

BHUMIBOL ADULYADEJ, REX.

GIVEN ON THE 26TH DAY OF DECEMBER, B.E. 2510;

BEING THE 22ND YEAR OF THE PRESENT REIGN.

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

Whereas it is deemed expedient to revise the law on minerals;

Be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly in its capacity as Parliament as follows :

Section 1.

This Act shall be called the "Minerals Act B.E. 2510 (1967)".

"as amended by the Mineral Act (No.2) B.E. 2516"

Section 2.

This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3.

The following are hereby repealed :

1. Mining Act B.E. 2461
2. Royal Proclamation extending the enforcement of the Mining Act B.E. 2461 to include precious stones dated 13th of September, B.E. 2464
3. Mining (Amendment) Act, B.E. 2474
4. Mining Act (No. 3), B.E. 2479
5. Mining Act (No. 4), B.E. 2479
6. Mining Act (No. 5), B.E. 2483
7. Mining Act (No. 6), B.E. 2483
8. Mining Act (No. 7), B.E. 2484
9. Mining Act (No. 8), B.E. 2485
10. Act on Procedure for Collecting Mineral Royalties, B.E. 2486
11. Mining Act (No. 9), B.E. 2506
12. Mining Act (No. 10), B.E. 2509

All other laws, rules and regulations in so far as they are stipulated herein or are contrary to or inconsistent with the provisions hereof shall be superseded by this Act.

CHAPTER 1

GENERAL PROVISIONS

Section 4.

In this Act:

"Minerals" means mineral resources which are inorganic matters, having permanent or slightly variable chemical components and physical properties, whether or not they require smelting or refining before being put to use, and includes coal, oil shale, marble, metals and slag obtained from metallurgical processes, rock which is prescribed by a Ministerial Regulation as decorative or industrial rock, and clay or sand which is prescribed by a Ministerial Regulation as industrial clay or industrial sand, but does not include water, salt efflorescence, lateritic soil, rock, clay or sand;

"Prospecting" means drilling or pitting or any other method or methods to appraise the amount, if any, of minerals within an area ;

"Mining" means the operation undertaken inland or underwater to obtain minerals from an area by any method or methods, but does not include individual mining or panning for minerals as prescribed by a Ministerial Regulation;

"Individual Mining" means the operation undertaken inland or underwater to obtain minerals from an area by using individual manual labor in accordance with the kind of mineral, within the area and by means of digging methods prescribed by a Ministerial Regulation;

"Panning" means the operation undertaken inland or underwater to obtain minerals from an area by using individual manual labor in accordance with the kind of mineral, within the area and by means of panning methods prescribed by a Ministerial Regulation;

"Ore Dressing" means any operation to beneficiate or to separate from each other two or more minerals in mixed ore and includes comminuting and sizing of minerals;

"Purchase Minerals" means to accept transfer of minerals by any means from another person except by way of succession;

"Sell Minerals" means to transfer minerals by any means to another person;

"Metallurgy" means smelting or extracting metals from minerals by any method and includes purification of metals, alloying of metals, and manufacturing of finished or semi-finished metallic products of various kinds by melting, casting, rolling or any other processes;

"Mining Area" means the area specified in a Provisional Pra-thanabat or Prathanabat;

"Ore Dressing Area" means the area specified in an ore dressing license;

"Metallurgy Area" means the area specified in a metallurgical processing license;

"Mineral Store" means the place specified in a mineral storage license;

"Mineral Transit Store" means the place specified in a mineral transporting license where minerals may be stored in transit;

"Prospecting Atchayabat" means a permit issued for prospecting within the locality specified therein;

"Exclusive Prospecting Atchayabat" means a permit issued for exclusive prospecting within the area specified therein;

"Special Atchayabat" means a permit issued for exclusive prospecting in a special case within the area specified therein ;

"Provisional Prathanabat" means a license issued for mining before receiving Prathanabat within the area specified therein;

"Prathanabat" means a license issued for mining within the area specified therein;

"Vacant Land" means a land which is not yet owned or possessed by any person under the Land Code, is not public domain for the common use of the people or land in the legally protected or reserved area;

"Tailing" includes overburden, sand, gravels or rocks derived from mining operations;

"Slag" means any compound or by-product derived from metallurgical processing;

"Local Mineral Resources Official" means an Amphoe Mineral Resources Official or Changwat Mineral Resources Official, as the case may be, and in the absence of Changwat Mineral Resources official in any Changwat means the Director-General or the person entrusted by him;

"Competent Official" means a Local Mineral Resources Official and official appointed by the Minister for the execution of this Act;

"Director-General" means the Director-General of the Department of Mineral Resources;

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

Section 5.

The establishment of Changwat Mineral Resources Offices or Amphoe Mineral Resources Offices to exercise jurisdiction over any area shall be prescribed in a Ministerial Regulation.

In defining the authority of a Changwat Mineral Resources Office over an area, any Tambon or Amphoe may be included in such area regardless whether the said Tambon or Amphoe is in the same Changwat or not.

Each Changwat Mineral Resources Office in any area shall be under control of a Changwat Mineral Resources Official.

In the event that a Changwat Mineral Resources Office has authority over an area including another Changwat, the Mineral Resources Official in charge of the said office shall also be regarded as an official attached to that Changwat Administrative Board.

In defining the authority of an Amphoe Mineral Resources Office over an area, the territories of one or more Amphoes or of any Tambon in another Amphoe may be included under authority of the Amphoe Mineral Resources Office aforementioned.

The Amphoe Mineral Resources Office in any area shall be under control of one Amphoe Mineral Resources Official, such official shall be under the authority of the relevant Changwat Mineral Resources Official or may be directly responsible to the Director-General.

Section 6.

Applications under this Act shall be in the forms prescribed by the Department of Mineral Resources.

The qualifications of applicants, rules, procedure and conditions in the applications for Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, Prathanabat, and licenses including the applications for renewal of Special Atchayabat, Prathanabat, ore dressing licenses and metallurgical processing licenses under this Act shall be as prescribed in the Ministerial Regulation.

An applicant must pay application fees and deposit fees in advance along with the application and must also pay for expenses or deposit advances for expenses in processing and issuing or renewing of an Atchayabat, a Provisional Prathanabat, Prathanabat or license, as the case may be, to or with the Local Mineral Resources Official. If the application is rejected or the Atchayabat, Provisional Prathanabat, Prathanabat or license is not received for any reason, the expenses not yet incurred for processing shall be reimbursed to the applicant ; if the processing has been made in part, then only the expenses not incurred shall be reimbursed.

As for the fees deposited in advance by the applicant, if the application has been rejected or withdrawn, the applicant must pay the fees which are not yet due at the rate of one quarter of the deposit unless the application is rejected without the fault of the applicant or the applicant dies.

Section 6 bis.

For the purpose of prospecting, testing, studying or researching in connection with minerals, the Minister shall, with the

approval of the Council of Ministers, have the power to issue a notification in the Government Gazette specifying any area to be the area for prospecting, testing, studying or researching in connection with minerals.

Within the area specified under paragraph one, a person may not apply for an Atchayabat or a Prathanabat until the Minister repeals the aforesaid Notification.

Section 6 ter.

This Act shall not apply to the Department of Mineral Resources in its works for the purpose of prospecting, testing and studying or researching in connection with minerals.

Section 7.

If an Atchayabat, Provisional Prathanabat, Prathanabat or license is lost or destroyed, the holder of the Atchayabat, Provisional Prathanabat, Prathanabat or license shall apply for a substitute from the Local Mineral Resources Official within fifteen days from the date of realizing the loss or destruction.

Section 8.

If the holder of an Atchayabat, a Provisional Prathanabat, Prathanabat or license wishes to appoint a person to communicate with the competent official on his behalf, he must execute a power of attorney and have it registered with the competent official.

The execution of attorney and the registration thereof shall be in accordance with the forms and procedure prescribed by the Director-General.

Section 9.

In the case where the competent official is to communicate with or deliver communications or instructions to an applicant, holder of an Atchayabat, a Provisional Prathanabat, Prathanabat or license, if the said person cannot be found or no person receives it on his behalf, it shall be considered that such person has been duly informed of the contents of the communications or instructions when the competent official has

- (1) sent the communications or instructions by registered post, or
- (2) posted the communications or instructions at a conspicuous place at the office, domicile or residence of the said person ; provided the posting is witnessed by an administrative or police official.

Section 9 bis.

If it appears later that an Atchayabat, a Provisional Prathanabat, Prathanabat or a license is issued to any person as a result of a mistake or misunderstanding of material facts, the Local Mineral Resources Official, Director-General or Minister who issues the Atchayabat, Provisional Prathanabat, Prathanabat or license, as the case may be, shall have the power to recall the said Atchayabat, Provisional Prathanabat, Prathanabat or license for correction or to revoke the Atchayabat, Provisional Prathanabat, Prathanabat or license.

In the case where the Atchayabat, Provisional Prathanabat, Prathanabat or license has been corrected or revoked under paragraph one, the holder of the Atchayabat, Provisional Prathanabat, Prathanabat or license may not claim any damage arising from the correction or revocation of the Atchayabat, Provisional Prathanabat, Prathanabat or license.

Section 10.

In the case where an offence under this Act is committed by an agent or employee acting as agent or employee or acting for the benefit of the holder of an Atchayabat, a Provisional Prathanabat, Prathanabat or license, regardless of such agent or employee being constituted agent by a power of attorney registered with the competent official, it shall be considered that the holder of the Atchayabat, Provisional Prathanabat, Prathanabat, or license is the principal in the commission of such offence.

Section 11.

If, while prospecting or mining, discovery is made of ancient objects, fossils, or special minerals of value to the

discovery of such materials, the holder of an Atchayabat or the holder of a Provisional Prathanabat, or a Prathanabat must immediately report such discovery to the Local Mineral Resources Official.

Section 12.

Within the Exclusive Prospecting Atchayabat area, the mining area, the area licensed for retaining slime or tailings or the area already surveyed by the competent official for aforesaid purposes, no one, apart from the holder of such Atchayabat, Provisional Prathanabat, Prathanabat or license, shall enter to take over, occupy, such person is entitled to do so by law.

Section 13.

Violation of Section 12, apart from being an offence under this Act or under other laws, shall also be deemed a violation of the rights of the holder of an Atchayabat, Provisional Prathanabat, Prathanabat, or license, as the case may be.

Section 14.

After the competent official have emplaced boundary demarcation posts of a mining area or established benchmarks under this Act at any place, no one shall destroy, alter, move, take out or loosen such posts or benchmarks except with the permission of the Local Mineral Resources Official.

Section 15.

The competent official under this Act shall be the official-designate under the Criminal Code and, in functioning under this Act in connection with the criminal offences, he shall be regarded as an administrative official or policeman under the Criminal Procedure Code.

Section 16.

Each competent official shall have an identity card in the form prescribed in a Ministerial Regulation ; and in the execution of this Act, the identity card must be produced when requested by those concerned.

Section 17.

