



**Minerals Act B.E. 2510
and the related
Ministerial Regulations**

Department of Primary Industries and Mines

Ministry of Industry

Forward

This publication of the Minerals Act B.E.2510 and the selected Ministerial Regulations has been produced by the Department of Primary Industries and Mines in an effort to inform and facilitate foreign investors of the indispensable legal issues concerning mineral business, with a particular emphasis to promote the mining investment to go about its operation in a sound and perceptive manner. As the operations of mining and mineral businesses in Thailand require perception and understanding of Thai legal issues regarding minerals, the department has foreseen the importance of documentation, translation, and publication of these related laws and regulations.

The texts in this book document the Minerals Act B.E. 2510, with the amended, and the essential Ministerial Regulations that prescribe basis for mineral exploration, mining operation, mineral processing, as well as purchase, sale, possession, transport, import and export of minerals. During translation, the greatest care has been taken, however, if there is other legal ramification, or if any conflict or inconsistency between the terms and conditions should arise, it must be referred to the original publications of the legislation in Thai.

The main function of the Department of Primary Industries and Mines is granting mineral exploration contracts, mining leases, and related licences for mineral transactions, and also regulating and promoting mining investments. The department hopes that this publication provides detailed and complete comprehension of the mining and minerals industries as well as makes it beneficial and convenient to the prospective mining and mineral investors.

Department of Primary Industries and Mines
Ministry of Industry
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CONTENTS

		Page
Part I	Minerals Act B.E. 2510	1
Chapter 1	General Provisions	3
Chapter 2	Committee	15
Chapter 3	Prospecting and Exclusive Prospecting	16
Chapter 4	Mining	20
Chapter 4/1	Underground Mining	29
Chapter 5	Individual Mining and Ore Panning	33
Chapter 5 bis	Drilling for Underground Brine	34
Chapter 6	Purchase, Sale, and Storage of Minerals	35
Chapter 7	Payment of Royalty, Possession, and Transport of Minerals	39
Chapter 8	Mineral Processing	42
Chapter 9	Metallurgical Processing	44
Chapter 10	Reimbursement of Royalty	45
Chapter 11	Importing and Exporting of Minerals	45
Chapter 11/1	Liabilities	46
Chapter 12	Punishment	46
Chapter 13	Transitory Provisions	52
	Schedule of Fees	54
Part II	Selected Ministerial Regulations	55
1	Ministerial Regulation No. 9 (B.E. 2513)	56
2	Ministerial Regulation No. 10 (B.E. 2513)	63
3	Ministerial Regulation No. 13 (B.E. 2513)	64
4	Ministerial Regulation No. 19 (B.E. 2516)	65
5	Ministerial Regulation No. 20 (B.E. 2516)	70
6	Ministerial Regulation No. 21 (B.E. 2516)	71
7	Ministerial Regulation No. 24 (B.E. 2516)	72
8	Ministerial Regulation No. 25 (B.E. 2517)	73
9	Ministerial Regulation No. 26 (B.E. 2517)	76
10	Ministerial Regulation No. 28 (B.E. 2517)	77
11	Ministerial Regulation No. 29 (B.E. 2517)	82
12	Ministerial Regulation No. 42 (B.E. 2522)	85
13	Ministerial Regulation No. 77 (B.E. 2539)	87

Part I

Minerals Act B.E. 2510

and the amended by

Minerals Act (No. 2), B.E. 2516

Minerals Act (No. 3), B.E. 2522

Minerals Act (No. 4), B.E. 2534

Minerals Act (No. 5), B.E. 2545



Minerals Act B.E. 2510

BHUMIBOL ADULYADEJ. REX.
Given on the 26th day of December, B.E. 2510
Being the 22nd year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that: whereas it is deemed expedient to revise the law on minerals, be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly in its capacity as the parliament as follows:

Section 1. This Act shall be called the “Minerals Act B.E. 2510”.

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

Section 3. The following are hereby repealed:

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

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

¹ Government Gazettes (special issue) Vol. 84, Part 129, Page 1, Dated 31st. December B.E. 2510.

CHAPTER 1 General Provisions

Section 4. In this Act:

“Minerals” mean resources which are inorganic matters, having permanent or slightly varied chemical components and physical properties, whether or not they require smelting or refining before being put to use, and include coal, oil shale, marble, metals and slags obtained from metallurgical processes, underground brine, rock which is prescribed by a Ministerial Regulation as dimensional stone or industrial rock, and clay or sand which is prescribed by a Ministerial Regulation as industrial clay or industrial sand, but does not include water, salt efflorescence, lateritic soil, rock, clay or sand;

(As amended by Section 3. of the Minerals Act No.4. B.E. 2534)

“Underground Brine” means salt solution that occurs naturally underground and contains salt concentration with the content higher than the amount prescribed in a Ministerial Regulation;

(As amended by Section 4. of the Minerals Act No.4. B.E. 2534)

“Prospecting” means drilling or pitting or any distinct method or combined methods to appraise the quantity, if any, of minerals within an area;

“Mining” means the operation undertaken on land or underwater to obtain minerals from an area by any other method or combined methods, but does not include underground brine drilling in accordance with Chapter 5 bis, and artisanal mining or ore panning for minerals as prescribed by a Ministerial Regulation;

(As amended by Section 4. of the Minerals Act No.4. B.E. 2534)

“Underground Mining” means the mining operation undertaken by shaft sinking or tunnelling to the depth below ground surface to obtain minerals from underground;

(As amended by Section 3. of the Minerals Act No.5. B.E. 2545)

“Drilling for Underground Brine” means the operation undertaken on land or underwater to obtain underground brine from an area, but does not include mining of rock salt by means of solution method;

(As amended by Section 4. of the Minerals Act No.4. B.E. 2534)

“Artisanal Mining” means the operation undertaken on land or underwater to obtain minerals from an area by using individual labourer, in accordance with the kind of minerals within the area and by means of digging methods prescribed by a Ministerial Regulation;

(As amended by Section 4. of the Minerals Act No.4. B.E. 2534)

“Ore Panning” means the operation undertaken on land or underwater to obtain minerals from an area by using individual labourer, in accordance with the kind of mineral, within the area, and by means of panning methods prescribed by a Ministerial Regulation;



“Mineral Processing” means any operation to upgrade a mineral or to separate from each other two or more minerals in mixed ore, which includes crushing, comminuting, and sizing of minerals;

“Purchase Minerals” means to accept the transfer of minerals by any means from another person except by way of legal succession;

“Sell Minerals” means to transfer minerals by any means to another person;

“Possession of Minerals” means any purchase, ownership, hold, or receipt of minerals by any means, whether or not for himself or others;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2528)

“Mining Boat” means a boat or raft equipped with equipment, tools, or appliances for mining or mineral processing, to be used in that boat or raft;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2528)

“Mineral Restricted Area” means the area where the Minister announced that it is a Mineral Restricted Area;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2528)

“Director” means the director of a Mineral Restricted Area;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2528)

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

“Mining Area” means the area specified in a Provisional Prathanabat or Prathanabat;

“Mineral Processing Area” means the area specified in a Mineral Processing Licence;

“Metallurgy Area” means the area specified in a Metallurgical Processing Licence;

“Mineral Store” means the place specified in a Mineral Storage Licence;

“Mineral Depository” means the place prescribed by the Minister to be a Mineral Depository in accordance with Section 103 ter;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2526)

“Mineral Transit Store” means the place specified in a Mineral Transport Licence where minerals may be stored in transit;

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

“Exclusive Prospecting Atchayabat” means a permit issued for exclusive prospecting and exploration within the area specified therein;

“Special Atchayabat” means a permit issued in a special case for exclusive prospecting and exploration within the area specified therein;

“Provisional Prathanabat” means a licence issued for mining before receiving Prathanabat within the area specified therein;

“Prathanabat” means a licence issued for mining within the area specified therein;

“Vacant Land” means a land that is not thus far owned or possessed by any person under the Land Code, is not public domain for the common use of the people or land in the legally protected or reserved area;

“Tailings” includes overburden, sand, gravel or rocks derived from mining operations;

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

“Local Mineral Industry Official” means an Amphoe Mineral Industry Official or Provincial Mineral Industry Official, as the case may be, and in the absence of Provincial Mineral Industry official in any province, means the Director-General or the person entrusted by him;

“Competent Official” means a Local Mineral Industry Official and an official appointed by the Minister for the execution of this Act;

“Director-General” means the Director-General of the Department of Primary Industries and Mines;

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

Section 5.² The establishment of Provincial Mineral Resources Offices or Amphoe Mineral Resources Offices to exercise jurisdiction over any area shall be prescribed in a Ministerial Regulation.

