

Wild Animal Reservation and Protection Act, B.E. 2535 (1992)

Translation

Bhumibhol Adulyadej Rex

Given on the 19th Day of February B.E.2535

Being the 47th of the present Reign

By Royal Command of His Majesty King Bhumibhol Adulyadej it is here by proclaimed that.

Whereas it is deemed necessary to improve the Wild Animals Reservation and Protection Act B. E. 2503 (1960)

His Majesty the king by and with the advice and consent of the National legislative Assembly acting as the National Assembly, is graciously pleased to enact an Act as follows:

Section 1.

This Act shall be called the “Wild Animal Reservation and Protection Act, B.E. 2535 (1992)”

Section 2.

The Act shall come into force as and from the 1st day of March B.E.2535

Section 3.

The following Act and Notification are hereby repealed:

(1) the Wild Animal Reservation and Protection Act B.E. 2503, and

(2) the Revolutionary Notification No 228 dated 18th October B.E. 2515(1975)

Section 4.

In this Act.

“Wild Animals” refers to all kinds of animals including terrestrial, aquatic, and winged animals as well as insects, which by nature are born and live in the forest or water. The term also refers to eggs of those various wild animals, but not the draught animals, which have been registered and issued identification cards in accordance with the law on draught animals as well as those of the propagation of said draught animals.

“Protected Wild Animals” refers to wild animals, which should be protected and are specified in the Ministerial Regulations.

“Reserved Wild Animals“ refers to rare wild animals appearing on the list attached to this Act, and

those declared to be ones by the Royal Decree.

“Hunting refers” to the act of collecting, trapping, catching, shooting, killing, and any other of harming unwound wild animals living freely, as well as, those of chasing, herding, calling, and enticing them for the earlier mentioned purposes.

“Carcass of wild animals” refers to the body and part of the body of wild animals or meat thereof whether or not it has been grilled, roasted, dried, fermented, or subjected to any other treatment against decay, whether or not it has been detached from the body; and refers also to horn, hide bone, teeth, tusks, hairs, scale, shell, or any parts of the detachment whether or not the wild animal is still alive or dead.

“Breeding“ refers to the act of propagating of the wild animals in captivity through natural mating as well as artificial mating and gametes transferring.

“Trading“ refers to the act of buying, selling, exchanging, distributing, or changing of ownership for commercial purposes, including possessing or demonstrating for selling purpose.

“Importing“ refers to the act of bringing or ordering a product into the country.

“Exporting” refers to the act of taking or sending a product out of the country.

“In transit” means sending a product through a country.

“Wild animal checkpoint” refers to the Checkpoint for wild animals and their carcass.

“Zoological garden” refers to a public garden or park keeping a collection of wild animals for re-creative exhibition, study and research, and for the multiplication of the wild animals.

“Officer” refers to the official appointed by the Minister to carry out duties incurred by this Act.

“Director General” refers to the Director General of the Royal Forest Department, or of the Department of Fisheries specifically assigned to handle aquatic animal affairs.

“Committee” refers to the National Committee on Wild Animal reservation and Protection.

“Minister” refers to Minister authorized to supervise the execution of this Act.

Section 5.

The Minister of Agriculture and cooperatives shall supervise the execution of this Act. He is hereby empowered to appoint officers, to proclaim Ministerial Notification levying fees not exceeding the levels shown in the appendix of this Act, to reduce or waive fees, and to stipulate activities for the orderly conduct of this Act.

CHAPTER ONE

General

Section 6.

This assignment of any particular kind of animals to the Protected Wild Animals category shall be done only through the formal proclamation of Ministerial regulation with the consent of the Committee.

The Ministerial regulation proclaimed in accordance with the preceding paragraph shall come into force as from the date fixed therein, but not more than sixty days before the date of its publication in the Government Gazette.

Section 7.