The Minister of Industry shall have charge and control of the execution of this Act and have the power to appoint competent officials and issue Ministerial Regulations

- (1) prescribing fees not exceeding the rates in the schedule annexed hereto;
- (2) prescribing forms of Atchayabat, Provisional Prathanabat, Prathanabat and licenses;
- (3) prescribing rules and procedure concerning prospecting under Atchayabat, mineral conservation and mining;
- (4) prescribing rules and procedure concerning purchase, sale, storage, possession and transport of minerals;
- (5) prescribing rules and procedure concerning ore dressing, metallurgy, import and export of minerals;
- (6) prescribing protective measures for workers and safety measures for outsiders;
- (7) prescribing other matters for the execution of this act.

Such Ministerial Regulations shall come into force after their publication in the Government Gazette.

CHAPTER 2 COMMITTEE

Section 18.

There shall be a committee consisting of the Under-Secretary of State for Industry as Chairman, Director-General of the Royal Irrigation Department, Director-General of the Department of Mineral Resources, Director-General of the Land Department, Director-General of the Forestry Department, or representatives appointed by aforesaid Director-Generals, and other persons not exceeding three in number whom the Minister may appoint as members. The Director of the Concession Division of the Department of Mineral Resources shall be a member as well as the secretary to the Committee.

Section 19.

The Committee shall have a duty to render consultation and advice to the Minister in the execution of this Act.

Section 20.

Committee members duly appointed by the Minister shall hold office for a term of two years.

A committee member who has served his term of office may be re-appointed.

Section 21.

A committee member appointed by the Minister shall vacate his office before the end of his term upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister;
- (4) being adjudged incompetent or quasi-incompetent;
- (5) being sentenced by final judgement to imprisonment except for a petty offence or offence committed by negligence.

Whenever a committee member vacates his office before the expiry of his term of office, the Minister may appoint any other person to fill the vacancy.

The member appointed under paragraph two hereof shall hold office for the remaining term of the committee member he replaces.

Section 22.

At any meeting of the Committee, attendance of not less than one half of the total membership shall be required to constitute a quorum.

In the event that the Chairman of the Committee is absent from the meeting, the members shall select one among themselves to be Chairman of that meeting.

Section 23.

Any decision of the meeting shall be reached by a majority of votes.

Each member shall have one vote in casting votes. In the event of a tie in voting the Chairman shall cast one extra vote to reach a decision.

Section 24.

In the execution of its duties, the Committee is empowered to appoint a sub-committee for any purpose as designated, or invite any person for his presence to furnish information, explanations, recommendation or opinions

The provisions of Sections 22 and 23 shall apply to a meeting of the sub-committee *mutatis mutandis*.

CHAPTER 3

PROSPECTING AND EXCLUSIVE PROSPECTING

Section 25.

No person shall undertake prospecting in any area, regardless of any person's rights over the area to be prospected, unless he has been vested a Prospecting Atchayabat, an Exclusive Prospecting Atchayabat or a Special Atchayabat.

Section 26.

Apart from paying fees for the issue of the Exclusive Prospecting Atchayabat or a Special Atchayabat, the holder of such Atchayabat must also pay surface rental fees for the area granted in advance.

The payment of advance surface rental fees may be allowed to be made by installments with surety or securities in accordance with the rules and procedure prescribed by a Ministerial Regulation.

Section 27.

A Prospecting Atchayabat, an Exclusive Prospecting Atchayabat or a Special Atchayabat shall be exclusively valid to the holder of such Atchayabat including his employee.

Section 28.

A person wishing to apply for a Prospecting Atchayabat shall submit an application to the Local Mineral Resources Official.

A Prospecting Atchayabat is issued by the Local Mineral Resources Official.

A Prospecting Atchayabat shall be valid for one year from the date of issue.

The holder of the Prospecting Atchayabat must comply with the conditions specified in the Prospecting Atchayabat.

Section 29.

A Person who wishes to apply for an Exclusive Prospecting Atchayabat shall submit an application to the Local Mineral Resources Official.

An application for an Exclusive Prospecting Atchayabat is for an area not exceeding two thousand and five hundred Rai * except an application for an Exclusive Prospecting Atchayabat to prospect in the offshore.

An Exclusive Prospecting Atchayabat is issued by the Minister or the person entrusted by him.

An Exclusive Prospecting Atchayabat shall be valid for one year from the date of issue.

The holder of an Exclusive Prospecting Atchayabat must comply with the conditions specified in the Exclusive Prospecting Atchayabat.

*1 Rai = 1600 sq. metres or 1914 sq. yards

Or 1 acre = 2.5 Rai (approx).

Section 30.

In issuing an Exclusive Prospecting Atchayabat to prospect in the offshore, the Minister or the person entrusted by him has the power to grant each applicant the total area of not exceeding five hundred thousand Rai and specify the validity

of the Atchayabat not exceeding two years from the date of issue.

Section 31.

The holder of an Exclusive Prospecting Atchayabat must commence prospecting within sixty days from the date of receiving the Exclusive Prospecting Atchayabat and report the results of operations and prospecting works undertaken within one hundred and eighty days from the date of receiving the Exclusive Prospecting Atchayabat in the forms prescribed by the Department of Mineral Resources to the Local Mineral Resources Official within thirty days from the date ending of the said period and must report the results of operations and prospecting works undertaken thereafter within thirty days before the expiration of the Exclusive Prospecting Atchayabat.

The Minister or the person entrusted by him has the power to revoke and Exclusive Prospecting Atchayabat when the holder of the Exclusive Prospecting Atchayabat fails to comply with the conditions specified therein.

Section 32.

An Exclusive Prospecting Atchayabat shall expire before the date specified therein in the following circumstances:

- (1) when the holder of the Exclusive Prospecting Atchayabat who is a natural person died;
- (2) when the holder of the Exclusive Prospecting Atchayabat who is a juristic person ceases to be juristic person;
- (3) when the holder of the Exclusive Prospecting Atchayabat lacks any qualification specified in a Ministerial Regulation issued under Section 6 paragraph two;
- (4) when the holder of the Exclusive Prospecting Atchayabat fails to report the results of operations and prospecting works undertaken within one hundred and eighty days from the date of receiving the Exclusive Prospecting Atchayabat within thirty days from the expiry date of the period;
- (5) when the Minister or the person entrusted by him revokes the Exclusive Prospecting Atchayabat, from the date of receiving the revocation order.

Section 33.

A person who wishes to apply for a Special Atchayabat shall submit an application to the Local Mineral Resources Official.

An applicant for a Special Atchayabat must specify his prospecting obligations by stating the amount of money to be expended in the prospecting each year throughout the validity of the Special Atchayabat and may offer special benefits in the interest of the State in the case where a Special Atchayabat is granted.

An application for a Special Atchayabat shall be for an area not exceeding ten thousand Rai.

A Special Atchayabat is issued by the Minister.

A Special Atchayabat shall be valid for three years from the date of issue.

The holder of the Special Atchayabat must comply with the conditions and prospecting obligations in each year as specified therein.

Section 34.

Upon receipt of an application for an Exclusive Prospecting Atchayabat or an application for a Special Atchayabat, the competent official shall demarcate the area for the Exclusive Prospecting Atchayabat or Special Atchayabat. The demarcation of said area may be made by a survey or other method in accordance with the rules and procedure prescribed by a Ministerial Regulation.

In the case where the demarcation of the area is made by a survey, the applicant or his appointee shall accompany the Government surveyors to make a survey on such date and at such time and place as to be specified in writing by the competent official.

The Director-General has the power to reject an application for an Exclusive Prospecting Atchayabat or a Special Atchayabat when the applicant:

- (1) neglects to accompany the Government surveyors to make a survey under paragraph two without justification;
- (2) ignores the instructions of the competent official who necessarily gives in the process of issuing the Exclusive Prospecting Atchayabat or Special Atchayabat; or
- (3) violates or fails to comply with any provisions of Chapter 3 or Chapter 4 or is involved in the commission of such act.

Section 35.

A Special Atchayabat shall not be issued to include the area already covered by an Exclusive Prospecting Atchayabat, a Special Atchayabat, Provisional Prathanabat or Prathanabat of any other person.

If some parts of the area applied for cover the area under an Exclusive Prospecting Atchayabat, a Special Atchayabat, Provisional Prathanabat or Prathanabat, the issue of the Special Atchayabat shall be made only by excluding such area.

Section 36.

If, at the end of each obligations year, holder of the Special Atchayabat has not yet fully complied with the prospecting obligation under Section 33, he must pay a sum of money equal to the amount of prospecting expenses not yet incurred in such obligations year to the Department of Mineral Resources within thirty days after the expiry date of the said obligations year.

If the holder of the Special Atchayabat has made prospecting expenses in any obligations year in excess of the amount proposed for such obligations year, he shall be entitled to have the excess deducted from the prospecting obligations of the subsequent obligations year.

Section 37.

The holder of a Special Atchayabat who has fully complied with the rules and procedure on prospecting, prospecting conditions and obligations specified in the Special Atchayabat may apply for a renewal of the Special Atchayabat by submitting his application before the expiration of the Special Atchayabat not less than ninety days. The Minister may renew it for a period not exceeding two years, subject to the stipulations, obligations and conditions which he may determine.

In applying for a renewal of the Special Atchayabat, the holder of the Special Atchayabat may relinquish a certain part of the area he does not want to prospect.

Section 38 and Section 39

Repealed by the Minerals Act (No. 2) B.E. 2516.

Section 40.

The holder of a Special Atchayabat must commence prospecting within ninety days from the date of receiving the Special Atchayabat and must report the results of the operations and prospecting works to the Department of Mineral Resources every one hundred and twenty days from the date of receiving the Special Atchayabat.

Section 41.

The Minister has the power to revoke a Special Atchayabat when the holder of the Special Atchayabat fails to comply with Section 33 paragraph six or Section 40.

Section 42.

Repealed by the Minerals Act (No. 2) B.E. 2516.

CHAPTER 4

MINING

Section 43.

No person shall mine in any area regardless of any person's right over the area to be mined unless he has received a Provisional Prathanabat or Prathanabat.

Section 44.

A person who wishes to apply for a Prathanabat shall submit an application to the Local Mineral Resources Official together with a reliable evidence that the minerals for which he wishes to mine are discovered or existed in the area applied for.

An application for a Prathanabat shall be for an area not exceeding three hundred Rai unless it is an application for a Prathanabat to mine in the offshore.

Section 45.

In issuing a Prathanabat to mine offshore the Minister is empowered to grant a mining area not exceeding fifty thousand Rai for each applicant.

Section 46.

In the area covered by an Exclusive Prospecting Atchayabat or Special Atchayabat of any person, no other person shall apply for a Prathanabat unless such person has the ownership or possession in such area under the Land Code.

Section 47.

Upon receipt of an application for a Prathanabat, the competent official shall demarcate the area of the Prathanabat. The demarcation of said area may be made by a survey or other method in accordance with the rules and procedure prescribed in a Ministerial Regulation.

In the case where the demarcation of the area is made by a survey, the applicant or his appointee shall accompany the Government surveyors to make a survey on such date and at such time and place as to be specified in writing by the competent official.

