

(Unofficial Translation)

**MARINE AND COASTAL RESOURCES MANAGEMENT PROMOTION ACT,
B.E. 2558 (2015)**

BHUMIBOL ADULYADEJ, REX.
Given on the 20th Day of March B.E. 2558 (2015);
Being the 70th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have the law on marine and coastal resources management promotion;

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

Section 1. This Act shall be called the “Marine and Coastal Resources Management Promotion Act, B.E. 2558 (2015)”.

Section 2. This Act shall come into force after the elapse of ninety days from the date of its publication in the Government Gazette.

Section 3. In this Act:

“Marine and coastal resources” means objects existing or naturally occurring in marine and coastal areas, including peat swamp forests, wetlands, canals, creeks, lakes and estuaries connected to or influenced by the sea, such as, mangrove forests, beach forests, beaches, shoreline, islands, seagrass beds, coral reefs, shellfish beds, marine flora and fauna or man-made facilities for the benefit of marine and coastal ecosystems, such as, artificial reefs, breakwaters, and coastal erosion protection;

“Coastal communities” means the communities, local communities, or indigenous communities settled in coastal or island areas;

“Conservation areas” means a national park prescribed under the law on national parks, a wildlife sanctuary and non-hunting area prescribed under the law on wildlife reservation and protection, a national reserved forest prescribed under the law on the national reserved forest, an environmental protected area prescribed under the law on the enhancement and conservation of national environmental quality, a fisheries sanctuary prescribed under the law on fisheries, and other types of protected areas for the purpose of reserving and maintaining the natural conditions as provided by laws;

“Committee” means the National Committee on Marine and Coastal Resources Management Policy and Planning;

“Competent official” means a civil servant or state official who is in the position not lower than a civil servant in the practitioner level or as equivalence, appointed by the Minister for the execution of this Act;

“Director-General” means the Director-General of the Department of Marine and Coastal Resources;

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

Section 4. The Minister of the Ministry of Natural Resources and Environment shall have charge and control of the execution of this Act and shall have the power to appoint a competent official including issuing Ministerial Regulations and Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publications in the Government Gazette.

CHAPTER I

National Committee on Marine and Coastal Resources Management Policy and Planning

Section 5. There shall be a committee called “National Committee on Marine and Coastal Resources Management Policy and Planning” consisting of the Prime Minister, or the Deputy Prime Minister, appointed by the Prime Minister as Chairperson, the Minister of the Ministry of Natural Resources and Environment as Vice-chairperson, the Permanent Secretary of the Prime Minister’s Office, the Permanent Secretary of the Ministry of Defence, the Permanent Secretary of the Ministry of Finance, the Permanent Secretary of the Ministry of Foreign Affairs, the Permanent Secretary of the Ministry of Tourism and Sports, the Permanent Secretary of the Ministry of Agriculture and Cooperatives, the Permanent Secretary of the Ministry of Transport, the Permanent Secretary of the Ministry of Natural Resources and Environment, the Permanent Secretary of the Ministry of Energy, the Permanent Secretary of the Ministry of Commerce, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Industry, the Secretary-General of the National Economic and Social Development Board, the Secretary-General of the National Security Council, the Commander-in-chief of the Royal Thai Navy and the Secretary-General of the National Research Council of Thailand as *ex-officio* members and no more than twelve eminent members appointed by the Council of Ministers.

The Director-General shall act as a member and secretary.

The appointment of eminent members under paragraph one shall come from persons possessing knowledge and experiences on the management of marine and coastal resources, environment, geological resources, oceanography, marine science, tourism, fisheries, economics or law. In this regard, not less than one half of the members shall be representatives of the coastal communities.

Section 6. Eminent members shall hold office for a term of three years.

Upon the expiration of the term of office under paragraph one, if a new eminent member has not yet been appointed, the member whose term of office has expired shall remain in office to continue to perform his or her duties until a newly appointed eminent member assumes his or her duties.

An eminent member who vacates office upon the expiration of the term may be reappointed but shall not hold office for more than two consecutive terms.

