

CHAIN SAWS ACT,
B.E. 2545 (2002)

BHUMIBOL ADULYADEJ, REX;

Given on the 22nd Day of September B.E. 2545;

Being the 57th Year of the Present Reign

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

Whereas it is expedient to revise the law on chain saws;

This Act contains certain provisions related to the restrictions of rights and liberty of persons in which Section 29 together with Section 48, and Section 50 of the Thai Constitution allow by virtue of the 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 “Chain Saws Act, B.E. 2545 (2002)”.

Section 2. This Act comes into force as from the day following the date of its publication in the Government Gazette.

Section 3. In this Act:

“Chain saw” means a powered-machine device with sawteeth attached to a chain used to cut wood or process wood, and it includes any accessory parts of the device as prescribed in a ministerial regulation;

“Have” means to have the right or to have in possession;

“Produce” means to make or assemble for sale;

“Import” means to import into the Kingdom;

* Translated by Mr. Watthana Suksiripakonchai under contract for the Office of the council of State of Thailand’s Law for ASEAN project. –Initial version –pending review and approval by the Office of the Council of State.

“Officer” means a person appointed by the Minister to conform to this Act;

“Chain saw registrar” means the Director General or a person delegated by the Director General for Bangkok areas, and a provincial governor or a person delegated by the provincial governor for other provincial areas;

“Director General” means the Director General of the Department of Forest; and,

“Minister” means the Minister administering this Act.

Section 4. No person may have, produce, or import chain saws without having permission from the registrar.

No person who has permission under paragraph one may increase the power of the chain saw to exceed what is specified in the licence except with permission from the chain saw registrar.

Application for permission and the permission process may be in accordance with the criteria, methods, and conditions prescribed in a ministerial regulation.

The person who is permitted to produce chain saws must create an account and a number showing the list of production as prescribed in a ministerial regulation.

For the issuance of the chain saw licence, the chain saw registrar is to create a chain saw mark according to the form prescribed in a ministerial regulation, and to specify the area permitted to have or to use the chain saw.

Section 5. The qualifications and the prohibited characters of an applicant to have the licence under Section 5 may be in accordance with what is prescribed in a ministerial regulation.

The applicant must work or conduct a business requiring the use of chain saws, and must have never been liable for any offences under this Act or under the law on forests, the law on national reserved forests, the law on national parks, or the law on reservation and protection of wild animals.

The provision under paragraph two may not apply to a juristic person of a religion, and a ministry, a sub-ministry, a department, a local administrative organisation, a government enterprise, or other government organisations.

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Section 6. In case the applicant wishes to change the area to have or use the chain saws to be different from what is specified in the licence under Section 4 paragraph five, the applicant must obtain the implementation licence as per the following criteria:

- (1) to change the area within the same province where it is originally permitted, the applicant may lodge an application with the chain saw registrar who issues the licence; and,
- (2) to change the area to another province, the applicant may lodge an application with the chain saw registrar who has the power to do so in that province.

This is to be in accordance with the criteria, methods, and conditions as prescribed in a ministerial regulation.

Section 7. A person who has a chain saw must have a licence or its copy in order to immediately show it to the officer.

Section 8. In case the chain saw licence holder wishes to take or have another person to take the chain saw to temporarily use outside of the permitted area under Section 4 paragraph five, the licence holder must apply for permission with the chain saw registrar by specifying the area and period of time intending to use the chain saw, and the chain saw registrar is to permit or prohibit the request within fifteen days from the day the registrar receives the request. If the registrar fails to proceed with the consideration and informs the applicant of the result of the consideration as per the request within the specified period, it is deemed that the chain saw registrar issues the order of permission as per the request and the request is deemed to be used as the permission letter.

The chain saw registrar who issues permission is to inform and send a copy of permission letter to the chain saw registrar in the area as specified in the permission letter. The chain saw registrar in the specified area of the permission letter is to announce the permission or the permission request at the local administrative organisation of that area.

In case there is a reasonable ground, the chain saw licence holder may apply to extend the period to take the chain saw for use outside the area. However, permission must be sought with the chain saw registrar before the original expiration period.

The application for permission and the permission may be in accordance with the criteria, methods, and conditions as prescribed in a ministerial regulation.

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Section 9. If the permitted chain saws under Section 4 are used illegally under the law on forest, it is to assume that the licence holder is involved in the illegal act.

Section 10. No person may conduct a repair business for remuneration without permission from the chain saw registrar.

The qualifications of the holder licence, application for the licence, and the issuance of the licence, may be in accordance with the criteria, methods, and conditions in a ministerial regulation.

A person who is permitted to conduct a repair business for remuneration may repair only the chain saws of the chain saw licence holder by using the chain saws and only if the chain saws have the correct mark as per the licence.

Section 11. If the chain saw licence holder is dead, the heir or the possessor of the chain saw, or the executor of the deceased is to report the death and the possession to the chain saw registrar as per the chain saw licence within sixty days from the day the death of the deceased is acknowledged.