The Director-General has the power to reject the application when the applicant :

- (1) neglects to accompany the Government surveyors to make a survey under paragraph two without justification;
- (2) ignores the instructions of the competent official who necessarily gives in the process of issuing the Prathanabat;
- (3) violates or fails to comply with any provisions of Chapter 3 or Chapter 4 or is involved in the commission of such act;
- (4) when it appears that the minerals for which he wishes to mine in the area applied for is insufficient to be mind.

Section 48.

For the purpose of undertaking a survey, the competent official and his laborers are empowered to enter, during the daytime, upon land over which a person has rights or possession. But he must notify the landowner or the occupier before hand and the landowner or the occupier shall render reasonable assistance as the case may require.

In the case where it is necessary to erect map posts on the land of any person, the competent official and his laborers have the power to erect the map posts as is necessary.

In carrying out the work of surveying when it is necessary and reasonable, the competent official or his laborers shall have the power to dig, cut down trees or branches or do anything to the things that obstruct the work as is necessary, taking care, however, that the landowner will receive the least damage.

Section 49.

After having demarcated the area, the Local Mineral Resources Official shall make an announcement of the application for a Prathanabat by posting a copy thereof at a conspicuous place at the Local Mineral Resources Office, Amphoe or King-Amphoe Office and local Kamnan Office of the locality where the Prathanabat is applied for. If no objection is reised within twenty days from the date of posting the announcement, the Local Mineral Resources Official shall proceed with the application further.

Section 50.

If any part of the area where a Prathanabat is applied for is not vacant land or if land which is not vacant land is included in the mining area, the applicant must produce evidences satisfactory to the competent official that the applicant is entitled to mine in such area.

In the event that the applicant produces a written permission from the person holding rights over the land to show that the applicant is entitled to mine in the said land, such written permission must be certified by the Nai Amphoe.*

Section 51.

After the area has been demarcated, the applicant for a Prathanabat who wishes to commence mining before the Prathanabat is granted shall submit an application for a Provisional Prathanabat to the Local Mineral Resources Official.

A Provisional Prathanabat is issued by the Minister or the person entrusted by him.

A Provisional Prathanabat shall be valid for one year from the date of issue. In the case where the application for a Prathanabat is rejected under Section 47 paragraph three, the Provisional Prathanabat shall expire on the date of rejection thereof.

The holder of the Provisional Prathanabat has the same right, duties and liabilities under this Act as the holder of a Prathanabat.

A Provisional Prathanabat may not be transferred. In the case the holder of a Prathanabat dies or is adjudged incompetent, his heir or guardian, as the case may be, shall become the holder of the Prathanabat and Section 81 shall apply *mutatis mutandis*. When the Prathanabat is to be issued, it shall be issued to the heir or guardian for and on behalf of the applicant.

Section 52.

If any demarcation post or benchmark established by the competent official in the demarcation survey of the mining area is lost, the holder of the Prathanabat is liable to pay all expenses for a re-survey to establish new demarcation post or benchmark.

Section 53.

The Minister or the person entrusted by him has the power to revoke a Provisional Prathanabat upon the occurrence of any cause for revoking a Prathanabat under this Act.

When the Minister or the person entrusted by him revokes any Provisional Prathanabat, the application for the Prathanabat shall be rejected automatically.

Section 54.

A Prathanabat is issued by the Minister.

A Prathanabat shall be valid for not exceeding twenty five years from the date of issue and in the case where the applicant for a Prathanabat has received a Provisional Prathanabat, the validity of the Prathanabat shall begin from the date of issuing the first Provisional Prathanabat.

In the case where the aggregate validity of the Provisional Prathanabat is more than the validity of a Prathanabat to be issued, the Prathanabat shall not be issued.

When a Prathanabat provides for a validity period of less than twenty five years and the holder thereof applied for extension to the Local Mineral Resources Official at the time not less than one hundred and eighty days before expiry of the Prathanabat, the Minister may extend the validity period of the Prathanabat, provided that the aggregate of the validity periods does not exceed twenty five years.

When the holder of a Prathanabat has applied for extension under paragraph four, he may, notwithstanding that the Prathanabat term has expired, continue to mine as though he were holder of the Prathanabat, but for not more than one hundred and eighty days after the expiry of the Prathanabat ; provided, however, that if the Local Mineral Resources Official has in the meantime and by written document informed him of the Minister's refusal of extension of the Prathanabat term, his right to mine shall cease on the date he was thus informed.

Section 55.

In addition to the fee for a Provisional Prathanabat or Prathanabat the holder of the Provisional Prathanabat or Prathanabat must pay a surface rental fee for the use of land for mining in the whole mining area and this fee must be paid yearly in advance.

Section 56.

The rights in the Prathanabat shall not subject to the execution of judgment.

Section 57.

The holder of a Prathanabat must conduct his mining operation in accordance with the mining methods, plans, operating schemes and conditions prescribed in the issue of the Prathanabat ; for any addition to the kinds of minerals which may be mined or any alteration in mining methods, plans, operating schemes and conditions aforesaid, the holder of a Prathanabat must first obtain a written permission from the Director-General.

Section 58.

The mining development such as construction of buildings, water ways, dams or any operation carried out in the mining area for the purpose of mining including construction or installation of labor-saving machines shall be treated as mining operations.

Section 59.

The construction of buildings in connection with mining, the establishment of ore dressing plant, slime reservoirs or tailings dams cannot be made outside the mining area, unless a license is obtained from the Local Mineral Resources Official and the conditions prescribed in the license are complied with.

The licensee under the first paragraph must pay a surface rental fee as though he were using the land for mining.

Section 60.

The holder of a Prathanabat must conduct his mining operations by employing laborers and working time as follows :

- (1) There must be laborers working in every twelve month period with a monthly average of not less than one laborer for an area of two Rai, fraction thereof being counted as two Rai ; but in the event that

labor-saving machines are used, the power of such labor-saving machines will be calculated in place of laborers per area at the rate of one brake horsepower to eight laborers;

(2) There must be a total working time of not less than one hundred and twenty days in every twelve month period.

In the event that a holder holds several Prathanabats, contiguous Prathanabats shall be deemed as the same mine for the purpose of calculating laborers and working time provided above.

Holders of several Prathanabats covering contiguous mining areas may set up a coordinated mine planning for a single mine by submitting application to and obtaining a license from the Local Mineral Resources Official, and for this purpose the provisions regarding laborers and working time shall apply as to a single mine as aforesaid.

The provisions of paragraph one shall not apply to the holder of a Prathanabat in the first year from the date of receiving the Prathanabat if he is exempted therefrom under the rules, procedure and conditions prescribed in a Ministerial Regulation.

Section 61.

If the holder of a Prathanabat cannot conduct mining operations as prescribed in Section 60 as a result of any cause suspend mining operations in the whole mining area or a part thereof with the Local Mineral Resources Official. The Local Mineral Resources Official may issue a license to suspend mining operations to him for each period not exceeding one year.

Section 62.

A holder of a Prathanabat shall not mine within fifty metres of a highway or public waterway, unless the Prathanabat allows him to do so or unless he has obtained a license from the Local Mineral Resources Official and he must comply with the conditions prescribed in such license.

Section 63.

A holder of a Prathanabat shall not obstruct, destroy or undertake any work which may be detrimental to the use of highways or public waterways, unless he has obtained a license from the Local Mineral Resources Official and he must comply with the conditions prescribed in such license.

Section 64.

A holder of a Prathanabat shall not dam up or draw water from a public waterway, regardless whether such waterway is within or outside of the mining area, unless he has obtained a license from the Local Mineral Resources Official and he must comply with the conditions prescribed in such license.

An application for a license to dam up or draw water from a public waterway must be submitted with a map and detailed explanations regarding procedures in damming up or drawing water.

Section 65.

The Local Mineral Resources Official is empowered to issue a license allowing a holder of a Prathanabat in one mining area to construct roads, whether over land or water, or water-channel for the purpose of discharging slime or tailings through the mining area of another holder of the Prathanabat provided that if any damage results therefrom, the holder of the Prathanabat who possesses such license shall be liable to pay compensation.

Section 66.

When necessary, the Minister is empowered to issue a license allowing a holder of a Prathanabat in a mining area to discharge slime or tailings for retainment in the mining area of another holder of a Prathanabat where the area which the slime or tailings is to be retained has already been

mined or does not contain minerals to the amount sufficient for mining, provided that if any damage results therefrom, the holder of the Prathanabat who possesses such license shall be liable to pay compensation.

The person who possesses a license under the first paragraph shall pay the surface rental fee for using land to retain slime or tailings in place of the Prathanabat holder whose land is used.

Section 67.

A holder of a Prathanabat shall not discharge outside his mining area any slime or tailings resulting from his mining operation unless such water does not contain solid matter in excess of the amount prescribed in a Ministerial Regulation.

When necessary, the Minister is empowered to issue a license to omit the enforcement of the first paragraph and he may prescribe any condition as he deems fit.

Section 68.

In discharging slime or tailings outside his mining area, the holder of a Prathanabat, even though he has complied with Section 67, must take measures to prevent the slime or tailings from causing public waterways to become shallow or from being detrimental to the use of such waterways.

By demanding the holder or holders of Prathanabats to make payment in compensation for maintenance and damages and by prescribing conditions as he deems fit when necessary, the Minister is empowered to prescribe certain public waterways as allowable for one or more Prathanabat holders to discharge slime or tailings.

Section 69.

In undertaking mining or ore dressing operation, the holder of a Prathanabat shall not perform any act likely to render or fail to perform any act that causes the failure of which is likely to render poisonous minerals or other poisonous matters harmful to persons, animals, vegetation, or properties.

Section 70.

The competent officials are empowered to enter into a mining area for inspection of the mining operation at any time and the possessor of the mining area shall offer facilities as may be appropriate under such circumstances ; and the holder of the Prathanabat to undertake any action to prevent any harm which may result from the mining or ore dressing operation.

Section 71.

When the Local Mineral Resources Official considers that the mining or ore dressing operation will cause harm to persons, animals, vegetation or properties, he is empowered to give an order in writing to the holder of a Prathanabat to alter or modify the mining or ore dressing procedure as he may consider necessary for the prevention of such harm and he is empowered to give an order in writing to suspend the mining or ore dressing operation totally or partially as he may deem fit.

Section 72.

Any pit, winze or shaft which is no longer used in the mining operation shall be filled up or the land restored to its original condition by the holder of a Prathanabat regardless whether the Prathanabat has expired or not ; unless the Prathanabat provides otherwise or unless the Local Mineral Resources Official, with an approval of the Director-General, has ordered otherwise in a written form.

In the event that the holder of a Prathanabat fails to comply with the first paragraph hereof, the Local Mineral

Resources Official is empowered to give an order in writing to the holder of a Prathanabat to fill up or restore the land to its original condition and the holder of the Prathanabat must fulfil the requirements in such order within ninety days after receiving the said order.

Section 73.

