



พระราชบัญญัติ

ส่งเสริมการบริหารจัดการทรัพยากรทางทะเลและชายฝั่ง
พุทธศักราช ๒๕๕๘

ACT ON THE PROMOTION OF

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

(UNOFFICIAL TRANSLATION)

กรมทรัพยากรทางทะเลและชายฝั่ง
DEPARTMENT OF MARINE AND COASTAL RESOURCES



กระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อม
Ministry of Natural Resources and Environment



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MANAGEMENT,
B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX.

Given on the 20th Day of March B.E. 2558;
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 a law on the promotion of marine and coastal resources management;

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 is called “Act on the Promotion of Marine and Coastal Resources Management, B.E. 2558 (2015)”.

*Translated by Foreign Law Bureau, the Office of the Council of State of Thailand. –Tentative Version –subject to final authorisation by the Office of the Council of State.



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

Section 3. In this Act:

“marine and coastal resources” means things that exist or occur by nature in the area of the sea or coast including peat swamp forests, coastal wetlands, canals, tributaries, lakes and estuaries, which are connected to or influenced by the sea, for example, mangrove forests, beach forests, beaches, shorelines, islands, seagrass beds, coral reefs, shellfish beds, marine plants and animals or things created by human beings for the benefit of marine and coastal ecosystems, for example, artificial reefs, breakwaters and the prevention of coastal erosion;

“coastal community” means community, local community or indigenous local community in the coastal area or island;

“conservation area” means an area of the national park under the law on national park, an area of wildlife sanctuary and non-hunting area under the law on the preservation and the protection of wildlife, an area of national reserved forest under the law on national reserved forest, an environmental protection area under the law on the promotion and the conservation of national environmental quality, a fisheries sanctuary under the law on fisheries and other protected areas for the preservation and conservation of natural condition as specified by law;

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



“competent official” means civil servants or State officials who hold positions not lower than an ordinary civil servant (practitioner level) or equivalent 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 who shall have charge and control of the execution of this Act.

Section 4. 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 the competent official and issue the Ministerial Regulation and the Notification for the execution of this Act.

The Ministerial Regulation and the Notification shall come into force upon their publication in the Government Gazette.



CHAPTER I

THE NATIONAL POLICY AND PLAN COMMITTEE ON MARINE AND COASTAL RESOURCES MANAGEMENT

Section 5. There shall be a committee called the National Policy and Plan Committee on Marine and Coastal Resources Management, consisting of the Prime Minister or the Deputy Prime Minister assigned by the Prime Minister as Chairperson, the Minister of Natural Resources and Environment as Vice-Chairperson, the Permanent Secretary of the Office of the Prime Minister, the Permanent Secretary of Defence, the Permanent Secretary of Finance, the Permanent Secretary of Foreign Affairs, the Permanent Secretary of Tourism and Sports, the Permanent Secretary of Agriculture and Cooperatives, the Permanent Secretary of Transport, the Permanent Secretary of Natural Resources and Environment, the Permanent Secretary of Energy, the Permanent Secretary of Commerce, the Permanent Secretary of Interior, the Permanent Secretary of Industry, the Secretary-General of 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 are *ex officio* members and not more than twelve qualified members appointed by the Council of Ministers.

The Director-General shall be a member and secretary.



In appointing qualified members under paragraph one, persons with knowledge and expertise in marine and coastal resources management, environment, mineral resources, oceanography, marine science, tourism, fisheries, economics or law shall be appointed. Not less than one-half of the qualified members shall be representatives from coastal communities.

Section 6. A qualified member shall hold office for a term of three years.

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

A member who vacates office upon the expiration of the term may be reappointed, but may not be appointed for more than two consecutive terms.

Section 7. In addition to vacating office on the expiration of the term, a qualified member vacates office upon:

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



Section 8. In the case that a qualified member vacates office before the expiration of the term, the remaining members shall continue performing their duties and the Council of Ministers may appoint other person to replace the member except the term of the qualified member remains less than one hundred and eighty days, the appointment may be omitted and the appointed member shall hold office for the unexpired term of office of the member already appointed.

In the case that there is an appointment of additional qualified member while the appointed qualified members are still in office, the appointee shall be in office for the unexpired term of office of the qualified 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 give an opinion, suggestion and advice to the State agency for the implementation of the national policy and plan on marine and coastal resources management;

(3) to consider giving approval to an area in which measures on coastal erosion prevention shall apply;

(4) to monitor and evaluate the performance of the State agency in regard to coastal and resources management to be in accordance with the national policy and plan on marine and coastal resources management;



(5) to give an opinion to the Council of Ministers for the consideration of passing a resolution as deemed appropriate in the case that it appears that the State agency fails to comply with the national policy and plan on marine and coastal resources management;

(6) to consider giving approval to the issuance of the Ministerial Regulation under section 18, section 20 and section 21;

(7) to furnish the Council of Ministers with a report on the situation of marine and coastal resources and the coastal erosion of the country at least once a year;

(8) to perform other duties as provided by this Act or other laws to be powers and duties of the Committee or as entrusted by the Council of Ministers or the Prime Minister.

