

นักร่างกฎหมาย

วันอังคารที่ 18 สิงหาคม พ.ศ. 2558

Translation: Thai Public Assembly Act of 2015 by Pakorn Nilprapunt

[Translation\[1\]](#)

PUBLIC ASSEMBLY ACT, B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX.

Given on the 9th Day of July 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 public assembly;

คลังบทความของบล็อก

▶ 2020 (10)

▶ 2019 (45)

▶ 2018 (50)

▶ 2017 (55)

▶ 2016 (30)

▼ 2015 (52)

▶ ธันวาคม (2)

▶ พฤศจิกายน (2)

▶ ตุลาคม (1)

▶ กันยายน (5)

▼ สิงหาคม (4)

ข้อมูลเพื่อประกอบการพัฒนาการศึกษา

ว่าด้วยยุทธศาสตร์ชาติ

Translation: Thai Public Assembly Act of 2015 by P...

วินัยชาติกับการปฏิรูปประเทศ

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 “Public Assembly Act, B.E. 2558”.

Section 2. This Act shall come into force at the expiration of thirty days as from the date of its publication in the Government Gazette.[2]

Section 3. This Act shall not apply to the following public assemblies:

- (1) assembly on the course of Royal Ceremony or State Ceremony;
- (2) assembly on the course of religious rituals, traditional activity or local culture;
- (3) assembly in entertainment, sport or tourism promotion event, or any other activity being held for commercial purpose of the promoter;
- (4) assembly within education institution;
- (5) assembly or public gathering under the provisions of law or academic meeting or seminar of any education institution or any agency for academic purpose;
- (6) public assembly while the State of Emergency is declared or while the Martial Law is applied and public assembly being held for the purpose of campaigning during an election period shall comply with the law related thereto.

Section 4. In this Act:

“Public assembly” means an assembly of individuals in public place so as to express their common petition, support, opposition or opinion on any matter to the public and any individual is able to attend such assembly freely irrespective of whether such assembly composing of public procession or marching;

“Public place” means a piece of land or a construction which is State’s property for public use or preserved for public utilization or which is not belong to

- ▶ กรกฎาคม (6)
- ▶ มิถุนายน (4)
- ▶ พฤษภาคม (3)
- ▶ เมษายน (14)
- ▶ มีนาคม (5)
- ▶ กุมภาพันธ์ (5)
- ▶ มกราคม (1)

▶ 2014 (44)

▶ 2013 (31)

▶ 2012 (20)

เกี่ยวกับฉัน

 **Pakorn Nilprapunt**

ดูโปรไฟล์ทั้งหมดของฉัน

State agency but being in possession of or used by State agency and the people is able to enter therein legally, including highway and public way;

“Highway” means the highway under the law on highway;

“Public way” means any way or waterway used by the public, including rail of any rail system used for public transportation;

“Promoter” means a person who causes to have public assembly, and includes a person who desires to promote public assembly and a person who actively encourages or begs another to attend public assembly by expressing or behaving any act to convince another that he is an promoter or co-promoter of that assembly;

“Participant” includes a promoter and a person participating public assembly irrespective of whether such person attends public assembly upon an encouragement or begging of the promoter;

“State agency” means a government agency, State enterprise, government organization, public organization, local administrative organization, Constitutional organization and other State agencies;

“Authority” means the chief of police station of the area where public assembly is to be held or any other person entrusted as authority under this Act;

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

Section 5. The Prime Minister shall have charge and control of the execution of this Act and shall have the power to issue the notification for the execution of this Act.

Such notification shall come into force upon its publication in the Government Gazette.

Chapter 1 General Provisions

Section 6. Public assembly shall be in peaceful manner and without arms.

The exercise of rights and liberties of a participant in any public assembly shall be subjected to the scope of rights and liberties as provided by the Constitution and law.

Section 7. No public assembly shall be held within the radius of one hundred and fifty meters from the boundary of the Grand Palace, Royal Palace, Royal Residence of the Heir to the Throne or of His or Her Royal Highness Prince or Princess, Royal Palace Up-Country or Royal Mansion or from the place where the King, the Queen, the Heir to the Throne or His or Her Royal Highness Prince or Princess stays or resides, or from the place of Royal Visitors.