The holder of a Prathanabat has rights within the mining area only to :

- (1) mine and sell minerals as specified in the Prathanabat, other minerals which are by-products of the mining operation may be sold by the holder of the Prathanabat only upon receiving a license from the Director-General,
- (2) construct buildings or undertake other works in connection with the mining operation including ore dressing or retaining slime or tailings,
- (3) use the land, within the mining area which has been mined out or which does not contain minerals at the amount sufficient for mining, for agricultural purposes during the term of the Prathanabat provided that upon expiry of the Prathanabat this shall not be construed as the acquisition of right to possession,
- (4) submit legal action to the Courts in the event of a dispute or obstruction of the right to mine.

Section 74.

The holder of a Prathanabat shall not remove or allow any other person to remove tailings or mining waste out of the mining area unless a license is obtained from the Local Mineral Resources Official, and the conditions prescribed in such license are complied with.

Section 75.

A Prathanabat shall be valid only to the holder of the Prathanabat and shall cover his employees.

Section 76.

The holder of a Prathanabat shall not sublease to another person the mining operation within any part or the whole of the mining area unless a license is obtained from the Minister or the person entrusted by him.

Section 77.

When the holder of a Prathanabat wishes to sublease the mining operation to another person, he shall submit an application to the Local Mineral Resources Official, specifying the person to whom the mining operation shall be subleased for any single period within the term of the Prathanabat and the portion of the mining area subleased.

A license for subleasing of mining operation is issued by the Minister or the person entrusted by him as may be deemed proper and for this purpose any condition may be prescribed in such license. The holder of a Prathanabat who subleases the mining operation under the first paragraph hereof shall still remain bound and liable by law, and the sub-lessee shall have the rights, duties and liabilities under the law as though he were also the holder of a Prathanabat.

Section 78.

When any holder of a Prathanabat wishes to transfer his Prathanabat to another person, the holder of the Prathanabat and the prospective transferee shall submit an application to the Local Mineral Resources Official for successive submission to the Minister. When the Minister has ordered approval and when the holder of the Prathanabat has discharged all debts obligated under this Act to the Local Mineral Resources Official, the Prathanabat may then be transferred.

Section 79.

In transferring a Prathanabat, the holder of the Prathanabat and the prospective transferee or authorized agent Shall, upon producing the Prathanabat and documents related to mining, register such transfer with the Local Mineral Resources Official.

Section 80.

In transferring a Prathanabat, apart from the application fee for transferring of a Prathanabat and the Prathanabat transferring fee the transferor must pay a mining rights transferring fee on the sum which he shall receive from transferring the mining rights.

The mining rights transferring fee shall be collected only on that part of the sum received for transferring the mining rights, excluding parts of the sum received from transferring other properties.

In the event that the holder of a Prathanabat declares no disbursement on the transfer or in the event that the Local Mineral Resources Official considers the declared sum to be unreasonably low, the Local Mineral Resources Official shall, according to the principles prescribed by the Director-General, assess the price of the mining rights to be transferred and the price assessed shall be used for calculating the mining rights transferring fee.

No mining rights transferring fee is to be paid for a transfer of a Prathanabat as a personal gift to the transferor's own father, mother, husband, wife or descendants.

Section 81.

In the event that the holder of a Prathanabat died, his heir shall submit an application to the Local Mineral Resources Official for a transfer of the Prathanabat by way of succession within ninety days from the death of the holder of the Prathanabat otherwise it shall be deemed that the Prathanabat shall expire upon termination of the ninety day period.

No mining rights transferring fee is to be paid for a transfer of a Prathanabat by way of succession.

When the heir of the holder of a Prathanabat applies for a transfer of the Prathanabat by way of succession within the period aforesaid in the first paragraph, the heir may continue mining as though he held the Prathanabat but if the Minister considers that the heir should not receive transfer of the Prathanabat, the Minister may order refusal of transfer ; in this event it shall be deemed that the Prathanabat expires on the day such order is received from the Local Mineral Resources Official.

In the event that the holder of a Prathanabat is adjudged incompetent, the provisions in the three preceding paragraphs shall be applied to the guardian *mutatis mutandis*.

Section 82.

In the event that the holder of a Prathanabat who is an ordinary person is adjudged bankrupt, the Prathanabat shall expire.

Section 83.

In the event that the holder of a Prathanabat is a juristic person and this juristic status terminates, the Prathanabat shall expire.

Section 84.

The holder of a Prathanabat may surrender the Prathanabat by submitting an application and delivering the Prathanabat to the Local Mineral Resources Official, in which case the Prathanabat shall expire upon completion of one hundred and eighty days from the date the Local Mineral Resources Official receives the application to surrender that Prathanabat, unless the holder of the Prathanabat and the Local Mineral Resources Official agree to an expiration within a lesser period of time.

Section 85.

In the event that the holder of a Prathanabat departs from the place of domicile or address and the Local Mineral Resources Official is unable to communicate with him, the Minister is empowered to revoke that Prathanabat.

Section 86.

If any holder of a Prathanabat does not discharge all debts obligated under this Act within ninety days after receiving a written notice of payment from the Local Mineral Resources Official, the Minister is empowered to revoke that Prathanabat.

Section 87.

In the event that the Minister has ordered revocation of any Prathanabat, that Prathanabat shall expire on the date the order is received from the Local Mineral Resources Official.

Section 88.

An expiry of any Prathanabat shall be published in the Government Gazette except the holder of the Prathanabat has applied for extension and the Minister, under Section 54, has not yet refused.

CHAPTER 5

INDIVIDUAL MINING AND PANNING

Section 89.

No one shall undertake any individual mining or panning unless he has obtained an individual mining license or a panning license.

Section 90.

Any person who wishes to obtain an individual mining license or a panning license shall submit an application to the local Nai Amphoe, and the local Nai Amphoe shall forward the matter to the Local Mineral Resources Official or to the person appointed by the Director-General to consider the issuance of such license.

An individual mining license or a panning license is issued by the Local Mineral Resources Official or the person appointed by the Director-General and any conditions may be prescribed in the license.

An individual mining license or a panning license is valid only until the 31st of December of the year of issue.

Section 91.

The rules and procedure concerning the issue of an individual mining license or a panning license, the suspension of a license, and the revocation of such license shall be prescribed by a Ministerial Regulation.

CHAPTER 6

PURCHASE, SALE AND STORING OF MINERALS

Section 92.

No person shall purchase minerals for business purpose unless he has received a mineral purchasing license from the Local Mineral Resources Official.

The provisions of paragraph one shall not apply to:

- (1) the purchase of minerals from an individual mining licensee;
- (2) the purchase of metal derived from metallurgy;
- (3) the purchase of minerals in accordance with the kinds and conditions of mineral which have been so much dressed that they can be mixed with other materials or made into finished products, as to be

prescribed by the Director-General in the Government Gazette.

Section 93.

Any person who wishes to obtain a mineral purchasing license shall submit an application to the Local Mineral Resources Official in the locality where the applicant is to establish his place of business for purchasing minerals.

The Local Mineral Resources Official is empowered to issue a mineral purchasing license specifying the place of purchase, and may prescribe any conditions in the mineral purchasing license.

A mineral purchasing license is valid only until the 31st of December of the year of issue.

Section 94.

The holder of a mineral purchasing license shall not purchase minerals at any place other than the place of purchase specified in the mineral purchasing license unless he has obtained from the Local Mineral Resources Official an external mineral purchasing license to purchase minerals outside his place of purchase.

If a holder of an external mineral purchasing license wishes to have another person purchase minerals outside his place of purchase on his behalf, he must also specify the name of such person in applying for such license.

Regarding applying for and issuing of an external mineral purchasing license the provisions of Section 93 shall apply *mutatis mutandis*.

An external mineral purchasing license shall expire at the same time as the mineral purchasing license.

Section 95.

The holder of a mineral purchasing license shall display the license at the conspicuous place specified in the license and in the event that he also holds an external mineral purchasing license he shall display the names of purchasing agents, if any, at the same place.

Purchasing agents so named must carry the external mineral purchasing license with them while purchasing minerals.

Section 96.

A mineral purchasing license is not transferable.

Section 97.

Upon the death of the holder of a mineral purchasing license, if his heir or the administrator of his estate wishes to continue purchasing minerals under the license, he shall submit an application to purchase minerals under the deceased's license within thirty days from the death of the license holder and at the same time produce evidence of succession or appointment as administrator of the estate. The Local Mineral Resources Official is empowered to allow the applicant to continue purchasing minerals under such license.

In the event that the heir or administrator of the estate has applied for purchasing minerals under the deceased's license within the period aforesaid in the first paragraph, the heir or administrator of the estate may continue to purchase minerals until the Local Mineral Resources Official orders interdiction. If the heir or administrator of

the estate does not apply to purchase minerals under the deceased's license within the period aforesaid in the first paragraph, the mineral purchasing license shall expire upon completion of thirty days from the death of the licensee.

In the event that the holder of a mineral purchasing license is adjudged incompetent, the provisions in the two preceding paragraphs shall be applied to the guardian *mutatis mutandis*.

In the event that the holder of a mineral purchasing license, who is an ordinary person, is adjudged bankrupt, the mineral purchasing license shall expire.

In the event that the holder of a mineral purchasing license is a juristic person and this juristic status terminates, license shall expire.

Section 98.

No holder of a mineral purchasing license or an external mineral purchasing license shall purchase minerals unless the seller has:

- (1) delivered documents in the form issued by the Department of Mineral Resources to show that the minerals were acquired under a Provisional Prathanabat or a Prathanabat, by stating its number and bearing the signature of the holder of the Provisional Prathanabat or Prathanabat or his agent who is duly registered with the Local Mineral Resources Official;
- (2) delivered documents in the form issued by the Department of Mineral Resources to show that the minerals belong to the seller who holds a mineral purchasing license, stating its number and bearing the signature of the purchasing licensee or his agent who is duly registered with the Local Mineral Resources Official;
- (3) delivered documents showing that the person has obtained from the Director-General a special permission for this particular sale; or
- (4) produced a panning license and manifested that the minerals were acquired in the quantity not exceeding the limit under such license.

The documents delivered by the seller of minerals under (1), (2) or (3) must be retained by the purchasing licensee for inspection by the competent official at any time during a period of five years from the purchase of the minerals.

When the seller produces document under (4) the mineral purchasing licensee must record the purchase on the selling list in the panning license and then return the license to the holder thereof immediately.

Section 99.

No one shall sell minerals unless he is:

- (1) the holder of a Provisional Prathanabat or Prathanabat or his agent duly registered with the Local Mineral Resources Official, selling minerals acquired from the mining operation under the Provisional Prathanabat or Prathanabat;
- (2) the holder of a mineral purchasing license or his agent duly registered with the Local Mineral Resources Official;
- (3) the holder of an individual mining license or the owner of minerals obtained from a holder of an individual mining license;
- (4) the holder of a panning license ;
- (5) the person who has obtained from the Director-General a special permission for that particular sale; or
- (6) the person who sells metals obtained from metallurgical processes.

Section 100.

No person who is entitled to sell minerals under Section 99 shall sell minerals to any person except the holder of a mineral purchasing license or the holder of an external mineral purchasing license unless the minerals are acquired from individual mining or the metals are obtained from metallurgical processes or the minerals are for direct export out of the Kingdom.

Section 101.

No person shall store minerals for business purpose at any place except the place where such person has obtained a mineral storage license from the Local Mineral Resources Official or unless the minerals are retained in possession under Section 105.