Hunters of wild animals who committed the infringement of this Act on account of necessity may be waived of their punishment under the following conditions:

- (1) The infringement is committed to avoid danger, or to save their property or other people's property.
- (2) The act is reasonably committed, and
- (3) In case the hunted animals are reserved wild animals or protected wild animals: after hunting the animals, the hunter must not move the bodies of the dead or alive animals, and he must notify the officer immediately.

The hunted animals or carcass thereof, in the preceding paragraph shall become state property, and shall be treated by the Royal Forest Department or the Department of Fisheries as the case may be in accordance with the regulation laid down by respective Director General with the consent of the Committee.

Section 8.

Petitions permissible by this act shall be considered by the authorized officer, who shall make known of his decision to the petitioners within 60 days after receiving the petition. Failure to act within the stipulated period shall be tantamount to positively acceptance of the petition, and the officer shall according issue the requested permit.

Otherwise specified to the contrary, the permit or certificate issued in accordance with this Act shall remain in effect throughout the period specified therein. In case the permit holder wants an extension, he should apply for one before the expiration of the current permit. After the extension of the permit has been granted, the permit holder is allowed to pursue his permitted activities until they are terminated by the authorized officer.

The extension of the permit, transfer of permit or of a certificate, or issuance of replacement in accordance with this act shall follow the regulation, method and condition specified in the Ministerial Regulation concerned.

CHAPTER TWO

The National Committee on the Wild Animal Reservation

Section 9.

The National Committee on the Wild Animal Reservation is hereby established. It shall consist of the Ministers of Agriculture and Cooperation as the Chairman, Permanent Secretaries of Agriculture and Cooperative, of Interior, and of foreign Affairs, Director general of the Department of Local Administration, of Land, of Fisheries, of Livestock Development, of Customer, and of Foreign trade as exofficio members; with no less than five and no more than ten distinguished members appointed by the Cabinet, and the Director-General of the royal forest Department serving as member and secretary.

No less than half of the distinguished members in the afore mentioned clause shall consist of appointees from representatives of associations or foundations involved in wildlife activities.

Section 10.

The Committee members, who are appointed by the Cabinet, shall serve a term of two years. They are entitled to re-appointment after the expiration of their membership.

Section 11.

In addition to the expiration of membership on account of Section 10, the Cabinet-appointed Committee members shall cease their membership when they

- (1) Die,
- (2) Resign,
- (3) Are severed of their appointment by the cabinet,
- (4) Are proclaimed by the Court to be legally incompetent, or
- (5) Are sentenced by the final court to serve jail term, the exemption being the light sentence and the negligent cases.

Section 12.

While the committee meeting is in session, if the Chairman is absent or is not present in the room, the Committee members shall choose one among themselves to serve as Acting chairman.

Simple majority shall make the decision of the Committee.

Each member has one vote. When the votes are equally split, the Chairman cast the decision vote.

Section 13.

The quorum of the Committee meeting is set by one-half of the number of Committee members.

Section 14.

The Committee may appoint sub-committees to consider or perform any activities as assigned by it.

Section 15.

The duties of the Committee are as follows:

- (1). Approving establishment of a wildlife Sanctuary in accordance with Section 33, as well as establishment of a Non-hunting Area and a list of species which are protected from hunting in such area in accordance with Section 32.
- (2). Supervising the tasks specified in Section 35.
- (3). Determining management treatments to be conducted in a Wildlife Sanctuary and a Non-hunting Area.
- (4). Approving the declaration of any Royal Decrees, Ministerial Regulations and rules promulgated by virtue of this Act.
- (5). Providing guidance to monitor the implementation of the Act in order to ascertain the effectiveness.
- (6). Performing any other functions as may be assigned by the law.

CHAPTER THREE

Hunting Breeding Possessing and Trading of Wild Animals Carcass and Products Thereof

Section 16.

No person shall hunt or attempt to hunt the reserved wild animals or protected wild animals except the act is a part of official activities, which are exempted by the provision of Section 26.

Section 17.

The Minister, with the consent of the Committee, is empowered to proclaim, through the issuance of Ministerial Regulation, certain kinds of protected wild animals to be one permissible for breeding operation.