No public assembly shall be held within the National Assembly, the Government House and the Courts; provided that, the specific place for public assembly is provided therein.

The Courts under paragraph two mean the Constitutional Court, the Court of Justice, the Administrative Court, the Military Court and other Courts established by law.

In case of necessary and for the maintenance of public safety and public order, the Commissioner General of the Royal Thai Police or his entrusted person shall, after having considered the numbers of participant and related circumstances of each public assembly, have the power to notify no public assembly zone within the radius of not exceeding fifty meters from the boundary of the places under paragraph two.

Section 8. No public assembly shall obstruct gateway of, impede the performance of duties of, or hinder access to service of, the followings:

- (1) State agencies' office;
- (2) airport, wharf, rail station or any other public transport station;
- (3) hospital, education institution and religious establishment;

- (4) embassy or consulate of foreign State or office of international organization;
- (5) other places as notified by the Minister.

Section 9. A State agency may provide specific place for public assembly.

The provision of the specific place for public assembly under this section is not prejudice to the liberty of the people to organize public assembly in any other public place.

The provisions of Chapter 2, Notification of Public Assembly, shall not apply to the public assembly held within the place under paragraph one.

Chapter 2

Notification of Public Assembly

Section 10. Whoever intends to cause to have public assembly shall notify the authority at least twenty four hours prior to begin that public assembly.

It shall be deemed that the person who encourages or begs another by any means to attend public assembly on specific date, time and place as well as the applicant for the use of public place or amplifier for public assembly or who requests for official facilitation for public assembly is a person who desires to cause to have public assembly under paragraph one.

The notification shall identify objective of, and date, time and place for, public assembly in accordance with the procedure notified by the Minister. Such procedure shall be facilitative and shall also be made via information technology.

Section 11. The authority shall, upon receiving of public assembly notification, send summary of public assembly under this Act to the person who

made that notification within twenty four hours as from the time he received that notification.

In the case where the authority is of opinion that such notification may be contrary to section 7 or section 8, he shall order the person who made that notification to act in compliance therewith within specific period.

If the person who made notification fails to comply with the order under paragraph two, the authority shall have the power to prohibit that public assembly and shall notify that person in writing.

If the person who made notification does not agree with the order of the authority under paragraph three, he shall appeal against such order to the superintendent of that authority. The superintendent shall in this case complete and notify his decision on such appeal to the appellant within twenty four hours. The decision on such appeal shall be final.[3]

If suspension order is given, no public assembly shall be held during an appeal procedure.

Section 12. If the person who intends to cause to have public assembly is unable to make notification within the period under section 10, he shall notify his intention together with an application for extension of such period to the Commander of police of Bangkok Metropolitan or Commander of police of each *Changwat*,[4] as the case may be, prior to begin that public assembly.

The provisions of section 10 paragraph three shall apply to the notification under paragraph one *mutatis mutandis*.

The Commander of police under paragraph one shall notify his order to the applicant for information within twenty four hours as from the time he receives the application.

Section 13. The authority under section 11 and the Commander of police under section 12 shall be the competent official under the Criminal Procedure Code.

Section 14. The public assembly held in violation of section 6 or without notification under section 10 or in contrary to the order of the authority under section 11 or after the applicant receives the written order of refusing the extension of the notification period under section 12 shall be deemed illegal public assembly.

Chapter 3

Duties of Promoter and Participant

Section 15. A promoter shall have the duties as follows:

- (1) overseeing and supervising public assembly to be in peaceful manner and without arms within the scope of the rights and liberties under the Constitution;
- (2) overseeing and supervising public assembly from being obstacle of the public in using of public place immoderately, and overseeing and supervising the participant to act in compliance with section 16;
- (3) making the participant known of his duties under section 16 as well as conditions or orders imposed by the surveillant officer;
- (4) providing cooperation with the surveillant officer for the accomplishment of (1) and (2);
- (5) refraining from encouraging, inciting or inducing participant to violate section 16;
- (6) not using amplifier for public speaking or for doing any activity during 24.00 hours to 06.00 hours;
- (7) not using electric amplifier with power or pitch as notified by the Commissioner General of the Royal Thai Police.

