



FOSSIL PROTECTION ACT
B.E. 2551

Department of Mineral Resources
Ministry of Natural Resources and Environment



FOSSIL PROTECTION ACT

B.E. 2551

Director-General:

Mr. Praneet Roibang

Deputy Director-General:

Mr. Worasart Apaipong

Dr. Tawsaporn Nuchanong

Director of Legal section:

Mr. Boonroong Suangarmiam

Director of Fossil Protection Division:

Mr. Winat Phuthiang

First Edition

August 2014,

5,000 copies

Bibliography Information:

Department of Mineral Resources, Fossil Protection Division

Fossil Protection Act B.E. 2551

Bangkok : Department of Mineral Resources, 2014,

24 pages

Preface

Fossil discovery in Thailand has increased and thus should be preserved for research of the world history, natural heritage of the public, and also can be developed to a learning resource and tourism place to generate revenue for the country. However, at present, the fossil could be destroyed or be commercially used. This results in loss of the natural heritage of the public, which has the high value.

Department of Mineral Resources is the main governmental organization serving the country in terms of research and conserve geological resources including fossils. Therefore, it is necessary to establish specific law for protection, conservation and management of the fossil.

This book “FOSSIL PROTECTION ACT B.E. 2551” is intended to serve government officers, local administrative organization and related people as a reference to understand how to do with this Act. As a result, the high value of these fossils shall be protection, conservation and management as national properties for our next generation.



Mr. Pranee Roibang

Director-General

Department of Mineral Resources

Content

	page
Fossil Protection Act B.E. 2551	5
CHAPTER 1 Fossil Protection Committee	7
CHAPTER 2 Fossil Sites	9
CHAPTER 3 Fossil	13
CHAPTER 4 Museum of Fossil, Geology and Natural Science	16
CHAPTER 5 Fossil Management Fund	17
CHAPTER 6 Suspension or Revocation of Licenses	19
CHAPTER 7 Competent Officer	20
CHAPTER 8 Penalties	21
Transitory Provisions	23
Rates of Fees	24



FOSSIL PROTECTION ACT

B.E. 2551

BHUMIBOL ADULYADEJ, REX.

given on the 30th Day of January B.E. 2551;

being the 63rd Year of the Present Reign.

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

Whereas it is expedient to have a law on fossil protection;

This Act contains certain provisions in relation to the restriction of rights and liberties of persons in respect of which section 29, in conjunction with section 33, section 41 section 42 and section 43 of the Constitution of the Kingdom of Thailand so permit by 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 “Fossil Protection Act B.E. 2551”.

Section 2. This Act shall come into force after one hundred and eighty days as from the date of its publication in the Government Gazette.

Section 3. In this Act;

“Fossil” means a carcass or living trace in the prehistoric period which is in the earth crust or fell off or was dug out from the earth crust, excluding antiques under the law on archeological site, antique, artifact and national museum.

“Fossil site” means the site where there is a discovery of fossil or there was fossil.



“competent officer” means a civil servant or other government officer whose position is no less than Level three of the civil servant or its equivalent, appointed by the Minister from among the qualified people as specified by the Minister to perform an act under this Act.

“local competent officer” means

- (1) Mayor for the municipality area
- (2) Governor of Bangkok for Bangkok area
- (3) Pattaya Mayor for Pattaya area
- (4) Chief Executive of the Subdistrict Administrative Office for a subdistrict administrative area
- (5) Chief Executive of other Local Administrative Organization established by a specific law to be a local government for that local administrative area.

“Committee” means the Fossil Protection Committee.

“Director-General” means Director-General of Department of Mineral Resources.

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

Section 4. The Minister, with the advice of the Committee, shall have the power to issue a notification to exempt, respite, or lay down conditions for governmental agencies or state-supervised agencies to, wholly or partly, execute this Act in respect to the following operations:

- (1) to delve in a survey and research site;
- (2) to repair, correct, change, remove, elaborate or destroy registered fossil site or fossils in the registered fossil site;
- (3) to repair, change, or destroy the registered fossils;
- (4) to exhibit the registered fossils.