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

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

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

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

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

***Section 6.** Applications under this Act shall be in the printed forms provided by the Department of Primary Industries and Mines.

² Now the Mineral Resources Office becomes a part of the Industry Office, and the Mineral Resources Official is changed to the Mineral Industry Official.



The qualifications of applicants, rules, procedures and conditions in the applications for an Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, Prathanabat, and licences including the applications for renewal of a Special Atchayabat, Prathanabat, Mineral Processing Licence and Metallurgical Processing Licence under this Act, shall be as prescribed in a Ministerial Regulation.

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

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

**(As amended by Section 4. of the Minerals Act No.2. B.E. 2516)*

***Section 6 bis.** For the purpose of prospecting, testing, studying or researching in connection with minerals, the Minister of Natural Resources and Environment shall, with the approval of the cabinet, have the power to issue a notification in the Government Gazette specifying any area to be the area for prospecting, testing, studying or researching in connection with minerals.

Within the area specified under paragraph one, a person may not apply for an Atchayabat or a Prathanabat unless there is no further requirement to use such an area and the Minister of Natural Resources and Environment repeals the aforesaid notification in the Government Gazette.

**(As amended by Section 3. of the Minerals Act No.3. B.E. 2522)*

Section 6 ter. This Act shall not apply to the Department of Mineral Fuels, Department of Mineral Resources, and Department of Primary Industries and Mines in its works for the purpose of prospecting, testing and studying or researching in connection with minerals.

Section 6 quarter. For the benefit of the national economy, the Minister of Natural Resources and Environment, with the approval of the cabinet, shall have the power to establish, by notification in the Government Gazette, any area which is neither a water-head nor a swampy forest by which is known to have a mineral deposit of high economic value, to be a mineral area for the purpose of issuing of Provisional Prathanabat or Prathanabat at the first priority to any reservation, restriction or utilization for other purposes, provided due consideration is given to its effect on the environmental quality.

(As amended by Section 4. of the Minerals Act No.3. B.E. 2522)

Section 7. If an Atchayabat, Provisional Prathanabat, Prathanabat or licence is lost or destroyed, the holder of the Atchayabat, Provisional Prathanabat, Prathanabat or licence shall submit an application for a substitute to the Local Mineral Industry Official within fifteen days from the date of realizing the loss or destruction.

(As amended by Section 6. of the Minerals Act No.2. B.E. 2516)

***Section 8.** If the holder of an Atchayabat, a Provisional Prathanabat, Prathanabat or licence wishes to appoint a person to communicate with the competent official on his behalf, he must execute a power of attorney and have it registered with the competent official.

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

**(As amended by Section 6. of the Minerals Act No.2. B.E. 2516)*

***Section 9.** The competent official may send communications or instructions for the execution in accordance with this Act to a person directly or to:

- (1) the appointed person under Section 8;
- (2) a *sui juris* person who lives at the domicile, residence or office of the person;
- (3) that person by registered mail to the address where he has domicile, residence or office, which has been officially recorded with the governmental office.

After the communications or instructions have been sent according to (1) or (2) or by means of (3), the person is deemed to have received the communications or instructions.

**(Added by Section 4. of the Emergency Decree amending the Minerals Act, B.E. 2526)*

***Section 9. bis** If it appears later that an Atchayabat, Provisional Prathanabat, Prathanabat, or licence is issued to any person as a result of a mistake or misunderstanding of material facts, the Local Mineral Industry Official, Director-General or Minister who issues the Atchayabat, Provisional Prathanabat, Prathanabat or licence, as the case may be, shall have the power to recall the said Atchayabat, Provisional Prathanabat, Prathanabat or licence for correction or revoke the Atchayabat, Provisional Prathanabat, Prathanabat or licence.

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

**(As amended by Section 7. of the Minerals Act No.2. B.E. 2516)*

***Section 9 ter.** In the event that the use of land in any area under an Atchayabat, Provisional Prathanabat or Prathanabat shall be used for the benefit of public utilities, national defence or any other purpose for the general benefit of the State, the Minister, with the approval of the Council of Ministers, shall be empowered to recall the aforesaid Atchayabat, Provisional Prathanabat or Prathanabat for the alteration in its area.



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

**(As amended by Section 5. of the Minerals Act No.3. B.E. 2522)*

***Section 9 quarter.** In the event that necessity should arise for the control of mining, mineral processing, purchase of minerals, sale of minerals, or possession of minerals for the purposes of the prevention and suppression of illegal mining or illegal export of minerals out of the Kingdom, or for the benefit of economic stability, the Minister, with the approval of the cabinet, shall have the power to publish in the Government Gazette a demarcation of a certain area as well as a part of Thai waters as a Mineral Restricted Area for the purpose of restriction on one or more types of minerals.

When the necessity to demarcate the Mineral Restricted Area in accordance with the first paragraph has ceased, the Minister shall publish its revocation in the Government Gazette.

**(Added by Section 4. of the Emergency Decree amending the Minerals Act, B.E. 2528)*

***Section 9 quinque.** In each Mineral Restricted Area, there shall be a committee called the Mineral Restricted Area Committee comprising of the Director as the chairman of the committee; the provincial governor having the authority over the Mineral Restricted Area, a representative from the National Police Bureau, a representative from the Customs Department, a representative from the Office of the Attorney General, a representative from the Army, and a representative from the Navy as committee members; a representative from the Department of Primary Industries and Mines as a committee member and secretary; and the Local Mineral Industry Official from the area where the office of the Mineral Restricted Area is located as a committee member and assistant secretary.

In case the Mineral Restricted Area spans into more than one province, each governmental office in the first paragraph shall appoint no more than two representatives and the committee shall appoint one of the representatives from the Department of Primary Industries and Mines, who is an appointed committee member, as a secretary.

For the appointment of the representatives in accordance with the first and second paragraph, the duties and responsibilities of the appointees in the area demarcated as the Mineral Restricted Area shall be primarily taken into account.

Quorum and the meeting regulations of the Mineral Restricted Area Committee shall be determined by the Mineral Restricted Area Committee with the approval of the Minister.

**(Added by Section 4. of the Emergency Decree amending the Minerals Act, B.E. 2528)*

***Section 9 sext.** The Mineral Restricted Area Committee shall have the power to approve the operation in compliance with the powers and duties of the Director under Section 9 octo., including rendering consultations and recommendations to the Director for the other duties in the Mineral Restricted Area.

The Mineral Restricted Area Committee may appoint a subcommittee to give opinions or perform an operation entrusted by the Mineral Restricted Area Committee.

Quorum and the meeting regulations of the subcommittee shall be determined by the subcommittee with the approval of the Mineral Restricted Area Committee.

**(Added by Section 4. of the Emergency Decree amending the Minerals Act, B.E. 2528)*

***Section 9 septem.** In each Mineral Restricted Area, the Minister shall establish an Office of Mineral Restricted Area and publish it in the Government Gazette. Additionally, the Minister, with the approval of the cabinet, shall appoint a Director vested with the powers and duties in accordance with Section 9 octo and Section 9 novem to control and take responsibility of the operation of the office of Mineral Restricted Area. In this case, one or more vice directors or assistant directors may be appointed by the Minister in consultation with the Mineral Restricted Area Committee to assist in giving order and performing the operation entrusted by the Director.