Section 16. A participant shall have the duties as follows:

- (1) not being obstructed the public from using of the public place where the public assembly is held or causing unreasonable inconvenience to any

person;

(2) not being dressed to conceal or camouflage himself from being identified intentionally; provided that, there is usual traditional dressing;

(3) not taking any weapon, firework, replica gun or anything that may be used as weapon into the place where public assembly held irrespective of whether he is licensed to bare such thing;

(4) not trespassing of, or damaging, destroying or causing unusable of, property of other persons;

(5) not placing any person in the state of fear of injury to his life, body, property or liberty;

(6) not committing any act of violence or threatening to cause injury to other participants or any other person;

(7) not obstructing or doing any act which may obstruct the performance of duties of the competent official in rendering facilitation to the public in using of the public place or in taking care of that public assembly;

(8) not conducting public precession or marching during 18.00 hours to 06.00 hours; provided that, permission granted by the surveillant officer;

(9) complying with the conditions imposed by, or order of, the surveillant officer.

Section 17. If no public procession or marching has been included in the public assembly notification, the public procession or marching may be conducted only if the notification thereon has been made to the chief of the police station who is responsible for that public assembly.

Section 18. A participant shall adjourn the public assembly within the period in which the promoter notified to the authority.

If the promoter desires to continue public assembly, he shall notify such extension to the authority within twenty four hours prior to the expiration of the period under paragraph one.

Chapter 4

Public Facilitation and Surveillance of Public Assembly

Section 19. The chief of police station of the area where public assembly is held shall surveil that public assembly to be compliant with this Act and shall notify the administrative officer who is responsible for, or the local administration organization of, the area where that public assembly is held or public relation agency of State or private in that area for their information.

In the case where public assembly covers responsible area of many police stations, the police commander or the commissioner, as the case may be, who is responsible for those area shall be surveillant officer under paragraph one.

The Commissioner General of the Royal Thai Police may, if he thinks fit, appoint another police officer to be additional surveillant officer or to be in place of the surveillant officer under paragraph one or paragraph two.

The surveillant officer shall, in order to maintain public facilitation, to surveil public assembly and to protect public order or good moral, have the following powers and duties:

- (1) to provide facilitation to the public in using of the public place in which public assembly is held;
- (2) to provide safety, facilitation or lessening nuisance to the people living nearby the public place in which public assembly is held;
- (3) to provide safety and facilitation to the participant presenting in public assembly;
- (4) to provide facilitation to traffic and public transportation in the place where public assembly is held as well as the adjacent area with a view to lessen impacts to public caused by that public assembly;
- (5) to impose condition or order to be complied with by the promoter, the participant or any other person staying within the place where the public assembly is held for the performance of duties under (1), (2), (3) or (4).

For the performance of duties under this section, the surveillant officer may temporarily close or divert traffic in any public way so as to maintain public facilitation or to surveil public assembly.

The administrative officer or local administration organization or State official in the area where the public assembly is held shall, upon request of the surveillant officer, act in compliance with such request if so is subjected to his powers and duties.

The surveillant officer and police officer to be entrusted to surveil public assembly shall obtain training to have good skill, attitude and endurance on public assembly and shall wear uniform. The surveillant officer may apply crowded control equipment as notified by the Minister.

Section 20. The Royal Thai Police and public relation agency of State shall, before, during and after public assembly, conduct or coordinate with others to inform the public, from time to time, the place and duration of public assembly as well as the most comfortable traffic or public transportation route so as to ensure that that public assembly produces unnecessary burden to the public as little as possible.

