



# DISASTER PREVENTION AND MITIGATION ACT

B. E. 2550 [2007]



DEPARTMENT OF DISASTER PREVENTION AND MITIGATION

MINISTRY OF INTERIOR

DISASTER PREVENTION AND MITIGATION ACT  
B. E. 2550 [2007]

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**BHUMIPOL ADULYADEJ, REX :**

Given on the 28th Day of August, B. E. 2550  
Being the 62nd Year of the Present Reign

His Majesty the King Bhumipol Adulyadej is graciously pleased to proclaim that :  
Whereas it is expedient to have the law on disaster prevention and mitigation.

Be it, therefore, enacted by the King, by and with the advice and consent of the National legislative Assembly therein ;

Section 1 This Act is called “Disaster Prevention and Mitigation Act, B. E. 2550”.

Section 2 This Act shall come into force within the expiration of sixty days as from the day of its publication in the Royal Gazette henceforth.

Section 3 The Acts therein, shall be abolished ;

(1) Civil Defense Act B. E. 2522 [1979]

(2) Fire Prevention and Suppression Act B. E. 2542 [1999]

Section 4 Herein this Act

“Disaster” means fire, storm, flood, drought, human epidemic, animal epidemic, aquatic animal epidemic, and plant epidemic; including other hazards which affect the public, be it, induced by nature or human, accidents or any other event which is harmful to a life, a body of the people or inflicts the damage on a property of a people or of a State, and shall as well as mean air threat and sabotage.

“Air Threat” means peril induced by air raid.

“Sabotage” means any deliberate act aims at destroying a property of a people or of a State or the public utility facilities or at disrupting, impeding and delaying the functioning system, including causing bodily harm unto a person which shall trigger the national political, economic and social agitation with an intent to damage the stability of a State.

“State Agency” means any government agency, public enterprise, public corporations, and other agency of the State, but shall not includingly mean a local administrative organization.

“Local Administrative Organization” means tambon<sup>1</sup> administrative organization, municipality, provincial administrative organization, Pattaya City, Bangkok Metropolitan Administration and other local administrative organization established by the particular law.

“Local Administrative Organization of Specified Locality” means tambon administrative organization. municipality, Pattaya City and other local administrative organization established by the particular law, but shall not includingly mean provincial administrative organization and Bangkok Metropolitan Administration.

“Province” means any province throughout the kingdom except Bangkok Metropolitan Administration.

“District” means any district including sub – district throughout the kingdom, except a district Bangkok Metropolitan Administration boundaries.

“District Chief” means any government official appointed as a chief of the respective district, and shall includingly mean district clerk whom appointed as sub – district chief.

“Local Administrator” means a chairman of tambon administrative organization, a municipality mayor, Pattaya City mayor, and other chief executive of a local administrative organization of specified locality.

“Commander” means the National Disaster Prevention and Mitigation Commander.

“Director” means the Central Director, the Provincial Director, the District Director, the Local Director, and the Bangkok Metropolitan Administration Director.

“Official” means a person whom appointed to perform the duties on disaster prevention and mitigation operation in various area conformingly with this Act.

“Volunteer” means any civil defense volunteer under this Act.

“Director General” means a director general of Department of Disaster Prevention and Mitigation.

“Minister” means a minister who shall administer this Act.

Section 5 The minister of Minister of Interior shall be entitled to administer this Act and shall have the power to enact ministerial regulation, rule, regulation and notification for the purpose of the execution in accordance to this Act.

Such ministerial regulation shall come into force after its publication in the Royal Gazette.

## **CHAPTER 1**

### **General Provision**

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Section 6 There shall be the National Disaster Prevention and Mitigation Committee acronymically called “NDPMC” of which the members comprise ; the Prime Minister or the Deputy Prime Minister whom the Prime Minister entrusted as a chairman, a minister of Minister of Interior as the first vice chairman, a permanent secretary for Ministry of Interior as the second vice chairman, a permanent secretary for Ministry of Defense, a permanent secretary for Ministry of Social Development and Human Security, a permanent secretary for Ministry of Agriculture and Cooperatives, a permanent secretary for Ministry of Transport, a permanent secretary for Ministry of Natural Resources and Environment, a permanent secretary for Ministry of Information

and Communication Technology, a permanent secretary for Ministry of Public Health, a director general of the Bureau of Budget, a commissioner general of Royal Thai Police, a supreme commander, a commander in chief of Royal Thai Army, a commander in chief of Royal Thai Navy, a commander in chief of Royal Thai Air Force, a director general of National Security Council and not more than five qualified persons in the fields of town planning and disaster prevention and mitigation whom shall be appointed as committees by the Cabinet.

A director general shall be committee and secretariat, and shall appoint not more than two government officials of Department of Disaster Prevention and Mitigation as the assistant secretariats.