Section 7. In addition to vacating office on the expiration of the term, an eminent member shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Ministers due to negligence in the performance of the duty, disgraceful behavior or incapability;
- (4) being bankrupt;
- (5) being incompetent or quasi-incompetent;
- (6) being sentenced by a final judgment to imprisonment, except for an offence committed through negligence or a petty offence.

Section 8. In the case where an eminent member vacates his or her office before the expiration of the term, the eminent members remaining in office shall continue to perform their duties and the Council of Ministers may appoint a replacement except the remaining term of office of such eminent member is less than one hundred and eighty days. The appointee shall be in office for the remaining term in accordance with the remaining term the eminent members already appointed.

In the case where an additional eminent member is appointed during the time eminent members already appointed are in office, the appointee shall be in office for the remaining term in accordance with the remaining term the eminent members already appointed.

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

- (1) to propose a national policy and plan on marine and coastal resources management to the Council of Ministers for approval;
- (2) to provide comments, recommendations, and consultations to governmental agencies for the implementation of the national policy and plan on marine and coastal resources management;
- (3) to consider and give approval on the areas for implementing preventive measures for coastal erosions;
- (4) to monitor and assess the work performance carried out by governmental agencies related to marine and coastal resources management to ensure the compliance with the national policy and plan on marine and coastal resources management;
- (5) to provide comments to the Council of Ministers for consideration in the case where it appears that a governmental agency fails to comply with the national policy and plan on marine and coastal resources management;
- (6) to consider and give approval for the issuance of Ministerial Regulations under section 18, section 20 and section 21;
- (7) to submit a report, at least once a year, on the state of marine and coastal resources and coastal erosion of the country to the Council of Ministers;

(8) to perform any other actions as provided under this Act or other laws of which powers and duties belong to the Committee or as assigned by the Council of Ministers or the Prime Minister.

In order to prepare the national policy and plan on marine and coastal resources management under (1), the national policy and plan on environmental quality protection under the law on the enhancement and conservation of national environmental quality, the fisheries development policy, aquaculture or the utilization of areas for fisheries under the law on fisheries shall be taken into account. In addition, public hearings of the general people, related business operators, private sectors and government agencies shall be conducted as a part of consideration for the preparation of the national policy and plan on marine and coastal resources management.

The Committee shall review the national policy and plan on marine and coastal resources management under (1) at least every three years or in the case of necessity, the Committee may expedite the review.

Section 10. As for the meeting of the Committee, the presence of not less than one-half of the members is required to constitute a quorum.

At any meeting, if the Chairperson is not present or unable to perform the duties, the Vice-chairperson shall preside over the meeting. If neither the Chairperson nor the Vice-chairperson attends or is able to perform the duties, the members present shall elect one among themselves to preside over the meeting.

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

Section 11. The Committee shall have the power to appoint subcommittees to carry out any acts on behalf of or as assigned by the Committee.

The provisions of section 10 shall, *mutatis mutandis*, apply to the meeting of the subcommittee.

Section 12. There shall be a Provincial Committee on Marine and Coastal Resources, for provinces possessing areas for plantation, maintenance, conservation and restoration of marine and coastal resources. Members of the Provincial Committee consist of Provincial Governor as Chairperson, the Director of Marine Office, a representative of the Royal Forest Department, a representative of the National Parks, Wildlife and Plant Conservation Department, the Director of Provincial Office for Natural Resources and Environment, the Chief of Provincial Fisheries Office, the Chief of the Provincial Office of Public Works and Town and Country Planning, a representative of the Royal Thai Navy, the Commander of Provincial Police, the Chief Executive of Provincial Administrative Organization, acting as *ex-officio* members. There shall be not exceeding eight additional eminent members appointed by the Provincial Governor from representatives of the civil society or coastal communities in that province who is well recognized for possessing knowledge and experiences on the management of marine and coastal resources, marine and coastal ecosystems, environment, tourism or fisheries.

