

Disaster Prevention and Mitigation Act

B.E. 2550 [A.D. 2007]

Unofficial Translation

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BHUMIPOL ADULYADEJ, REX:

Given on the 28 Day of August, B.E. 2550 [2007]

Being the 62nd Year of the Present Reign.

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

Whereas, it is expedient to have the law on Disaster Prevention and Mitigation.

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 “Disaster Prevention and Mitigation Act, B.E. 2550 [A.D. 2007]”

Section 2: This act shall come into force as from the day following the date of its publication in the Royal Gazette¹.

Section 3: These following acts shall be repealed and replaced by this act;

- (1) Civil Defense Act, B.E. 2522 [A.D. 1979]
- (2) Fire Defense Act, B.E. 2542 [A.D. 1999]

Section 4: Herein the act;

“Disaster” means any of these disasters; fire, storm, strong wind, flood, drought, epidemic in human, epidemic in animals, epidemic in aquaculture, and epidemic in plants and other public disaster either natural disasters or human-made disasters, accidents or all other incidents that effect to life, body or properties of the people, of the government. And in this regards, air threats and sabotages are also included.

“Air threat” means any disasters affected from strikes or attacks in the air by terrorists or alien nations.

“Sabotage” means any disasters affected from any activities aim to destroy to private or government properties, public utilities, or activities of offensive, deterrence, delay to any operations including of any harmful actions toward persons which will create a political, economical and social disturbance or damage to national security as a whole.

“Government agency” means any government services, state enterprises, national public organizations, or other government units; excludes local administrations or municipal governments.

“Local administration” means any Tambon² administrations, municipalities, Pattaya city government, or other local administrations by law; excludes provincial governments and Bangkok Metropolitan government.

“Province” means any provinces throughout the Kingdom of Thailand; excludes Bangkok.

1 Published in the Royal Gazette Vol. 124, Part 52 A (**n**), dated on 7 September B.E. 2550 [A.D. 2007]

2 There is also mentioned as “sub-district”

“District” means any districts and minor districts³ throughout the Kingdom of Thailand; excludes districts in Bangkok.

“District governor” means any district governors and any assistant district governors who are in charge to all minor districts is also included.

“Local governor” mean any governors in Tambons, municipality governors, Governor of Pattaya, and other chiefs or governors of other local administrations.

“Commander in chief” means the chief who is in charge on National Disaster Prevention and Mitigation Operation.

“Director” means any directors in central, provinces, districts, local administrations and Bangkok is also included.

“Officer” mean any designated officials for disaster prevention and mitigation operation in any relevant area of works by this law.

“Volunteer” means any Disaster Prevention and Mitigation volunteers.

“Director-General” means Director-General of Department of Disaster Prevention and Mitigation.

“Minister” means respective minister who has been authorized by this law.

Section 5: Minister of Interior shall be having authorities to define relevant ministerial regulations, regulations, and other announcements to be enforced by this law, but not before those regulations or announcements have been published in the Royal Gazette.

CHAPTER 1 General Provisions

Section 6: There shall be a National Disaster Prevention and Mitigation Committee (NDPMC) 4, consisting of Prime Minister or designated Deputy Prime Minister as a chairperson, Ministry of Interior as first vice chairperson, Permanent Secretary for Interior as second vice chairperson, and Permanent Secretary for Defense, Permanent Secretary for Social Development and Human Security, Permanent Secretary for Agriculture and Cooperatives, Permanent Secretary for Transportation and Communications, Permanent Secretary for National Resources and Environment, Permanent Secretary for Information and Communication Technology, Permanent Secretary for Public Health, Direct-General of The Bureau of Budget, Commissioner-General of Royal Thai Police, Supreme Commander, Commandant of Royal Thai Army, Commandant of Royal Thai Navy, Commandant of Royal Thai Air Force, Director-General of National Security Council, and together with others but not more than five intellectuals who are experienced in city planning, and disaster prevention and mitigation shall be appointed by the Cabinet as members.

Director-General of Department of Disaster Prevention and Mitigation as the secretariat of the committee, and not more than other two officials in Department Disaster Prevention and Mitigation shall be appointed as an assistant secretary.

