

Electrical Saw Act 2002
(B.E. 2545)

King Bhumipol Adulyadej
Given on September 22, 2002 (B.E 2545)
Being the 57th year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

It is appropriate to provide this law, the Electrical Saw Act.

This act contains statutes concerning Section 29, Section 48 and Section 50 from the Constitution of The Kingdom of Thailand.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1: This act is called “Electrical Saw Act, B.E 2545 (2002)”

Section 2: This Act shall come into force on and from the day following the date of its publication in the Government Gazette.

Section 3: In this act,

“Chain saw” means a tool for cutting or transfiguring wood that has saw tooth close to a chain and is driven by machinery and includes any accessory(ies) of this machine in whatever way as determined by Ministerial Regulation.

“Owner” means a person who holds the right of ownership.

“Manufacture” means to make or create for sale.

“Import” means bring or order into The Kingdom.

“Official” means that official appointed by the Minister for the execution of this Act.

“Chain Saw Registrar” means the Director General or any person that the Director General has assigned to take control in Bangkok, and the governor assigned for the other provinces.

“Director General” means the Director General of the Royal Forest Department.

“Minister” means the Minister who takes charge and control for the execution of this Act.

Section 4: All persons are prohibited from owning, manufacturing or importing chain saws unless they have received a license from the Chain Saw Registrar.

Any person who holds a license to modify the chain saw is not allowed to increase power exceeding that which is specified in the license unless they have permission from the Chain Saw Registrar.

Obtaining a permit and permission shall follow the rules and conditions as set by Ministerial Regulations.

Any person who has a license to manufacture chain saws must provide accounts and records that show units manufactured as determined by Ministerial Regulation.

When issuing a license to own a chain saw, the Chain Saw Registrar makes a mark on the chain saw as determined by Ministerial Regulation and identifies the area in which the chain saw can be used.

Section 5: The qualifications and prohibited qualifications of persons who want to obtain a license under Section 4 are determined by the Ministerial Regulations.

Any person who wants to have a license to own a chain saw must have a career or business that requires use of a chain saw and must not have been punished by this act or forest law, national forest law, national park law or wildlife protection law.

Contents in Paragraph 2 shall not apply to religious juristic person, ministry, bureau and departments, local governments and state enterprises.

Section 6: In the event that a person who holds a license wants to change the area for use of a chain saw to be different from that identified in the license.

(1) In the case of changing the area within the same province as identified in the license, they can file a petition to the Chain Saw Registrar who previously issued the license.

(2) In case of changing the area to another province, they can request an appeal to the Chain Saw Registrar of the province they wish to change to.

The requirements of these rules and conditions are determined by Ministerial Regulation.

Section 7: Any person who owns a chain saw must have a license or copy of the license for that chain saw to show to officials immediately when requested.

Section 8: In the case that a person who is allowed to own a chain saw desires to use or give it to another person to use temporarily in an area outside the area allowed pursuant to Section 4 Paragraph 5, the person who holds the license must get a permit by submitting an application identifying the area and period of use for the chain saw to the Chain Saw Registrar. The Chain Saw Registrar must grant permission within 15 days from the date of receipt of the application; if the Chain Saw Registrar does not examine the case and inform the applicant of the result within 15 days, the applicant can assume that they have received approval and can use the request appeal document as a permit.

The Chain Saw Registrar who grants permission has to notify and send a copy of the permission letter to the Chain Saw Registrar in the separate area. The chain saw owner has to request permission from the Chain Saw Registrar before the chain saw license expiration.

Requesting approval for chain saw use in a separate area and the granting of permission shall be accordance with the terms and conditions determined by Ministerial Regulation.

Section 9: A person who obtains a license to use a chain saw under Section 4 and then allows the chain saw to be used in illegal ways or contrary to forest law is presumed to be party to that illegal activity.

Section 10: All persons and businesses are prohibited from repairing chain saws unless licensed by the Chain Saw Registrar to do so.

Qualifications to obtain a license, requesting permits and issuing licenses follows rules, procedures and conditions determined by Ministerial Regulation.

Persons who hold a license to repair chain saws as a business can repair only chain saws that are owned by people who hold a license to own it and that have the correct mark as shown on the license.

Section 11: If a person who holds a license to own a chain saw dies, the heir of the deceased or the executor of estate of the deceased needs to report the death and chain saw possession to the Chain Saw Registrar within 60 days from the date of death of the chain saw licensee.

The Chain Saw Registrar has the power to allow or disallow the heir or executor of the estate to keep or use the chain saw belonging to the deceased. If there is a dispute about the rights of the heir, the Chain Saw Registrar can hold the chain saw for up to 6 months from the date of the original licensee's death, until the dispute is settled or pending the heir or trustee's application for a new permit or license.

If the Chain Saw Registrar does not issue a new license, the Chain Saw Registrar must inform the applicant and order that the chain saw is sold within 6 months from the date of the order. Otherwise the Chain Saw Registrar has right to sell the chain saw by auction, with net proceeds from the sale going to the estate of the deceased.