Section 5. The Minister of Natural Resources and Environment shall have charge and control of the execution of this Act and shall have the power to appoint competent officers and issue Ministerial Regulations specifying fees at the rate not exceeding the rates attached to this Act, exempting from fees, and determining other operations for the execution of this Act.

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



CHAPTER 1

Fossil Protection Committee

Section 6. There shall be a Fossil Protection Committee consisting of the Permanent Secretary of Ministry of Natural Resources and Environment as Chairperson, Director-General of the Department of Mineral Resources, Director-General of the Fine Arts Department, a representative of the Ministry of Interior, a representative of the Ministry Science and Technology, a representative of the Office of the Higher Education Committee, and a representative of the Office of the Attorney General, and qualified persons of not more than five persons appointed by the Minister as members; and an officer of the Department of Mineral Resources entrusted by the Director-General shall be member and secretary.

Qualified Members under paragraph one shall be appointed from persons with knowledge, capacity and expertise on geology or fossil.

The Committee may appoint not more than two assistant-secretaries.

Section 7. A qualified member shall hold office for a term of two years. Once his term finishes, the qualified member may be re-appointed.

In the case where a member vacates office prior to the end of the term, the newly appointed member shall take office for the remaining term of office of that member.

When the remaining term of office under paragraph one finishes and the appointment of the new qualified member has not been made, the qualified member whose term has finished and no longer holds office shall remain in office to perform his duties until the newly appointed member takes office.

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

- (1) death;
- (2) resignation;
- (3) being incompetent or quasi incompetent;
- (4) being imprisoned by a judgment;

(5) being dismissed by the Minister by the resolution of the Committee of the vote of not less than two-thirds of the attending members due to negligent in the discharge of duty, disgrace behavior or hostile act against the execution of this Act.



Section 9. The Committee shall have the powers and duties as follows:

- (1) to prepare and advise policies to the Minister on the protection of fossil site and fossil;
- (2) to establish measures and means to promote and support the survey, research, protection and preservation of fossil sites or fossils;
- (3) to give recommendation, to the Minister or the Director-General, for a revision or amendment of laws, ministerial regulations, notifications, regulations, by law or rules fossil sites and fossil;
- (4) to give recommendation to the Ministry for the execution of section 4;
- (5) to give approvals for the execution of section 12, section 14 and section 15;
- (6) to consider and establish rules, procedures and conditions on compensation under section 12, section 14 and section 26;
- (7) to consider and establish rules concerning with a registration of fossil site and fossils under section.14 and section 26;
- (8) to consider and establish rules and procedures in purchasing the registered fossil sites under section 15;
- (9) to give the approval of the admission fee for visiting or service charge under section 23;
- (10) to give the approval of allowing any person to perform duties in the registered fossil sites which belongs to State and to establish regulation on the payment of remuneration and fee to bring to the Fossil Management Fund under section 24;
- (11) to consider and establish the registered fossils to be fossils which should be preserved as national properties and to set value of the fossils under 26 paragraph two;
- (12) to perform other duties as specified by the law to be the duties of the committee.

Section 10. At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum, If the chair-person is not present at the meeting or is unable to perform the duty, the member present shall select one among them to preside over the meeting.

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

The Fossil Protection Committee shall organize the meeting at least three times a year.



Section 11. The Committee shall have the power to appoint sub-committees to consider or perform duties entrusted by the Committee.

Section 10 shall apply, *mutatis mutandis*, to the sub-committee meetings.

CHAPTER 2

Fossil Sites

Section 12. For the benefits of the educational research concerning the world history, paleontology, paleobiology or stratigraphy, the Director- General with the approval of the Committee shall have the power to notify in the Government Gazette of the establishment of the area for survey and educational research on the fossil sites and fossils.

The Notification under paragraph one shall specify the area for the survey and educational research, shall be attached with the map of that area, and shall not be enforced more than three years. In the case where the survey and educational research cannot be conducted within the time period specified, the Director-General, with the approval of the Committee, shall extend the time period of the Notification, for not more than two terms, for a term of not exceeding one year.