Section 7: The committee shall have the powers and duties as follows;

- (1) Propose the policy to formulate the National Disaster Prevention and Mitigation plan.
- (2) Determine and preapproval the plan under Section 11 (1) before submitting the plan to the Cabinet.
- (3) To integrate the development on disaster prevention and mitigation mechanism among Government agencies, Local administrations, and other relevant private sectors effectively.
- (4) To recommend, support and promote on any disaster prevention and mitigation activities.
- (5) To propose regulations on remuneration, recompenses, and other expenses related to disaster prevention and mitigation operations, and those regulations shall be in accordance to rules and regulations of Ministry of Finance.
- (6) To perform other duties according to this and other laws as may be required by the Minister.

Regarding to the operations of the committee in paragraph one, the committee shall have their rights to appoint a sub-committee to perform tasks on their behalf, and the sub-committee shall adapt Section 10 to regulate their meetings.

To have more benefit from the committee according to paragraph one, the committee shall have authority to demand other government services, local administrations, or other private agencies to provide, to illuminate any relevant information to their meetings.

Section 8: The appointed intellectual members of the committee shall be performing their duties for a term of four years. In case of any appointed intellectual members vacate before their term, or a new or an additional member appointed by the Cabinet, the appointee shall be resumed in their duties not more than the remaining of the term. Any members who vacate office upon termination of the term shall maintain their duties until the newly appointed members take their office. The appointed intellectual members could be reappointed but they are not allowed to be in their office more than two terms continuously.

Section 9: In addition the vacation of their office upon termination of the term according to Section 8, the appointed members would vacate their office upon;

- (1) Death
- (2) Resignation by proposing the resignation letter to the chairperson
- (3) Being dismissed by the Minister
- (4) Being a bankrupt
- (5) Being an incompetent or a quasi-incompetent person
- (6) Being imprisoned by a final judgment or a lawful order to a term of imprisonment, except for an offence committed through negligence or petty offence.

Section 10: The constituted quorum meeting of the committee shall have not less than one-half of the total members. For any meetings, the chairperson of the committee shall preside over the meeting. If the chairperson absence, or unable to perform his or her duties, the vice chairperson shall be resumed the function as the chairperson respectively. Otherwise, one of the present members shall be selected as the chairperson.

Any decisions of meeting shall be judged by majority of the votes, based on one member one vote basis. In case of equality of votes, the chairperson who is presiding over the meeting shall have an additional vote as a casting vote.

Section 11: Department of Disaster Prevention and Mitigation shall be the central government unit to operate any related activities on national disaster prevention and mitigation, and shall have powers and authorities as follows;

- (1) Formulates the National Disaster Prevention and Mitigation Plan for the committee to seek for an approval by the Cabinet
- (2) Organizes and researches on procedures and measures to prevent and mitigate all impacts of disasters effectively
- (3) Operates, cooperates, supports and assists other government services, local administrations, and other relevant private sectors on disaster prevention and mitigation. And provides aids to disaster effected people
- (4) Guides, and provides consultancy, and train other government services, local administrations and other private sectors on disaster prevention and mitigation
- (5) Follow-up, assesses and evaluates all activities related to disaster prevention and mitigation at all levels
- (6) Perform other duties in accordance to this and other law or as may required by Commander in Chief, Prime Minister, the Committee or the Cabinet

After the plan in paragraph one has been approved, other related government services and local administrations shall operate all of their activities according to the plan. During the process of formulating the prevention and mitigation plan in paragraph one, Department of Disaster Prevention and Mitigation shall confer with relevant government agencies, local administrations.

In this regards, private sectors shall be able to be included into this conferring for their opinions. For benefit of any operations under Section 10 (3), (4), (5) and (6), there shall be Disaster Prevention and Mitigation Center in some provinces. Those centers shall operate in the area of province and neighboring provinces as necessary. And there shall be Disaster Prevention and Mitigation Offices to oversee and support any disaster prevention and mitigation activities at provinces level or as required by the Director.

Section 12: The Disaster Prevention and Mitigation Plan under Section 11 (1) shall have substantial parts as follows;

- (1) Guide lines, measures and adequate budget to support disaster prevention and mitigation operations systemically and continuously
- (2) Guide lines and methods for providing aids and mitigate the impacts of disasters in both short and long term, together with evacuation procedures of effected people, government services, and other local administrations, supports effected people on their public health, public utilities and communication system
- (3) Relevant government agencies and local administrations shall proceed all operations under (1) and (2), and shall seek for availability and mobility of fund
- (4) Preparedness perspectives on support personnel, equipments and other materials to deploy upon disaster prevention and mitigation operations, and capacity building of those personnel and other people shall be included
- (5) Guide line on fixing, recovery and restoration to community right after disaster

Those activities on paragraph one shall be preceded based on prioritization of hazard risks and vulnerabilities of disasters. And if there is any necessities to update, to correct laws or regulations or propositions of the Cabinet, those necessities shall be included into the National Disaster Prevention and Mitigation Plan.