Section 18.

No person shall undertake breeding operation of reserved or protected wild animal unless

- (1). The breeding involves protected wild animals specified in Section 17 and is covered by the license issued by the Director General, and
- (2). The breeding is a licensed activity of the entrepreneur who is permitted to undertake public zoological garden business in accordance with Section 29 and has received appropriate license for the purpose from the Director General.

The application for and approval of breeding operation in clause 1 and possession of wild animals for breeding purpose on the part of the licensed entrepreneur in (1) shall be pursued under the standard procedures and conditions stated in the Ministerial Regulation, and the license entrepreneur shall comply with the Ministerial Regulation and the conditions specified in the license.

The license in (1) and (2) shall expire on the date the licensed entrepreneur notifies the Director General of his intention to terminate his zoological enterprise in formal procedure outlined in the Ministerial Regulation

Section 19.

No person shall be in possession of reserved wild animal, protected wild Animal, carcasses of reserved or protected wild animals, except the protected wild animals in Section 17 category which were bred in captivity and carcasses thereof, in which case the possessor is required to have a license from the Director General and to observe the rules set by the Ministerial Regulation and condition prescribed in the license.

The application for and granting of license shall be pursued under the standard, procedures and conditions stated in the Ministerial Regulation

Paragraph one and paragraph two shall not apply to:

- (1). Possession of protected wild animals by holder of breeding license in Section 18 (1) who keep the animals for breeding purpose or obtain the animal from breeding in captivity, and carcass of the animals in question, and
- (2). Possession of reserved wild animals, protected wild animals, and carcasses of reserved and protected wild animals for the interest of the license public zoological garden enterprise and management thereof according to Section 29 which are displayed in the licensed public zoological garden.

Section 20.

No person shall engage in trading of reserved wild animals, protected wild animals, carcasses of reserved and protected wild animals, and products thereof, except that of protected wild animals specified in Section 17 which were obtained from breeding in captivity, carcass and product thereof, in which case permission by the Director General is a prerequisite.

The application for and granting of the permission shall be pursued under the standard, procedure and conditions stated in the Ministerial Regulation.

Section 21.

No person shall collect, harm, or keep in possession of the nests of reserved and protected wild animals.

The first clause shall not apply to entrepreneurs obtaining license to collect swallow nests and people deriving and privilege thereof, in which case the collectors in question shall observe the rules set by the Director General and announced in the Government Gazette.

Section 22.

No person shall fire wild animals during the period from sunset to sunrise.

CHAPTER FOUR

Importation, Exportation, Transitory Movement of Wild Animal and Wild Animal Check point

Section 23.

Subject to the provision of Section 24, no person shall engage in the importation and exportation of wild animals or carcass thereof appearing on the prohibition list of the Minister, transitory movement of reserved and protected wild animals or their carcass without permission from the Director General.

Importation and exportation of protected and reserved wild animals and carcass is prohibited except the animals in question were obtained from breeding in captivity according to Section 8 (1) and the importation or exportation permission has been received from the Director General.

The application for and granting of the permission shall be pursued under the standard, procedure and conditions stated in the Ministerial Regulation.

Section 24.

The importation, exportation and transitory movement of wild animals and carcass thereof, which require accompanying permit in accordance with the Convention on international Trade in Endangered Species of Wild Fauna and Flora, are permissible only with permission by the Director-General.

The application for and granting of the permission shall be pursued under the standard, procedure and conditions stated in the Ministerial Regulation.

Section 25.

The transitory movement of protected wild animals for business purpose of the license holder in accordance with Section 20 necessitates permission of the Director-General.

The application for and granting of the permission shall be pursued under the standard, procedure and conditions stated in the Ministerial Regulation. Sections 16, 18, 19 and 21

Section 26.