The formulation of policy and plan on marine and coastal resources management under (1) shall take into consideration the national policy and plan for the promotion and conservation of the environmental quality under the law on the promotion and conservation of national environmental quality, fisheries development policy, aquaculture or the utilization of fishing areas under the law on fisheries and there shall be a public consultation with population, business entrepreneurs, private organisations and relevant State agencies to be taken into consideration in the formulation of such national policy and plan on marine and coastal resources management.

The Committee shall revise the national policy and plan on marine and coastal resources management under (1) at least every three years or, in case of necessity, the Committee may specify a shorter time period.



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

At any meeting of the Committee, if the Chairperson does not attend or is unable to perform duties, the Vice-Chairperson shall perform the duty of the Chairperson. If both the Chairperson and the Vice-Chairperson do not attend or are unable to perform duties, the members present shall elect one among themselves to preside over the meeting.

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

Section 11. The Committee shall have the power to appoint the subcommittee to take any action on the Committee's behalf or as assigned by the Committee.

Section 10 shall apply to the meeting of the subcommittee *mutatis mutandis*.

Section 12. There shall be the Provincial Committee on Marine and Coastal Resources for a province with an area for planting, maintenance, conservation and restoration of marine and coastal resources consisting of the Governor as Chairperson, the Director of Marine Office (provincial branch), a representative from the Royal Forest Department, a representative from the Department of National Parks, Wildlife and Plant Conservation, the Director of the Provincial Office of Natural Resources and Environment, Provincial Fisheries



Officer, Provincial Officer of Public Works and Town & Country Planning, a representative from the Royal Thai Navy, the Commander of the Provincial Police, the Chief Executive of the Provincial Administration Organisation as *ex officio* members, and not more than eight qualified members appointed by the Governor consisting of representatives from people sectors or coastal communities in such province with evident and acknowledged knowledge and experience in the fields of marine and coastal resources management, marine and coastal ecosystem, environment, tourism or fisheries.

For Bangkok Metropolitan Administration, such Committee shall consist of the Bangkok Governor as Chairperson, the representative of the Ministry of Natural Resources and Environment, the representative of the Marine Department, the representative of the Fisheries Department, the representative of the Royal Forestry Department, the representative of the Department of Public Works and Town & Country Planning, the representative of the Department of National Park, Wildlife and Plant Conservation, the representative of the Royal Thai Navy, the representative of the Royal Thai Police, the representative of Bangkok Metropolitan Council as *ex officio* members, and not more than eight qualified members appointed by the Bangkok Governor from representatives of people sectors or coastal communities in Bangkok Metropolitan with evident and acknowledged knowledge and experience in the fields of marine and coastal resources management, marine and coastal ecosystem, environment, tourism or fisheries.



The Provincial Committee on Marine and Coastal Resources shall appoint one government official in the Department of Marine and Coastal Resources as proposed by the Director-General to be a member and secretary.

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

(1) to create and propose a provincial policy and plan on marine and coastal resources management to the Committee to be one part of the national policy and plan on the marine and coastal resources management;

(2) to give an opinion to the Committee in regard to the issuance of the Ministerial Regulation specifying any mangrove forest area in a province to become a conserved mangrove forest area under section 18 or the issuance of the Ministerial Regulation specifying marine and coastal protected area under section 20;

(3) to give an opinion to the Committee for the consideration in providing approval to the use of coastal erosion prevention measures;

(4) to assist, advise, and co-ordinate with State agencies at the provincial level and with neighbouring provinces for the implementation and the taking of actions in accordance with the national policy and plan on marine and coastal resources management in the part relevant to such particular province;

(5) to work with people sectors, coastal communities and local administration organisations in planting, maintenance, conservation, restoration, and exploitation of marine and coastal resources in a province;



(6) to give an opinion to the Committee or the Director-General for considering taking appropriate action in the case that it appears that marine and coastal resources in a province are damaged or necessary to be planted, maintained, preserved or restored;

(7) to furnish a report on the result of the performance of the Provincial Committee on Marine and Coastal Resources of such province and the situation of marine and coastal resources and the coastal erosion of such province to the Committee at least once a year;

(8) to perform other duties as entrusted by the Committee.