Section 21. If there is an illegal public assembly under section 14 or the promoter or participant violates section 7 or fails to comply with section 8, section 15, section 16, section 17 or section 18, the surveillant officer shall:

(1) in case of illegal public assembly under section 14 or public assembly is not adjourn within the period as notified to the authority under section 18, notice the participant to adjourn that public assembly within the period as imposed by the surveillant officer;

(2) in the case where the promoter or participant violates section 7 or fails to comply with section 8, section 15, section 16, section 17 or section 18, notice the participant to make correction within the period as imposed by the surveillant officer.

In the case where the participant fails to comply with the notice under paragraph one, the surveillant officer shall request the Civil Court or *Changwat* Court having jurisdiction over the place where the public assembly is held for the order to adjourn that public assembly. In awaiting the Court's order, the surveillant officer shall have the power to do any necessary act in accordance with the plan or guideline for surveillance of public assembly as approved by the Council of Ministers upon recommendation of the Royal Thai Police so as to maintain public facilitation and to protect public assembly.

The plan or guideline for surveillance of public assembly under paragraph two shall request the surveillant officer to refrain from using of force. In the circumstance that the use of force is unavoidable, the use of force and the application of crowded control equipment shall be done necessarily.

The performance of the surveillant officer under this section is not prejudice to the right of other person who suffers or damages from that public assembly to request the Civil Court or *Changwat* Court having jurisdiction over the place where the public assembly is held for the order to adjourn that public assembly.

Section 22. The Court shall, upon receiving the request under section 22, consider that request urgently.

If it appears to the Court that the participant fails to comply with the notice of the surveillant officer made under section 21, the Court shall have an order altogether with the decree to enforce such order requiring the participant to adjourn that public assembly within the period as imposed by the Court.

The order of the Court under paragraph two may be appealed to the Appeal Court or Regional Appeal Court. The order of the Appeal Court or Regional Appeal Court shall be final and conclusive.

The execution officer shall post up the order of the Court at the place which is easily seen around the area where public assembly is held and shall notify

that order in any manner whatsoever so as to make it known to the participant and the general public.

Section 23. If the participant fails to comply with the Court order within the period imposed therein, the surveillant officer shall report the Court for information and notify the area where the public assembly is held and its vicinity as necessary as the restricted area. The surveillant officer shall inform the participant to leave the restricted area within the imposed period and prohibit any person from entering the restricted area without permission of the surveillant officer. The surveillant officer shall then report the Minister for information.

The Commander of the Metropolitan Police in Bangkok Metropolitan or *Changwat* Governor in other *Changwat* or any person entrusted by the Minister shall, upon the notification of the restricted area under paragraph one, have charge and control to disperse that public assembly in compliant with the Court's order.

In case of necessity, the Minister may entrust other person to have charge and control to disperse that public assembly.

Section 24. After the expiration of period to leave the restricted area, if the participant still be in that area or enters into that area without permission of the surveillant officer, that person is deemed to commit flagrant offense and the person having charge and control to disperse the public assembly or his entrusted person shall disperse that public assembly in compliant with the Court's order. In this regard, the person having charge and control to disperse the public assembly or his entrusted person shall have the powers as follow:

- (1) to arrest any person who still be in that area or enters into that area without permission of the surveillant officer;
- (2) to search, seize, attach or remove any property which is used or having for use in that public assembly;
- (3) to do any necessary act in accordance with the plan or guideline for surveillance of public assembly under section 21;

(4) to have any prohibition order for the benefit of dispersion of public assembly.

The provisions of section 19 paragraph seven shall apply to the person who performs the duty under paragraph one *mutatis mutandis*.

Section 25. In the case where the participant commits any violent and harmful act which may affect life, body, mentality or property of others and may give rise to public unrest, the surveillant officer shall have the power to order the participant to stop doing such act. If the participant fails to comply with such order, the surveillant officer and the person having charge and control to disperse the public assembly and his entrusted person shall have the power to proceed with section 23 and section 24.

The participant who does not agree with the order under paragraph one may oppose that order to the Civil Court or *Changwat* Court having jurisdiction over the area where the public assembly is held within thirty days as from the date that order is made. The order of the Court under this section may be appealed to the Appeal Court or Regional Appeal Court. The order of the Appeal Court or Regional Appeal Court shall be final and conclusive.