In respect of Bangkok, the Provincial Committee shall consist of Bangkok Governor as Chairperson, a representative of the Ministry of Natural Resources and Environment, a representative of the Marine Department, a representative of Department of Fisheries, a representative of the Royal Forest Department, a representative of the Department of Public Works and Town and Country Planning, a representative of the National Parks, Wildlife and Plant Conservation Department, a representative of the Royal Thai Navy, a representative of the Royal Thai Police, and a representative of Bangkok Metropolitan Council, acting as *ex-officio* members. There shall be not exceeding eight eminent members appointed by Bangkok Governor from representatives of the civil society or coastal communities in Bangkok who is well recognized for possessing knowledge and experiences on the management of marine and coastal resources, marine and coastal ecosystems, environment, tourism or fisheries.

A Provincial Committee on Marine and Coastal Resources shall appoint one government official of the Department of Marine and Coastal Resources nominated by the Director-General as member and secretary.

Section 13. A Provincial Committee on Marine and Coastal Resources shall have the following powers and duties:

- (1) to prepare and propose a provincial marine and coastal resources management plan to the Committee in order to be provided as a part of the national policy and plan on marine and coastal resources management;
- (2) to provide comments to the Committee in relation to issuing Ministerial Regulations to prescribe a particular area in a province as a mangrove conservation area under section 18 or to prescribe a protected area for marine and coastal resources under section 20;
- (3) to provide comments to the Committee for approval with regard to an area whereby a measure for protection of coastal erosion is to be taken;
- (4) to assist, advise and coordinate with the provincial government agencies and those in neighbouring provinces to ensure the acts or activities are in compliance with the national policy and plan for marine and coastal resources management;
- (5) to collaborate with civil society, coastal communities and local administrative organizations on plantation, maintenance, conservation, restoration and utilization of marine and coastal resources in a province;
- (6) to provide comments to the Committee or the Director-General for consideration as deemed appropriate in the case that marine and coastal resources destruction is found in a province, or the plantation, maintenance, conservation, or restoration of those resources are needed;
- (7) to submit, at least once a year, an annual work performance report of a Provincial Committee on Marine and Coastal Resources and a report on state of marine and coastal resources and coastal erosion in such province to the Committee;
- (8) to perform other acts as assigned by the Committee.

Section 14. The provisions of section 6, section 7, section 8, section 10 and section 11 shall, *mutatis mutandis*, apply to a Provincial Committee on Marine and Coastal Resources.

Section 15. The Department of Marine and Coastal Resources shall be the Secretariat Office of the Committee and shall have the following powers and duties:

- (1) to perform general administrative works of the Committee;
- (2) to provide comments to the Committee for the preparation of the national policy and plan for marine and coastal resources management;
- (3) to consider and define an area deemed appropriate to be prescribed as an area to implement measures for prevention of coastal erosion, and to issue measures for prevention and solving problems on coastal erosion;
- (4) to undertake and coordinate with related government agencies on prevention and solving problems on coastal erosion;
- (5) to collect and arrange data, study, analyse and initiate any activities or projects, which are beneficial to the acts of the Committee;
- (6) to assist and advice the related government agencies on management of marine and coastal resources;
- (7) to coordinate with the related government agencies on the management of marine and coastal resources in order to ensure the acts are in compliance with the national policy and plan for marine and coastal resources management;
- (8) to conduct or to support research on development, plantation, maintenance, conservation and restoration of marine and coastal resources;
- (9) to conduct a survey, to collect data, to delineate and map marine and coastal resources for the purposes of management, protection and conservation of marine and coastal resources;
- (10) to provide comments to the Committee or the Council of Ministers on the issuance of Ministerial Regulations or Notifications under section 18, section 20, section 21 and section 22;
- (11) to perform any other acts for the execution of this Act or as assigned by the Committee.

CHAPTER II

Coastal Communities

Section 16. In order to encourage coastal communities' participation and to support the coastal communities and local administrative organizations in the management, plantation, maintenance, conservation, restoration and utilization of marine and coastal resources, the Department of Marine and Coastal Resources shall support the following;

- (1) to support the communities and local administrative organizations' participation in sharing of opinions on the preparation of national and provincial policy and plan on marine and coastal resources management;
- (2) to advices the communities and local administrative organizations on management, plantation, maintenance, conservation, restoration and utilization of marine and coastal resources, including assistance and support in carrying out of work, projects or activities of a community in such matters;

(3) to disseminate knowledge or information relating to management, plantation, maintenance, conservation, restoration and utilization of marine and coastal resources;

(4) to support other matters being useful for the marine and coastal resources management as prescribed in the Ministerial Regulations.