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

Section 15. The Department of Marine and Coastal Resources shall serve as the secretariat of the Committee with the following powers and duties:

(1) to perform administrative matters of the Committee;

(2) to give an opinion to the Committee for the formation of a national policy and plan on marine and coastal resources management;

(3) to consider and demarcate an area deemed appropriate to be specified as an area that coastal erosion prevention measures will be used and measures to prevent and to solve coastal erosion problem will be specified;

(4) to take action and coordinate with relevant State agencies in the prevention and solving of coastal erosion problems;



(5) to compile and prepare data, study, analyse and initiate activities or projects for the benefit of the execution of duties of the Committee;

(6) to assist and advise State agencies on marine and coastal resources management;

(7) to coordinate with State agencies relevant to marine and coastal resources management in order to take actions in accordance with the national policy and plan on marine and coastal resources management;

(8) to study, research or support the study and research in the development, planting, maintenance, conservation and restoration of marine and coastal resources;

(9) to survey, compile data, demarcate and make a map of marine and coastal resources for the benefit of the management, protection and conservation of marine and coastal resources;

(10) to give an opinion to the Committee or the Minister in regard to the issuance of the Ministerial Regulation and the Notification under section 18, section 20, section 21 and section 22;

(11) to perform other duties for the execution of this Act or as assigned by the Committee.



CHAPTER II COASTAL COMMUNITY

Section 16. In order to promote the participation and support of local administration organisations in the management, planting, maintenance, conservation, restoration and exploitation of marine and coastal resources, the Department of Marine and Coastal Resources shall consider providing assistance and support in the following matters:

(1) to support the participation of the community and the local administration organisation in the expression of opinions for the formulation of national and provincial policies and plans on marine and coastal resources management;

(2) to give advice to the community and the local administration organisation on the management, planting, maintenance, conservation, restoration and exploitation of marine and coastal resources including to assist and support the implementation of work, project, activity of the community in such regard;

(3) to disseminate the knowledge or information in regard to the management, planting, maintenance, conservation, restoration and exploitation of marine and coastal resources;

(4) to work on other matters beneficial to the management of marine and coastal resources as specified in the Ministerial Regulation.

The provision of the promotion and assistance to the coastal community and the local administration organisation under paragraph one shall be as specified by the Director-General.



CHAPTER III

THE PROTECTION OF MARINE AND COASTAL RESOURCES

Section 17. In the case that it appears that any person causes 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 temporarily stop an action or activity causing damage to marine and coastal resources as appropriate.

Having given an order under paragraph one, if the Director-General or a person assigned by the Director-General deems that any action or activity causing severe damage to the marine and coastal resources is under the responsibility of or relevant to any State agency, the Director-General or a person assigned by the Director-General shall notify and coordinate with such responsible or relevant State agency without undue delay to solve the problem that occurs in accordance with its powers and duties except, in case of emergency and if no action has been taken, the marine and coastal resources will be further damaged or in case of no agency responsible or relevant in such matter, the Department of Marine and Coastal Resources shall have the power to take action to rectify or alleviate the damage that occurs to the marine and coastal resources in such area. In this regard, the Director-General or a person assigned by the Director-General may also specify methods and a period of time for a person under paragraph one to take action as necessary to rectify or alleviate damage that has occurred to marine and coastal resources in such area.



In the case that the responsible or relevant State agency or the Department of Marine and Coastal Resources has taken action to rectify or alleviate the damage that has occurred or when the damage occurring to marine and coastal resources has ended, the Director-General or a person appointed by the Director-General shall consider abolishing an order that has been given under paragraph one.

Section 18. In the interest of the preservation, conservation and restoration of mangrove forest area to remain in natural condition, the Minister by and with the approval of the Committee shall have the power to issue the Ministerial Regulation designating any mangrove forest area to be a conserved mangrove forest area.

An area designated to be a conserved mangrove forest area under paragraph one shall not be an area in national park under the law on national park or the area of wildlife sanctuary or non-hunting area under the law on the conservation and protection of wildlife or the area covered by ownership or possessory right under the Land Code of a person who is not a State agency.

The issuance of the Ministerial Regulation under paragraph one shall specify protection measures under section 23 and there shall also be a map showing a boundary line of the conserved mangrove forest area attached to such Ministerial Regulation.

Section 19. In the case that a mangrove forest area or a conserved forest area is in the area of the national reserved forest or forest, the powers and duties of the Director-General of the Royal Forest



Department under the law on national reserved forest or the law on forest shall belong to the Director-General.

Section 20. In the interest of the preservation, conservation and restoration of the marine and coastal resources, which are not mangrove forest areas under section 18, to remain in natural condition and have surrounding condition and ecosystem in pristine condition, the Minister by and with the approval of the Committee shall have the power to issue the Ministerial Regulation to designate the area with the following characteristics to become a marine and coastal resources protected area:

- (1) An area with marine and coastal resources in pristine condition which merits preservation to be in its original natural condition;
- (2) An area that is a habitat of animals and plants in its pristine natural condition;
- (3) An area with significance for marine ecosystem which merits conservation.