Provisions of, and Section 23 shall not apply to activities with the purpose of survey, study, research, on, wildlife protection, breeding, or for the interest of public zoological garden enterprise carried on by the government sector with written permission by the Director-General and under the rules and conditions set by the minister with the consent of the committee.

In case the activities in the earlier clause are performed for the breeding enterprise of the license holder in Section 18 , or for the public zoological garden enterprise of the license holder in Section

29, the change on and payment for expenditures, services, compensation and cost of wild animals shall be pursued in accordance with the procedures set by the Minister with the consent of committee.

Section 27.

The Minister is empowered to establish Wild Animal Check-point and set an operation area for each of the checkpoint through pronouncement in the Government Gazette.

Section 28.

Whoever intends to moved reserved and protected wild animals, and carcass therefore through the Wild Animal Check-point shall notify the officer in charge of the check-point of his intention by filling the standard form issued by the Director-General and submitting the permit for movement for commercial purpose, import or export permit, or permit for transitory movement of the wild animals as the case may be. Only when the request has been approved in writing, the movement activity may begin.

CHAPTER FIVE

Public Zoological Garden

Section 29.

Organizers intending to operate public zoological garden shall seek license for running the enterprise from the Director-General.

The license in the earlier clause shall expire on the late the licensed entrepreneur notifies the Director-General of his intention to terminate his zoological garden enterprise in accordance with Section 32.

The application for and granting of the permission shall be pursued under the standard, procedure and conditions stated in the Ministerial Regulation.

Section 30.

After receiving the license and before starting operation of public zoological garden, the entrepreneur shall declare to the officer for examination and registration of the kind and number of reserved wild animals, protected wild animals and carcass of these animals he has in possession or on display in his public zoological garden.

It shall be his duty hereafter to update the figure whenever the change in kind and number occurs.

The reports in the two preceding clauses shall be made in the manner and timing stated in the Ministerial Regulation.

Section 31.

In cases it is found that the site of the public zoological garden or the area where the animals are kept contravenes the regulation and condition from specification of the Ministerial regulation which was proclaimed by virtue of Section 29, or has been made unsafe for the people who visit the zoological garden, or has become an uncomfortable living place for the wild animals, the Director-General shall instruct the zoological garden license holder in writing to rectify the conditions and eliminate the defects.

In case the license holder does not follow the instruction within the specified time given in the written note, the officer is empowered to undertake the amelioration work and charge all expenses incurred to the license holder.

Section 32.

In case of the license holder who operates the public zoological garden enterprise according to Section 29, wants to terminate the business, he shall notify the Director-General of his intention in writing, and shall either sell his reserved and protected wild animals as well as their carcasses in his possession to other zoological garden license holders in accordance with Section 29, or sell his protected wild animals defined by Section 17, and the carcass thereof to holders of the license for wild animal breeding in accordance with Section 18 (1) within 180 days from the date he notifies the Director-General.

At the end of the 180 days period mentioned in the first clause all the unsold reserved wild animals, protected wild animals, and carcass thereof shall become state property, and the leaving license holder shall turn all these over to the Royal Forest Department or the Department of Fisheries as the case must be, so that they will be handled in accordance with rules and regulations set up by the Director-General with the consent of the Committee.

CHAPTER SIX

Area and Place under the Prohibition of Wild Animal Hunting

Section 33.

When it is deemed appropriate for preservation of wild animal breeds, the cabinet may proclaim through a Royal Decree any specific area to be the wild animal Sanctuary with a map showing the boundary as an appendix. The area shall be called the "Wild Animal Reserved Area."

The land to be proclaimed as wild animal reserved area shall not be owned or legally possessed according to the Land Act by any person other than public body

Section 34.

An extension or cancellation in whole or in part of the wild animal reserved area shall be made through a Royal Decree. In case the cancellation not for the whole of the wild animal reserved area, a map showing the changing area should be annexed to the Royal Decree.

Section 35.

The authorized official shall provide the boundary posts and signs or other marks sufficiently for enabling the public to know the wild animal reserved area.

Section 36.