In the absence of the Director or his inability to perform his duties, the most senior vice director shall act in place of, and assume the same powers and duties as, the Director.

The Director, vice director, and assistant director under the first paragraph shall be appointed from the officials of the relevant governmental offices and the appointments shall be published in the Government Gazette.

**(Added by Section 4. of the Emergency Decree amending the Minerals Act, B.E. 2528)*

***Section 9 octo.** In a Mineral Restricted Area, the Director, with the approval of the Mineral Restricted Area Committee, shall have the power to prescribe the following measures:

(1) Mining/Suction Boats

- (a) to demarcate an area where the making or building of mining boats, or assembling or fabricating any part of mining boats, are prohibited;
- (b) to demarcate an area where mining boats are not to be brought into, unless a permission is given by the Director or the competent official entrusted by the Director;
- (c) to demarcate an area where adjustment, modification, or repair of mining boats is prohibited, unless it is in compliance with (f) and the adjustment, modification, or repair is considered negligible according to the kinds and methods prescribed by the Director;
- (d) to prescribe features, types, and sizes of the tools, appliances, machinery, or equipment for use in mining or mineral processing permitted to be used or installed in the mining boats;
- (e) to prescribe characteristics and qualities including the maximum amount of minerals in storage or possession in a mining boat. They may be prescribed differently depending upon the size and quality of the boats and other conditions as deemed appropriate;
- (f) to prescribe that the types, sizes, and capability of mining boats shall be registered with the competent official, as well as the prescription that the owner or possessor of the boats shall put marks indicating the types of boats,



which shall be visible from the outside, in accordance with the procedures and rules prescribed by the Director;

- (g) to designate navigating routes, boating docks, and piers for the mining boats.

(2) *Mining Area and Mineral Processing Area*

- (a) to prescribe types and conditions of the tools, appliances, machinery, or equipment for mining or mineral processing, which will be used in the mining area or the mineral processing area;
- (b) to prescribe conditions and characteristics including a maximum amount of minerals allowed to be stored or possessed in the mining area or mineral processing area;
- (c) to prescribe the locations or conditions of the buildings or places for mineral storage, mineral processing, or possession of minerals.

(3) *Other measures*

- (a) to prescribe the conditions and methods in the transportation or removal of minerals, whether or not by land or by water; and designate the routes of the carriers for transportation or removal of minerals, parking places and stations, including the time and period of time allowed for the transportation or removal of minerals;
- (b) to prescribe the conditions and qualities of minerals including the maximum amount of minerals, which the holder of an Atchayabat, Prathanabat, licence, or permit may store or possess including the conditions on which, or period of time for which, the aforesaid person may store or possess the minerals;
- (c) to prescribe that the holder of an Atchayabat, Prathanabat, licence, or permit shall keep an account and provide a report relating to the amount of minerals stored or possessed in accordance with the rules, procedures, and period of time as specified by the Director;
- (d) to designate the location or conditions of the buildings or places used for mineral storage, mineral transit, or possession of minerals, belonging to the holder of a Mineral Storage Licence, Mineral Purchase Licence, or Mineral Possession Licence;
- (e) to prescribe that the owner or person, who is in possession of the carriers used for the transportation or removal of minerals, shall put the marks as specified by the Director on the carriers to show that the carriers are being used for transportation or removal of minerals in accordance with the rules and procedures stipulated by the Director.

The execution of the power under this section may be prescribed with any condition as deemed appropriate.

In case there is an execution of power under this section, the conditions of any licence permitted by the competent official in accordance with this Act or other laws shall still be in effect only if they are not contrary to the provisions under this section, or unless the Director, with the approval of the Mineral Restricted Area Committee, prescribes otherwise.

The announcements of the provisions under this section shall be made and posted at the Provincial Office, Amphoe Office, and Local Industry Office in every Mineral Restricted Area at least 3 days before the date they are in force, and if the Mineral Restricted Area Committee deems them appropriate, they shall be published in a local newspaper, which is sold in the area, for an appropriate period of time, unless it is an emergency, therefore the Director, with the approval of the Mineral Restricted Area Committee, may specify that they are in effect immediately at the time of announcement.

**(Added by Section 4. of the Emergency Decree amending the Minerals Act, B.E. 2528)*

***Section 9 novem.** In a Mineral Restricted Area, the Director and competent official entrusted by the Director shall have the powers as follows:

- (1) to enter any place in a mining boat or vehicle within the Mineral Restricted Area, or one that will enter into a Mineral Restricted Area, in order to search at any time when it is suspected, under valid circumstances, that an offence under this Act is committed or will be committed;
- (2) to order the owner or controller of a mining boat or vehicle, who is suspected of committing an offence under this Act, under valid circumstances, to stop or bring the mining boat or vehicle to a certain place for a search or bring it out of the Mineral Restricted Area;
- (3) to issue a communication requesting any person to testify, or to order in writing that the businessman, who is suspected of being involved in an illegal mineral business, submits his accounts, documents, or other evidence for the benefit of an execution in accordance with this Act;
- (4) to order in writing that the owner or controller of a mining boat or a violator of the provisions under Section 9 octo complies with the law or provisions, within the period of time prescribed by the Director or the competent official entrusted by the Director.

If the owner or controller of the mining boat or violator under Section 9 octo does not comply with the order under (2) (3) or (4) without a proper reason, or the aforesaid person commits the offence again within the period of time, which is prescribed by the Director with the approval of the Mineral Restricted Area Committee, the Director or competent official, shall immediately seize or impound the mining boat, any part of the mining boat, tools, appliances, machinery, equipment, or minerals that are illegally used, stored, or possessed; or seize or impound the buildings, places, or vehicles facilitating or causing such an offence, unless the Director, with the approval of the Mineral Restricted Area Committee, considers that there is a reason to order otherwise.

**(Added by Section 4. of the Emergency Decree amending the Minerals Act, B.E. 2528)*

Section 10. In case an offence under this Act is committed by an agent or employee acting as agent or employee or acting for the benefit of the holder of an Atchayabat, Provisional Prathanabat, Prathanabat or licence, regardless of such agent or employee being constituted as an agent by a power of attorney registered with the competent official, it shall be considered that the holder of the Atchayabat, Provisional Prathanabat, Prathanabat, or licence is the principal in the commission of such offence.

(As amended by Section 8. of the Minerals Act No.2. B.E. 2516)



Section 11. While prospecting or mining, if there is a discovery of ancient objects, fossils, or minerals of special value to the study of geology, apart from complying with the laws pertaining to discovery of such materials, the holder of an Atchayabat, Provisional Prathanabat, or Prathanabat must immediately report such discovery to the Local Mineral Industry Official.

(As amended by Section 8. of the Minerals Act No.2. B.E. 2516)

Section 12. In an Exclusive Prospecting Atchayabat area, Special Atchayabat area, mining area, area licenced for retaining slime or tailings or area already demarcated by the competent official for the aforesaid purpose, no person other than the holder of the Atchayabat, Provisional Prathanabat, Prathanabat or licence shall enter to take over, occupy, destroy or deteriorate the land or resources therein unless such person has the rights to do so lawfully.

(As amended by Section 6. of the Minerals Act No.3. B.E. 2522)

Section 13. Violation of Section 12, apart from being an offence under this Act or under other laws, shall also be deemed a violation of the rights of the holder of an Atchayabat, Provisional Prathanabat, Prathanabat, or licence, as the case may be.

(As amended by Section 8. of the Minerals Act No.2. B.E. 2516)

Section 14. After the competent official has located boundary demarcation posts of a mining area or established map posts under this Act at any place, no one shall destroy, alter, move, take out or loosen such posts or benchmarks except with the permission of the Local Mineral Industry Official.