Section 7 The NDPMC shall have the power and the duties therein ;

- (1) identifies the policy for the formulation of the National Disaster Prevention and Mitigation Plan ;
- (2) contemplates to approve the National Disaster Prevention and Mitigation Plan under Section 11 (1) prior to submitting to the Cabinet ;
- (3) integrates the development of disaster prevention and mitigation system among the relevant State agency, local administrative organization and private sector for efficiency ;
- (4) provides an advice, a consultation and a support for the performance of the duties on disaster prevention and mitigation operation ;
- (5) stipulates a rule on remuneration, compensation, and expense due to the performance of duties on disaster prevention and mitigation operation ;
- (6) performs any other duties prescribed in this Act or in other law or as entrusted by the Cabinet ;

In performing the tasks conformingly with paragraph one, NDPMC may appoint a sub – committee to perform any duties on behalf or as NDPMC shall entrust. All this, the provision under Section 10 shall be applied to the procedure for the meeting of the sub – committee *mutatis mutandis*.

For the useful purpose of performing the tasks conformingly the power and the duties under paragraph one, NDPMC may summon the relevant State agency, local administrative organization or a private sector agency to clarify or to provide the data.

Section 8 The qualified member of NDPMC shall hold the office for the term of four years.

In case where the qualified member shall vacate the office prior to the expiration of the term or in case where the Cabinet shall appoint the additional qualified member whilst the term of holding the office of the existing appointed qualified member still remains, the newly appointed qualified member shall replace the vacancy or shall be the additional qualified member, and shall hold the office for the equivalent remaining term in office of the existing appointed qualified member.

In case when the term in office under paragraph one shall expire, if the appointment of the new qualified member still remains undone, the outgoing qualified

members due to the expiration of the term in office shall remain in office to perform the duties thitherto the appointment of the new qualified member shall be conducted.

The qualified member whose term in office expired, may be re - appointed, all this, may not serve for more than two consecutive terms.

Section 9 Other than vacating the term in office upon the expiration of the term under Section 8, the term in office of the qualified member shall be terminated upon ;

- (1) death ;
- (2) resignation by tendering the letter of resignation to a chairman of the committee ;
- (3) being dismissed by the Cabinet ;
- (4) being a bankrupt ;
- (5) being an incapacitated person or a quasi – incapacitated person ;
- (6) being imprisoned by the final judgment except for an offence committed through negligence or a petty offence.

Section 10 The meeting of NDPMC shall require a presence of not less than one – half of total number of the members to constitute a meeting quorum.

At any meeting, if the chairman shall not present at the meeting or shall be unable to perform the duties, the first vice chairman shall assume the chairmanship of the meeting, if the first vice chairman shall not present at meeting or shall be unable to perform the duties, the second vice chairman shall assume the chairmanship of the meeting. If the chairman and both of vice chairmen shall not present at the meeting or shall be unable to perform the duties, the committees attending the meeting shall elect one of the aforesaid committees to preside over such meeting.

A decision of the meeting shall be judged by a majority vote. Each committee shall have one vote to cast. If there shall be an equality of votes, the person presides over the meeting shall have additional vote as the casting vote.

Section 11 Department of Disaster Prevention and Mitigation shall be the central State agency in performing the tasks on disaster prevention and mitigation operation of the country and shall have the power and the duties therein :

- (1) formulates and proposes the National Disaster Prevention and Mitigation Plan to NDPMC for furtherly pursuing the approval of the Cabinet ;
- (2) organizes the research to acquire the measures for the efficient disaster prevention and mitigation operation ;
- (3) perform, coordinates the performance, provides the support and assistance to a State agency, a local administrative organization, and an agency of the private sector on disaster prevention and mitigation operation, and provides the preliminary relief to the person affected by a disaster, a harmful menace or the person damaged by a disaster;
- (4) provides an advice, a consultation, and a training on disaster prevention and mitigation operation to a State agency, a local administrative organization, and an agency of the private sector;

(5) follows up, inspects, and evaluates the performance conformingly with the Disaster Prevention and Mitigation Plan; of each level;

(6) performs any other duties as prescribed under this Act or under other law or as the Commander, the Prime Minister, NDPMC or the Cabinet entrusted.

Upon the approval of the National Disaster Prevention and Mitigation Plan under (1) by the Cabinet, the relevant State agency and local administrative organization shall execute such plan conformingly.

In formulating the National Disaster Prevention and Mitigation Plan under (1) Department of Disaster Prevention and Mitigation shall convene the relevant State agency and the representative form each type of a local administrative organization for consultation and formulation of the aforesaid plan, all this, the agency of the private sector may be convened to provide data or an opinion for consideration in formulating the aforesaid plan.

For the useful purpose of performing the duties under (3), (4), (5), and (6), Department of Disaster Prevention and Mitigation may as necessity establish Disaster Prevention and Mitigation Regional Center in the certain provinces to perform the tasks in those respective provinces and in other nearby provinces; and may establish Disaster Prevention and Mitigation Provincial Office to oversee and support the performance of disaster prevention and mitigation operation within the respective province or as the Provincial Director entrusted.

Section 12 The National Disaster Prevention and Mitigation Plan under Section 11 (1) shall at least include the substantial essence therein;

(1) a guideline, a measure and a budget which are essential requirement for the systematic and continuous disaster prevention and mitigation operation;

(2) a guideline and a procedure for providing the assistance and for mitigating the present and the long – term misery when a disaster occurred, including a guideline and a procedure for evacuating the people, a State agency and a local administrative organization; for providing the relief to the disaster affected person, public health care and for the solution of the telecommunication and the public utility problems;

(3) a State agency and a local administrative organization which shall be responsible for the performance under (1) and (2) and a procedure for acquiring a budget for the aforesaid performance;

(4) a guideline for preparedness of personnel, device and appliance, and for the systematization of disaster prevention and mitigation operation including for training the personnel and the people;

(5) a guideline for repairing, rehabilitating, recovering, and for providing the assistance to the people when a disaster subsided.