In the wild animal reserved area, no person shall hunt wild animals, whether reserved, protected or any other; or collect or endanger their nests except for the educational purpose or scientific research and a permit has been obtained from the Director-General with the consent of the Committee.

Section 37.

No other person than the authorized officials or other officials on duty shall enter the wild animal reserved area unless the permission has been obtained from the assigned authorized officials.

Person permitted to enter the wild animal reserved area shall comply with conditions specified in the Ministerial Regulation.

Section 38.

In the wild animal reserved area, no person shall possess or hold the land, or cut, fell, clear, burn or destroy trees or other vegetation, dig for minerals, excavated ground or rock, pasture animals, change the water course, dry, overflow or pollute water in the waterway, stream, marsh or swamp to become detrimental to wild animals therein.

In cases it is necessary to act in the interest of protection and maintenance of wild animal reserved area, breeding wild animals, research or education, facilitation of conservation program, accommodation, or safe-keeping purposes; the Director-General is empowered to issue written instruction to officials of the Royal forestry Department of the Department of Fisheries, whichever he thinks appropriate to do so in accordance with the rules and regulations he laid down with the consent of the Committee.

Section 39.

The handling of plants and plant parts which are felled and clear by the officials in accordance with Section 38 clause 2 shall be done according to the rules and regulations laid down by the Director-General with the consent of the Committee.

Section 40.

The officials in charge of the wild animals reserved area is empowered to order the violators of Section 38 clause 1 to leave the wild animal reserved area, or to refrain from doing anything in violation of Section 38 clause 1 in the area.

Section 41.

No person shall, within the precinct of a monastery or a place provided for religious observance of the public, hunt the wild animal, either reserved or protected or not or collect or endanger its eggs or nests.

Section 42

The Minister may, through the Government Gazette, proclaim any place used for government function, public interest or common public services to be an area freed from hunting of any kind and category of wild animals;

After the Minister proclamation of area where hunting of certain kind and category of wild animals are prohibited, no person shall engage in the following activities in the area:

- (1). Hunting of said kind and category of wild animals
- (2). Collecting or harming of the nests of said wild animals, and
- (3). Possessing or holding of land, cutting, felling, clearing, burning or destroying trees or other vegetation, mining, raising animals, changing the water course, drying, overflowing or polluting water in the waterway, stream, and marsh to become detrimental to wild animals therein; the exceptions are in case that the Director-General has granted him a written permission and in case that the Director-General has notified a periodic permission to perform the prohibited tasks in the interest of study and research in the particular prohibition area.

In case involving the officers and other government officials, they shall abide by the rules and regulations laid down by the Director-General with the consent of the Committee.

CHAPTER SEVEN

The Officers.

Section 43. When it appears that a license holder has violated this Act, Ministerial Regulation, rules and conditions in the license, or has failed to comply with the instruction which was made by virtue of this Act, the Director-General is empowered to order suspension of the license for a period not exceeding ninety days: the Minister with the consent of the Committee, may order cancellation of such license.

In case of cancellation of the license, if it is the license for possession of reserved and protected wild animals or their carcass, the person whose license has been cancelled, shall sell such reserved and protected wild animals or carcass thereof within a period of thirty days from the day of such cancellation. After the lapse of such period, the unsold wild animals and their carcass shall become state property and shall be handled by the Royal Forest Department or the Department of Fisheries, whichever is more appropriate in the manner stated in the rules and regulations laid down by the Director-General with the consent of the Committee.

Section 44.

In case any person wants the officer or government officials performing duties incurred by this Act to work outside their office hours or normal office premise, whether inside or outside the country, he may present the request to the officer in charge and the officer concerned the same rate of per diem as that receives from the Government as well as traveling expense.

This request for the service Government officials and payment for their per diem and traveling expenses shall be made in accordance with the method and manner and conditions specified in the

Ministerial regulation.

Section 45.

Regarding the arrest and suppression of the person committing an offence under this act, the authorized officer shall be the administrative or police official under the Criminal Procedure Code.