Section 102.

Any person who wishes to obtain a mineral storage license shall submit an application to the Local Mineral Resources Official.

A mineral storage license is issued by the Local Mineral Resources Official who may prescribe any condition in the license.

A mineral storage license is valid only until the 31st of December of the year of issue.

Section 103.

The Director-General is empowered to revoke any license issued under the provisions in this chapter when it appears that there have been violations of the provisions hereof or violations of the conditions prescribed in the license or there have been the occurrence of causes which affect public safety or welfare.

The order revoking a license shall be delivered to the licensee and such license shall be deemed to expire on the date the order is received.

The holder of a license which is revoked is entitled to appeal the order to the Minister by submitting such appeal to the Local Mineral Resources Official within fifteen days from receiving the order. The Minister's decision shall be final.

The holder of a license which has been revoked shall not apply for a new license until two years have lapsed since revocation of the previous license.

Section 103 bis.

When the Minister deems fit, he may issue the Notification in the Government Gazette determining the kinds or both kinds and quantity of any low priced minerals for which the persons who purchase, sell or store shall be exempted from complying with the provisions of this Chapter ; provided that the royalties for such minerals must be duly paid under Section 104.

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CHAPTER 7

POSSESSION OF MINERAL, PAYMENT OF ROYALTY ON MINERAL, AND TRANSPORT OF MINERAL

Section 104.

The holder of a Provisional Prathanabat, Prathanabat, mineral purchasing license or metallurgical processing license must pay the royalties under the law on mineral royalty Rates as follows :

1. all royalties must be paid in full in accordance with the quantity of minerals before transporting them from the mining area;
2. in the case where the holder of a mineral purchasing license has purchased minerals from a panning licensee, all royalties for the minerals purchased in the previous month must be paid within the fifth day of the month subsequent to the month in which the purchase is made;
3. in the case where the holder of a Provisional Prathanabat, Prathanabat or mineral purchasing license purchased 1 minerals from a panning licensee transports minerals to an ore dressing or

metallurgy area which belongs to him or any other person for which the Director-General has given approval, the said person may ask to postpone the payment of royalties on the minerals until the completion of the ore dressing or metallurgical processing but must deposit money with the Local Mineral Resources Official as a guarantee or provide the Local Mineral Resources Official a bank for which the Director-General gives approval as a guarantor for the payment of royalties on the minerals as the Local Mineral Resources Official may determine;

4. in the case where the slag contains other minerals which are more than the quantity prescribed by the Director General and for which royalties have not yet been paid, all royalties on such minerals must be paid in full by the holder of a metallurgical processing license in accordance with the quantity derived from the calculation before transporting such from a metallurgy area.

Section 105.

No person shall have each kind of minerals exceeding two kilograms in possession except

1. that such minerals are under a mineral processing license or are exempted under Section 103 bis;
2. that such minerals are acquired from prospecting for analysis or research not exceeding the quantity specified in the Atchayabat;
3. in a mining area;
4. in a mineral store specified by a mineral store license;
5. in the course of transportation or in a mineral transit store specified by a mineral transporting license;
6. in a place for purchasing minerals specified by a mineral purchasing license;
7. that such minerals are in ore dressing or metallurgy area and acquired in accordance with the conditions specified in an ore dressing license or metallurgical processing license;
8. that such minerals are acquired under an individual mining license or panning license or under of Section 92 paragraph two (2);
9. that such minerals are in the possession for education or research of a private research institute authorized in writing by the Director-General, of government agencies, government organizations or educational institutes;
10. that such minerals are allowed to be in possession as a special case by written permission of the Director-General; or
11. that such minerals are in the form of finished products which are appliances, decorative materials, statues, or of products from metallurgical or industrial processes.

Section 106.

Any person who wishes to obtain a mineral possessing license shall submit an application to the Local Mineral Resources Official.

A mineral possessing license is issued by the Local Mineral Resources Official who shall specify the place where the minerals are to be retained and may prescribe any conditions in such license.

The holder of a mineral possessing license may retain minerals in possession only in the place specified in the license. In this case, the licensee shall not hold a mineral store license but must obtain a mineral transporting license before transporting the minerals out of such place.

A mineral possessing license is valid only until the 31st of December of the year of issue.

Section 107.

Upon the death of the holder of a mineral possessing license, it shall be deemed that the possessor of the minerals is the holder of the mineral possessing license until the expiry of the license.

Section 108.

No person shall transport minerals from any place except

1. that such minerals are allowed to be transported under the mineral transporting license or are exempted under Section 103 bis;
2. that such minerals are acquired from prospecting for analysis or research not exceeding the quantity specified in the Atchayabat;
3. the transportation of minerals within a mining area, ore dressing area, metallurgy area, place for purchasing minerals specified in the mineral purchasing license, within a mineral store or mineral transit store;
4. the transportation of minerals by an individual mining licensee, panning licensee or holder of a mineral purchasing license to purchase minerals outside the place for purchasing minerals;
5. that such minerals belong to the owner who acquires them under Section 92 paragraph two (1) or (2);
6. that such minerals are not more than two kilograms each kind thereof;
7. that such minerals are for education or research of a private research institute authorized in writing by the Director-General of government agencies, government organizations or educational institutes;
8. that such minerals are in the form of finished products which are appliances, decorative materials, statues or of products from industrial processes;
9. that such minerals are allowed to be transported as a special case by written permission of the Director-General; or
10. that such minerals are metal from metallurgy unless they are transported from a metallurgy area.

Section 109.

Any person who wishes to obtain a mineral transporting license shall submit an application to the Local Mineral Resources Official and shall produce evidence that royalties on the minerals, for which a mineral transporting license is applied, or the deposit guaranteeing payment of royalties has been paid in full.

A mineral transporting license is issued by the Local Mineral Resources Official who may prescribe any condition in such license.

Section 110.

The holder of a mineral transporting license may transport minerals from one place to another place as specified in the license only at the same quantity per trip as specified in the license. If it appears that the quantity of minerals exceeds the quantity specified by not more than five percent, it shall be deemed that the minerals are transported under the mineral transporting license, and the licensee must pay royalties on the excess. However, if the excess in quantity is over five percent, it shall be deemed that the entire lot of minerals is illegally transported.

Section 111.

Subject to Section 112, the holder of a mineral transporting license may transport minerals only of the same kind and condition of minerals as specified in the license. If other minerals are mixed therein and such minerals are not being found and mixed in natural occurrence it shall be deemed that the entire lot of minerals is illegally transported.

Section 112.

No holder of a mineral transporting license can transport minerals in which other minerals are admixed in natural occurrence if the minerals thus mixed are in the categories and quantities as prescribed by a Ministerial Regulation except when the license specifies the categories of the admixed minerals, and the holder of a mineral transporting license shall also comply with the conditions prescribed in the Ministerial Regulations.

In the event that minerals are transported with other minerals admixed therewith and the provisions in the first paragraph are violated, it shall be deemed that the entire lot of minerals is transported without license.

Section 113.

In the event that one person holds several Prathanabats with contiguous mining areas, or several persons hold several Prathanabats with contiguous mining areas and have received permission from the Local Mineral Resources Official to coordinate their mining operations into a coordinated mine planning, it shall be deemed under the purposes of this chapter that such mining areas form one unit of mining area.

CHAPTER 8 ORE DRESSING

Section 113.

shall apply thereto *mutatis mutandis*.

Section 114.

No one shall undertake ore dressing operations unless he has received a license from the Local Mineral Resources Official or has been a holder of a Provisional Prathanabat or Prathanabat who undertakes ore dressing operations within the mining area.

Section 115.

A person who wishes to apply for an ore dressing license shall submit an application to the Local Mineral Resources Official.

An ore dressing license is issued by the Local Mineral Resources Official who may specify any condition therein.

An ore dressing license shall be valid for a period specified in the license but not exceeding three years from the date of issue and may be renewed for not exceeding three years from the date of each renewal.

An ore dressing licensee must comply with the conditions specified in the ore dressing license.

Section 116.

In undertaking an ore dressing operation the holder of an ore dressing license shall not perform any act likely to render, or fail to perform any act the failure of which is likely to render poisonous minerals or other poisonous matters harmful to persons, animals, vegetations or properties.

Section 117.

The competent officials are empowered to enter into an ore dressing area for inspection of the ore dressing operation at any time and the possessor of the ore dressing area shall offer such facilities as may be appropriate under the circumstances ; the competent officials are empowered to give orders in writing to the holder of the ore dressing license

to undertake any action to prevent any harm which may result from the ore dressing operation.

Section 118.

When the Local Mineral Resources Official considers that the ore dressing operation will cause harm to persons, animals, vegetation or properties, he is empowered to give an order in writing to suspend the ore dressing operations totally or partially as he may deem fit.

Section 119.

The Director-General is empowered to revoke an ore dressing license when it appears that there has been violation of the provisions hereof or of the conditions prescribed in the license, or upon the occurrence of causes affecting public safety or welfare.

The order revoking a license shall be delivered to the licensee and the license shall be deemed to expire on the date the order is received.

The licensee whose license is revoked is entitled to appeal the order to the Minister by submitting such appeal to the Local Mineral Resources Official within fifteen days from receiving the order. The decision of the Minister shall be final.

The holder of a license which has been revoked shall not apply for a new license until two years have lapsed since revocation of the previous license.

CHAPTER 9

METALLURGICAL PROCESSING

Section 120.

Metallurgical processing of any kind of minerals, together with production capacity and processes which are to be governed by this Act shall be prescribed in a Ministerial Regulation.

Section 121.

No one shall undertake any metallurgical processing governed by this Act unless he has obtained a metallurgical processing license.

The provisions in the first paragraph shall not apply to metallurgical processing exempted by a Ministerial Regulation.

Section 122.

Any person who wishes to obtain a metallurgical processing license shall submit an application to the Local Mineral Resources Official.

A metallurgical processing license is issued by the Director-General who may prescribe any condition in the license.

A metallurgical processing license is valid for the period specified in the license but not more than twenty five years from the date of issue and the license may be extended for a specified period of not more than twenty five years from the date of extension.

Section 123.

In undertaking metallurgical processing, the holder of a metallurgical processing license shall not perform any act likely to render or fail to perform any act the failure of which is likely to render poisonous minerals or other poisonous matters harmful to persons, animals, vegetation or properties.

Section 124.

The competent officials are empowered to enter at any time into a metallurgy area for inspection of the metallurgical processing and the possessor of the metallurgy area shall offer facilities as may be appropriate under the circumstances

; the competent officials are empowered to give orders in writing to the holder of the metallurgical processing license to undertake any action to prevent any harm which may result from the metallurgical processing.

Section 125.

When the Local Mineral Resources Official considers that the metallurgical processing will cause harm to persons, animals, vegetation or properties, he is empowered to give an order in writing to the holder of the metallurgical processing license to alter or modify the metallurgical processing as he may consider necessary to prevent such harm, and he is empowered to give an order in writing to suspend the metallurgical processing totally or partially as he may deem fit.

Section 126.