Once there is a Notification under paragraph one, the owner, possessor, or person who has lawful rights over the land shall have the right to receive compensation for being unable to use or to benefit from the land under normal circumstance, in accordance with rules, procedures and conditions specified by the Committee.

Section 13. When the area for survey and educational research is notified under section 12, competent officers shall have the rights to enter into the land or other immoveable properties within the area for survey and educational research to delve for samples and perform other tasks as deemed necessary for survey and educational research, the owner, possessor, or person who has lawful rights over the land shall be notified in writing concerning the operations to be done prior to the commencement of such operations.

Section 14. If it appears that any area is a fossil site which is important for the world historic education, paleontology, paleontological biology or stratigraphy in accordance with the rules prescribed by the Committee, whether or not it has been announced as the area for survey and educational research under section 12, the Director-General, with the approval of the Committee, shall have the power to notify such area to be the registered



fossil site. Such notification shall be published in the Government Gazette and attached with the map of the area of the registered fossil site.

Once the notification under paragraph one is issued, the owner, possessor, or person who has lawful rights over the land shall have the right to receive compensation for being unable to use or to benefit from the land under normal circumstance in accordance with the rules, procedures and conditions specified by the Committee, except that the owner, possessor, or person who has lawful rights over the land has already received compensation under section 12 paragraph three. Such payment shall take into account of the value of the value of compensation which the person has received under paragraph three.

Any modification or withdrawal of the fossil site registered under paragraph one, the Director-General, with the approval of the Committee, shall notify it in the Government Gazette.

Section 15. In the case where the Director-General is of the opinion that the registered fossil sites under section 14, which is not the property of the state, is the fossil site which should be preserved as the national property and for the benefit of maintenance, protection and preservation, the Director-General, with the approval of the Committee, shall have the power to purchase such registered fossil site in accordance with rules and procedures prescribed by the Committee.

In the case where the purchase of the registered fossil site from the owner, possessor, or person who has lawful rights over the land fails, but it is necessary to have such registered fossil site for the benefit of maintenance, protection and preservation, that registered fossil site shall be expropriated under the law on expropriation.

Section 16. The person who has the right to compensation under section 12 and section 14 and that person is dissatisfied with such compensation, he or she has the right to appeal to the Minister within sixty days from the date of receiving the compensation letter. The decision of the Minister shall be final.

Section 17. Under section 13, no one shall delve in the survey and educational research site under section 12, or move, take or damage or destroy the fossil sites or fossils in the mentioned site, except as otherwise permitted by the Director-General.

The application for license, license permission, the duration of the license, the extension of the license and the issuance of the substituted license shall be in



accordance with rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 18. No one shall repair, correct, change, remove, elaborate or destroy the registered fossil site or fossils in the registered fossil site or delve anything or build a building in the registered fossil site, except as otherwise performing in accordance with the order of the Director-General or the competent officers under section 20 or being permitted by the Director-General.

In the urgent case which damages may happen to the registered fossil site or fossils in the registered fossil site, the owner, possessor, or person who has lawful rights over the land shall manage, as deemed appropriate, to protect or relieve the damages which may happen to the registered fossil site or fossils in the registered fossil site. Such act has to be informed in writing to the Director-General, competent officer or local competent officer of the area in which the registered fossil site is situated within fifteen days from the date of the management.

In the case where the local competent officer is the person notified under paragraph two, such local competent officer shall, without any delay, report to the Director-General or competent officer.

The application for license, license permission, the duration of the license, the renewal of the license and the issuance of the substituted license shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 19. If the registered fossil site is ruined, collapsed or damaged for whatever reason, the owner, possessor, or person who has lawful rights over the land shall inform, in writing, such ruin, collapse or damage to the Director-General, competent officer, or local competent officer of the area in which the registered fossil site is situated within thirty days from the date that he or she knows or ought to know about such ruin, collapse or damage.

In the case where the local competent officer is the person notified under paragraph one, such local competent officer shall, without any delay, report to the Director-General or competent officer.