Section 46.

In case it is deemed appropriate that the public should pay for the service or compensation of the officials for the work incurred in wild animals reserved area or an area in which prohibiting hunting of any kind, the Director-General is empowered to set the rates of charge or compensation with consent of the committee.

CHAPTER EIGHT

Penalty

Section 47.

Whoever violates Section 16. Section 19. Section 20. Clause 1, or Section 23 Clause 1 shall be punished with imprisonment not exceeding four years or fined not exceeding forty thousand bath, or both.

Section 48.

Whoever violates Section 18 and Section 23 Clause 2 or whoever neglects to observe Section 29 shall be punished with imprisonment not exceeding three years or fined not exceeding thirty thousand bath, or both.

Section 49.

Whoever possesses protected wild animals bred in captivity or carcass thereof without license according to Section 19 shall be punished with imprisonment not exceeding one year or fined not exceeding ten thousand bath, or both.

Section 50.

Whoever trades protected wild animals bred in captivity or carcass thereof without license according to Section 20 shall be punished with imprisonment not exceeding two years or fined not exceeding twenty thousand bath, or both.

Section 51.

Whoever violates Section 21, or Section 41 shall be punished with imprisonment not exceeding one year or fined not exceeding 6en thousand bath, or both.

Section 52.

Whoever does not observe Section 25 or Section 41 shall be fined not exceeding five thousand bath.

Section 53.

Whoever violates Section 36 shall be punished with imprisonment not exceeding five years or fined not exceeding fifty thousand bath, or both.

Section 54.

Whoever violates Section 38 or Section 42 Clause 2 shall be punished with imprisonment not exceeding seven years or fined not exceeding one hundred thousand bath or both.

In case the punished violator Section 38 is found to possess, hold land, utilize or live within the Wild Animal Reserved Area where the crime has been committed, the Court is empowered to order the violator, his employees, labors, agent and followers to leave the area.

The handling of plant and plant parts which has been felled and cleared by the violator of Section 38 Clause 1 shall be done according to the rules and regulations laid down by the Director-General with the consent of the Committee, but these rules and regulations shall in no way allow the passing on of the plants and plant parts to entities other than the Government Units.

Section 55.

Whoever assists in concealing, disposing of, taking away, purchasing, holding in pledge or receiving by any other means wild animals carcass, which have been acquired by through commission of an offense under this Act, shall be punished with imprisonment not exceeding one year or fined not exceeding ten thousand bath, or both.

Section 56.

Whoever causes the boundary posts, signs and other marks, which have been made by the officers through the provision of this Act, to move away, fade out, damage or become useless shall be punished with imprisonment not exceeding four years or fined not exceeding forty thousand bath, or both.

Section 57.

All weapons, equipment, materials, draught animals, vehicles, or any machinery used in the commission of an offense under Section 16, 36, 38, 41, or 42 clause 2 shall be confiscated whether or not the accused has been convicted for such offense.

Section 58.

All reserved wild animals, protected wild animals, carcass of such animals, products made of those carcass, or the nests of the wild animals shall be confiscated, when the person convicted of an offense under this Act has obtained them illegally.

All the confiscated items can become state property and shall be handled by the Royal Forest Department or the Department of Fisheries, as the case may be , in the manner outlined in the rules set by the Director-General with the consent of the committee.

Section 59.

In case the violators are legal entity, the Managing Director, the Manager of the Representative of the legal entity involved shall be punished for the violation unless evidence could be submitted in favor of their innocence or nonparticipation in the wrongdoing.

Section 60.

The Director-General or the officer appointed by the Director-General is empowered to pass judgment on the infringements of this Act are punishable by fine penalty only. When the accused person has paid the specified amount of fine within thirty days. The case shall be considered as close in accordance with the Criminal Code.

Transitory Provision

Section 61.