The stipulation of the essence under paragraph one must be in consistency with and must include the different types of disaster. This may be identified accordingly to the prioritized requirement in terms of intensity and risk levels of such disasters. And in case there shall be necessity to amend or improve the relevant law, rule, regulation or resolution of the Cabinet, all this, must be stipulated in the National Disaster Prevention and Mitigation Plan.

Section 13 A minister shall be the Commander and shall have the power to control and oversee the disaster prevention and mitigation operation throughout the kingdom to ensure the conformity with the National Disaster Prevention and Mitigation Plan and this Act. In this regard, the aforesaid minister shall be empowered to command and to order the Director, the Deputy Director, the Assistant Director, the official and the volunteer throughout the kingdom.

A permanent secretary for Ministry of Interior shall be the Deputy Commander and shall perform the duties to assist the Commander on the disaster prevention and mitigation operation and other duties as entrusted by the Commander, and shall be empowered to command and order accordingly to paragraph one next below the Commander.

Section 14 A director general shall be the central Director and shall perform the duties on the disaster prevention and mitigation operation throughout the kingdom, and shall have the power to control and regulate the performance of the duties of the Deputy Director, the Assistant Director, the official and the volunteer throughout the kingdom.

Section 15 A provincial governor shall be the Provincial Director and be responsible for disaster prevention and mitigation operation within the respective provincial boundaries. The Provincial Director shall have the power and the duties therein ;

(1) formulates the Provincial Disaster Prevention and Mitigation Plan which must be compatible with the National Disaster Prevention and Mitigation Plan;

(2) oversees a volunteer training of a local administrative organization;

(3) oversees that a local administrative organization proceed to acquire material, device, appliance, vehicle and other item to be used for disaster prevention and mitigation operation as stipulated in the Provincial Disaster Prevention and Mitigation Plan;

(4) proceeds to secure that a State agency and a local administrative organization provide the preliminary relief to the disaster affected person or the person affected by the harmful menace or damaged by a disaster, including keeping peace and order and performing any task on disaster prevention and mitigation operation

(5) supports and provides an assistance to a local administration organization on disaster prevention and mitigation operation;

(6) perform any other duties as entrusted by the Commander and the Central Director.

For the useful purpose of performing the duties under (3), (4) and (5), the Provincial Director shall be empowered to command a State agency and a local administrative organization located in the respective provincial boundaries to activate the disaster prevention and mitigation operation conformingly with the Provincial Disaster Prevention and Mitigation Plan; and shall have the power to command, control and oversee the performance of the duties of the official and the volunteer be in conformity with this Act.

Section 16 The Provincial Disaster Prevention and Mitigation Plan under Section 15 (1) shall at least include the substantial essence under Section 12 and other substantial essence therein :

(1) an establishment of the Ad hoc Operation Center when a disaster occurs in which, encompassing the structure and the person who shall have the power to command various aspects of disaster prevention and mitigation operation;

(2) a plan and a procedure for a local administrative organization to acquire material, device, appliance, and vehicle to be used for disaster prevention and mitigation operation;

(3) a plan and a procedure for a local administrative organization to provide the alarming signal or other items to be used for notifying the people of an occurrence of a disaster or its imminence to occur;

(4) the Disaster Prevention and Mitigation Action Plan of a local administrative organization;

(5) a coordination plan with a charitable organization.

Section 17 In formulating the Provincial Disaster Prevention and Mitigation Plan, the provincial governor shall appoint a set of committee of which comprises :

(1) a provincial governor as a chairman;

(2) a deputy provincial governor whom entrusted by a provincial governor as a vice chairman;

(3) a commander of Army Circle or a commander of Provincial Army Base as a vice chairman;

(4) a chairman of a provincial administrative organization as a vice chairman;

(5) other members of the committee shall include the persons therein :

(a) the representative from a State agency of whom holding office within the provincial boundaries in a number the provincial governor shall deem appropriate to appoint;

(b) seven representatives from a local administrative organization of specified locality of whom comprise two representatives from a municipality and five representatives from a tambon administrative organization;

(c) the representatives from a charitable organization within the respective province in a number which a provincial governor shall deem appropriate to appoint;

(d) a chief of Disaster Prevention and Mitigation Provincial Office or the representative from Department of Disaster Prevention and Mitigation as a committee and secretariat.

In case there shall be the higher educational institutions located in the respective province, the executive of such higher educational institutions shall be considered for the appointment as an advisor in the number which a provincial governor shall deem appropriate.

The committee under paragraph one shall perform the duties on formulating the Provincial Disaster Prevention and Mitigation Plan to submit to a provincial governor



for further promulgation.

A performance of the tasks and a conduct of the meeting of the committee under paragraph one shall be in conformity with the procedure stipulated by a provincial governor.