Section 20. For the benefit of maintenance, protection and preservation of the registered fossil site, the Director-General or a competent officer shall, without any delay, notify, in writing, the owner, possessor, or person who has lawful rights over the land to



restore or improve the registered fossil site under his or her possession to the appropriate condition within the appropriate duration.

When the owner, possessor, or person who has lawful rights over the land has restored or improved the registered fossil site under paragraph one, expenses in the mentioned operation shall be as follows:

(1) In the case where the owner, possessor, or person who has lawful rights over the land does not obtain any benefit from that registered fossil site, the Department of Mineral Resources shall be responsible for such expenses;

(2) In the case where the owner, possessor, or person who has lawful rights over the land obtain benefits from that registered fossil site, the Director-General may order that the owner, possessor, or person who has lawful rights over the land be, wholly or partly, responsible for such expenses. In this regard, the Director-General shall appoint a committee of not more than five members including the owner, possessor, or person who has lawful rights over the land as the members to present the opinion to the Director-General.

Section 21. If it appears to the Director-General or the competent officer that the owner, possessor, or person who has lawful rights over the land has not fully performed the task specified by the Director-General or the competent officer under section 20 or the Director-General is informed by the owner, possessor, or person who has lawful rights over the land that they cannot perform such task, the Director-General or a competent officer shall have the power to repair or improve that registered fossil site. The owner, possessor, or person who has lawful rights over the land must be informed of the operation beforehand and within the appropriate time period.

When the Director-General or the competent officer has execute the repair or the improvement of the registered fossil site, the expenses occurred from such execution shall be as follows:

(1) In the case where the owner, possessor, or person who has lawful rights over the land does not obtain any benefit from that registered fossil site, the Department of Mineral Resources shall be responsible for such expenses;

(2) In the case where the owner, possessor, or person who has lawful rights over the land obtain benefits from that registered fossil site, the Director-General may order that the owner, possessor, or person who has lawful rights over the land be, wholly or partly,



responsible for such expenses. In this regard, the Director-General shall appoint a committee of not more than five members including the owner, possessor, or person who has lawful rights over the land as the members to present the opinion to the Director-General.

Section 22. If the owner, possessor, or person who has lawful rights over the land is not satisfied with the expenses paid as prescribed by the Director-General under section 20 or section 21, he or she has the right to appeal within sixty days of being notified. The decision of the Minister shall be final.

Section 23. The Director-General shall have the power to issue the Regulation specifying what the viewers shall do when visiting a registered fossil site, whether or not such registered fossil site is on the state or private land.

In the case where the registered fossil site under paragraph one is publicly owned, the Director-General, with the approval of the Committee, shall lay down the admission fee or other service fees.

Section 24. For the benefit of promoting education and disseminate the registered fossil sites on the public land, the Director- General, with the approval of the Committee, shall have the power to permit any person to enter into and perform tasks in a registered fossil site which is on State land. Such person must be permitted by the responsible authorities prior to such act and he or she must pay the remuneration or other fees to the Department of Mineral Resources to bring to the Fossil Management Fund in accordance with the Regulation prescribed by the Director- General, with the approval of the Committee.

The license request, license permission, the duration of the license, the renewal of the license and the issuance of the substituted license for performing an act in the registered fossil site on State land under paragraph one shall be in accordance with rules, procedures and conditions prescribed in the Ministerial Regulations.

CHAPTER 3

Fossil

Section 25. Whoever finds things which can be reasonably believed that it is fossil, must notify the local competent officer of the area of discovery within seven days as from the day of the finding.

On the notification pursuant to paragraph one, the local competent officer shall



prohibit any person to use or to enter into the area of the things which can be reasonably believed that it is fossil and shall mark a sign of prohibition in an open and easily way to be seen at the area, and report the Director-General or the competent officer within seven days as from the day of the notification.

On the receiving of the report pursuant to paragraph two, the Department of Mineral Resources shall conduct and finish a preliminary examination within seven days as from the day of the reception of the report.