Section 13: Designated Minister as Commander in Chief shall have power to control and oversee on disaster prevention and mitigation throughout the Kingdom according to this law. And the minister shall have power to command or demand to Directors, Deputy Directors, Assistant Directors, Officers, and Volunteers throughout the Kingdom.

The Permanent Secretary for Interior as Deputy Commander in Chief assists the Commander, shall perform any duties as my required by the Commander. He or she shall have delegated power to command the operations under paragraph one.

Section 14: The Director-General as Central Director, shall have power to control and oversee operations of other Directors, Deputy Directors, Assistant Directors, Officers, and Volunteers on disaster prevention and mitigation throughout the Kingdom.

Section 15: Provincial Governor as Provincial Director shall responsible for disaster prevention and mitigation of their own province. He or she shall have power as follows;

- (1) Formulate the Provincial Disaster Prevention and Mitigation Plan in accordance to the national plan
- (2) Oversee and train all volunteers of local administration in the province
- (3) Oversee and investigate all local administrations on preparing of disaster prevention and mitigation equipments, materials, vehicles and other related hardware for their own use in accordance to Provincial plan
- (4) Operate as a government service unit at local administration level to provide basic support to disasters affected people, and other activities related to disaster prevention and mitigation
- (5) Support local administrations on any related activities of disaster prevention and mitigation
- (6) Perform other duties as may be required by the Commander in Chief or the Central Director

For benefit of operations under Section 15 (3), (4), and (5), Provincial Director shall have power to demand other government agencies and other local administrations in their own province to cooperate to Provincial Disaster Prevention and Mitigation Plan and shall have power to control and oversee activities of Officers and Volunteers in according to this law.

Section 16: Provincial Disaster Prevention and Mitigation Plan under Section 15 (1) shall have substantial parts as follow;

- (1) The setting up of Special Command Center when ever disasters strike, that center shall be constructed and has authorities to command and oversee disaster prevention and mitigation operations and activities
- (2) Plan and procedures for local administrations for procuring tools, equipments, materials, hardware and vehicles in disaster prevention and mitigation operations
- (3) Plan and procedures for local administrations for procuring an early warning system and other equipments to inform people and communities on incoming disasters
- (4) Operation plan for disaster prevention and mitigation at local administrations
- (5) Cooperation plan to other relevant public charities.

Section 17: For formulating Provincial Disaster Prevention and Mitigation Plan, Provincial Governor shall appoint a committee. That committee shall be consisted of these following members;

- (1) Provincial Governor as chairperson
- (2) Designated Deputy Provincial Governor as a vice chairperson
- (3) Commander of Army Circle, or Commander of Provincial Army base or their representative as a vice chairperson
- (4) Provincial Administrator as a vice chairperson
- (5) Othermembers shall be consisted of these following;
 - (a) Representatives from provincial government services appointed by Provincial Governor at any appropriated numbers as members
 - (b) Seven representatives from local administrations consisting of two persons from municipalities and other five persons from Tambon Administrations as members
 - (c) Representatives from public charities shall be appointed by Provincial Governor in any

appropriated numbers as member

(6) Chief Officer of Disaster Prevention and Mitigation Office or representative from Department of Disaster Prevention and Mitigation as secretary

In case of higher education institutes or universities located in that province, president or rector of each institute shall be appointed by Provincial Governor at any appropriated numbers as members or consultants. The committee under paragraph one shall formulate their Disaster Prevention and Mitigation Plan and propose to their Provincial Governor for executing of the plan. Responsibilities and meeting procedures of committee under paragraph one shall be assigned by the Provincial Governor.

Section 18: Provincial Administrator as Deputy Provincial Director shall assist Provincial Director on disaster prevention and mitigation operations, and shall perform other duties as may be required by Provincial Director.

Section 19: District governor as District Director, shall perform duties on disaster prevention and mitigation in their home-land and shall perform other duties as may be required by Provincial director.

For any operations of District Director under paragraph one, the director shall have power to demand other government agencies, relevant local administrations in their area of works to operate the Provincial Disaster Prevention and Mitigation Plan, and shall have power to command, control and oversee all activities of relevant Officers and Volunteers on their operations in accordance to this law.