Pursuant to the proclamation of the Ministerial Regulation in accordance with Section 6 Clause 1 providing measures for overseeing the additional kinds of protected wild animals and their carcass which were held by certain individual before the date of regulation, the following directives are announced:

(1). Person in possession of the addition kinds of protected wild animals shall report to the officer the kind and amount of protected wild animals they hold within 90 days from the date of the ministerial regulation. After checking by the officer, if the owner or holder of the animals does not want to keep them any further. He shall sell them to the holder of license for the public zoological garden organizer and operator according to Section 29, he shall sell the animals referred to in Section 17 to the holder of license for breeding in captivity in accordance with Section 18 within one hundred and twenty days after the date of reporting to the officer. After the specified period has lapsed, the unsold animals remaining in the area shall become state property and the owner shall turn them over to the Royal Forest Department or the department of Fisheries , whichever is more appropriate, in accordance with the rules and regulations laid down by the Director-General with the consent of the Committee. In case the protected wild animals are of the kind specified in Section 17, and the owner or the holder want s to breed them ; he shall apply for the license in accordance with Section 18 within thirty days. After his report to the officer, he may take possession of the animals.

In case the owner or the holder of the protected wild animals wants to keep the animals, the officer shall check the animal tending condition. If his animals tending condition is safe enough to entitle him to continue to keep the animals. The license issued by the Director-General shall be granted to him. The license is temporary one covering the length of life of the animals concerned. The license holder shall comply with animal raising instruction therein laid down by the Minister with the consent of the Committee. Whenever there is change in the number of the protected wild animals, the license holder shall notify the officer in charge.

(2). As for the carcass of the protected wild animals, the owner or holder shall report the kinds and amount of said carcass in his possession to the officer in charge within ninety days from the start of the Ministerial Regulation. After the officer has recorded the figures, the owner or holder is allowed to possess the carcass. In case the carcass is that of the protected wild animal kept for commercial

purpose, after record has been taken by the officer, the owner or holder shall sell or dispose of the whole products within the period of three years.

The report and report format and the license for temporary possession of protected wild animals shall be in accordance with the stipulation of the Ministerial Regulation.

Section 62.

The Protected Wild Animal Category 1 and 2 in the ministerial Regulation proclaimed by virtue of the Wild Animal Reservation and Protection Act B.E. 2503 shall be considered as Protected Wild Animals in accordance with this Act.

Section 63.

The Wild Animal Category 1 and Category 2 in the ministerial Regulation proclaimed by virtue of the Wild Animal Reservation and Protection Act B.E. 2503 shall be considered as Protected Wild Animals in accordance with this Act.

Section 64

All the Ministerial Regulation and the rules and notification proclaimed by virtue of the Wild Animal Reservation and Protection Act B.E. 2503 still operative before or on the convening date of this Act shall continue to apply as long as they do not conflict with provision of this Act., and shall terminate with the proclamation of the Ministerial regulation and the rules and notifications by virtue of this Act.

Section 65.

The licenses to hunt reserved Wild animals, to hunt all categories of protected wild animals and carcass thereof, which were issued to pay person on or before the date this Act becomes operative, shall terminate thereafter.

Section 66.

Whoever illegally holds in possession of reserved or protected wild animals on or before the date this Act becomes operative shall be waived the punishment of the crime if he surrendered said wild animals to the officer within ninety days from the date this Act becomes operative. The animals in question shall become state property. After recording the kind and number of the animals, the Director-General may allow the animals' keeper to continue keeping their animals, if he considered appropriate which is based largely on the welfare and safety of the animals themselves.

Whoever illegally holds in possession of the carcass of reserved or protected Wild Animals on or before the date this Act becomes operative. After the officer has recorded the figures, the owner or holder is allowed to possess of inheritance,

Section 67.