In case where Department of Disaster Prevention and Mitigation shall be of opinion that the Provincial Disaster Prevention and Mitigation Plan be inconsistent with the National Disaster Prevention and Mitigation Plan, a provincial governor shall be informed to conclude the rectification within thirty days as from the day being informed.

Section 18 A chairman of a provincial administrative organization shall be the Deputy Provincial Director, and shall perform the duties to assist the Provincial Director on disaster prevention and mitigation operation and other duties as the Provincial Director entrusted.

Section 19 A district chief shall be the District Director be responsible for and shall perform the duties on disaster prevention and mitigation operation within the respective district boundaries and shall assist the Provincial director as entrusted.

In the performance of the duties under paragraph one, the District Director shall be empowered to command the relevant State agency and local administrative organization located within the district boundaries to activate disaster prevention and mitigation operation as stipulated in the Provincial Prevention and Mitigation Plan, and shall have the power to command, control, and oversee the performance of the duties of the official and the volunteer be in conformity with this Act.

Section 20 A local administrative organization of specified locality shall perform the duties on disaster prevention and mitigation operation within the respective local boundaries, under the responsibility of an executive of such local administrative organization of specified locality whom appointed as the Local Director. In addition, the Local Director shall perform the duties to assist the Provincial Director and the District Director as entrusted.

In performing the duties under paragraph one, the Local Director shall be empowered to command, control, and oversee the performance of the duties of the official and the volunteer be in conformity with this Act.

A local administrative organization clerk of the respective local administrative organization of specified locality shall be the Assistant Local Director who shall be responsible for and to perform the duties on disaster prevention and mitigation operation within the respective local boundaries and shall assist the Local Director as entrusted.

## CHAPTER 2

### Disaster Prevention and Mitigation

Section 21 When a disaster occurs or be imminent to occur in any local administrative organization of specified locality, the Local Director of the respective local administration of specified locality shall be obliged to activate the disaster prevention and mitigation operation instantly, and shall inform the District Director of whom aforesaid locality falls under responsibility and the Provincial Director forthwith.

In the performance of the duties under paragraph one, the Local Director shall have the power and duties therein :

(1) orders the civil servant, the local official, the official of a State agency, the official, the volunteer and any person within the jurisdiction of the disaster stricken local administrative organization of specified locality to perform any tasks as necessity or disaster prevention and mitigation operation;

(2) makes use of a building, place, material, device, appliance, and vehicle of a State agency and of a private sector existing within the jurisdiction of the disaster stricken local administrative organization of specified locality as necessity for the disaster prevention and mitigation operation;

(3) makes use of telecommunication appliance and every communication system of a State of a private sector existing within the disaster stricken local administrative organization of specified locality or existing within the other local area affiliated;

(4) requests an assistance from other local administrative organization for disaster prevention and mitigation operation;

(5) issues an order to prohibit the entry into or to leave the designated area, building or place;

(6) provides the relief to the disaster affected person thoroughly and rapidly.

Section 22 When there shall be the event under Section (21) the District Director and the Provincial Director shall have the power and the duties as the Local Director, whereas the District Director shall command an operation within the respective district jurisdiction, whilst the Provincial Director shall command an operation within the provincial jurisdiction as the case may be.

In case where the Local Director shall deem as necessity to receive an assistance from the State official or from a State agency located outside the jurisdiction of the respective local administrative organization of specified locality, the aforesaid Local Director shall inform the District Director or the Provincial Director for furtherly immediate command as the case may be.

In the case there shall be necessity for the useful purpose of disaster prevention and mitigation operation, the Provincial Director may order a State agency, a local administrative, the State official or any person to do a particular act on refraining there

from which shall have an impact on the disaster prevention and mitigation operation. Such order shall come into force for the time – limit as prescribed in the order but shall not exceed twenty – four hours. In case there shall be necessity where such order be effective exceeding twenty – four hours, the Commander shall be empowered to issue the order as necessity but shall not exceed the time – limit of seven days.

In case of the area where a disaster occurs or be imminent to occur under paragraph one falls under the responsibility of several Local Directors, anyone of them shall exert the power or shall perform the duties under Section 21 thenceforth, then shall inform other Local Directors forthwith.

Section 23 When a disaster occurs within the jurisdiction of any local administrative organization of specified locality, the duty shall fall upon the Local Director whose area adjoining or adjacent to, to support the disaster prevention and mitigation operation of the disaster stricken local administrative organization of specified locality.

Section 24 When a disaster occurs, the official who confronts a disaster shall be obliged to activate the preliminary proceeding to suppress such disaster, and immediately reports the Local Director of whom such area falls under responsibility for further commanding. And in case where there shall be the inevitable necessity, the official shall be empowered to do any acts for the purpose of protecting the life of a person or preventing a person from any harmful menace.

Section 25 In case of the occurrence of a disaster and it's harmful menace is approaching, the Director shall have the power to order the official to modify, destroy or remove a structure, a material or a property of any person which shall obstruct the contending with and warding off the harmful menace, all this, as much as necessary for the purpose of suppressing or redressing the damage that shall be induced by such disaster.