The chain saw registrar may have the power to order the heir or the executor under paragraph one to keep or use the chain saw of the deceased, and if there is a dispute regarding the right of the heir, the person who receives an order from the chain saw registrar may keep the chain saw until the dispute is solved.

Within six months from the day of the licence holder's death or the day the dispute is solved if there is any dispute regarding the right of the heir, the executor or the heir may re-apply for the licence. If the chain saw registrar has already issued the licence, the chain saw is to be given to the new licence holder, but if the licence is not reissued, the chain saw registrar is to inform the applicant and order the chain saw to be sold within six months from the day the applicant receives the order otherwise the chain saw registrar may have the power to auction the chain saw. A bank account may be opened for all of the money received from the auction in order for the person with the right to the money to collect it.

Section 12. In case the licence holder under Section 4 is a juristic person and the juristic person is terminated, the bank account payer is to send the chain saw to the chain saw registrar in order to keep it for the whole during of paying the bank account.

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In dividing the property to the partner or the shareholder of the juristic person, the partner or the shareholder who receives their share of the chain saw back is to apply for a licence in order to keep the chain saw with the chain saw registrar within thirty days from the day the return of their share in the chain saw is informed to them by the account payer.

In case the account payer wishes to sell the chain saw in order to pay off debt of the juristic person, the account payer is to inform the chain saw registrar and under no circumstances may the chain saw be sold to a person with the prohibited character under this Act.

A person who wishes to buy the chain saw under paragraph three may apply for the chain saw licence with the chain saw registrar within five days from the day the sale is agreed.

Section 13. In case a person brings in a person who commits an offence under this Act to an attorney requests to the court, the court is to have the power to decide to pay prize money to that person in the amount not more than half of the fine as per the court judgment by paying from the fine to be paid to the court. If the offender pays the fine in the amount less than the amount to be paid for the prize money in full, the prize money is to be paid in the amount that the offender pays.

In case there are more than one persons who bring in the offender, the prize money may be divided equally.

Payment of the prize money may be paid when the case is closed.

Section 14. A person who already has the chain saw on the day this Act becomes enforced, if the person applies for the licence within ninety days from the day this Act is enforced, that person does not commit an offence under Section 4 and the chain saw registrar is to issue the chain saw licence to that applicant except if the applicant lacks the qualifications prescribed in this Act.

A person who conforms to paragraph one is not liable for any offence under the law on customs and the law on exportation and importation of goods.

The provision under paragraph two may not apply to the person arrested and the person who has been on trial before this Act is enforced and the trial has not ended.

In case the chain saw registrar does not issue the licence, when the person brings the chain saw to the officer, that person may have the right to appeal to the Minster within thirty days from the day the person acknowledges the order of non-permission.

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In case the person is not permitted under paragraph one and paragraph four, the chain saw is to become the property of the public from the day of the non-permission order or the day the Minister has judgment.

The chain saw that becomes the property of the public under paragraph five may be utilised for government affairs or sold to a government agency or a government enterprise or destroyed as per the regulation prescribed by the Director General.

Section 15. Under the provision of Section 14, in case the chain saw registrar has issued the order of non-permission against the request under this Act, the applicant may have the right to appeal that order to the chain saw registrar who issues the order of non-permission within thirty days from the day of the order of non-permission.

The chain saw registrar may decide the appeal and inform the applicant of the decision of the appeal whether the appeal is accepted as per the request or the order of non-permission is confirmed within thirty days.

In case the chain registrar confirms the order of non-permission, the applicant may have the right to appeal that order of non-permission to the Minister within thirty days from the day the confirmation of non-permission is confirmed to the applicant.

Section 16. For the arrest and suppression of offenders under this Act, the officer may be the administrative officer or police officer under the Criminal Procedure Code.

Section 17. A person who contravenes or fails to conform to Section 4 paragraph one and paragraph four is liable for imprisonment of not more than five years or a fine of not more than one hundred thousand baht or both, and the court may confiscate the chain saw.

The chain saw confiscated by the court may be utilised for government affairs or sold to a government agency or a government enterprise or destroyed as per the regulation prescribed by the Director General.

Section 18. A person who contravenes or fails to conform to Section 4 paragraph two is liable for a fine of not more than five thousand baht and must repair the chain saw to have the power as equal to what was originally permitted within the period prescribed by the court. If this is not conformed to, the court may confiscate the chain saw.

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Section 19. A person who contravenes or fails to conform to Section 6 or Section 8 is liable for imprisonment of not more than one year or a fine of not more than twenty thousand baht or both.

Section 20. A person who contravenes or fails to conform to Section 7 is liable for a fine of not more than two thousand baht.

Section 21. A person who contravenes or fails to conform to Section 10 is liable for a fine of not more than five thousand baht.

Section 22. A person who contravenes or fails to conform to Section 11 paragraph one or Section 12 is liable for a fine of not more than one thousand baht.

Section 23. The Minister for Natural Resources and Environment* is charge of this Act and may have the power to appoint the officer, issue ministerial regulations, and prescribe other matters to conform to this Act.

The ministerial regulations come into force upon their publication in the Government Gazette.

Countersigned by
Police Lieutenant Colonel Thaksin Shinawatra
Prime Minister

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