Section 26. The surveillant officer, the person having charge and control to disperse the public assembly and his entrusted person or any person who acts in compliance with the order of such persons shall be the official under the Penal Code and shall also be the administrative officer or police under the Criminal Procedure Code.

Chapter 5 Penalties

Section 27. Whoever violates section 7 or section 8 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding

ten thousand Baht or to both.

Section 28. Whoever violates section 10, section 12, section 17 or section 18 shall be liable to a fine of not exceeding ten thousand Baht.

Section 29. Whoever violates the public assembly prohibition order or causes to have public assembly during the period the public assembly prohibition order is valid under section 11 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht or to both.

Section 30. A promoter who fails to comply with section 15 (1), (2) or (3) or a participant who fails to comply with section 16 (1) or (2) shall be liable to a fine of not exceeding ten thousand Baht.

Section 31. A promoter who fails to comply with section 15 (4), (5), (6) or (7) or a participant who fails to comply with section 16 (3), (4), (5), (6), (7) or (8) shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht or to both.

If the commission of an offense under paragraph one causes unusableness, temporarily or permanently, of public transportation system, communication or telecommunication system, generation, production or transmission system of electricity or irrigation, or any other public utility system, the promoter shall be liable to imprisonment for a term of not exceeding ten years or to a fine of not exceeding two hundred thousand Baht or to both.

Section 32. Whoever fails to comply with the order or notification of the surveillant officer under section 19 (5) or section 23 and he is a promoter or participant, he shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht or to both; but if he is not that

sort of person but staying in the public assembly area, he shall be liable to a fine of not exceeding ten thousand Baht.

The Court may, upon appropriate ground, impose a penalty on the offender less than the penalty as prescribed above or lift up penalty thereto.

Section 33. Whoever fails to comply with the order of the person having charge and control of the dispersion of public assembly under section 23 or section 25 shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding sixty thousand Baht or to both.

The Court may, upon appropriate ground, impose a penalty on the offender less than the penalty as prescribed above or lift up penalty thereto.

Section 34. A person who is not entrusted by the surveillant officer or the person having charge and control of the dispersion of public assembly or his entrusted person to perform the duties under this Act takes any weapon into the public assembly place, regardless of his license to carry out that weapon, shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding sixty thousand Baht or to both.

If the weapon under paragraph one is a gun, explosive or alike, the offender shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding one hundred thousand Baht or to both.

Section 35. All properties used or to be used in public assembly which is seized from an illegal public assembly or a public assembly in violation of adjourning order of the Court shall be confiscated by the Court irrespective of whether there is a convict under the judgment of the Court.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

[1] ©2015 [Pakorn Nilprapunt](#), Full-time Law Councilor, Office of the Council of State of the Kingdom of Thailand. Personal copyright <pakorn.nilprapunt@gmail.com>

Remark: Reference to Thai legislation in any jurisdiction shall be made to the Thai version only.

[2] Published in the Government Gazette Vol. 132 part 63 *Kor*, dated 14th July B.E. 2558 (2015)

[3] Under Thai legal system, the decision of the superintendent in this case shall not be appealed further within the Administrative. The appellant who does not satisfy with such appeal decision however still have the right to bring the case against such appeal decision to the court.

[4] Province in Thai

เขียนโดย [Pakorn Nilprapunt](#) ที่ 03:00



ไม่มีความคิดเห็น:

โพสต์ความคิดเห็น

ป้อนความคิดเห็นของคุณ...



แสดงความคิดเห็นในฐานะ:

บัญชีผู้ใช้ Goodl ▼

เผยแพร่

ดูตัวอย่าง

บทความใหม่กว่า

หน้าแรก

บทความที่เก่ากว่า

สมัครสมาชิก: [ส่งความคิดเห็น \(Atom\)](#)

แบบง่าย ธีม. รูปภาพธีมโดย [luoman](#). ขับเคลื่อนโดย [Blogger](#).