The provision under paragraph one shall be applied to the case where there shall be necessity to do any acts for the purpose of securing the safety of the community at large from any threat *mutatis mutandis*.

In case where a modification, a destruction or a removal of a structure, a material or a property shall have the subsequent effect to induce a disaster in the other jurisdiction or to cause the dilated damage to other jurisdiction, the Local Director must not exerting the power under paragraph one or paragraph two, except upon the approval of the Provincial director.

Section 26 In case when there shall be necessity for the official to enter a building or a place adjacent to the disaster stricken area for the purpose of disaster prevention and mitigation operation, such act must be done upon the permission of the owner or of the occupier of a building or a place. Except in the case where the owner or the occupier be absent in the mean time or in case whilst being under the supervision of the Director, such act can be done even though the owner or the occupier shall not yet grant the permission.

In case where the property keeping inside a building or a place under paragraph one shall easily induce a disaster, the official shall be empowered to order the owner or the occupier to move such property out of a building or out of a place.

In case where the owner or the occupier shall not conform with the order of the official under paragraph two, the official shall be empowered to move such property as necessity for the purpose of performing the disaster prevention and mitigation operation, and the official shall bear no liability for all the subsequent damage resulted from the aforesaid act.

Section 27 In mitigating a disaster, the Director and the official whom entrusted by the Director shall have the power to exert and the duties to perform therein :

(1) provide the temporary place for the disaster affected person to shelter, to receive the first aid service and for keeping a property of the disaster affected person;

(2) organize the temporary traffic system in the disaster stricken area and in the adjacent area for the useful purpose of disaster prevention and mitigation operation;

(3) keep off the unauthorized person trespassing the disaster stricken and the adjacent areas;

(4) provide the security measure to keep peace and order and to prevent the act of theft.

(5) Support the disaster affected person and assist in moving a property from the disaster stricken and the adjacent areas upon the request of the owner or of the occupier.

The Director or the official whom entrusted by the Director may arrange a mark or a signal to be used in signifying a place or any performance of the duties under paragraph one.

In performing the duties conformingly under (2), (3), (4), and (5), the Director or the official shall perform by himself or by herself, or may entrust the administrative or police official within the area to perform on behalf or to assist in performing. And in a case under (5) the Director or the official may entrust a charitable organization to perform on behalf or to assist in performing.

Section 28 When a disaster occurs or is imminent to occur in any area and the residing of any person in such area shall induce the harmful menace or shall obstruct the performance of the duties of the official; the Commander, the Deputy commander, the Director, and the official whom entrusted shall have the power to order the person whom present in such area to leave the aforesaid area, all this, as necessary for the purpose of disaster prevention and mitigation operation.

Section 29 When a disaster occurs or is imminent to occur in any area, and the dwelling and the conducting of any activity in such area shall be gravely dangerous, the Commander, the Deputy Commander, the Central Director, the Provincial Director, the District Director, and the Local Director whom upon the approval of the District Director may notify to prohibit any person to reside or to conduct any activity in such area. The aforesaid notification must stipulate the time – limit of the prohibition and must designate the area under prohibition as necessary.

Section 30 The Director of whom the area affected by a disaster falls under responsibility shall be obliged to survey the subsequent damage and prepare the name list of the disaster affected person and the damaged property as the evidence along with issuing the credentials to the disaster affected person to be used for the verification in receiving the relief and recovery service.

The credentials under paragraph one must include the detail of the relief and recovery service which the disaster affected person shall be entitled to receive from the government agency, along with the detail of the government agency which provides the relief and recovery service and the address of such government agency, all this in the format stipulated by a director general.

For all of the official documents belonging to the disaster affected person which were lost or damaged due to the occurrence of a disaster, when the disaster affected person request the disaster stricken local administrative organization of specified locality or the one at the disaster affected person's domicile, such local administrative of specified locality shall be obliged to notify the relevant the State agency and the local administrative organization; and such relevant State agency and local administrative organization shall be obliged to renew the aforesaid official documents accordingly to the existing evidence in possession of the respective agency, and shall deliver to the disaster affected person or via the notified local administrative organization of specified locality. All this, the disaster affected person shall be waived from paying the fee or service charge albeit there shall be the law concerning the renewal of such official documents prescribed the payment of the fee or service charge.

In case where the disaster affected person or the owner or the occupier of a property shall request for the evidence for the purpose of receiving the relief or any other service, the Director whom responsible for the respective area shall be obliged to issue the credentials accordingly to the regulation prescribed by Ministry of Interior.

Section 31 In case where the extreme large – scale disaster occurs, the Prime Minister or the Deputy Prime Minister whom entrusted by the Prime Minister shall have the power to command the Commander, the Director, a State agency, and a local administrative organization to perform any tasks for the purpose of disaster prevention and mitigation operation, including to provide an assistance to the people in the designated area, and shall be empowered as the Commander under Section 13 and as the Director under Section 21, and shall have the power to oversee and control the performance of duties of the Commander, the Deputy Commander, the Director, the Deputy Director, and the official as prescribed under Section 25, Section 28 and under Section 29 as well.

Any State official whom shall not perform conformingly to the order of the Prime Minister or of the Deputy Prime Minister whom entrusted by the Prime Minister, shall be considered as the malfeasance or the grave breach of the discipline as the case may be.

