

**ELEPHANT IVORY TUSKS ACT,
B.E. 2558 (2015)**

BHUMIBOL ADULYADEJ, REX.

Given on the 16th Day of January B.E. 2558;
Being the 70th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have a law on elephant ivory tusks;
Be it, therefore, enacted by the King, by and with the advice and consent of
the National Legislative Assembly, as follows:

Section 1. This Act is called the “Elephant Ivory Tusks Act, B.E. 2558 (2015)”.

Section 2. This Act shall come into force as from the day following the date
of its publication in the Royal Gazette.¹

Section 3. In this Act:

“elephant” means an elephant which is a beast of burden under the law of
beasts of burden.

“elephant ivory” means ivory tusks, ivory tusks of female elephants or
product made of ivory tusks or ivory tusks of female elephants which are alive or die.

“trade” means buying, selling, exchanging, disposing, distributing, allotting, or
transferring of ownership in an ordinary course and for the benefit of trade, and also
includes possessing and demonstrating for trade.

“import” means bringing in or ordering into the Kingdom.

* Translated by Ms. Pataraporn Kasetsara and reviewed by Professor Phijaisakdi
Horayangkura under contract for the Office of the Council of State of Thailand's Law for ASEAN project-
Initial Version – pending review and approval by the Office of the Council of State.

¹ Published in the Government Gazette, Vol. 132, Part 3a, dated 21st January B.E. 2558
(2015).

“export” means taking or exporting outside the Kingdom, and also includes taking or exporting an elephant ivory which was imported or exported outside the Kingdom.

“possess for transit” means bringing or transiting in the Kingdom of Thailand.

“Director General” means the Director General of the Department of National Parks, Wildlife and Plant Conservation.

“Competent Official” means a person appointed by the Minister for the execution of this Act.

“Minister” means the Minister in charge and control of the execution of this Act.

Section 4. Any person who wishes to trade elephant ivory tusks shall submit an application form to the Director General.

Rules, procedures and conditions concerning to application for permission, permission, trade and suspension or revocation of permits shall be as prescribed by the Ministerial Regulation.

The provisions under section 6 and the provisions of penalties for violation of section 6 paragraph one or paragraph five shall apply to a permit holder who is permitted to trade elephant ivory tusks *mutatis mutandis*.

Section 5. Unless permitted by Director General, one shall import, export or possess for transit elephant ivory tusks.

Rules, procedures and conditions concerning to application for permission and permission shall be as prescribed by the Ministerial Regulation.

A permit holder shall comply with regulations under the Ministerial Regulation and conditions specified in a permit.

Section 6. Any person, who possesses elephant ivory tusks without commercial objective, shall notify the possession enclosing document for acquisition of the elephant ivory tusks under the law of beasts of burden to the Director General according to rules, procedures and conditions notified and prescribed by the Minister.

After receiving notification of possession, the Director General shall issue document for possession of the elephant ivory tusks to the person who notifies the possession as evidence under the form notified and prescribed by the Minister.

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In the case where elephant ivory tusks are detected or there is a reasonable cause to suspect after receiving notification of possession that any elephant ivory tusks are not elephant ivory tusks under the law of beasts of burden, the Director General may issue an order to the possessor to bring document or evidence to be proved.

The reasonable doubt and bringing document or evidence to be proved under paragraph three shall be as notified and prescribed by the Minister.

In the case where the owner or the possessor cannot prove that their elephant ivory tusks are elephant ivory tusks originated from elephants which are beasts of burden, such elephant ivory tusks shall be vested in the State. The owner or the possessor shall deliver such elephant ivory tusks to the Department of National Parks, Wildlife and Plant Conservation within thirty days from the date of receiving the notification from the Director General.

In the case where the owner or the possessor under paragraph three does not agree with the order of the Director General under paragraph five, such person shall have right to appeal to the Minister within fifteen days from the date of receiving the order.

The decision of the Minister shall be final.

Section 7. In the case where the possessor of elephant ivory tusks under section 6 or section 19 wishes to transfer of possession, change a place of possession, transform or change shape of the elephant ivory tusks which are under possession, such person shall notify in writing to the Director General before the date of transfer of possession, change a place of possession, transform or change shape of the elephant ivory tusks.

In the case where there is transfer of possession, the Director General shall specify the name of transferee in the document of possession issued under section 6 or section 19.

Rules, procedures and conditions concerning to the notification shall be as notified and prescribed by the Minister.

Section 8. The provisions under section 6 and section 7 shall not apply to the possessor of elephant ivory tusks according to feature or seize notified and prescribed by the Minister.

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Section 9. In the performance of duties under this Act, the Competent Official shall have the following powers;

(1) to enter a place where it is permitted to trade elephant ivory tusks during the time between sunrise and sunset, or in office hours of that place in order to inspect operation, document, evidence or related information including any act that may violate or fail to comply with the provisions under this Act, Ministerial Regulation, Notification or as prescribed in a permit.