Whoever legally holds in possession of reserved or protected Wild animals or the carcass thereof on or before the date this Act become operative shall report to the officer in charge the kind and amount of reserved or protected wild animals and the kind and amount of their respective carcass within ninety days from the date this Act becomes operative. After the officer has recorded the figures, the following procedures shall be adopted:

- (1). For reserved wild animals, the owner or holder shall sell the animals in question to organizers and operators of public zoological garden who have applied for licenses to operate the enterprise in accordance with Section 69 within one hundred and eighty days from the date of submission of the report. After the specified period has lapsed, the unsold reserved wild animals shall become state property and the owner shall turn them over to the Royal Forest department or the Department of Fisheries, whichever is more appropriate, for further deliberation in accordance with the rules and regulations laid down by the director General with the consent of the Committee.
- (2). for protected wild animals or carcass thereof, provision of Section 61 shall be applied mutatis mutandis
- (3). For carcass of reserved animals, the owner or holder may continue to keep the carcass with the condition that he shall not sell, distribute or hand it over to any other person unless he has written permission from the Director-General to do so has inheritance expediency to support the ownership transfer
- (4). For protected wild animals has been held in possession by holders of license for trading of the animals in accordance with the Wild Animal Reservation and Protection Act B.E.2503, after the said license holder has applied for the permission to trade in the protected wild animals according to Section 68 he shall be entitled to continue to trade in the kind of animals specified in Section 17 which have been propagated through breeding in captivity. As for the protected wild animals outside the specification of Section 17, the trade license holder shall sell all these animals within two years from the date he reports to the officer in charge. At the expiration of the period the unsold animals which are not covered by Section 17 specification shall become state property and shall be handed to either the Royal Forest Department or the Department of Fisheries whichever is more appropriate for deliberation, in accordance with the rules and regulation laid down by the Director-General with the consent of the Committee.
- (5). For carcass of the protected wild animals which have been held in possession by holders of for trading of the carcass concerned in accordance with the wild animal reservation and Protection Act B.E. 2503, after the officer has checked and taken record of kind and amount of the carcass concerned held in possession by each holder, the Director-General shall issue a temporary trading permit to the holder. The holder shall sell the all carcass concerned with three years from the date he receives the temporary permit. He shall also make monthly report to the officer in charge starting the monthly sale in the manner prescribed by the Director-General with the consent of the Committee. At the end of the three-year period the unsold carcass shall become state property and shall be handed to either the Royal Forest Department or the Department of Fisheries whichever is more appropriate for deliberation in accordance with the rules and regulation laid down by the Director-General with the consent of the Committee, unless the carcass is that of the property wild animals specified in Section 17 which are bred in captivity and unless the entrepreneur in question has already applied for trading license of carcass of protected wild animals bred in captivity specified in Section 68. The formal of the report and the manner of reporting shall be in accordance with specification included in the Ministerial Regulation.

Section 68.

Entrepreneurs of propagation enterprises, trading of protected wild animals bred in captivity as well as of their carcass and products thereof which exist on or before the date this Act becomes operative, shall apply for respective license issued in accordance with this Act within thirty days from the date the Act is promulgated. After the license has been applied for, the entrepreneur may proceed with his enterprise until he receives an instruction to cease the business from the Director-

General.

In case the Director-General does not approve the license application, the provision of Section 43 Clause 2 shall be applied mutatis mutandis.

Section 69.

Whoever organizes and operates public zoological garden on or before this Act become operative shall applied for license in accordance with this Act within thirty days. After the application has been approved and the officer has checked and found the establishment to be up to the standard prescribed in Section 30 Clause 2 and 3 and Section 31 and the officer has recorded the figures on kind and amount of reserved wild animals, protected wild animals and carcass thereof, the Director-General shall issue license allowing the entrepreneur to organize and operate said public zoological garden.

Section 70.

Whatever appending application submitted on or before the date this Act becomes operative shall be considered as revoked unless they are application for conduct of activities which are permissible in accordance with this Act. In such cases, the Director-General shall consider them on a case to case basis.

Countersigned by Mr. Anan Panyarachun as Prime Minister

Source

<http://chiangmai2.mofcom.gov.cn/aarticle/lawsofhostcountry/internationallaw/200810/20081005837004.html>