The Director-General is empowered to revoke a metallurgical processing license when it appears that there has been violation of the provisions hereof or of the conditions prescribed in the license, or upon the occurrence of causes affecting public safety or welfare.

The order revoking a metallurgical processing license shall be delivered to the licensee and the license shall be deemed to expire on the date the order is received.

The licensee whose license is revoked is entitled to appeal the order to the Minister by submitting such appeal to the Local Mineral Resources Official within fifteen days from receiving the order. The decision of the Minister shall be final.

In the event that there has been an appeal to the Minister on a revoking order, the appellant may request the Minister's permission to carry on metallurgical processing under the license while awaiting the Minister's decision. In permitting the metallurgical processing to be temporarily carried on, the Minister may prescribe any conditions.

CHAPTER 10

REIMBURSEMENT OF ROYALTIES

Section 127.

when the user of minerals on which royalties have been paid can prove to the satisfaction of the Minister that the minerals were used within the country for an industry which is not metallurgy, or that the minerals were used within the country for power, the Minister is empowered to order reimbursement of royalties to the said user according to the principles, procedures, and rates prescribed in a Ministerial Regulation.

Any person who wishes for reimbursement of royalties shall submit an application to the Local Mineral Resources Official in the locality where the minerals are used.

CHAPTER 11

IMPORTING AND EXPORTING OF MINERALS

Section 128.

The import of export of minerals of any kind, condition and quantity which is to be governed by this Act shall be prescribed in a Ministerial Regulation.

Section 129.

No one shall import or export minerals governed by this Act unless he has obtained a mineral import or a mineral export license.

Section 130.

Any person who wishes to import or export minerals governed by this Act shall submit an application to the Local Mineral Resources Official.

A mineral import or a mineral export license is issued by the Director-General or his appointee who may prescribe any condition in the license.

The conditions under the second paragraph may be prescribed by including selling and buying procedures and utilization of minerals to be imported or exported.

Section 131.

Upon the occurrence of causes affecting the security or economy of the country, the Minister is empowered to revoke any mineral import or mineral export license at any time by publishing such revocation in the Government Gazette.

CHAPTER 12 PUNISHMENT

Section 132.

Whoever violates section 7 shall be liable to a fine not exceeding five hundred Baht.

Section 133.

Whoever violates Section 11, Section 12, or Section 14 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

Section 133 bis.

Whoever fails to comply with a Ministerial Regulation issued under Section 17 (3) (4) (5) or (6) shall be liable to a fine not exceeding ten thousand Baht.

Section 133 ter.

Whoever violates Section 25 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand Baht or to both.

Section 134.

Whoever fails to comply with Section 31 paragraph one or Section 40 or fails to comply with the conditions specified in Section 28 paragraph four or Section 33 paragraph six shall be liable to a fine not exceeding two thousand Baht.

Section 135.

Whoever violates Section 43 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding thirty thousand Baht, or to both.

Section 136.

Whoever obstructs or fails to accord facility to the competent official under Section 48, Section 70, Section 117 or Section 124, if such act does not amount to an offense under the Penal Code, shall be liable to a fine not exceeding one thousand Baht.

Section 137.

Whoever fails to comply with the order given by the competent official under Section 71 shall be liable to a fine not exceeding two thousand Baht and the Minister has the power to revoke the Prathanabat.

Section 138.

Whoever violates or fails to comply with Section 57, Section 59, Section 62, Section 63, Section 64, Section 67, Section 68, Section 69, or Section 74 or fails to comply with the conditions specified in Section 59, Section 62, Section 63, Section 64, Section 67, Section 68, or Section 74 shall be liable to a fine not exceeding two thousand Baht and the Minister has the power to revoke the Prathanabat.

Section 138 bis.

Whoever fails to comply with Section 60 shall be liable to a fine not exceeding ten thousand Baht and the Minister has the power to revoke the Prathanabat.

Section 139.

Whoever fails to comply with the order of the competent official under Section 72 paragraph two, shall be liable to a fine not exceeding two thousand Baht and shall be liable to compensate for the expense of restoring the land to its original condition.

Section 140.

A holder of a Prathanabat who violates section 76 shall be liable to a fine not exceeding ten thousand Baht and the Minister has the power to revoke the Prathanabat.

Section 141.

A holder of a Prathanabat or sub-lessee of mining operations who fails to comply with the conditions prescribed under Section 77 shall be liable to a fine not exceeding two thousand Baht.

Section 142.

Whoever violates Section 89 or fails to comply with the conditions prescribed under Section 90 shall be liable to a fine not exceeding one thousand Baht.

Section 143.

Whoever violates Section 92, Section 99 or Section 101 shall be liable to imprisonment for a term not exceeding six months or to a fine of not exceeding five thousand Baht, or to both.

Section 144.

Whoever fails to comply with the conditions prescribed under Section 93 or Section 102 shall be liable to a fine not exceeding two thousand Baht.

Section 145.

Whoever violates Section 94 shall be liable to a fine not exceeding two thousand Baht.

Section 146.

Whoever violates Section 95 shall be liable to a fine not exceeding five hundred Baht.

Section 147.

Whoever violates Section 98 or Section 100 shall be liable to a fine not exceeding two thousand Baht.

Section 148.

Whoever violates Section 105, Section 106 or Section 108 or fails to comply with the conditions prescribed under Section 106 or Section 109 shall be liable to a fine not exceeding five thousand Baht.

Section 149.

Whoever violates Section 114 or Section 121 or fails to comply with conditions prescribed under Section 115 or Section 122 shall be liable to a fine not exceeding two thousand Baht.

Section 150.

Whoever violates Section 116 or Section 123 shall be liable to a fine not exceeding two thousand Baht.

Section 151.

Whoever fails to comply with the orders of the competent official given under Section 118 or Section 125 shall be liable to a fine not exceeding two thousand Baht.

Section 152.

Whoever violates Section 129 or fails to comply with the conditions prescribed under Section 130 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding thirty thousand Baht, or to both.

The provision of the Customs Act and the authority of the customs officials thereunder, with particular regard to inspection, seizure arrest of offenders, false information, and institution of actions, shall be applied to the import and export of minerals governed by this Act under Section 129.

Section 153.

As for the commission of an offence which is liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Baht, the competent official shall have the power to settle it.

Section 154.

All minerals, tolls, equipment, beasts of burden, vehicles or any machinery which a person acquires, uses in the commission of offence or uses as accessory to acquire the result of the commission of offence under Section 133, Section 133 ter, Section 135, Section 138, Section 142, Section 143, Section 145, Section 147, Section 148 or Section 152 shall be forfeited regardless of any person being sentenced by a judgment, unless such property belongs to any other person who is not involved in the commission of the offence.

Section 155.

Upon the application of the Public prosecutor in the case where an offender under Section 133 ter, Section 135, Section 142, Section 143, Section 145, Section 147, Section 148 or Section 152 has been arrested the Court shall order to pay the informer and the person who makes the arrest a reward of fifty per cent of the net proceeds of the sale of the exhibits forfeited by the Court ; in the case where the exhibits are not forfeited or cannot be disposed of fifty per cent of the fine shall be paid thereto, and in the case there is no informer, a reward of thirty per cent shall be given to the person who makes the arrest.

In the event where the case is concluded by settlement, the competent official who settles the case shall be the person who has the power to order the payment to the informer and of the reward to the person who makes the arrest under paragraph one.

As for the payment to the informer and of the reward to the person who makes the arrest under paragraph one, it shall be divided equally among the informer and the person who makes the arrest ; if there are several informers or persons who make the arrest, it shall be divided equally among them.

CHAPTER 13

Transitory Provisions

Section 156.

The provisions of Section 89 where they relate to individual mining, Section 101, Section 105 and Section 114 shall not apply until sixty days after this Act has come into force.

Section 157.

During the period before Ministerial Regulations or Proclamations under this Act are issued, all the Ministerial Regulations and Proclamations under the laws relating to mining which are in force on the day this Act is published in the Government Gazette shall continue to apply in so far as they are not contrary or contradictory to the provisions of this Act.

Section 158.

During the period before the laws relating to petroleum are promulgated, the provisions of this Act shall temporarily apply to petroleum *mutatis mutandis*.

Section 159.

Whoever wishes to obtain an Exclusive Prospecting Atchayabat to prospect of petroleum shall submit to the Director-General an application together with a map showing the area for which an Exclusive Prospecting Atchayabat to prospect for petroleum is applied.

Section 160.

Whoever wishes to obtain a Prathanabat to mine for petroleum shall submit to the Director-General an application together with a map showing the area for which the Prathanabat is applied.

Section 161.

The Minister is empowered to prescribe by publication in the Government Gazette the zonal areas, validity periods, principles, procedures, conditions, and benefits to accrue to the State in issuing an Exclusive Prospecting Atchayabat to prospect for petroleum and in issuing a Prathanabat to mine for petroleum , which may differ from the provisions of this Act.

Section 162.

The holder of an Exclusive Prospecting Atchayabat to prospect for petroleum shall be exempted from the surface rental fee under Section 26.

The holder of a Provisional Prathanabat to mine for petroleum or the holder of a Prathanabat to mine for petroleum shall be exempted from the surface rental fee under Section 55.

Section 163.

All Prathanabats, Atchayabats, or licenses issued under the laws repealed under Section 3 before the date this Act comes into force, shall be deemed to be Prathanabats, Atchayabats, or licenses issued under this Act until their expiry.

Countersigned by FIELD MARSHAL THANOM KITTIKACHORN as Prime Minister

Additional Provisions

In the Minerals Act (No. 2) B.E 2516,* the following additional provisions have been included :

1. The schedule of fees annexed to the Minerals Act, B.E 2510 shall be repealed by the schedule of fees annexed hereto. (Section 41.)
2. As for the applications for Exclusive Prospecting Atchayabat submitted before the day this Act comes into force, if the Minister deems fit, he shall have the power to issue to the applicants Exclusive Prospecting

Atchayabat covering the area specified in their applications. (Section 42.)

3. Any Exclusive Prospecting Atchayabat to prospect for minerals other than iron or provisional mining license issued before the day this Act comes into force shall be considered as an Exclusive Prospecting Atchayabat or Provisional Prathanabat issued under this Act until it expires even though the area covered by the Exclusive Prospecting Atchayabat to prospect for minerals other than iron is greater than that allowed for the Exclusive Prospecting Atchayabat to prospect in the onshore or offshore under this Act.

The Exclusive Prospecting Atchayabat to prospect for iron issued before the day this Act comes into force shall be valid until it expires and Section 33 paragraph six and Section 40 shall apply thereto *mutatis mutandis* and it shall be considered as a Special Atchayabat under this Act.

Pending the issue of Ministerial Regulations or Notifications under this Act, all Ministerial Regulations and Notifications issued under the law on minerals and in force on the day this Act is promulgated in the Government Gazette shall be enforceable in so far as they are not contrary to or inconsistent with this Act. (Section 43.)