The support and assistance for coastal communities and local administrative organizations under paragraph one shall be executed as prescribed by the Director-General.

CHAPTER III

Marine and Coastal Resources Protection

Section 17. In the case where it appears that any person causes a severe damage to marine and coastal resources, the Director-General or a person assigned by the Director-General shall have the power to order such person to refrain from performing such act or activity for a temporary period as appropriate.

Upon the order under paragraph one, if the Director-General or a person assigned by the Director-General deems that such act or activity causing a severe damage to marine and coastal resources is under the responsibility or related to any other governmental agencies, the Director-General or a person assigned by the Director-General shall, without delay, coordinate with such agency to resolve the problem according to its powers and duties. Except either in the case where it is emergency and if delayed, it would cause more damage to marine and coastal resources, or there is no responsible or related governmental agency on such matter, the Department of Marine and Coastal Resources shall have power to carry out any act to tackle or mitigate the damage occurred to the marine and coastal resources in such area. In this regard, the Director-General or a person assigned by the Director-General may specify measures and time period for carrying out such act as necessary to allow the person in paragraph one to tackle or mitigate the damage occurred to the marine and coastal resources in such area.

In the case where the responsible or related governmental agencies or the Department of Marine and Coastal Resources has accomplished an act to tackle or mitigate the damage occurred or when the damage occurred to the marine and coastal resources is eliminated, the Director-General or a person assigned by the Director-General shall consider terminating the order issued under paragraph one.

Section 18. For the purposes of reservation, conservation and restoration of a mangrove forest to retain its natural condition, and to attain its healthy environment and ecosystem, the Minister, upon the approval of the Committee, shall have power to prescribe the Ministerial Regulations specifying any mangrove forest as a mangrove conservation area.

The area prescribed as a mangrove conservation area under paragraph one shall not be an area in national park under the law on national parks, or wildlife sanctuary or non-hunting area under the law on wildlife reservation and protection, or shall not be under the ownership or possession right of any person which is not a governmental agency, under the Land Code.

The issuance of a Ministerial Regulation under paragraph one shall prescribe the protective measure under section 23 and a map illustrating the boundary of mangrove conservation area shall be attached as an annex to such Ministerial Regulation.

Section 19. In the case where a mangrove area or mangrove conservation area is located in a national reserved forest or natural forest, all the powers and duties of the Director-General of the Royal Forest Department under the law on national reserved forests or the law on forests shall be the powers and duties of the Director-General.

Section 20. For the purposes of reservation, conservation and restoration of marine and coastal resources, which are not in the mangrove forests under section 18, to retain their natural conditions and to attain their healthy environment and ecosystem, the Minister, upon the approval of the Committee, shall have the powers to prescribe a Ministerial Regulation specifying the following areas as marine and coastal resources protected areas:

- (1) an area with healthy marine and coastal resources, where its pristine condition should be reserved;
- (2) natural habitats of fauna and flora under healthy conditions;
- (3) an area with marine and coastal ecological significance, which is suitable for conservation.

Designation of marine and coastal protected areas under paragraph one shall not be located in the conservation area or an area permitted for aquatic animal cultivation under the law on fisheries.

The issuance of the Ministerial Regulation under paragraph one shall prescribe the protective measures under section 23 and a map illustrating the boundary of protected area for marine and coastal resources shall be attached as an annex to such Ministerial Regulation.

Section 21. In order to prevent coastal erosion and damages to lives and properties of the public, the Minister, upon the approval of the Committee, shall have the power to issue Ministerial Regulation prescribing the area for which the protective measures for coastal erosion are to be applied.