Section 20: Local Administration as Local Director shall perform their duties on disaster prevention and mitigation in their areas of works. Local administrators shall perform duties as Local Director, and shall assist Provincial Director and District Director in performing other duties as requested.

For any operations of Local Director under paragraph one, the director shall have power to control, and oversee local Officers, local Volunteers activities according to this law. The Administrative assistants shall perform their duties as Assistant Local Director on disaster prevention and mitigation and other duties as may be required by Local Director.

CHAPTER 2

Disaster Prevention and Mitigation

Section 21: In any occurrence or expected to occur of disasters in local administration area, that Local Director has to proceed the disaster prevention and mitigation operation at once, and he or she shall report to District Director, and Provincial Director immediately. For the operations on paragraph one, the Local Director shall have power to;

- (1) Demand any local civil servants, local government employee, local government service servants, local government officers, volunteers, and other relevant personnel to perform any necessity actions for prevention and mitigation of that disasters
- (2) Utilize any materials, tools, equipments, and vehicles of the government, or of private sectors in affected areas as necessary to prevent and mitigate that disasters
- (3) Utilize communication devices of the government, or of private sectors in affected area or neighboring areas
- (4) Request other local administrations to support that disaster prevention and mitigation operation
- (5) Order any people to enter or leave the areas, buildings or any specific locations
- (6) Provide aid and support to effected people radically and expeditiously

Section 22: If there is an incident or event in paragraph one, District Director and Provincial Director shall have their authorities equal to Local Director. District Directors shall oversee in their district, and Provincial Directors shall function in their provinces respectively.

In case of that Local Director require a support from other government agencies or other government agents outside the areas, he or she has to request to District Director or Provincial Director to demand other relevant agencies to response rapidly.

Section 23: When a disaster occurs in any local administrations, other neighboring Local Directors shall have to support to that Local Director on the prevention and mitigation operations.

Section 24: When a disaster occurs, local Officers in those affected area shall have to deploy the mitigation operation at once, and report to Local Director in their area of works for further operation immediately. And in some unavoidable cases, those Officers shall have power to implement any operations to protect or save life of those effected people.

Section 25: In any occurring disasters or expected to occur, the Director shall have authorities to command other Offices to modify, destroy, move or remove any obstacle, structures, materials of any private properties to mitigate the impacts of disaster. But any actions shall be limited to protect or to resolve any damages from disasters. Any actions in paragraph one shall be allowed to operate upon necessities to community relatively. If there is any modifications, destroying, or taking out of structures, materials or properties that will lead to more disaster dilation to other neighboring areas that Local Director shall not allow operating under paragraph one or two, except that operation is under supervision of Provincial Director.

Section 26: When any Officers shall be able to enter into private own buildings or properties or places near to area of disaster for prevention and mitigation purpose, those Officers shall get permitted by the owner before taking any actions or operations, except that operation is under supervision of Directors, even there is no owner presenting over, those Officer shall be granted. In some cases under paragraph one; some belongings or materials inside those properties shall be able to active a disaster, those Officers shall have power to order the owner to bring their belongings out of that building.

If the owner or proprietor ignore or unable to compile the order, those Officers under paragraph two shall have authority to take those belongings out of the properties or building. However, those authorizations shall be limited to any necessity for disaster prevention and mitigation only. And those Officers shall not be blamed to any damages.

Section 27: In the disaster mitigation operations, Director or designated Officers shall have power to;

- (1) Build some temporary shelters for living or getting first aid, and properties care taking to effected people
- (2) Manage the traffic arrangement in the disaster impact areas and neighboring areas
- (3) Keep out the disaster impact areas and neighboring areas for preventing unauthorized people
- (4) Provide security measures to prevent plunderers or thief to through the area
- (5) Support effected people to move their moveable properties and belongings from disaster impact area to secured neighboring areas as requested

The Director or designated Officers shall prepare tools or signals for displaying working status or purpose on specific locations or actions under paragraph one. In any operation under (2), (3), (4), and (5), either Director or Officer shall be proceeding by themselves or shall be able to delegate their authorities to other appropriated government official or local police department to

assist or proceed on their behalf. Under (5), other public charities shall be included to assist this operation.