(2) to search according to the Criminal Procedure Code a place or any vehicle where it has reasonable cause to suspect that an offence under this Act has been committed and also shall have power to seize or attach elephant ivory tusks, documents, evidence or any objects relating to an offence under this Act, for the purpose of inspection or prosecution.

(3) to issue notice to give statement to any person or send documents or any objects to the Competent Official for consideration relating to an offence under this Act.

In the performance of the duties under (1) the Competent Official shall not act as searching according to the Criminal Procedure Code.

Section 10. In the performance of duties of the Competent Official under this Act, the person concerned shall provide the Competent Official with reasonable facilities.

Section 11. In the performance of duties under this Act, the Competent Official shall present the identification card to any person concerned.

The identification card of the Competent Official shall comply with the form notified and prescribed by the Minister.

Section 12. In the performance of duties under this Act, the Competent Official shall be an official under the Penal Code.

For the purpose of arresting an offender under this Act, the Competent Official shall be an administrative or police official according to the Criminal Procedure Code.

Section 13. Whoever violates or fails to comply with section 4 paragraph one or section 5 paragraph one or the notification prescribed under section 18 paragraph two,

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shall be liable to imprisonment for a term of not exceeding three years or to a fine not exceeding six million baht or to both.

Section 14. Whoever violates section 6 paragraph one or paragraph five or section 7 paragraph one shall be liable to a fine not exceeding three million baht.

Section 15. Whoever violates section 10 shall be liable to a fine not exceeding fifty thousand baht.

Section 16. The offences under section 14 and section 15, may be settled by Settlement Committee by way of payment of a fine.

In the case where an inquiry official or the Competent Official finds that any person commits the offences under paragraph one and such person consents to the settlement, the inquiry official or the competent official, as the case may be, shall submit the case to the Settlement Committee within seven days from the date of which such person consents to the settlement.

Upon payment by the alleged offender of the settled amount of the fine within thirty days from the date of the settlement, the case shall be deemed settled under the Criminal Procedure Code.

If the alleged offender fails to consent to the settlement or upon consent thereto, fails to pay the fine within the time specified, legal proceedings shall be continued.

Section 17. The Settlement Committee under section 16 shall consist of representative of the Office of the Attorney General as Chairperson, representative of the Ministry of Interior, representative of the Royal Thai Police as members; representative of the Ministry of Natural Resources and Environment shall be member and secretary. There shall be the Settlement Committee in Bangkok Metropolis area and regional areas where it is deemed appropriate as prescribed by the Minister.

Rules and procedures of the Settlement Committee shall be as prescribed by the Minister.

Section 18. Any person, who trades elephant ivory tusks on the date this Act comes into force, shall submit an application form to the Director General within ninety days from the date of which this Act comes into force. Such person shall provide a list of

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acquisition, processing and trade of elephant ivory tusks. When the application form is submitted, the elephant ivory tusks can be traded until receiving an order refusing the application from the Director General.

Submission of the application form and providing a list of acquisition, processing and trade of the elephant ivory tusks and permission under paragraph one shall comply with rules, procedures and conditions prescribed by the Director General and published in the Royal Gazette.

Section 19. Any person, who acquires or possesses elephant ivory tusks before the date of which this Act comes into force, shall notify the possession by specifying quantity, size and send pictures of the elephant ivory tusks to the Director General within ninety days from the date of which this Act comes into force. The Director General shall issue document for possession of the elephant ivory tusks to the person who notifies the possession as evidence under the form notified and prescribed by the Minister.

In the case where elephant ivory tusks are detected or there is a reasonable cause to suspect after receiving notification of possession that any elephant ivory tusks are not elephant ivory tusks under the law of beasts of burden, the Director General may issue an order to the possessor to bring document or evidence to be proved. The provisions under section 6 paragraph five, paragraph six and paragraph seven shall be applied *mutatis mutandis*.

Rules, procedures and conditions concerning to the notification of possession under paragraph one, a reasonable cause to suspect and bringing document or evidence to be proved under paragraph two, shall be as prescribed by the Director General and published in the Royal Gazette.

Section 20. The Minister of the Ministry of Natural Resources and Environment shall have charge and control of the execution of this Act, and shall have the power to appoint Competent Officials and shall have the power to issue Ministerial Regulations prescribing fees not exceeding the rate of fees annexed to this Act, decrease or exclude fees and prescribe other acts or issue Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Royal Gazette.

Countersigned by

General Prayut Chan-o-cha
Prime Minister

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Rate of Fees

- | | |
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| 1. Permit for trading elephant ivory tusks | 50,000 baht each |
| 2. Permit for importing, exporting or possessing for transit of elephant ivory tusks | 50,000 baht each |
| 3. Substitute for a Permit | 1,000 baht each |

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