Section 15. The competent official under this Act shall be the person designated under the Criminal Code and, in functioning under this Act in connection with the criminal offences, be regarded as an administrative official or policeman under the Criminal Procedure Code.

***Section 15 bis.** The competent official is empowered to seize or impound minerals used in an offence and any tool, appliance, beast of burden, carrier, vehicle, or machinery, which a person acquired or used in an offence, or suspected under valid circumstances of being used in an offence, or used as an accessory to derive results from the commission of an offence under this Act, as evidence for legal proceedings until the final non-prosecution decision is reached or until the case is extinguished, regardless of whether they belong to the offender or to a person suspected under valid circumstances of being an offender. In case a suit is filed, the provisions under Section 154, paragraph two and three, shall apply.

In the event that a final decision is reached, should the owner or possessor make no claim for the recovery of their properties within six months from the date he knows or is deemed to know of the final order against prosecution, the property seized or impounded under paragraph one shall come under the ownership of the state, unless the Director-General uses his power to announce a search for the owner or possessor in accordance with Section 15 quinqué.

**(Added by Section 5. of the Emergency Decree amending the Minerals Act, B.E. 2528)*

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

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

**(As amended by Section 8. of the Minerals Act No.3. B.E. 2522)*

***Section 15 quarter.** In the event that the seized or impounded property in accordance with Section 15 bis or Section 15 quinque should present a risk of damage or incur a higher cost of custody than its intrinsic value, the Minister may proceed as follows:

- (1) sell or dispose of the property or exhibit before the end of the period of time under Section 15 bis, paragraph two, or Section 15 quinque, paragraph two, as the case may be;
- (2) in the event that the property or exhibit may be beneficial to the mitigation of the damage or expense of the cost of custody, the property or exhibit shall be used for the benefit of the State in accordance with the rules prescribed by the Director-General.

Before the order under the first paragraph is made, the Director-General, or the person entrusted by him, shall publish it in a local newspaper at least two consecutive days in order that the owner or possessor is acknowledged. The owner or possessor is entitled to petition for a recovery of the property or exhibit to take in his own custody within the period of time, specified by the competent official, which shall be no less than 15 days from the first date of publication in the newspaper. After the owner or possessor makes a contract with the Department of Primary Industries and Mines that he will take the property or exhibit into his custody in compliance with the rules and procedures, and provides insurance or guarantee for the State in accordance with the conditions prescribed in a Ministerial Regulation, the Director-General shall transfer the property or exhibit to the owner or possessor to take into his custody. However, the owner or possessor is prohibited to use or seek to benefit from the property or exhibit by any means.

In the event that there appears no owner or possessor applying for the recovery of the property or exhibit to take into his custody, or there is the aforesaid person, but he does not comply with the contract in accordance with the conditions prescribed in a Ministerial Regulation, or in case there is such a contract, but the owner or possessor breaches the contract or does not comply with the conditions stipulated in the contract, the Director-General shall reclaim the property or exhibit from the owner or possessor and have the power to order an enforcement of the insurance contract and proceeds in accordance with paragraph one.

The rules and procedures under paragraph one (1) and (2) shall be prescribed in a Ministerial Regulation, and, in this case, the owner or possessor shall be prohibited from filing for any compensation or remuneration from the State resulting from the execution or seizure or impoundment of the property or exhibit.

**(Added by Section 6. of the Emergency Decree amending the Minerals Act, B.E. 2528)*



***Section 15 quinque.** In the event of a seizure of an exhibit suspected in the commission of an offence without the appearance of the owner or possessor thereof, the competent official, who seizes the exhibit, shall deliver the exhibit to the Local Mineral Industry Official or official as specified by the Director-General for custody, and the Director-General or the person entrusted by him is empowered to issue a notification in search of the owner or the possessor thereof so as to enable the aforesaid person to produce evidence for the recovery of the exhibit.

The notification under the first paragraph shall be posted at the Office of Local Mineral Industry where the seizure of the exhibit occurred and published in a local daily newspaper for at least two consecutive days. The owner or possessor thereof is entitled to petition, in person with the Local Mineral Industry Official or official as the Director-General specified in the notification, for the recovery of the exhibit within thirty days from the first date of publication in the newspaper.

In the event that there is no person claiming, in person, to be the owner or possessor thereof so as to apply for the recovery of the exhibit within the period as specified in the second paragraph, the exhibit shall become the property of the State; nevertheless, if there is any person claiming to be the owner or possessor thereof and applying for the recovery of the exhibit within the specified period, the Director-General or person entrusted by him shall proceed according to the law.

In the event that the person claiming in person to be the owner or possessor thereof under the first paragraph is the person whom the prosecutor has reached the final non-prosecution decision on, or the person as evidence during an investigation that he is not an accomplice in the offence or the owner or possessor thereof, the Director-General shall notify in writing the aforesaid person to exercise his rights to file a lawsuit to the court for the recovery of the exhibit within thirty days from the date of receipt of such a written notification from the Director-General. If the rights to file a lawsuit are not exercised within the specified period, it shall be deemed that the aforesaid person is not the owner or possessor of such property.

**(Added by Section 6. of the Emergency Decree amending the Minerals Act, B.E. 2528)*

Section 16. Each competent official shall have an identity card in the form prescribed in a Ministerial Regulation; and in the execution of this Act, the identity card must be produced when requested by those concerned.

***Section 17.** The Minister of Industry shall take charge and control of the execution of this Act and have the power to appoint competent officials and issue Ministerial Regulations:

- (1) prescribing fees not exceeding the rates in the schedule annexed hereto;
- (2) prescribing forms of Atchayabat, Provisional Prathanabat, Prathanabat and licences;
- (3) prescribing rules and procedures concerning prospecting under Atchayabat, mineral conservation and mining;
- (3 bis) prescribing rules and procedures concerning the issuance of a licence to sublease the mining rights and cancellation thereof; *(As amended by Section 9. of the Minerals Act No.3. B.E. 2522)*
- (3 ter) prescribing rules, procedures, and conditions in obtaining underground brine by drilling, including production of salt from underground brine; *(As amended by Section 5. of the Minerals Act No.4. B.E. 2534)*

- (4) prescribing rules and procedures concerning purchase, sale, storage, possession and transport of minerals;
- (5) prescribing rules and procedures concerning mineral processing, metallurgy, import and export of minerals;
- (6) prescribing protective measures for workers and safety measures for third persons;
- (7) prescribing other matters for the execution of this act.

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

**(As amended by Section 9. of the Minerals Act No.2. B.E. 2516)*

CHAPTER 2 Committee

Section 18. There shall be a committee consisting of the Permanent Secretary to the Ministry of Industry as the chairman; Director-General of the Royal Irrigation Department, Director-General of the Department of Mineral Resources, Director-General of the Land Department, Director-General of the Royal Forest Department, Director-General of the Department of Primary Industries and Mines, or representatives appointed by the aforesaid Director-Generals, and other persons not exceeding three in number whom the Minister may appoint as members; and the Director of the Bureau of Mines and Concession of the Department of Primary Industries and Mines shall be a member as well as the secretary to the Committee.

(As amended by Section 10. of the Minerals Act No.2. B.E. 2516)

***Section 19.** The committee shall have a duty to render consultation, advice and opinion to the Minister in the matters concerning:

- (1) Issuance of an Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat and Prathanabat in the national reserved forest or officially declared restricted areas.
- (2) Renewal of a Special Atchayabat and Prathanabat
- (3) Approval on a transfer of Prathanabat.
- (4) Revocation of an Atchayabat and Prathanabat.
- (4/1) Imposition of conditions on the Prathanabat for individual underground mining under Section 88/7. *(As amended by Section 4. of the Minerals Act No.5. B.E. 2545)*
- (5) Other matters entrusted by the Minister.
- (6) Other matters specified under this Act *(As amended by Section 5. of the Minerals Act No.5. B.E. 2545)*

**(As amended by Section 10. of the Minerals Act No.3. B.E. 2522)*

Section 20. Committee members duly appointed by the Minister shall hold office for a term of two years. A committee member who has served his term of office may be re-appointed.