## CHAPTER 3

### Disaster Prevention and Mitigation in Bangkok Metropolitan Administration Jurisdiction

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Section 32 The Bangkok Metropolitan Administration governor shall be the Bangkok Metropolitan Administration Director whose responsibility is to activate the disaster prevention and mitigation operation within the jurisdiction of Bangkok Metropolitan Administration, and shall have the power and the duties therein :

(1) formulates the Bangkok Metropolitan Administration Disaster Prevention and Mitigation Plan which shall be consistent with the National Disaster Prevention and Mitigation Plan;

(2) oversees the volunteer training of Bangkok Metropolitan Administration;

(3) acquires material, device, appliance, vehicle and other item to be used for the disaster prevention and mitigation operation as stipulated in the Bangkok Metropolitan Administration Disaster Prevention and Mitigation Plan;

(4) proceeds to provide the preliminary relief to the disaster affected person; the person affected by harmful menace, or the person damaged by a disaster, including keeping peace and order, and performing any task on disaster prevention and mitigation operation;

(5) provides the support and assistance to the adjoining or adjacent local administrative organization on disaster prevention and mitigation operation;

(6) perform other duties as entrusted by the Commander or the Central Director.

For the useful purpose of the performance of the duties under (3), (4), and (5), the Bangkok Metropolitan Administration Director shall be empower to command a district and a division of Bangkok Metropolitan Administration, including to coordinate with the relevant State agency and local administrative organization on disaster prevention and mitigation operation be in conformity with the Bangkok Metropolitan Administration Disaster Prevention and Mitigation Plan; and shall have the power to command, control, and to oversee the performance of the duties of Bangkok Metropolitan Administration official and volunteer be in conformity with this Act.

Section 33 The Bangkok Metropolitan Administration Disaster Prevention and Mitigation Plan under Section 32 (1) shall at least include the substantial essence under Section 12 and other substantial essence therein :

(1) an establishment of the Ad hoc Operation Center when a disaster occurs, in which including the structure and the person who shall have the empower to command the various aspects of disaster prevention and mitigation operation;

(2) a plan and a procedure for acquiring material, device, appliance, and vehicle to be used in disaster prevention and mitigation operation;

(3) a plan and procedure for acquiring the alarming signal or any other items to be used in notifying the people of the occurrence or the imminence to occur of a disaster

(4) the Bangkok Metropolitan Administration Disaster Prevention and Mitigation Action Plan;

(5) coordination plan with a charitable organization in Bangkok Metropolitan Administration jurisdiction.

Section 34 In formulating the Bangkok Metropolitan Administration Disaster Prevention and Mitigation Plan, a Bangkok Metropolitan Administration governor shall appoint a set of committee of which comprises :

(1) a Bangkok Metropolitan Administration governor as a chairman;

(2) a Bangkok Metropolitan Administration clerk as a vice – chairman;

(3) other members of the committee shall comprise :

(a) the representative from a district or division under Bangkok Metropolitan Administration in the number which a Bangkok Metropolitan Administration governor shall deem appropriate to appoint;

(b) the representative from Department of Disaster Prevention and Mitigation;

(c) the representative from a charitable organization within Bangkok Metropolitan Administration jurisdiction in the number which a Bangkok Metropolitan Administration governor shall deem appropriate to appoint;

(d) the representative from a community within Bangkok Metropolitan Administration in the number which a Bangkok Metropolitan governor shall deem appropriate to appoint.

The representative from Ministry of Defense and the representative from the higher educational institution shall be appointed as an advisor or as a committee in the number which a Bangkok Metropolitan Administration governor shall deem appropriate.

A committee under paragraph one shall perform the duties on formulating the Bangkok Metropolitan Administration Disaster Prevention and Mitigation Plan to submit to a Bangkok Metropolitan Administration governor for further promulgation.

A performance of the duties and the procedure of meeting of the committee shall be as stipulated by Bangkok Metropolitan Administration governor.

Section 35 A permanent secretary for Bangkok Metropolitan Administration shall be Bangkok Metropolitan Administration Deputy Director and shall perform the duties to assist the Bangkok Metropolitan Administration Director on disaster prevention and mitigation operation, and shall perform other duties as entrusted by the Bangkok Metropolitan Administration Director. And the provision in paragraph two of Section 32 shall be applied to the performance of the duties of the Bangkok Metropolitan Administration Deputy Director *mutatis mutandis*.

The responsibility and the power and duties of Bangkok Metropolitan Administration as the Bangkok Metropolitan Deputy Director under paragraph one, a permanent secretary for Bangkok Metropolitan Administration may entrust a deputy permanent secretary for Bangkok Metropolitan Administration to assist.

Section 36 A director of each district of Bangkok Metropolitan Administration shall be the Bangkok Metropolitan Administration Assistant Director whom shall be responsible for and to perform the duties on disaster prevention and mitigation

operation within respective district, and shall perform the duties to assist the Bangkok Metropolitan Administration Director as entrusted.

