (1975))) issued in compliance with Forest Act B.E. 2484 (1941)
		5, 20

National Reserved Forest Act B.E. 2507 (1964)	Ministerial Regulation Issue 1221 (B.E. 2531 (1988)) issued in compliance with National Reserved Forest Act B.E. 2507 (1964)
Revenue Code B.E. 2481 (1938)	66,67,68,69,77/2,82/6,83
	Order of Revenue Department No. Por.13/2529 on Income Tax of Juristic Person or Company or Partnership Established under Foreign Laws and Operating in Thailand according to Section 66 and 76 bi in Revenue Code
	Order of Revenue Department No. Thor.Por.4/2528 on Persons subject to pay Income Tax according to Section 40 of Revenue Code, are regulated to pay Withholding Tax
	Order of Revenue Department No. Por.8/2528 on Withholding Tax of Payment for Hiring Company or Partnership Established under Foreign Laws
	Order of Revenue Department No. Por.20/2531 on Withholding Tax of Payment for Hiring to Produce
	Order of Revenue Department No. Por.110/2545 on Withholding Tax on Payment of Goods Transportation between Countries by Vessel and the Operator Transports Goods Overseas by Vessel
Factory Act B.E. 2535 (1992)	6

			Ministerial Regulation Issue 7 (B.E. 2535 (1992)) issued in compliance with Factory Act B.E. 2535 (1992)
	P9-C3: The operator must follow the regulation on personal income tax and corporate income tax as regulated by law	Revenue Code B.E. 2481 (1938)	65, 65 bi, 66, 67, 68, 69, 77/2, 82/6, 82/3, 83, 83/1
			Royal Decree issued in compliance with Revenue Code on revenue exemption (Issue 18) B.E. 2505 (1962)
		Factory Act B.E. 2535 (1992)	Ministerial Regulation regarding Criteria on Permission Application and Factory Category 3 Permission B.E. 2549 (2006)
	P9-C4: The operation must follow the regulation on fees payment and customs duty as regulated by law	Customs Act B.E. 2469 (1926)	10, 27, 35
			Order of Customs Department No. 23/2549 on Customs Rates
		Civil and Commercial Code	
P10: Export, Processing and trade requirements	P10-C1: The operation must follow the regulation on export, trade, and requirements in commercial law	Export and Import of Goods Act B.E. 2522 (1979)	Regulation of Ministry of Commerce on Registration of Certificate Applicants, Form A
			Regulation of Ministry of Commerce on Criteria, Methods, and Conditions on Exporting Timber and Processed Timber out of the Kingdom B.E. 2549 (2006)
			Regulation of Ministry of Commerce on Documents or Evidence Supporting Certificate Application for Exporting Charcoal out of the Kingdom B.E. 2549 (2006)

			Announcement of Ministry of Commerce on Exporting Charcoal out of the Kingdom B.E. 2549 (2006)
			Announcement of Ministry of Commerce on Exporting Rice, Tusk, and Timber out of the Kingdom B.E. 2549 (2006)
			Announcement of Ministry of Commerce on Defining Timber to be Permitted Prior to Exporting out of the Kingdom B.E. 2555 (2012)
	P10-C2: The operation must follow the regulation on export, trade, and requirements in customs law	Customs Act B.E. 2469 (1926)	10,27,35,37,38,40,45,47,48,51,58,66,67,68,74,79,113
			Announcement of Customs Department No. 23/2549 on Methods for Defining Customs Rates
		Customs Tariff Decree B.E. 2530 (1987)	4,4/1,7,10,14
		Plants Act B.E. 2518 (1975), revised by Plants Act (Issue 2) B.E. 2535 (1992)	3, 29 tri, 61 bi
P11: Transparency and General disclosure	P11-C1: The operator must disclose operation information to the government, and the government can disclose the information to the public following the law	Credit Information Business Act B.E. 2540 (1997)	