***Section 21.** A committee member appointed by the Minister shall vacate his office before the end of his term upon:

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

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

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

**(As amended by Section 11. of the Minerals Act No.2. B.E. 2516)*

Section 22. At any meeting of the Committee, attendance of not less than one half of the total membership shall be required to constitute a quorum.

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

Section 23. Any decision of the meeting shall be reached by a majority of votes.

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

Section 24. In the execution of its duties, the Committee is empowered to appoint a subcommittee for any purpose as designated, or invite any person for his presence to furnish information, explanations, recommendation or opinions

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

CHAPTER 3

Prospecting and Exclusive Prospecting

Section 25. No person shall undertake prospecting in any area, regardless of any person's rights over the area to be prospected, unless he has been vested a Prospecting Atchayabat, an Exclusive Prospecting Atchayabat, or a Special Atchayabat.

(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)

***Section 26.** Apart from paying fees for the issue of an Exclusive Prospecting Atchayabat or a Special Atchayabat, the holder of such an Atchayabat must also pay in advance the mining area rental fees for the area granted.

The payment in advance of the mining area rental fees may be allowed to be made by instalments with surety or securities in accordance with the rules and procedures prescribed by a Ministerial Regulation.

**(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)*

Section 27. A Prospecting Atchayabat, an Exclusive Prospecting Atchayabat or a Special Atchayabat shall be exclusively valid to the holder of such an Atchayabat including his employees.

(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)

***Section 28.** A person wishing to apply for a Prospecting Atchayabat shall submit an application to the Local Mineral Industry Official.

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

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

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

**(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)*

***Section 29.** A person who wishes to apply for an Exclusive Prospecting Atchayabat shall submit an application to the Local Mineral Industry Official.

An application for an Exclusive Prospecting Atchayabat is limited to an area not exceeding two thousand five hundred rai³, except an application for an Exclusive Prospecting Atchayabat to prospect in the offshore.

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

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

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

**(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)*

Section 30. In issuing an Exclusive Prospecting Atchayabat to prospect offshore, the Minister or the person entrusted by him has the power to grant each applicant an area not exceeding five hundred thousand rai and specify the validity of the Atchayabat not exceeding two years from the date of issue.

(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)

***Section 31.** The holder of an Exclusive Prospecting Atchayabat must commence prospecting within sixty days from the date of receiving the Exclusive Prospecting Atchayabat and report the results of operations and prospecting works undertaken within one hundred and eighty days from the date of receiving the Exclusive Prospecting Atchayabat, in the forms prescribed by the Department of Primary Industries and Mines, to the Local Mineral Industry Official within thirty days from the end of the said period, and must report the results of operations and prospecting works undertaken thereafter within thirty days before the expiration of the Exclusive Prospecting Atchayabat.

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

**(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)*

³ 1 rai = 1600 sq. metres or 1914 sq. yards. Or 1 acre = 2.5 rai (approx.)



***Section 32.** An Exclusive Prospecting Atchayabat shall expire before the date specified therein in the following circumstances:

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

**(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)*

***Section 33.** Any person who wishes to apply for a Special Atchayabat shall submit an application to the Local Mineral Industry Official.

The applicant for a Special Atchayabat shall specify his prospecting obligations by stating the amount of each year's prospecting expenditure throughout the duration of the Special Atchayabat and offer special benefits to the interest of the state in accordance with the rules prescribed by the Minister. The aforesaid offer of special benefit shall further bind the holder of the Special Atchayabat in the event that he receives any Provisional Prathanabat or Prathanabat for mining in the area for which the Special Atchayabat has been granted.

Each application for a Special Atchayabat shall be made for an area not exceeding the area in which the prospecting can be completed within five years, according to the rules laid down by the Committee, but not exceeding ten thousand rai.

A Special Atchayabat is issued by the Minister.

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

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

If the holder of the Special Atchayabat has already complied with the conditions and prospecting obligations under the sixth paragraph in each year, and the prospecting outcome in the previous year indicates that the minerals for which he wishes to mine in the area applied for the Special Atchayabat are commercially insufficient to mine entirely or partly, the holder of the Special Atchayabat may surrender the Special Atchayabat or parts of the area thereof by submitting a petition to the Local Mineral Industry Official. The Special Atchayabat shall expire, or the surrender of parts of the area shall be effective on the submission date of the petition, and the obligations for the remaining years or the surrendered parts of the area shall be terminated, as the case may be.

**(As amended by Section 6. of the Minerals Act No.5. B.E. 2545)*

***Section 34.** Upon receipt of an application for an Exclusive Prospecting Atchayabat or an application for a Special Atchayabat, the competent official shall demarcate the area for the Exclusive Prospecting Atchayabat or Special Atchayabat. The demarcation of said area may be made by surveying or other method in accordance with the rules and procedures prescribed by a Ministerial Regulation.

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

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

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

**(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)*

***Section 35.** A Special Atchayabat shall not be issued to include the area already covered by any other Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat or Prathanabat.

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

(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)

***Section 36.** If, at the end of each obligation year, the holder of a Special Atchayabat has not yet fully complied with the prospecting obligation under Section 33, he must pay a sum of money equal to the amount of prospecting expenses not yet incurred in such an obligation year to the Department of Primary Industries and Mines within thirty days after the expiration date of the said obligation year.

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

**(As amended by Section 12. of the Minerals Act No.2. B.E. 2516)*

Section 37. *of the Minerals Act B.E. 2510 has been repealed by Section 7 of the Minerals Act (No. 5) B.E. 2545.*

Section 38. *of the Minerals Act B.E. 2510 has been repealed by Section 13 of the Minerals Act (No. 2) B.E. 2516.*

Section 39. *of the Minerals Act B.E. 2510 has been repealed by Section 13 of the Minerals Act (No. 2) B.E. 2516.*



Section 40. The holder of a Special Atchayabat must commence prospecting within ninety days from the date of receiving the Special Atchayabat and must report the results of the operations and prospecting works to the Department of Primary Industries and Mines every one hundred and twenty days from the date of receiving the Special Atchayabat.

(As amended by Section 14. of the Minerals Act No.2. B.E. 2516)

Section 41. The Minister has the power to revoke a Special Atchayabat when the holder of the Special Atchayabat fails to comply with Section 33 paragraph six or Section 40.

(As amended by Section 14. of the Minerals Act No.2. B.E. 2516)

Section 42. *of the Minerals Act B.E. 2510 has been repealed by Section 15 of the Minerals Act (No. 2) B.E. 2516.*

CHAPTER 4 Mining

Section 43. No person shall mine in any area regardless of any person's rights over that area unless he has received a Provisional Prathanabat or Prathanabat.

(As amended by Section 16. of the Minerals Act No.2. B.E. 2516)

Section 44. A person who wishes to apply for a Prathanabat shall submit an application to the Local Mineral Industry Official together with reliable evidence to prove the discovery or existence of the mineral for which he wishes to mine in the area applied for, and may also offer special benefits to the interest of the state in the event of his receipt of the Prathanabat in accordance with the rules laid down by the Minister.

(As amended by Section 12. of the Minerals Act No.3. B.E. 2522)

An application for a Prathanabat shall be for an area not exceeding three hundred rai, unless it is an application of a Prathanabat for offshore mining and an application of a Prathanabat for underground mining.

(As amended by Section 8. of the Minerals Act No.5. B.E. 2545)

***Section 45.** For each applicant for a Prathanabat, the Minister is empowered to designate an area for underground mining to an extent not exceeding ten thousand rai, and for offshore mining to an extent not exceeding fifty thousand rai.