Section 28: When disaster occur or expected to occur, in any local areas and people in that area shall be affected by disaster, or will be obstacles to disaster prevention and mitigation. Commander in Chief, Deputy Commander in Chief, Central Director, Director, District Director and Local Director shall be able to order those effected people to evacuate to other areas as necessary to disaster prevention and mitigation operations.

Section 29: When disaster occurs or expected to occur in any areas, and there shall raise more violent for staying or continuing normal living activities. Commander in Chief, Deputy Commander in Chief, Provincial Director, District Director and, Local Administration Director under the approval from District Director shall be able to make an announcement to disallow any people to entry, or to do other business in that area. That announcement shall be in specific period of time as necessary.

Section 30: Local Director shall responsible for damaged assessment of disaster, and those effected people, and properties shall be recorded or certified on that assessment. A proof of affected or a certificate shall be given to those people for recovering and compensation. Proof of affected under paragraph one shall have entitlement details to get restoration and compensation from the government, name and contact information of relevant government agency.

Anyhow, the required information shall be defined by the Director-General. If those effected people lost their official or legal documents, those people shall request or inform their local administration at effected area or at their homeland. That local administration shall notify to other relevant government agencies. Those relevant government agencies shall renew and delivery that documents to effected people or the local administration. All charges and fees shall be waived for these renewing services, even there shall be charged legally.

When those affected people or owner of damages properties request other support or services, that Local Director shall issue assessment certificate in accordance the regulations of Ministry of Interior.

Section 31: In case of severe drought occurring, Prime Minister or designated Minister shall have power to demand the Commander in Chief, Directors, government agencies and related local administrations to deploy disaster prevention and mitigation, including of providing supports to the people in affected areas. The Commander in Chief shall have power further to Section 13 and Directors shall have power further to Section 21 and other duties under Section 25, 28 and 29 shall be granted to the Commander in Chief, Deputy Command in Chief, Directors, Deputy Director, Assistant Director and other Officers respectively.

If any government employees abandon their duties, deny compiling any commands from Prime Minister or designated Deputy Prime Minister, shall be charged as highest disciplinary violation or improperly operation at highest degree.

CHAPTER 3

Disaster Prevention and Mitigation in Bangkok Metropolitan

Section 32: Bangkok Metropolitan Governor as Bangkok Director shall be responsible for Bangkok Disaster Prevention and Mitigation shall have power as follows;

(1) Formulate the Disaster Prevention and Mitigation Plan for Bangkok, which shall be consistence to the National Disaster Prevention and Mitigation Plan

- (2) Oversee and train Volunteers in Bangkok
- (3) Procure materials, equipments, tools, vehicles and others, as necessary to Disaster Prevention and Mitigation as stated in Disaster Prevention and Mitigation Plan for Bangkok
- (4) Provide basic recovery to disaster effected people or victims, and shall provide security and any disaster prevention and mitigation actions
- (5) Support and assist local administrations and their neighboring in disaster prevention and mitigation
- (6) Perform any related duties as may required by the Central Director

For most benefits from conforming (3) (4) and (5), Bangkok Director shall have power to command government services and Bangkok services, and coordinate other government agencies and other relevant local administration in disaster prevention and mitigation operation in Bangkok in accordance to Bangkok Disaster Prevention and Mitigation Plan, and shall have power to command, control and oversee all operations of Bangkok Officers and Volunteer in accordance to this law.

Section 33: Bangkok Disaster Prevention and Mitigation Plan. As stated under Section 32 (1) there shall be substantial subjects according to Section 12 as follows:

- (1) Establish Command Center where disaster occurred, there shall be constructed and authorized for disaster prevention and mitigation operations
- (2) Plan and process to procure materials, equipments tools and vehicles for disaster prevention and mitigation operation
- (3) Plan and process to procure signaling devices or others for notifying the occurrence or expectation of a disaster
- (4) Bangkok Disaster Prevention and Mitigation Action Operation Plan
- (5) Coordination plan with public charity organizations in Bangkok

Section 34: For formulating the Bangkok Disaster Prevention and Mitigation Plan, Bangkok Governor shall appoint a committee that consisting of:

- (1) Bangkok Governor as chairperson
- (2) Permanent Secretary for Bangkok as vice chairperson
- (3) Othermembers of the committee consisting of:
 - (a) Appropriate number of delegates from government agencies or offices in Bangkok
 - (b) Representatives from Department of Disaster Prevention and Mitigation
 - (c) Appropriate number of delegates from public charities in Bangkok
 - (d) Appropriate number of delegates from communities in Bangkok

The Bangkok Governor shall appoint appropriate number of representatives from Ministry of Defense and universities as consultants or committee members. The committee in paragraph one shall formulate the Bangkok Disaster Prevention and Mitigation Plan and propose to Bangkok Governor for further promulgation. The committee in paragraph one shall perform and arrange meetings as defined by Bangkok Governor accordingly.