Schedule of Fees*

Serial No. Particulars Rates of fees

1 Fee for an application each 20 Baht

2 Fee for a Prospecting Atchayabat each 50 Baht

3 Fee for an Exclusive Prospecting Atchayabat each 300 Baht

4 Fee for a Special Atchayabat or its renewal each 500 Baht

5 Fee for a Provisional Prathanabat 500 Baht

6 Fee for Prathanabat or its renewal each 500 Baht

7 Fee for a license or its renewal each 500 Baht

8 Surface rental fee

(a) under an Exclusive Prospecting Atchayabat or a Special Atchayabat, every 1 Rai or a fraction thereof each year 3 Baht

(b) under a Prathanabat or Provisional Prathanabat, every 1 Rai or a fraction thereof each year 10 Baht

9 Fee for survey, every 40 metres of the length of traverse or a fraction thereof 10 Baht **as amended by the Minerals Act (No. 2) B.E 2516*

10 Fee for map drawing or duplicating, the first 50 square centimetres of area in the map or less each sheet 10 Baht For every subsequent 50 square centimetres or a fraction thereof but not exceeding 200 Baht per copy

11 Examining fee each case 50 Baht

12 Mining boundary marking post each 50 Baht

13 Fee for a transfer of Prathanabat each 150 Baht

14 Fee for a transfer of mining rights 2 per cent

15 Fee for technological examining, testing or analysing each sample 500 Baht

16 Copying or photocopying fee each copy 5 Baht

17 Documents certifying fee each page 10 Baht

18 Fee for checking documentary evidence each matter 10 Baht

19 Fee for filling an application at the request of the applicant each application 5 Baht

20 Substitute of an Atchayabat, a Provisional Prathanabat, Prathanabat or license each 100 Baht

21 Fee for registration of power of attorney each 20 Baht

22 Fee for suspension of mining operations, every 1 Rai or a fraction thereof each 20 Baht

23 Fee for damming up or drawing water, each year calculated from every cubic metre or a fraction thereof of water used per 1 minute 100 Baht

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*published in Government Gazette Vol. 90, Part 95, Page 265, Dated 31st July B.E. 2516.

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MINERALS ACT (NO. 3) B.E. 2522

BHUMIBOL ADULYADEJ, REX.

GIVEN ON THE 8TH DAY OF MAY, B.E. 2522

BEING THE 34TH YEAR OF THE PRESENT REIGN,

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

Whereas it is deemed expedient to revise the law on minerals;

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

Section 1.

This Act shall be called the "Minerals Act (No. 3) B.E. 2522."*

**The Minerals Act B.E. 2510 as amended by the Minerals Act (No. 2) B.E. 2516 is amended by the Minerals Act (No. 3) B.E. 2522.*

Section 2.

This Act shall come into force as from the day following the date of its publication in the Government Gazette.**

***Government Gazette (special issue) Vol. 96 Part 77, Dated 12th May 1979.*

Section 3.

The provision of Section 6 bis of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 2) B.E. 2516, shall be repealed and replaced by the following:

Section 6 bis.

For the purpose of prospecting, testing, studying or researching in connection with minerals, the Minister shall with the approval of the Council of Ministers, have the power to issue a notification in the Government Gazette specifying any area to be the area for prospecting, testing, studying or researching in connection with minerals.

Unless the Minister deems expedient to permit application in a special case by notifying in the Government Gazette, no person shall be allowed to apply for an Atchayabat, Provisional Prathanabat or Prathanabat in the area designated under paragraph one.

The Minister shall announce in the Government Gazette the cancellation of the Notification at the end of necessity for the use of the area under paragraph one."

Section 4.

The following provision shall be added as Section 6 quarter of the Minerals Act B.E. 2510 :

Section 6 quarter.

For the benefit of the national economy, the Minister, with the approval of the Council of Ministers, shall have the powder to establish by Notification in the Government Gazette any area, which is neither a water-head nor a swampy forest but which is known to be a mineral deposit of high economic value, as a mineral area for the purpose of issuing of Provisional Prathanabat or Prathanabat at the first priority to any reservation, restriction or utilization for other purposes, provided due consideration is given to its effect on the environmental quality."

Section 5.

The following provision shall be added as Section 9 ter of the Minerals Act B.E. 2510:

Section 9 ter.

In the event necessity should arise for the use of land in any area under an Atchayabat, Provisional Prathanabat or Prathanabat for the benefit of public utility, national defense or other purpose for the general benefit of the State, the Minister, with the approval of the Council of Ministers, shall be empowered to recall the aforesaid Atchayabat, Provisional Prathanabat or Prathanabat for the alteration in its area.

In the case where an alteration in the area under an Atchayabat, Provisional Prathanabat or Prathanabat under paragraph one has been made the holder to the said Atchayabat, Provisional Prathanabat or Prathanabat may not claim any damage arising from such alteration."

Section 6.

The provision of Section 12 of the Minerals Act B.E. 2510 as amended by the Minerals Act (No. 2) B.E. 2516 shall be repealed and replaced by the following :

Section 12.

In an Exclusive Prespecting Atchayabat area, Special Atchayabat area, mining area, area licensed for retaining slime or tailings or area already demarcated by the competent official for the aforesaid purpose, no other person other than the holder of the Atchayabat, Provisional Prathanabat, Prathanabat or license shall enter to take over, occupy destroy or deteriorate the land or resources therein unless such

person has the right to do so lawfully."

Section 7.

The following provisions shall be added as Section 15 bis of the Minerals B.E. 2510 :

Section 15 bis.

The competent official is empowered to seize or impound, as evidence for legal proceedings until the final non-prosecution decision is reached by the prosecutor or until the final outcome of the case, regardless of whether they belong to the offender or to a person suspected under valid circumstances of being an offender, all the minerals possessed by means of an offence and any tools, equipment, beasts of burden, vehicles or any machinery used or suspected under valid circumstances of having been used by a person in the commission of an offence or used as an accessory to derive results from the commission of an offence under this Act.

In the event the prosecutor reaches a final decision against prosecution or in the event of the absence of a court judgment for their forfeit and their owner or possessor makes no claim for their recovery within six months of his knowledge of the seizure or of the final order against prosecution or of the date of a final judgment, as the case may require, the property seized or impounded under paragraph one shall come under the ownership of the Department of Mineral Resources.

In the event the seized or impounded property should present a risk of damage or incur a higher cost of custody than its intrinsic value, the Minister or the person entrusted by him may sell or dispose of it before the end of the period under paragraph one. Proceeds therefrom shall be kept *in lieu* of the property.

The sale or disposal of the property under paragraph three shall be according to the rules to be designated by the Minister."

Section 8.

The following provisions shall be added as Section 15 ter of the Minerals Act B.E. 2510 :

Section 15 ter.

In the event the property seized under Section 15 bis does not belong to the offender or a person suspected under valid circumstances of being an offender, the competent official is required, with the approval of the Minister, to return them or the financial proceeds, as the case may be, to their owner before the period under Section 15 bis in the case where:

1. The said property is not required as evidence in the trial of the case bringing about its seizure, or
2. The offender or the person suspected under valid circumstances of being an offender has acquired the said property from its original owner through the commission of a criminal offence."

Section 9.

The following provision shall be added as (3 bis) of Section 17 of the Minerals Act B.E. 2510 as amended by the Minerals Act (No. 2) B.E. 2516 :

"(3 bis) prescribing rules and procedures concerning the issuance of a license to sub-leasing the mining right and cancellation thereof."

Section 10.

The provision of section 19 of the Minerals Act B.E. 2510 shall be repealed and replaced by the following:

Section 19.

The committee shall have a duty to render consultation, advice and opinion to the Minister in matters concerning :

1. The issuance of the Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat and Prathanabat in the national forest reserves of officially declared restricted areas.
2. The renewal of the Special Atchayabat and Prathanabat.
3. The approval on the transferring of Prathanabat.
4. The revocation of Atchayabat and Prathanabat.
5. Other matters entrusted by the Minister."

Section 11.

The provision of paragraph two of Section 33 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No 2) B.E. 2516, shall be repealed and replaced by the following :

"The applicant for a Special Atchayabat shall specify his prospecting obligations by stating the amount of each year's expenditure throughout the duration of the license and may also offer special benefits to the interest of the State in accordance with the rules laid down by the Minister. The said offer shall further bind the holder of the Special Atchayabat in the event he receives any Provisional Prathanabat or Prathanabat in the area for which the Special Atchayabat has been granted."

Section 12.

The provision of Section 44 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No 2) B.E. 2516, shall be repealed and replaced by the following:

Section 44.

A person who wishes to apply for a Prathanabat shall submit an application to the Local Mineral Resources Official together with a reliable evidence to prove the discovery or existence of the mineral for which he wishes to mine in the area applied for and may also offer special benefits to the interest of the State, in the event of his receipt of the Prathanabat in accordance with the rules laid down by the Minister.

Unless it is an application of a Prathanabat to mine in the offshore, an application for a Prathanabat shall be for an area not exceeding 300 rai."

Section 13.

The provision of Section 45 of the Minerals Act B.E. 2510 shall be repealed and replaced by the following :

Section 45.

In the issuance of a Prathanabat for offshore mining, the Minister is empowered to designate the mining area for each applicant to an extent not exceeding 50,000 rai, unless the Minister, with the approval of the Council of Ministers, deems expedient to extend it exceed the 50,000 rai limit.

In issuing a Prathanabat under paragraph one, the Minister may, as he deems expedient, set any special condition for the holder of the Prathanabat to perform."

Section 14.

The provision of Section 55 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 2) B.E. 2516, shall be repealed and replaced by the following :

Section 55.

In addition to the fee for the issuance of a Provisional Prathanabat or Prathanabat, the holder thereof is required to pay in advance on a yearly basis a surface rental fee for mining to the size of the entire mining area and to pay a special subscription at a rate not exceeding ten per cent of the royalty paid for minerals produced from the areas under the Provisional Prathanabat or Prathanabat. This special subscription shall be kept by the Department of Mineral Resources as an expense budget for the restoration of the mined area, for the prevention and suppression of offences prohibited under this Act and for use as local development funds in the mining provinces.

The rate of payment of the special subscription and the rules, procedures and conditions for its collection, including the budget thereof, shall be prescribed by a Ministerial Regulation."

Section 15.

The following provision shall be added as paragraph two of Section 76 of the Minerals Act B.E. 2510:

"The rules, procedures and conditions for the issuance of a license to sublease the mining operation and the cancellation thereof *shall be* prescribed by a Ministerial Regulation."

Section 16.

The provision of Section 103 bis of the Minerals Act B.E. 2510 as amended by the Minerals Act (No. 2) B.E. 2516, shall be repealed and replaced by the following :

Section 103 bis

When it is deemed expedient, the Minister may, by issuing the Notification in the Government Gazette, determine any kind of mineral and its quantity from which the persons who purchase, sell or store shall be exempted from the necessity to comply with the provisions of this Chapter of the Act, provided royalty for such minerals has been duly paid in full as required by Section 104."

Section 17.

The provision of Section 104 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 2) B.E. 2516, shall be repealed and replaced by the following :

Section 104.