For the interest of the state, the Minister, with the approval of the cabinet, may designate the mining area for an applicant for the underground mining Prathanabat or for offshore mining in excess of the extent specified under the first paragraph.

The designation of the mining area under the first and second paragraph shall be subject to the conditions as follows:

- (1) If an application for the Prathanabat is a result of prospecting according to the Special Atchayabat under which the applicant for the Prathanabat has

prospected according to the conditions on the aforesaid Special Atchayabat until he discovers a mineral deposit within the prospecting area, the Minister shall designate the mining area according to the mineral deposit and the amount of the area where the applicant specified in the application for the Prathanabat.

- (2) If an application for a Prathanabat is not the case under (1), the Minister shall designate the mining area according to the recommendation of the Committee.

For the issuance of a Prathanabat under the first and second paragraph, the Minister may, as he deems expedient, impose any special condition for the holder of the Prathanabat to perform.

**(As amended by Section 9. of the Minerals Act No.5. B.E. 2545)*

Section 46. In the area covered by an Exclusive Prospecting Atchayabat or Special Atchayabat of any person, no other person shall apply for a Prathanabat unless such person has the ownership or possession in such area under the Land Code.

(As amended by Section 17. of the Minerals Act No.2. B.E. 2516)

Section 46/1. For the purpose of safety, the issuance of the Prathanabat for mining or Prathanabat for underground mining that causes the mining area to entirely or partly overlap in the different depths shall be prohibited.

(As amended by Section 10. of the Minerals Act No.5. B.E. 2545)

***Section 47.** Upon receipt of an application for a Prathanabat, the competent official shall demarcate the area of the Prathanabat. The demarcation of the said area may be made by surveying or other methods in accordance with the rules and procedures prescribed in a Ministerial Regulation.

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

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

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

**(As amended by Section 17. of the Minerals Act No.2. B.E. 2516)*

Section 48. For the purpose of undertaking a survey, the competent official and his workers are empowered to enter, during the daytime, on land which a person has rights or possession. But he must notify the landowner or the occupier before hand, and



the landowner or the occupier shall render reasonable assistance as the case may require.

When there is a need to erect map posts on the land of any person, the competent official and his workers have the power to erect the map posts as it is necessary.

In case of necessity, the competent official or his workers shall have the power to dig, cut down trees or branches, or dispose of anything that obstructs the work of surveying as it is necessary, however, these actions must cause the least damage to the landowner.

Section 48/1. In case of an application for the Prathanabat for underground mining, the competent official shall, with the expenses paid by the applicant for the Prathanabat, erect map posts or demarcation posts with mine numbers clearly visible on the surface of the land.

(As amended by Section 11. of the Minerals Act No.5. B.E. 2545)

Section 49. After having demarcated the area, the Local Mineral Industry Official shall make an announcement of the application for a Prathanabat by posting a copy thereof at a conspicuous place at the Local Industry Office, Amphoe or King-Amphoe Office and local Kamnan Office in the locality where the Prathanabat is applied for. If no objection is raised within twenty days from the date of posting the announcement, the Local Mineral Industry Official shall proceed with the application further.

(As amended by Section 18. of the Minerals Act No.2. B.E. 2516)

Section 50. If the area for which a Prathanabat is applied for is not entirely vacant land, the applicant must produce evidence to the competent official that the applicant is entitled to mine in such an area.

(As amended by Section 12. of the Minerals Act No.5. B.E. 2545)

***Section 51.** After the area has been demarcated, the applicant for a Prathanabat who wishes to commence mining before the Prathanabat is granted shall submit an application for a Provisional Prathanabat to the Local Mineral Industry Official.

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

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

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

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

**(As amended by Section 19. of the Minerals Act No.2. B.E. 2516)*

Section 52. If any demarcation post or map post established by the competent official in the demarcation survey of the mining area is lost, the holder of the Prathanabat is liable to pay all expenses for re-surveying to establish a new demarcation post or a map post.

***Section 53.** The Minister or the person entrusted by him has the power to revoke a Provisional Prathanabat upon the occurrence of any cause for revoking a Prathanabat under this Act.

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

**(As amended by Section 20. of the Minerals Act No.2. B.E. 2516)*

***Section 54.** A Prathanabat is issued by the Minister.

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

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

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

When the holder of a Prathanabat has applied for extension under paragraph four, he may, notwithstanding that the Prathanabat term has expired, continue to mine as though he were the holder of the Prathanabat, but for no more than one hundred and eighty days after the expiry of the Prathanabat; provided, however, that the Local Mineral Industry Official has in the meantime and by written document informed him of the Minister's refusal of extension of the Prathanabat, his rights to mine shall cease on the date he was thus informed.

**(As amended by Section 21. of the Minerals Act No.2. B.E. 2516)*

***Section 55.** In addition to the fee for the issuance of a Provisional Prathanabat or Prathanabat, the holder thereof is required to pay in advance on a yearly basis a mining area rental fee for mining to the amount of the entire mining area, and to pay a special subscription at a rate not exceeding ten percent of the royalty paid for minerals produced from the area under the Provisional Prathanabat or Prathanabat. This special subscription shall be kept by the Department of Primary Industries and Mines as expenses for restoration of the mined area, prevention and suppression of offences prohibited under this Act, and for local development funds in the province where the mining area is located.

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

**(As amended by Section 14. of the Minerals Act No.3. B.E. 2522)*



Section 56. The rights in the Prathanabat are not subject to the execution of judgment.

Section 57. The holder of a Prathanabat must conduct his mining operations in accordance with the mining methods, plans, operating schemes and conditions prescribed in the issue of the Prathanabat; for any addition to the kinds of minerals which are to be mined or any change in mining methods, project plans, and conditions aforesaid, the holder of a Prathanabat must first obtain a written permission from the Director-General.

Section 58. The mining development such as construction of buildings, water ways, dams or any operation carried out in the mining area for the purpose of mining including construction or installation of labour-saving machines shall be treated as mining operations.

(As amended by Section 23. of the Minerals Act No.2. B.E. 2516)

Section 59. The construction of buildings used for mining operation, the establishment of mineral processing plant, slime retainment or tailings dams cannot be made outside the mining area, unless a licence is obtained from the Local Mineral Industry Official and the conditions prescribed in the licence are complied with.

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

Section 60. The holder of a Prathanabat must conduct his mining operations by employing labourers and scheduling the working time as follows:

- (1) There must be labourers working in every twelve month period with a monthly average of not less than one labourer for an area of two rai, fraction thereof being counted as two rai; but in the event that labour-saving machines are used, the power of such labour-saving machines will be calculated in place of labourers per area at the rate of one brake horsepower to eight labourers;
- (2) There must be a total working time of not less than one hundred and twenty days in every twelve month period.

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

Holders of several Prathanabats covering contiguous mining areas may coordinate mining projects into a single mine by submitting an application to, and obtaining a licence from the Local Mineral Industry Official, and for this purpose the provisions regarding labourers and working time shall apply to a single mine as stated.

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

**(As amended by Section 24. of the Minerals Act No.2. B.E. 2516)*

Section 61. If the holder of a Prathanabat cannot conduct mining operations as prescribed in Section 60 as a result of a Ministerial Regulation, he shall apply for a *Licence for Suspension of Mining Operation* in the whole mining area or a part thereof with the Local Mineral Industry Official. The Local Mineral Industry Official may issue a licence to suspend mining operations to him for each period not exceeding one year.

(As amended by Section 25. of the Minerals Act No.2. B.E. 2516)

Section 62. The holder of a Prathanabat shall not mine within fifty metres of a highway or public waterway, unless the Prathanabat allows him to do so or he has obtained a licence from the Local Mineral Industry Official, however, he must comply with the conditions prescribed in such a licence.

Section 63. The holder of a Prathanabat shall not obstruct, destroy or undertake any work which may be detrimental to the use of highways or public waterways, unless he has obtained a licence from the Local Mineral Industry Official and he must comply with the conditions prescribed in such a licence.