After the examination pursuant to paragraph three, if the Department of Mineral Resources has considered that it is suitable to conduct the action pursuant to section 12, section 14 or section 26, as the case may be, the order pursuant to paragraph two shall remain in force until the examination has been finished, and section 12 paragraph three shall apply *mutatis mutandis*.

In case that the Department of Mineral resources considers, after the examination pursuant to paragraph three, not to act pursuant to section 12, section 14 or section 36, the Department of Mineral resources shall inform the local competent officer to cancel the order pursuant to paragraph two rapidly.

Section 26. When the Director-General considers that any fossil discovered within the Kingdom is important or has values for the study of the world history, paleontology, paleobiology or stratigraphy according to the rules prescribed by the Committee, the Director-General shall notify in the Government gazette that the fossil is “registered fossil”, and refers to the Committee for consideration.

When the Committee considers that the registered fossil pursuant to paragraph one is rare and has special value, deserves to be preserved as national heritage, the Director-General shall notify its details in the Government gazette, and shall have powers as follows:

(1) In case that the registered fossil is in the possession of an individual, the individual shall submit that fossils to the Director-General or the person designated by the Director-General within fifteen days as from the date of notification, in this connection, the individual shall receive the compensations according to rules, procedures and conditions prescribed by the Committee; or

(2) In case that the “registered fossil” which is under responsibility of the other State agencies, the Director-General may send a letter of notification asking for the



submission of the said fossil to the Department of Mineral resources.

Section 27. The owner or the possessor of the registered fossil who is not satisfied with the amount of the compensation entitled pursuant to section 26 paragraph two (1) has right to appeal to the Minister within sixty days as from the day of notification. The decision of the Minister shall be final.

Section 28. No one is allowed to trade fossil, except being licensed by the Director-General.

The application for license, license permission, the duration of the license, the renewal of the license, and the issuance of the substituted license shall be in accordance with rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 29. In case that the registered fossil is ruined, damaged, lost or transferred or changed to another storage, the owner or the possessor of the fossil shall notify the Director-General, the competent officer or the local competent officer of the area of the possession of the fossil within 30 days as from the day of the acknowledgement or the day supposing to know the ruin, damages, lost, transfer or change to another storage.

Section 30. No one shall repair, change or destroy the registered fossil, except as otherwise licensed by the Director-General.

The application for license, the license permission, the duration of the license, the renewal of the license, the issuance of the substituted license shall be in accordance with rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 31. For the purpose of preservation, maintenance and conservation of the registered fossil, the provisions of section 20, section 21 and section 22 shall apply *mutatis mutandis*.

Section 32. Whoever exhibits the registered fossil shall notify in writing to the Director-General. The exhibition of the registered fossil shall be in accordance with rules, procedures and conditions prescribed by the Director-General in the Notification.

Section 33. Whoever brings fossil or fossil which has been modified or changed in any other form into the Kingdom, shall notify in writing to the Director-General.

The notification pursuant to paragraph one shall be in accordance with rules and procedures prescribed by the Director-General in the Notification.



Section 34. Whoever delivers or brings fossil or fossil which has been modified or changed in any other form, and that fossil has not been found in the Kingdom, out of the Kingdom, shall notify in writing to the Director-General.

The notification pursuant to paragraph one shall be in accordance with rules and procedures prescribed by the Director-General in the Notification.

Section 35. No one shall deliver or bring fossil or fossil which has been modified or changed in any other form, and that fossil has been found in the Kingdom, out of the Kingdom, except as otherwise licensed by the Director-General.

The application for license, the license permission, the duration of the license, the renewal of the license, the issuance of the substituted license shall be in accordance with rules, procedures and conditions prescribed in the Ministerial Regulations.

CHAPTER 4

Museum of Fossil, Geology and Natural Science

Section 36. There shall be a museum of fossil, geology and natural science for the purpose of development, collecting and keeping the geological and natural evidences, and being the keeping place of fossil for education, research, exhibition and reference.

The Minister shall notify in the Government Gazette the place to be established as museum of fossil, geology and natural science, or the place to become museum of fossil, geology and natural science.