Section 35: Permanent Secretary for Bangkok as vice chairperson to assist Bangkok Director in disaster prevention and mitigation operations and others duties as my required by Bangkok Director. The powers and authorities as described under Section 32, paragraph 2 shall be adapted to his or her duties, if appreciable. Responsibilities and authorities of Permanent Secretary for Bangkok as Bangkok Deputy Director shall be described under paragraph one. Permanent Secretary for Bangkok's authorities and duties shall be able to be delegated to Assistant Permanent Secretary.

Section 36: Each Bangkok District Directors as Assistant Bangkok Director to assist Bangkok Director in responsible and perform duties on disaster prevention and mitigation in each districts

and other duties as may be required by Bangkok Director. As described under paragraph one, the Assistant Bangkok Director shall be authorized to command government services and Bangkok services to assist or cooperate on disaster prevention and mitigation over affected areas in Bangkok where those authorities appreciable for controlling and supervision to Officers and Volunteers to perform their duties to this law accordingly.

Responsibilities and authorities of District Director as Assistant Bangkok Director as described in paragraph one and two shall be able to be delegated to Assistant District Directors to perform duties on their behalf, if appreciable.

Section 37: In any occurrences or expected to occur of disasters, Assistant Bangkok Director shall immediately proceed the disaster prevention and mitigation operation, and notify the Bangkok Director and Assistant Bangkok Director at once. The prescription under Section 21 paragraph two, Section 22 paragraph three and four, Section 24, Section 25, Section 26, Section 27, Section 28, Section 29 and Section 30 shall be adapted for Bangkok disaster prevention and mitigation accordingly.

Section 38: In case of further assistance from other government services is required to perform disaster prevention and mitigation in Bangkok, the Bangkok Director shall request those agencies. And depending on the requests, those informed government officials shall immediately perform their duties as requested over disaster prevention and mitigation operation in Bangkok.

CHAPTER 4 **Officers and Volunteers**

Section 39: Directors shall have powers and authorities to appoint Officers as follows:

- (1) Central Director shall has authority to appoint Officers for performing their duties throughout the Kingdom
- (2) Province Director shall has authority to appoint Officers for performing their duties at province level
- (3) District Director shall has authority to appoint Officers for performing their duties at district level
- (4) Local Director shall has authority to appoint Officers for performing their duties at local region
- (5) Bangkok Director shall has authority to appoint Officers for performing their duties throughout Bangkok Metropolitan

Rules and regulations of Ministry of Interior shall be applied for appointing and operations of Officers at each level.

Section 40: If there are any places or buildings, or materials or parts inside or outside of buildings or places, could be a cause of a disaster easily. Those Directors or Officers who know shall inform relevant authorities for further investigation.

Section 41: Directors shall conduct to set up Volunteer unit in their responsible area to perform duty as follows:

- (1) Assist Officers in disaster prevention and mitigation operations
- (2) Perform other duties as my required by Director and according to rules and regulations of Ministry of Interior

The administration and management, selection, training, rights, duties and disciplines of Volunteers shall follow the rules and regulation of Ministry of Interior accordingly.

Section 42: In the case of any public charities or persons assist the Officers during disaster event, Director or designated Officer shall delegate their duties or area of work to those persons appropriately. For efficiency disaster recovery, the Director shall notify relevant public charities, and person in that affected area. They shall be informed on coordination procedures and operation details of Provincial Disaster Prevention and Mitigation plan or Bangkok Disaster Prevention and Mitigation plan.

CHAPTER 5 **Miscellaneous**

Section 43: Commander in Chief, Deputy Commander in Chief, Director, Deputy Director, and other Officers who perform their duties in accordance to this Disaster Prevention and Mitigation Act shall be designated officials under Criminal Laws. And any those performed operations with correctness and carefulness upon their authorities and functions according to this act; there shall be no guilty and shall be acquitted.

Any actions under paragraph one, if there are any direct damages to properties of one, except that disaster itself. The government shall compensate to that damages subject to ministerial regulations and procedures.