Section 64. The holder of a Prathanabat shall not dam up or draw water from a public waterway, regardless of whether such a waterway is within or outside of the mining area, unless he has obtained a licence from the Local Mineral Industry Official and he complies with the conditions prescribed in such a licence.

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

Section 65. The Local Mineral Industry Official is empowered to issue a licence allowing the holder of a Prathanabat in one mining area to construct roads, whether over land or water, or water-channel for the purpose of discharging slime or tailings through the mining area of another Prathanabat, provided that the aforesaid operations result in any damage, the holder of the Prathanabat who possesses such a licence shall be liable to pay for the compensation.

Section 66. In case of necessity, the Minister is empowered to issue a licence allowing a holder of a Prathanabat in one mining area to discharge slime or tailings for retainment in the mining area of another Prathanabat, which has already been mined out or does not contain sufficient amount of minerals for mining, provided that any damage does occur, the holder of the Prathanabat who possesses such a licence shall be liable to pay for the compensation.

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

Section 67. The holder of a Prathanabat shall not discharge outside his mining area any slime or tailings resulting from his mining operation unless such water does not contain solid matter in excess of the amount prescribed in a Ministerial Regulation.

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



Section 68. In discharging slime or tailings outside his mining area, the holder of a Prathanabat, even though complying with Section 67, must take measures to prevent the slime or tailings from causing public waterways to become shallow or from being detrimental to the use of such waterways.

In case of necessity the Minister is empowered to designate certain public waterways as allowable for one or more Prathanabat holders to discharge slime or tailings and demand the holders of Prathanabats to make payment in compensation for maintenance and damage and may prescribe conditions as he deems appropriate.

Section 69. In undertaking mining or mineral processing operations, the holder of a Prathanabat shall not perform, or fail to perform, any act that is likely to render toxic minerals or other poisonous materials harmful to persons, animals, vegetation, or properties.

Section 70. The competent officials are empowered to enter into a mining area for inspection of the mining operations at any time while the possessor of the mining area shall offer facilities as may be appropriate under such circumstances; and the competent officials are empowered to give orders in writing to the holder of the Prathanabat to undertake any action to prevent any harm resulting from the mining or mineral processing operations.

Section 71. When the mining or mineral processing operation is considered to be harmful to persons, animals, vegetation or properties, the Local Mineral Industry Official is empowered to give an order in writing to the holder of a Prathanabat to alter or modify the mining or mineral processing procedure as he may consider necessary for the prevention of such harm, and he is also empowered to give an order in writing to totally or partially suspend the mining or mineral processing operation as he may deem appropriate.

Section 72. Any sump, pit, or shaft which is no longer used in the mining operation shall be filled up or the land restored to its original condition by the holder of a Prathanabat regardless of whether the Prathanabat has expired or not; unless the Prathanabat provides otherwise or unless the Local Mineral Industry Official, with an approval of the Director-General, has ordered otherwise in a written communication.

In the event that the holder of a Prathanabat fails to comply with the first paragraph hereof, the Local Mineral Industry Official is empowered to give an order in writing to the holder of a Prathanabat to fill up or restore the land to its original condition, and the holder of the Prathanabat must fulfil the requirements in such an order within ninety days after receiving the said order.

***Section 73.** The holder of a Prathanabat has the rights within the mining area:

- (1) To mine and sell minerals as specified in the Prathanabat. Other minerals which are by-products of the mining operation may be sold by the holder of the Prathanabat only upon receiving a licence from the Director-General.
- (2) To construct buildings or undertake other works in connection with the mining operation including mineral processing or retaining slime or tailings.

- (3) To use the land which has been mined out or which does not contain minerals at the amount sufficient for mining, for agricultural purposes during the term of the Prathanabat provided that upon the expiry of the Prathanabat this shall not be construed as the acquisition of rights to possession.
- (4) To take legal action to the court in the event of a dispute or obstruction of the rights to mine.

The provisions in (2) and (3) shall not apply to the holder of a Prathanabat for underground mining with the exception that it has been conducted within the area of which he has the ownership or possession.

**(As amended by Section 13. of the Minerals Act No.5. B.E. 2545)*

Section 74. The holder of a Prathanabat shall not remove or allow any other person to remove tailings or mine waste out of the mining area unless a licence is obtained from the Local Mineral Industry Official, and the conditions prescribed in such a licence are complied with.

Section 75. A Prathanabat shall be valid only to the holder of the Prathanabat and shall cover his employees.

(As amended by Section 26. of the Minerals Act No.2. B.E. 2516)

Section 76. The holder of a Prathanabat shall not sublease to another person the mining operation within any part or the whole of the mining area unless a licence is obtained from the Minister or the person entrusted by him.

The rules, procedures and conditions for the issuance of a Mining Sublease Licence and the cancellation thereof shall be prescribed by a Ministerial Regulation.

(As amended by Section 15. of the Minerals Act No.3. B.E. 2522)

Section 77. When the holder of a Prathanabat wishes to sublease the mining operation to another person, he shall submit an application to the Local Mineral Industry Official, specifying the person to whom the mining operation shall be subleased, for any single period within the term of the Prathanabat, and the portion of the mining area to be subleased.

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

Section 78. When any holder of a Prathanabat wishes to transfer his Prathanabat to another person, the holder of the Prathanabat and the prospective transferee shall submit an application to the Local Mineral Industry Official for successive submission to the Minister. After the Minister has ordered approval and the holder of the Prathanabat has discharged all debts obligated under this Act to the Local Mineral Industry Official, the Prathanabat may then be transferred.



Section 79. In transferring a Prathanabat, the holder of the Prathanabat and the prospective transferee or authorized agent shall, upon producing the Prathanabat and documents related to mining, register such a transfer with the Local Mineral Industry Official.

Section 80. In transferring a Prathanabat, apart from the application fee and the transferring fee, the transferor must also pay a mining rights transferring fee for the amount which he shall receive from transferring the mining rights.

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

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

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

Section 81. In the event that the holder of a Prathanabat dies, his heir shall submit an application to the Local Mineral Industry Official for a transfer of the Prathanabat by way of succession within ninety days from the death of the holder of the Prathanabat, otherwise it shall be deemed that the Prathanabat shall expire upon termination of the ninety day period.

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

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

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

Section 82. In the event that the holder of a Prathanabat who is an ordinary person is adjudged bankrupt, the Prathanabat shall expire.

Section 83. In the event that the holder of a Prathanabat is a juristic person and this juristic status terminates, the Prathanabat shall expire.

Section 84. The holder of a Prathanabat may surrender the Prathanabat by submitting an application and delivering the Prathanabat to the Local Mineral Industry Official, in which case the Prathanabat shall expire upon completion of one hundred and eighty days from the date the Local Mineral Industry Official receives the application, unless the holder of the Prathanabat and the Local Mineral Industry Official agree to an expiration within a lesser period of time.

Section 85. In the event that the holder of a Prathanabat departs from the place of domicile or address and the Local Mineral Industry Official is unable to communicate with him, the Minister is empowered to revoke that Prathanabat.

Section 86. If any holder of a Prathanabat does not discharge all debts obligated under this Act within ninety days after receiving a written notice of payment from the Local Mineral Industry Official, the Minister is empowered to revoke that Prathanabat.

Section 87. In the event that the Minister has ordered a revocation of any Prathanabat, the Prathanabat shall expire on the date the order is received from the Local Mineral Industry Official.

Section 88. An expiry of any Prathanabat shall be published in the Government Gazette except when the holder of the Prathanabat has applied for an extension and the Minister has not refused it in accordance with Section 54.

CHAPTER 4/1 Underground Mining⁴

Part I General Provisions

Section 88/1. The provisions in other Chapters under this Act shall be applicable to underground mining to the extent that they are not contradictory to the provisions under this Chapter.