The holders of a Provisional Prathanabat, Prathanabat mineral purchasing license, the possessor of other minerals derived from ore-dressing and the holder of a metallurgical processing license shall pay the royalties under the law on mineral royalty rates as follows:

1. Royalties for the minerals defined in the Prathanabat, including other minerals which are collected as mining by-products, shall be paid in full and in accordance with their quantities before their removal from the mining area.
2. The holder of a mineral purchasing license who purchases minerals from a panning licensee shall pay royalties for the minerals purchased in the previous month within the fifth day of the month subsequent to the month of purchase.
3. In the case where the holder of a Provisional Prathanabat, or the holder of a mineral purchasing license who purchased minerals from a panning licensee transports the minerals to his own ore-dressing or metallurgical area or to that of

others with prior approval from the Director-General, the said person may ask for a deferment of the royalty payment until the completion of ore-dressing or metallurgical processing, provided he furnishes to the Local Mineral Resources Official, as may be opted by the Local Mineral Resources Official, a cash deposit or a bank guarantee issued by a bank approved by the Director-General as an insurance against the royalty payment.

4. In the case where the ore-dressing separates other kinds of minerals, mineral royalty must be paid for the recovered minerals together with the application for the possession thereof as required by Section 105.
5. In the case where the slag contains other minerals at a quantity exceeding that designated by the Director-General and for which royalties have not previously been paid, the metallurgical processor shall pay in full royalties for the alien minerals according to the quantity assessed before removing the slag from the metallurgical processing area.

In the case where the purchase and sale of minerals forfeited by the State, and for which royalties have remained unpaid, the purchaser shall pay the royalties under the law on mineral royalty rates side by side with the application for the possession of the said minerals as required by Section 105."

Section 18.

The provision of Section 105 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 2) B.E. 2516, shall be repealed and replaced by the following:

Section 105.

No person shall be allowed to have under his possession an excess of two kilogrammes of each kind of minerals, unless it is:

1. the mineral for which a possessing license has been issued or for which exemption has been given under Section 103 bis;
2. the mineral acquired from prospecting for use in analysis or research at a quantity not exceeding that specified in the Atchayabat;
3. the mineral acquired from mining in the mining area in which it is stored;
4. the mineral for which a Mineral transporting license has been issued for its removal to the place under the mineral store license;
5. the mineral which is in the course of transportation under a mineral transporting license or which is kept in a transit store specified in the said mineral transporting license;
6. the mineral in the mineral purchasing place and which is acquired under a document designated under Section 98;
7. the mineral transported under a mineral transporting license to the ore-dressing or metallurgical processing area for dressing or processing;
8. the mineral acquired under an individual mining license or panning license or under paragraph two (3) of Section 92;
9. the mineral kept under possession for the purpose of study or research by a

private research institute, which has received written permission from the Director-General, government agencies, government organizations or education institutes;

10. the mineral which has been given written permission in a special and individual case to be kept under possession by the Director-General, or
11. the mineral in the processed form of finished products which are utensils, decorative articles, sculptures or of products from metallurgical or industrial processes."

Section 19.

The provision of Section 110 of the Minerals Act B.E. 2510 shall be repealed and replaced by the following :

Section 110.

The holder of a mineral transporting license can, at each time, transport minerals between places at a quantity specified in the license.

The extent and quantity of each kind of minerals that can be transported in excess of the limit set in the mineral transporting license shall be prescribed by a Ministerial Regulation.

The minerals transported in excess of the license under paragraph two shall be regarded as that allowed by the license, provided royalty for the excess quantity is duly paid.

The excess quantity of the minerals transported in violation of the Ministerial Regulation shall cause the entire lot of minerals to be regarded as being transported without a license."

Section 20.

The following provision shall be added as Section 113 bis of the Minerals Act B.E. 2510:

Section 113 bis.

The Minister shall be empowered to designate, by notification in the Government Gazette, any location or place with a specified area as a mineral checkpoint."

Section 21.

The provision of Section 148 of the Minerals Act B.E. 2510 shall be repealed and replaced by the following:

Section 148.

Whoever violates Section 105 or Section 108 shall be liable to a fine from one to five times the value of minerals based on the price fixed under the law on mineral royalty rates in force on the date of the offence. The Minister has the power to revoke the Provisional Prathanabat, Prathanabat or license in case of the following:

1. Unpermitted possession of minerals from other sources in the mining area, ore-dressing area, metallurgical area, storage place or mineral purchasing area or
2. Unpermitted transportation of minerals from the mining area, ore-

dressing area, metallurgical area, storage place or mineral purchasing area."

Section 22.

The following provision shall be added as Section 148 bis of the Minerals Act B.E. 2510 :

Section 148 bis.

Whoever violates Section 106 or fails to comply with the conditions prescribed under Section 106 or 109 shall be liable to a fine not exceeding five thousand Baht."

Section 23.

The provision of Section 152 of the Minerals Act B.E. 2510 shall be repealed and replaced by the following :

Section 152.

Whoever violates Section 129 shall be liable to imprisonment for a term not exceeding ten years or to a fine from five to ten times the value of mineral based on the price fixed under the law on mineral royalty rates in force on the date of the offence, or to both.

When it appears that the illegally exported minerals are from any Provisional Prathanabat, Prathanabat, mineral purchasing area, storage place, ore-dressing area or metallurgical area, in which the holder of the Provisional Prathanabat, Prathanabat or license as the case may be, is an offender, abettor or accomplice in the offence, the Minister shall have the power to revoke the said Provisional Prathanabat, Prathanabat or license.

Provisions of the customs law and the customs officer's powers invested thereof, especially those concerning inspection, seizure, forfeit, arrest of offenders, false declaration and prosecution, shall also apply to the import and export of minerals subject to the import and export control under Section 129."

Section 24

The following provision of shall be added as Section 152 bis of the Minerals Act B.E. 2510:

Section 152 bis.

Whoever fails to comply with the conditions prescribed under Section 130 shall be liable to a fine not exceeding ten thousand Baht."

Section 25.

The following provision of shall be as Section 152 ter of the Minerals Act B.E. 2510 :

Section 152 ter.

In the event of a shortage of minerals from the production stock-book kept by the holder of a Provisional Prathanabat, Prathanabat, or from the balance-in-stock book kept by the holder of a mineral storage license, mineral possessing license, ore-dressing license or metallurgical processing license, without being able to prove his innocence of the fault, the holder of the Provisional Prathanabat, Prathanabat, mineral purchasing license, mineral storage license, mineral possessing license, ore-dressing license ore metallurgical processing license, as the case may be, shall be liable to a fine from one to three times the value of the missing minerals, basing on the price fixed by the law on mineral

royalty rates in force on the date of the offence. In such a case, the Minister shall have the power to revoke the Provisional Prathanabat, Prathanabat or license involved."

Section 26.

The following provision shall be added as Section 153 bis of the Minerals Act B.E. 2510:

Section 153 bis.

As for the Commission of an offence under Section 148 or Section 152 ter, the Director- General shall have the power to settle it by a fine at an amount not less than the minimum set by law. Payment of the fine by the offender shall bring the case to extinction."

Section 27.

The provision of Section 154 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 2) B.E. 2516, shall be repealed and replaced by the following:

Section 154.

All minerals, tools, equipment, beasts of burden, vehicles or any machinery which a person acquires, uses in the commission of offence or uses as accessory to acquire the result of the commission of offence under Section 133, Section 133 ter, Section 135, Section 138, Section 142, Section 143, Section 145, Section 147, Section 148, Section 148 bis, Section 152 or Section 152 bis, shall be forfeited, regardless of any person being sentenced by a judgment, unless such property belongs to any other person who is not involved in the commission of the offence."

Section 28.

The provision of Section 155 of the Minerals Act B.E. 2510 as amended by the Minerals Act (No. 2) B.E. 2516, shall be repealed and replaced by the following :

Section 155.

For offences under Section 133 ter, Section 135, Section 142, Section 143, Section 145, Section 147, Section 148, Section 138 bis, Section 152, Section 152 bis or Section 152 ter, the Director-General shall order the payment of rewards to the informer who supplies information leading to the arrest and to the person who makes the arrest in accordance with the unless laid down by the Minister at the rate of fifty per cent of the net proceeds of the sale of the exhibits ordered to be forfeited by Court. In the case where the exhibits are not forfeited or in the case where the exhibits are unsalable, the reward shall be paid at the rate of fifty per cent from the fine. Thirty per cent of the fine shall be paid as a reward for cases in which there are no informers.

In the event where the case is concluded by settlement, the Director-General or a competent official who has the power to settle the case shall be the person who orders the payment of rewards under paragraph one.

In the event that the exhibit suspected of having been used in the offence is seized without an owner, the Director-General or the person entrusted by him is required to announce for the owner for a period of thirty days. Unless the owner presents himself within the said period, the exhibit shall be forfeited as State property. In such an event, the Director-General is required to dispose of the exhibit and deduct the net proceeds from the sale thereof as rewards under paragraph one.

Rewards paid under paragraph one shall be equally divided between the informer and the arresting party. If each of the said parties consists of several persons, the reward money shall be equally divided among them."

Section 29.

The Schedule of Fees annexed to the Minerals Act B.E. 2510 as amended by the Minerals Act (No. 2) B.E. 2516 shall be repealed and the following schedule of fees shall be substituted thereof.

Countersigned by Mr. S. Hotrakitya as Deputy Prime Minister

Schedule of Fees

Serial No. Particulars Rates of fees

1 Fee for an application each 20 Baht

2 Fee for a Prospecting Atchayabat each 100 Baht

3 Fee for an Exclusive Prospecting Atchayabat each 500 Baht

4 Fee for a Special Atchayabat or its renewal each 1,000 Baht

5 Fee for a Provisional Prathanabat each 1,000 Baht

6 Fee for a Prathanabat or its renewal each 1,000 Baht

7 Fee for a license or its renewal each 1,000 Baht

8 Surface rental fee

(a) under an Exclusive Prospecting Atchayabat or a Special Atchayabat, every one Rai or a fraction thereof each year 6 Baht

(b) under a Prathanabat or Provisional Prathanabat, every one Rai or a fraction thereof, per each year 20 Baht

9 Fee for survey, according to the length of the distance surveyed, every forty meters or a fraction thereof 20 Baht

10 Fee for map drawing or duplicating, the first fifty square centimeters of area in the map or less each 20 Baht. For every subsequent fifty square centimetres or a fraction thereof but not exceed 200 Baht

11 Examining fee each case 100 Baht

12 Mining boundary marking post each 100 Baht

13 Fee for a transfer of Prathanabat each 500 Baht

14 Fee for a transfer of mining rights 4 per cent

15 Fee for technological examining, testing or analysis each sample 1,000 Baht

16 Copying or photocopying fee each page 10 Baht

17 Documents certifying fee each copy 50 Baht

18 Fee for checking documentary evidence each matter 100 Baht

19 Fee for filling an application forms at the request of the applicant each 5 Baht

20 Substitute of an Atchayabat, a Provisional Prathanabat, Prathanabat or license per copy 200 Baht

21 Fee for registration of power of Attorney each 100 Baht

22 Fee for suspension of mining operations, every one Rai or a fraction thereof each year 20 Baht

23 Fee for damming up or drawing water, each year calculated from every cubic meter or a fraction thereof of water used per one minute 100 Baht

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