In performing the duties of the Bangkok Metropolitan Administration Assistant Director under paragraph one, the Bangkok Metropolitan Administration Assistant Director shall be empowered to command a division and an agency of Bangkok Metropolitan Administration within the respective district to provide the assistance or to cooperate in disaster prevention and mitigation operation in conformity with the Bangkok Metropolitan Administration Disaster Prevention and Mitigation Plan, and shall have the power to command, control, and to oversee the performance of the duties of the official and the volunteer of Bangkok Metropolitan Administration to be in conformity with this Act.

A responsibility and the power and duties of a district director as the Bangkok Metropolitan Administration Assistant Director under paragraph one and paragraph two, a district director may entrust an assistant district director to assist.

Section 37 When a disaster occurs or be imminent to occur in Bangkok Metropolitan to jurisdiction, the Bangkok Metropolitan Administration Assistance Director shall have duty to carry out disaster prevention and mitigation operation rapidly, and shall be obliged to notify the Bangkok Metropolitan Director and Bangkok Metropolitan Administration Deputy Director immediately

The provisions under Section 21, paragraph one; Section 22, paragraph three and four; Section 24, Section 25, Section 26, Section 27, Section 28, Section 29, and Section 30 shall be applied to the disaster prevention and mitigation operation within Bangkok Metropolitan Administration jurisdiction mutatis mutandis.

Section 38 In case of necessity to receive the assistance from any State official or any State agency in operating the prevention and the mitigation a disaster occurs within Bangkok Metropolitan Administration jurisdiction, the Bangkok Metropolitan Administration Director shall notify such State official or a State Agency. And upon the notification, such State official or State agency as the case may be, shall be obliged to provide the assistance to prevent and mitigate a disaster which occurs in Bangkok Metropolitan Administration jurisdiction as being notified forthwith.

## **CHAPTER 4**

### **The Official and the Volunteer**

Section 39 The Director shall be empowered to appoint the official to perform the duties therein :

(1) the Central Director shall have the power to appoint the official to perform the duties throughout the kingdom;



(2) the Provincial Director shall have the power to appoint the official to perform the duties within the provincial jurisdiction;

(3) the District Director shall have the power to appoint the official to perform the duties within the district jurisdiction;

(4) the Local Director shall have the power to appoint the official to perform the duties within the jurisdiction of a local administrative organization of specified locality;

(5) the Bangkok Metropolitan Administration Director shall have the power to appoint the official to perform the duties within Bangkok Metropolitan Administration jurisdiction.

A rule for the appointment and the performance of the duties of the official shall be in conformity with the regulation prescribed by Ministry of Interior.

Section 40 In case where the Director or the official shall find any building or place be in the condition that may easily induce a disaster or there shall be any material or object in any building or place may induce a disaster, the Director or the official shall notify the lawful official concerned for further inspection conformingly to the prescribed power and duties.

Section 41 The Director shall organize the volunteer corps within the area under responsibility to perform the duties therein :

(1) provide the assistance to the official on disaster prevention and mitigation operation;

(2) perform any other duties as entrusted by the Director and in conformity with the rule prescribed by Ministry of Interior.

The management and overseeing the volunteer, a recruitment, a training, a right and duty, and a discipline of the volunteer shall be in conformity with the regulation prescribed by Ministry of Interior.

Section 42 In case where any charitable organization or any person shall approach to assist the official in performing the duties whilst a disaster occurs, the Director or the official whom entrusted by the Director shall be empowered to assign the tasks which or arrange the place where the aforesaid charitable organization or person be able to perform and to provide the assistance as deemed appropriate.

For the purpose of the efficiency of the assistance proceeding or the disaster mitigating, the Director shall notify a charitable organization of which or the person whose objective in providing the assistance to the disaster affected person within the area of responsibility about the operational guideline conformingly to the Provincial Disaster Prevention and Mitigation Plan or the Bangkok Metropolitan Disaster Prevention and Mitigation Plan, and as well as the coordinating procedure for the performance of the duties.

## CHAPTER 5

### Miscellaneous

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Section 43 The Commander, the Deputy Commander, the Director, the Deputy Director, the Assistant Director, and the official who shall perform the work conformingly with the prescribed duties on disaster prevention and mitigation operation under this Act, shall be entitled as the official under the Criminal Code. And in performing the aforesaid tasks conformingly to the prescribed duties, if the performance shall be in compliance with virtue of the power and the duties and reasonable, and without gross negligence, such performer shall be acquitted from all the offence and liability.

In the performance under paragraph one, in case there shall be the subsequent damage to the property of those who shall not be the recipient of the benefit from the alleviation of the harmful menace from such disaster, the government service shall compensate for the damage occurred to such person conformingly with the rule and the procedure prescribed in the ministerial regulation.

Section 44 In case where the fact relevant to a disaster or to disaster prevention and mitigation operation which stipulated in various plans under this Act, have changed or the aforesaid plans have already been used for five years, a person responsible for formulating the plan shall be obliged to improve or revise the plan under the responsibility forthwith.

Section 45 There shall be a uniform, an emblem, and an identify card for the official and the volunteer to identify themselves whilst performing the duties on disaster prevention and mitigation operation.

A uniform, an emblem and an identify card under paragraph one shall be in conformity with the design specified by the Ministry of Interior.