The issuance of the Ministerial Regulation under paragraph one shall contain a map illustrating the boundary of the area as an annex to such Ministerial Regulation and shall prescribe the following measures:

- (1) to prohibit any activity or act which may result in or cause more coastal erosion;
- (2) to prescribe a criteria in the proceeding of construction or activity undertaken within the prescribed area before the issuance of the Ministerial Regulation, to be continued, or to be terminated, or to demolish the construction which affects coastal erosion protection by which the compensation shall be provided as appropriate;
- (3) to prescribe a criteria for land use within the prescribed area;
- (4) to prescribe any other measures as deemed appropriate to prevent coastal erosion.

Section 22. In case where it appears that marine and coastal resources may be destroyed or critically damaged, or in the case where the Committee considers that it is highly

necessary to reserve, protect or conserve those marine and coastal resources for the benefit of or contribution to the healthy marine and coastal ecosystems, the Minister shall, without delay, propose to the Council of Ministers for an approval to apply the protective measures for marine and coastal resources under section 23 and to prescribe a state agency to carry out such measures as necessary and appropriate in order to control and resolve the problem occurred or may occur.

Upon the approval from the Council of Ministers under paragraph one, the Minister shall publish a notification in the Government Gazette prescribing the type of marine and coastal resources, details concerning the protective measures, and time period for which the protective measures to be applied. In the case where it is necessary, a map illustrating the area by which the measures applied may be prescribed.

The extension of the time period prescribed under paragraph two shall be carried out upon the approval of the Council of Ministers, with a notification published in the Government Gazette.

Section 23. The protective measures under section 18, section 20 and section 22 shall be prescribed in any of the following matters:

- (1) to prohibit any activity or act which may harm or cause an impact on marine and coastal resources;
- (2) to prescribe measures on reservation, conservation, restoration and utilization of marine and coastal resources as appropriate to the condition of such area;
- (3) to prescribe the land use in order to maintain natural condition or to avoid any impact on natural ecosystem;
- (4) to prescribe measures to protect beaches for public interest;
- (5) to prescribe other protective measures as deemed appropriate to the condition of such area.

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CHAPTER IV

Competent Official

Section 24. For the performance of duties under this Act, a competent official shall have the following powers:

- (1) to enter into any premises during the sunrise and sunset or during the operational hours of such premises to inspect and control in accordance with this Act;
- (2) to search premises or vehicle during the sunrise and sunset or during the operational hours of such premises, in the case where there is a reason to believe that an offence under this Act is committed or there is a reasonable ground to believe that if a search warrant is sought, it would be too late that a property, object, article or document related to the commission of the offence would be moved, hidden, sent, taken out of the Kingdom, or destroyed;
- (3) to seize or confiscate property, object, article or document related to the commission of the offence under this Act for the purpose of investigation or prosecution;

(4) to order any person to leave the area boundary under section 18, section 20, section 21 or section 22 or refrain from any act violating such sections.

Upon conducting the search, seize, or confiscation under (2) or (3), if the proceeding is not completed, it shall be continued until night time or outside the operational hours of such premises.

For the performance of duties of the competent official under paragraph one, a concerned person shall facilitate the competent official as appropriate.

Section 25. For the performance of duties under this Act, a competent official shall be an administrative official or police officer under the Criminal Procedure Code.

Section 26. For the performance of duties under this Act, a competent official shall present the official identification card to concerned persons.

Such identification card shall be as prescribed by the Minister and published in the Government Gazette.

CHAPTER V

Penalties

Section 27. Any person who fails to comply with an order issued under section 17 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding one hundred thousand Baht, or both.

Section 28. Any person who violates or fails to comply with a protective measure for marine and coastal resources as prescribed under section 18, section 20 or protective measure for coastal erosion as prescribed under section 21 or fails to comply with an order of a competent official under section 24(4) shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding one hundred thousand Baht, or both.

Section 29. Any person who violates or fails to comply with a protective measure for marine and coastal resources as prescribed under section 22 shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding two hundred thousand Baht, or both.

Section 30. In the case where the offender liable is a juristic person, if the commission of the offence of such juristic person comes from an order, or act of a person or fails to order or fails to act upon duties of the managing director or any person responsible for the execution of such juristic person, such person shall also be liable to the penalties as prescribed for such offence.

Countersigned by
General Prayuth Chan-o-cha
Prime Minister