An area designated as marine and coastal resources protected area under paragraph one shall not be an area in a conservation area or an area permitted to practice aquaculture under the law on fisheries.

In issuing the Ministerial Regulation under paragraph one, measures on protection under section 23 shall be specified and a map showing the boundary line of marine and coastal resources protected area shall also be attached.

Section 21. In order to prevent the coastal erosion problem and prevent damage to the life and property of the population, the



Minister, by and with the advice of the Committee, shall have the power to issue the Ministerial Regulation in order to designate an area that measures for the prevention of coastal erosion shall be used.

In issuing the Ministerial Regulation under paragraph one, there shall be a map showing a boundary line attached to such Ministerial Regulation and the following measures shall be specified:

(1) The prohibition of the conduct of activities or actions which may affect or cause further problem of coastal erosion;

(2) The specification of principles to deal with constructions or activities undertaken within the designated area prior to the issuance of the Ministerial Regulation. The principles specified are: activities can be continuing or activities shall be withheld or constructions affecting coastal erosion prevention shall be demolished and appropriate compensation shall be paid;

(3) The specification of principles of the use of land within the designated boundary line;

(4) The specification of other measures as appropriate to prevent coastal erosion.

Section 22. In the event that it appears that marine and coastal resources may be destroyed or severely damaged at a critical level, or it is the case that the Committee deems that it is utmost necessary to preserve, protect or conserve for the benefit of or for the creation of the abundance of the marine and coastal ecosystem, the Minister shall propose to the Council of Ministers without undue delay for the approval to the use of measures to



protect marine and coastal resources under section 23 and the specification of State agencies that will implement such measures as necessary and appropriate for the control and solving of the problem that has happened or may happen.

Upon receiving approval from the Council of Ministers under paragraph one, the Minister shall, by announcing in the Governmental Gazette, specify types of marine and coastal resources, details of protection measures and period of time that such protection measures shall be used. In case of necessity, a map showing the boundary line of an area that the protection measures may be used may also be specified.

The extension of the period of time in the announcement in paragraph two shall be done upon receiving approval from the Council of Ministers by announcing in the Governmental Gazette.

Section 23. In specifying protection measures under section 18, section 20 and section 22, one of the following matters shall be specified:

(1) The prohibition of any activity or action which may cause danger or impact on marine and coastal resources;

(2) The specification of measures to preserve, conserve, revive and exploit marine and coastal resources as appropriate to the condition of such area;

(3) The specification of the use of land to maintain its natural condition or not to affect its natural ecosystem;

(4) The specification of beach protection measures for public benefits;

(5) The specification of other protection measures as appropriate and suitable to the condition of such area.



CHAPTER IV COMPETENT OFFICIAL

Section 24. In the execution of duties under this Act, the competent official shall have the following powers:

(1) to enter any place between sunrise and sunset or during working hours of such place to examine and control matters to be in accordance with this Act;

(2) to search any place or vehicle between sunrise and sunset or during working hours of such place in the case that there are reasonable grounds to suspect that there is a commission of offence under this Act and there are reasonable grounds to believe that the time that will be spent in the acquisition of a search warrant will render properties, objects, things or documents related to the commission of such offence be removed, hidden, sent, taken outside the Kingdom or destroyed;

(3) to seize or confiscate properties, objects, things or documents related to the commission of offence under this Act for the benefit of the examination or the initiation of legal proceedings;

(4) to order any person either to leave the area under section 18, section 20, section 21 or section 22 or to stop taking action in contravention of such section.

Having searched, seized or confiscated under (2) or (3), if such search, seizure or confiscation has not yet been completed, it may be continuing until the night time or outside working hours of such place.



In the execution of duties of the competent official under paragraph one, the person concerned shall provide convenience to the competent official in the course of performance of the duty as appropriate.

Section 25. In the execution of duties under this Act, the competent official shall become an administrative official or a police officer under the Criminal Procedure Code.

Section 26. In the execution of duties under this Act, the competent official shall show an identity card to the person concerned.

An identity card of the competent official shall comply with the form that the Minister specifies and declares in the Government Gazette.



CHAPTER V

PENALTIES

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

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

Section 29. Any person who violates or fails to comply with marine and coastal resources protection measures as specified in section 22 shall be liable to imprisonment for a term of not exceeding two years or to a fine not exceeding two hundred thousand baht or to both.

Section 30. In the case where an offender is a juristic person, if the perpetration of such juristic person is caused by an order or an action of any person or a failure to give order or inaction which is a duty of a managing director or any person responsible for the operation of such juristic person, such person shall also be liable to the penalty provided for such offence.

Countersigned by:
General Prayut Chan-o-cha
Prime Minister



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Department of Marine and Coastal Resources