Section 44: In case of any changes of disaster prevention and mitigation facts as specified in disaster prevention and mitigation plans under this act, or if those plans have been used for five years. Those responsible persons who oversee the formulating of plan shall have to revise or review that plan rapidly.

Section 45: There shall be a uniform, badge and identify card for Officers and Volunteers to declare themselves whilst disaster prevention and mitigation operation. That uniform, badge and identify card shall be specified by Ministry of Interior. In the case of the Commander in Chief, Deputy Commander in Chief, Director or Deputy Director prefer to attire in uniform, and shall be specified by Ministry of Interior accordingly.

Section 46: Any operations under Section (21), (22), (25), (28) or (29), if there would be executed in military areas, related to military missions and personnel, or affected to military properties and assets. Those operations shall be an agreement between the military commandant in that area and Provincial Director or Bangkok Director.

Section 47: All fines according to this act shall be settled into local administration for spending on their local disaster prevention and mitigation operation.

Section 48: Those personal and officials who related to disaster prevention and mitigation operation shall not use any confidential information for their own interests, or shall not expose the information that would be able to effect to other persons or their professions without an authority.

CHAPTER 6 **Penalties**

Section 49: Any persons who are not observance or impede to any official operations of Director under Section 21 shall be imprisoned not more than three months or shall be fined not more than six thousand Baht or both.

Section 50: Any persons who impede any operations of the Officers under Section 24 or violate to any commands of Director under Section 25, or impede any operations of the Officers under Section 26, shall be imprisoned not more than one year or fined not more than twenty thousand Baht or both.

Section 51: Unauthorized entry to keep out disaster area under Section 37 (3) shall be imprisoned not more than three months or fined not more than six thousand Baht or both.

In the case of the violation under paragraph one has been made by the owner or holder of those properties under Section 27 (3). Director or designated Officer shall state a warning instead of prosecution.

Section 52: Any persons who violate to an evacuation order under Section 28, if that order would prevent the interfering of disaster prevention and mitigation operations, or behave against Section 29 shall be imprisoned not more than one month or fined not more than two thousand Baht or both.

Section 53: Whilst the occurrence of public disaster, any persons who wear uniform or badge of the Volunteer or the public charity in order to belie others shall be imprisoned not more than three months or fined not more than six thousand Baht or both.

Section 54: Any persons who dishonestly collect or look for themselves or others by appearing to be a Volunteer, Officer or any related services concerning to disaster prevention and mitigation operation shall be imprisoned not more than one year or fined not more than twenty thousand Bath or both.

Section 55: Any persons who violent to Section 48 shall imprisoned not more than six months or fined not more than two thousand Baht or both.

Transitory Provisions

Section 56: All related personal or government agencies shall finish the formulating of their Disaster Prevention and Mitigation Plan in accordance to this Act within two years after this Act is enforced. Until the formulating of the plan finish, all disaster prevention and mitigation activities shall be operated in accordance to the existing plans.

Section 57: All Disaster Prevention and Mitigation Regional Centers in Department of Disaster Prevention and Mitigation shall be Disaster Prevention and Mitigation Centers established under Section 22 paragraph 11 of this Act.

Section 58: All ministerial regulations, disciplines, notices or orders of Civil Defense Act B.E. 2522 [1979] and Fire Defense Act B.E. 2542 [1999] shall be enforced upon acquiesce to this Act.

Countersigned by
General Surayuth Chulanont,
Prime Minister of Thailand

Remarks: The reasons for promulgation of this act is follows; in reference to the establishment of Department of Disaster Prevention and Mitigation under Ministry of Interior according to Bureaucracy Improvement for Ministries, Bureaus, Departments Act B.E. 2545 [A.D. 1998] The main mission of the department is for oversee disaster prevention, mitigation and recovery, and including of accidents. As of this, all disasters and accidents related administrations that used to be under supervision by two agencies, The Civil Defense Division in Department of Local

Administration, Ministry of Interior and The National Safety Council, Office of Permanent Secretary for Prime Minister Office shall be in charged by a single department. Moreover, the law of Fire Defense is described in details on fire prevention and mitigation, and the responsible agency of both Fire Defense Act and Civil Defense Act is the same, then for the effective, consistency and unity of disaster risk reduction management and operations, these two laws shall be aggregated into this Disaster Prevention and Mitigation Act.

(Unofficial translated by Khun Usa BANYEN, Khun Sirikorn KITIWONG, DDPM and Khun Pairach HOMTONG, UNDP)