The Director-General have powers to issue regulations which the visitors shall comply with during the visit of the museum of fossil, geology and natural science, and may determine the visiting rate or any other service charges.

Section 37. In the case that there are several pieces of the same type of the registered fossil in possession of the Department of Mineral resources, the Director-General may permit other ministries, specialized departments, departments, or state agencies be the keeper of the said fossil.



CHAPTER 5

Fossil Management Fund

Section 38. There shall be a fund established in the Department of Mineral Resources called “Fossil Management Fund” for the expenses of support and promotion of education and research, preservation, development, administration of fossil sites, fossils, collecting and keeping geological and natural evidences, and keeping fossils, under this Act.

Section 39. The Fossil Management Fund composes of:

- (1) money allocated from the government;
- (2) permission fee under this Act;
- (3) compensations and other fees from fossil sites pursuant to section 24;
- (4) visiting fee, other service charges, or any benefit from fossil sites, fossils, and the museum of fossil, geology and natural science in possession of the department of Mineral resources, which the department of Mineral resources is the collector;
- (5) money or properties donated;
- (6) fruits or benefits or other incomes arising from the Fund.

Money and properties of section 39 shall be deposited into Fossil Management Fund, which not be proceed into Ministry of Finance.

on the obtainment, the keeping, the disbursement of money and the administration of the Fossil Management Fund shall be approval of the Committee in accordance with an agreement enter into the Ministry of Finance.

Section 40. The money of the Fund shall be spent for the following objectives:

- (1) to pay for the compensations under section 12, section 25 and section 26;
- (2) to pay for the maintenance or the reparation of fossil source or fossil under section 20, section 21 and section 31;
- (3) to pay for aids or subsidy for the activities relating to the promotion and development of study and research concerning fossil source or fossil;
- (4) to pay for aids or subsidy for the operations for the preservation, the keeping, the development and the administration of the fossil source, fossil or the museum of fossil, geology and natural science, the collecting and the storage of the geological and natural evidences;
- (5) to pay for the expenses of the administration of the Fund.



The Committee of the administration of the Fund may allocate the money of the Fund not more than five per cent of the Fund each year for the expenses of the administration of the Fund.

Section 41. There shall be a Fund Administration Committee consisting of the Director-General of the Department of Natural resources as chairperson, a representative of the Department of Fine arts, a representative of the Department of Lands, a representative of the Office of the Higher Education Committee, a representative of the Bureau of the Budget, a representative of the Comptroller General's Department, the experts which the Committee appoint two persons from persons who have knowledge and experiences in finance, in accounting, in law or in economics as committee, and the Deputy-General of the Department of Mineral Resources whom the Director-General entrusted as committee and secretary.

The Fund Administration Committee may appoint the assistant-secretary (s) not more than two persons.

Section 42. The provisions of section 7, section 8, section 10 and section 11 shall apply to the office and the retirement of the expert committees, the meeting of the Administration Fund Committee and the appointment of the Administration Fund Committee *mutatis mutandis*.

Section 43. The Administration Fund Committee shall have powers and duties as follows:

- (1) to consider and approve the disbursement as prescribed in section 40;
- (2) to administrate the Fund in accordance with the Rules prescribed by the Committee;
- (3) to report the financial status and the administration of the Fund in accordance with the Rules prescribed by the Committee.

Section 44. There shall be a committee on follow-up and evaluation of the operation of the Fund composed of five members of chairperson and four qualified members, at least one of them shall have knowledge, competence, and experience in each fields of finance, geology or fossil, and evaluation, respectively. A member of the Committee shall be the secretary.



The committee on follow-up and evaluation of the operation of the Fund may appoint the assistant-secretaries not more than two persons.

Section 7, section 8, and section 10 shall apply to the position holding, the office vacation, and the meeting of the committee on follow-up and evaluation of the operation of the Fund *mutatis mutandis*.