In case the Commander, the Deputy Commander, the Director or the Assistant Director shall desire to done a uniform, the aforesaid uniform must be in conformity with the design specified by the Ministry of Interior.

Section 46 A performance under Section 21, Section 22, Section 25, Section 28 or Section 29 within the military area or be concerning with the military affairs or personnel or the property of military service, shall be conducted conformingly with the written joint – agreement between the Provincial Director or the Bangkok Metropolitan Director and the military commandant of the relevant military domain, except the case of being under the command of the Prime Minister or the Deputy Prime Minister under Section 31.

Section 47 All of the fines under this Act shall be collected as the revenue of the local authority to be used as the expense on disaster prevention and mitigation operation of such local authority.

Section 48 The person who shall perform the duties on disaster prevention and mitigation operation, shall be prohibited from exploiting the official secret derived through such position for personal interest or exposing such secret incompetently under the law to other person in a way that may cause damage to other person or for conducting occupational activity of such person.

## CHAPTER 6

### Penalties

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Section 49 Any person who shall not conform the order or shall impede the performance of the duties of the Director under Section 21 shall be imprisoned for not more than three months or shall be fined not more than six thousand Baht or both.

Section 50 Any person who shall impede the performance of the official under Section 24 or shall impede the performance according to the order of the Director under Section 25 or shall impede the performance of the duties of the official under Section 26 paragraph three, shall be imprisoned for not more than one year or shall be fined not more than twenty – thousand Baht or both.

Section 51 Any person who shall enter the sealed - off area under Section 27 (3) without having lawful power and duties or not upon the order of the Director, shall be imprisoned for not more than three mouths or shall be fined not more than six thousand Baht or both.

In case where the offender under paragraph one shall be the owner or the occupier of a building or place located in the sealed – off area under Section 27 (3), the Director or the official whom entrusted by the Director may summon the aforesaid person for warning in stead of prosecuting.

Section 52 Any person who shall defy or shall not conform the order to evacuate from the area under Section 28, and if such evacuation order shall be issued for the purpose of preventing the obstruction of the performance of the duties on disaster prevention and mitigation operation or shall defy the order under Section 29, shall be imprisoned for not more than one month or shall be fined not more than two thousand Baht or both.

Section 53 Whilst a disaster occurs, any person who dons a uniform or adorns an insignia of the volunteer or of the charitable organization and enters the disaster stricken area to belie other person as the volunteer or the member of such charitable organization, ipso facto of not being as such, shall be imprisoned for not more than three months or shall be fined not more than six thousand Baht of both

Section 54 Any person who shall wrongfully collect contribution or seek for any other personal interest or for other person by professing as the volunteer, the official or as the person holding any other office in the disaster prevention and mitigation operation related agency or shall allege the name of disaster prevention and mitigation operation related agency in doing such wrongful act, shall be imprisoned for not more than one year or shall be fined not more than twenty thousand Baht or both.

Section 55 Any person who shall defy Section 48 shall be imprisoned for not more than six months or shall be fined not more than two thousand Baht or both.

### **Transitory Provision**

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Section 56 An agency of which or the person whose duties are to formulate the Disaster Prevention and Mitigation Plan prescribed under this Act shall proceed to complete the Disaster Prevention and Mitigation Plan under this Act within two years as from the day this Act shall come into force. The performance of duties on disaster prevention and mitigation operation whilst the aforesaid plan still be in due process, shall base on the relevant plan which still be effective prior to the day this Act shall come into force.

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

Section 58 All of ministerial regulation, rule, mandate, notification or order enacted under Civil Defense Act B. E. 2522 and Fire Prevention and Suppression Act B. E. 2542 which still being applied to enforce on the day this Act shall come into force, shall be furtherly applied to enforce as long as not being contradictory or inconsistent with this Act.

Countersigned by

General Surayuth Chulanont,  
Prime Minister of Thailand

**Remarks :** The reasons behind the promulgation of this Act lie in the fact that, due to the public administration reform under the “Government Ministry and Department Restructuring Act B. E. 2545”, Department of Disaster Prevention and Mitigation has been established as the government agency attached to the Ministry of Interior. Department of Disaster Prevention and Mitigation has been entrusted to shoulder the principal burden in preventing; mitigating and recovering a disaster and a harmful incident. As the consequence, all the tasks relevant to a disaster and a harmful incident which formerly performed by the defunct Civil Defence Division, Department of Local Administration (now Department of Provincial Administration), Ministry of interior and by the Office of National Safety Council of Thailand, The Office of Permanent Secretary for The Prime Minister Office, The Prime Minister Office respectively, have been merged and transferred to be under the unified government agency. In addition, the law on fire prevention and suppression has included the substantial essences and details on preventing and mitigating a fire, and the government agency which has been obliged to activate conformingly with the aforesaid law is the same government agency. So as to achieve the effective performance of the tasks and proceeding in the same direction as well as to induce the unity in directing and managing disaster prevention and mitigation operation, it is deemed and reasonable to consolidately prescribe the law on civil defense and the law on fire prevention ad suppression; Subsequently it is essential to enact this Act.

**: Translated by Mr. Suporn Ratananakin, Disaster Management Senior Expert,  
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