Section 12: In the case of a juristic person who holds a license under Section 4 becomes bankrupt, the liquidator must bring the chain saw back to the Chain Saw Registrar to hold it pending liquidation of assets.

For the chain saw to be returned to the shareholders or partners, the shareholders or partners must inform the Chain Saw Registrar of the intent to obtain a license within 30 days from the date of notification that the liquidator deposited the chain saw with the Registrar.

In the case that the liquidator wants to sell the chain saw to realize assets, the liquidator must inform the Chain Saw Registrar, and in any case must not sell the chain saw to any person of a disallowed character as stipulated in this act.

Any person who wants to buy the chain saw must file an application with the Chain Saw Registrar for a license to own the chain saw within 5 days from the date of the sales contract.

Section 13: In the event of a person who assists in leading to an arrest of an offender under this act, the public prosecutor must appeal the court and the court has the power to decree to pay a reward to that person who leads to the arrest, an amount of money not over half of the indemnity money that the offender is sentenced to pay to the court. If the offender pays a lesser amount, a lesser reward may be paid.

If many people assisted in leading to the arrest, the reward will be equally shared.

The reward will be paid after the case has ended.

Section 14: Any person who has their own chain saw on the date this act has been announced must request a license within 90 days from the date of announcement of this act, and will not be considered to have committed an offense under Section 4. The Chain Saw Registrar shall issue a license to any such person who requests a license unless they are disqualified in any way as stipulated in this act. Any person who meets the requirements of the First Paragraph in this Section will not be punished under customs or export/import laws.

The text in the Second Paragraph does not apply to any person who was arrested and prosecuted or still facing prosecution when this act was announced.

In the case that the Chain Saw Registrar does not issue the license when it is applied for, the applicant has the right to appeal to the Ministry within 30 days from the date of being informed of the rejection.

In the case of a person who is disapproved for a chain saw license under Paragraph 1 or Paragraph 4 in this Section, ownership of the chain saw will transfer to The Kingdom from the date the ownership rejection was announced, or the date that the Ministry made the judgment.

Any chain saw that has been forfeited to The Kingdom under Paragraph 5, can be used in government service, sold to the government sector or state enterprises, or destroyed, according to the Director General.

Section 15: Under Section 14: In the case that the Chain Saw Registrar has ordered that a request for a license be disapproved under this act, the applicant has the right to appeal the order to reject the application within 30 days from the date of receipt of the order.

The Chain Saw Registrar must consider the appeal and notify the applicant of the ruling on the appeal within 30 days.

In the case that the Chain Saw Registrar still confirms that a license is not allowed, the applicant has the right to appeal to the Ministry within 30 days from the date of receipt of the appellate judgment.

Section 16: In the arrest of offenders under this act, the administrative or police officer must follow the procedures under the Criminal Code.

Section 17: Whosoever breaks the rules or does not follow the requirements under Section 4, Paragraph 1 and 4 shall be liable to a punishment of a term of imprisonment not exceeding 5 years, or a fine up to but not over 100,000 baht, or both, and the court can order the confiscation of the chain saw. Chain saws confiscated by the court can be used in government service, or sold to the government sector or state enterprises, or destroyed.

Section 18: Whosoever breaks the rules or does not follow the requirements under Section 4, Paragraph 2 shall be liable to a punishment of a fine up to but not over 5,000 baht and must modify the chain saw back to same power as shown in license within a time decided by the court. If they fail to comply with the court order to modify the chain saw, the court can order the confiscation of the chain saw.

Section 19: Whosoever breaks the rules or does not follow the requirements under Section 6 or Section 8 shall be liable to a punishment of a term of imprisonment not exceeding 1 year, or a fine up to but not over 20,000 baht, or both.

Section 20: Whosoever breaks the rules or does not follow the requirements under Section 7 will receive punishment of a fine up to but not over 2,000 baht.

Section 21: Whosoever breaks the rules or does not follow the requirements under Section 10 will receive punishment of a fine up to but not over 5,000 baht.

Section 22: Whosoever breaks the rules or does not follow the requirements under Section 11, Paragraph 1 or Section 12 will receive punishment of a fine up to but not over 1,000 baht.

Section 23: The Ministry of Agriculture and Cooperatives shall be in charge of this Act and responsible for the execution of this Act, and shall have the power to appoint Registrars and competent officials for implementation of this Act and to enforce the rules according to the Ministerial Regulations and any another activity that is in accordance with this act.

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

Countersigned by

Lieutenant Colonel Thansin Chinnawat

Prime Minister

REMARKS: The reason for the proclamation of this Act at the present time is for the conservation of, and to maintain, the current Forest resources, especially through the prevention and suppression of illegal deforestation carried out through use of a chain saw, which is widely used to cut wood and saw timber. Although measures have already established laws in The Kingdom, there is smuggling of chain saws into The Kingdom for use in deforestation, necessitating a law to control the illegal chain saw possession and importation into the Kingdom. This Act will increase measures to prevent and combat deforestation and encroachment of state policy, while in the meantime not hindering occupations that require use of a chain saw in good faith. It is therefore necessary to enact this Act.