Section 45. The Committee on follow-up and evaluation of the operation of the Fund has powers and duties as follows:

- (1) to follow, examine, and evaluate the operation of the Fund;
- (2) to report the results of the operations to the Committee;
- (3) to call for documents or evidences relating to the Fund from any person or to summon any person to give facts for the consideration of the evaluation.

Section 46. The Committee on follow-up and evaluation of the operation of the Fund shall make a balance sheet and operational account and send them to the Office of the Auditor-General, and certify them within one hundred and twenty days as from the last day of the calendar year.

The Office of the Auditor-General shall make a report of the examination and certify the account and the finance of the Fund and refer them to the Committee within one hundred and fifty days as from the last day of the calendar year, in order that the Committee report to the Cabinet for acknowledgement.

CHAPTER 6

Suspension or Revocation of Licenses

Section 47. Any licensee who violates or fails to comply with the conditions of the license granting, the Director-General shall have the power to suspend the license not exceed sixty days each time; but in the case where a licensee has been prosecuted for having committed an offence under this Act, the Director-General shall suspend the license pending the final judgement.

Section 48. If it appears that any licensee is sentenced by a final judgment for violate or fail to comply with this act or violate order suspending a license. the Director-General shall have the power to revoke the license.



The person whose license has been revoked shall not apply for that kind of license until the lapse of two years from the date of revocation.

Section 49. The order suspending or revoking a license shall be made in writing and served to the licensee;

The provisions of chapter 4 Notification in the Administrative Procedure Act shall apply *mutatis mutandis* to the notification of an order under paragraph one.

Section 50. In the case where the Minister or the competent officer refuses to grant the permission under this act to the application of anyone or suspends or revokes the license under section 47 or section 48. The person whose license has been suspended or revoked has the right to appeal in writing to the Minister within thirty days as from the date the order has known to the Minister.

The decision of the Minister shall be final.

The appeal under paragraph one shall not stay the execution of the order suspending or revoking a license.

CHAPTER 7

Competent Officer

Section 51. The competent officer shall have the power to:

(1) enter into explore or research site under section 12, fossil site or any places where there is reasonable grounds to suspect that the violation of the provisions of this Act has been committed, between sunrise and sunset or during its working hours in order to inspect that this act is complied with;

(2) search in a place or vehicle between sunrise and sunset or during its working hours, in the case where there is reasonable grounds to suspect that an offence under this Act has been committed, and there are reasonable grounds to believe that by reason of the delay in obtaining a warrant of search, the materials, articles, or documents relating to such offence shall be removed, concealed, delivered or carried out from the Kingdom, or destroyed;

(3) seize or attach any material, article, or document relating to the offence under this Act for the purpose of inspection or instituting a legal proceeding;



A search or a seize or a attach under (2) or (3), a competent officer who is a supervisor in a conducting search shall be holding the position not lower than a position level five of a civil servant or equivalence and the competent officer shall manifest his honesty before conducting a search or a seize or a attach, and report the result of search or seize or a attach in written to the upper supervisor, and also make a copy of the result for the holder of that place or vehicle. If there is no holder in a conducting search, the competent officer shall deliver the result as soon as possible.

A search or a seize or a attach under (2) or (3), in the case not complete, the search shall be conducted during sunset or after working hours.

The holder of that place or vehicle shall maintain searching of competent officer as possible.

Section 52. In the execution of this act, the competent officer shall be an official under the Penal Code.

Section 53. In the performance of duties under this Act, the competent officer shall produce identification card.

The identification card of the competent officer shall be made in the form as specified by the Minister by publishing in the Government Gazette.

CHAPTER 8

Penalties

Section 54. Whoever violates section 17 or section 28 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding one hundred thousand baht or to both.

Section 55. Whoever violates section 18 or section 30 shall be liable to a fine of not exceeding ten thousand Baht.

If the offence under paragraph one is committed by destroying a registered fossil site or a registered fossil, the offender shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding one hundred thousand Baht or to both.

Section 56. Whoever fails to comply with section 19, section 29 or regulations determined by the Director-General under section 23 or section 36 paragraph three shall be



liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding ten thousand baht.

Section 57. Whoever fails to comply with section 25 or section 32 shall be liable to a fine of not exceeding fifty thousand Baht.

Section 58. Whoever fails to comply with section 26 paragraph two (1) shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding fifty thousand Baht or to both.

Section 59. Whoever delivers or brings the fossil which did not be reported to be found under section 25 or did not be reported to be in possession of under section 63 out of the Kingdom in violation of section 35 shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding five hundred thousand Baht or to both.

The offence under paragraph one, if it has inspected that such fossil should be registered, the offender shall be liable to imprisonment for a term of not exceeding seven years or to a fine of not exceeding seven hundred thousand Baht or to both.

The offence under paragraph one, if such fossil which is rare and of special value should be preserved as a national property and it has inspected that such fossil should be registered, the offender shall be liable to imprisonment for a term of one year to ten years or to a fine in an amount of two times to four times of the value of fossil on the date which the offence was committed or to both.

Section 60. Whoever delivers or brings the fossil which should not be registered out of the Kingdom in violation of section 35 shall be liable to a fine of not exceeding fifty thousand Baht.

Section 61. Whoever delivers or brings the registered fossil out of the Kingdom in violation of section 35 shall be liable to imprisonment for a term of not exceeding seven years or to a fine of not exceeding seven hundred thousand Baht or to both.

If the offence under paragraph one is committed to the registered fossil which is rare and of special value should be preserved as a national property as notified by the Director-General under section 26 paragraph two, the offender shall be liable to imprisonment for a term of one year to ten years or to a fine in an amount of two times to four times of the value of such fossil as prescribed by the committee or to both.



Section 62. In the case where the offender is a juristic person and liable to punishment under this Act, its directors, manager or person who is responsible for the conduct of business of the juristic person under paragraph one shall be liable to imprisonment or to a fine as prescribed by this Act for that offence, unless such person is able to prove that he or she takes no part in the committee of the offence of such juristic person.

Transitory Provisions

Section 63. Whoever has owned or possessed the fossil before this Act comes into force shall notify the Director-General or the competent officer in written or verbal form within one year as from the date this Act comes into force.

Any owner or possessor of the fossil who fails to comply with paragraph one shall be liable to a fine of not exceeding ten thousand baht.

Section 64. Dinosaur Museum and Research Centre, Rocks and Minerals Research Centre, Golden Jubilee National Geological Museum, Sirindhorn Dinosaur Museum and Rocks and Minerals Museum which under supervision of Mineral Resources Department before this Act comes into force shall be the museum of fossil, geology and natural science under this Act.

Countersigned by:

General Surayud Chulanont

Prime Minister



Rates of Fees

(1)	The license to excavate, remove, take away, damage or destroy a fossil site or a fossil In explore or research site under section 17	each	1,500 baht
(2)	The license to enter and perform the duty in a fossil site which is on the state land under section 24	each	10,000 baht
(3)	The license to trade a fossil under section 28	each	10,000 baht
(4)	The license to send or take a fossil or a fossil which were transformed or modified into other forms out of the Kingdom under section 35		
	(a) Registered Fossil	piece	10,000 baht
	(b) Non-Registered Fossil	piece	2,000 baht
(5)	Substitution of the license	each	100 baht
(6)	Renewal of the license each time equal to the fee for the license		

Remark The reasons for promulgation of this Act are as follows: fossil discovery in Thailand has increased and thus should be preserved for research of the world history, natural heritage of the public, and also can be developed to a learning resource and tourism place to generate revenue for the country. But At present, there is not any specific law to protect, to preserve and to manage of fossil which cause illegal fossil delving or technically improper delving, Therefore the fossil could be destroyed or be commercially used. This results in loss of the natural heritage of the public, which has the high value. Should be established the law for protection, preservation and management the fossil. It is, therefore, necessary to promulgate this Act.





Department of Mineral Resources
Ministry of Natural Resources and Environment

Rama VI Road, Ratchathewi, Bangkok 10400

Tel. 0-2621-9640 Fax. 0-2621-9841

www.dmr.go.th