Section 88/2. Underground mining shall be conducted at the safe depth level in consideration of the geological structure and mining procedures in accordance with the principles of mining engineering in each area for the safety of living things.

Section 88/3. In case the underground mining passes beneath the land, which is not vacant land, and the mining depth level is not over 100 metres below the surface of the land, the applicant for a Prathanabat must produce evidence to the competent official that he is entitled to mine in that area.

Section 88/4. The mining area under a Prathanabat for underground mining shall not encroach upon a national park or an animal reserve.

In the event that the underground mining in any area has been found to cause a significant impact on the quality of the environment, which cannot be remedied or rehabilitated, the Minister shall impose a condition on the Prathanabat prohibiting underground mining in that area.

⁴ As added by Section 14 of the Minerals Act No.5 B.E. 2545.



Section 88/5. The issuance of a Prathanabat for underground mining shall be subject to the following conditions:

- (1) The applicant for the Prathanabat submits an application in compliance with the conditions under Section 88/6.
- (2) The Minister has correctly carried out the hearing of the opinions under Section 88/7 paragraph one.
- (3) The Minister has correctly imposed the conditions on the Prathanabat under Section 88/7.

Part II

Imposition of Conditions on the Prathanabat for Underground Mining

Section 88/6. An application for a Prathanabat for underground mining shall consist of the details of mining, plans, and a complete project in compliance with the rules prescribed by the Minister in a Ministerial Regulation, which shall at least comprise of the following information:

- (1) the preliminary information indicating depths and technical measures under Section 88/2;
- (2) the maps concisely indicating the mining area together with the environmental impact assessment data in different areas for consideration under Section 88/4;
- (3) the concise technical information on mining method and mineral processing procedure, including alternatives commonly available in mining engineering, and the alternatives to be used by the applicant for the Prathanabat as he deems expedient, with the reasons for choosing such alternatives;
- (4) the concise information, plans, process, mining method, mineral processing procedure, and rehabilitation of the areas after the underground mining indicating the measures to reduce the impact or preserve the quality of the relevant environments, which may affect the existence of the nature and community;
- (5) the proposal for the participation of stakeholders in the inspection of underground mining in accordance with Section 88/9 (2), which stipulates the amount of supporting funds and rules of mining inspection that the applicant shall propose to the persons entitled to inspect mining under Section 88/11;
- (6) the routes of transportation and sources of water to be used in the project whether they are already in existence or will be developed together with the details of their uses throughout the period of the project, which is adequate for the assessment that the underground mining in the project shall not affect the existence of the community and nature;
- (7) the proposal to insure against liability under Section 88/13 specifying the covered insurance amount and insured period.

Section 88/7. When the environmental impact assessment report of the applicant for the Prathanabat for underground mining has been approved according to the law on promotion and preservation of the environmental quality, the Minister shall compile the following information and bring it into the process of hearing of opinions of the stakeholders in accordance with the rules prescribed in the laws or relevant governmental regulations, as the case may be, for the assistance of the impositions of necessary conditions in the Prathanabat.

- (1) The project information submitted with the application for a Prathanabat under Section 88/6.
- (2) The environmental impact assessment report accompanied with the opinions of the report evaluators.

Once the process of the hearing of opinions ends and upon his receipt of the report from the note-taking committee, the Minister shall study the report and pass judgment on the imposition of the conditions in the Prathanabat according to the following rules:

- (1) the conditions on the Prathanabat shall cover the project at least in every item as prescribed in a Ministerial Regulation issued under Section 88/6;
- (2) in case a discrepancy appears about the information or opinions in the hearing of opinions carried out under the first paragraph, the Minister shall make a final conclusion; nevertheless, in case the report or information on certain problems is not adequate for making a decision or the hearing of opinions is not correctly carried out or is significantly wrong, the Minister shall issue a remedial order as the case may be, so as to finalise the conclusion;
- (3) in addition to the conclusion of the Minister under (2), the conditions in the Prathanabat shall cover the entire details of the project presented by the applicant in the environmental impact assessment report, the report accompanying the application under Section 88/6, and the additional conditions or measures in the environmental impact assessment report as well.

Section 88/8. In case of the amendment of the conditions in the Prathanabat for underground mining stipulated under Section 88/7, the provisions in this part shall be applied *mutatis mutandis*. It shall be deemed that the hearing of opinions of the persons entitled to inspect mining under Section 88/11 is the hearing of the stakeholders in general as specified in Section 88/7, paragraph one.

Part III Rights to Participate of Stakeholders

Section 88/9. In the case where any person wishing to apply for the Prathanabat for underground mining deems expedient to have a preliminary consultation with the stakeholders so as to develop his underground mining, he shall submit an application to the Director-General for an appointment of a committee for organizing consultation meetings according to the procedures prescribed in a Ministerial Regulation at his own expense.



The notification in a Ministerial Regulation under the first paragraph shall prescribe the following rules and procedures:

- (1) The completion of a preliminary report, which will be brought into a consultation, shall clearly consist of necessary information and problematic issues.
- (2) The criteria to support groups or organizations resulting from the association of stakeholders and the participation of delegates in the consultation, including the groups of Kamnans and village headpersons, administrative groups and members of the parliament of local administrative organizations, and groups of people who have the rights to the land or reside in that mining area.
- (3) The composition of the committee for organizing consultation meetings shall comprise of representatives from the relevant regional governmental offices and the State's institutes of higher education.
- (4) The procedures of the consultation meetings shall include a public announcement of an invitation to stakeholders so that they may send their representatives to participate in the meetings, a registration of meeting participation, and an appropriate period of time for the stakeholders under Section 88/9 (2) to study the information thereof in advance.

Section 88/10. Whenever the necessity to organize the hearing of opinions under Section 88/7, paragraph one, should arise, the Director-General shall establish a supporting fund for the research project of the stakeholders of the underground mining project under Section 88/9 (2), which shall be funded by:

- (1) The expenses collected from the applicants for Prathanabats in accordance with the rates prescribed in a Ministerial Regulation.
- (2) The supporting funds from various public and private funds.

The rates of expenses under (1), rules, procedures, and conditions for the proposal and support of the project, and regulations of the acceptance and remittance of the supporting funds shall be in compliance with the notifications in Ministerial Regulations.

Section 88/11. Within sixty days from the date of issuance of a Prathanabat for underground mining, the Director-General shall call for a meeting of the representatives of the stakeholders under Section 88/9 (2) in order to make an agreement on specifying the persons entitled to inspect mining in accordance with the rules provided in the conditions of the Prathanabat.

Within thirty days from the date of acquiring the persons entitled to inspect mining, the holder of the Prathanabat shall allocate financial funds for hiring specialists to assist the persons entitled to inspect mining at the wage rates specified in the conditions of the Prathanabat.

After being informed about the contracts and details on employment of the specialists from the persons entitled to inspect mining, the Director-General shall pay the wages for the specialists when receiving job acceptance from the persons entitled to inspect mining.

The working term of the persons entitled to inspect mining; conditions and procedure for dismissal of the person entitled to inspect mining, who misconducts his authority, by the decision of the meeting of the stakeholders under Section 88/9 (2); safekeeping of supporting funds; standard qualifications of specialists; contract features

for employment of specialists; and rules for withdrawal or payment shall be prescribed in a Ministerial Regulation.

Part IV Protection of Rights in Immovable Properties

Section 88/12. Underground mining in any area within the mining area with the following characteristics shall be deemed to cause damage to the rights in immovable properties in that area. Additionally the injured party shall be entitled to demand that the holder of the Prathanabat for underground mining suspend his activities and provide necessary remedies for the protection of the danger, which may occur.

- (1) The underground mining at the depth level below the surface of the land lesser than the level specified in the conditions of the Prathanabat, and no deeper than 100 metres.
- (2) The underground mining at any depth level, of which the mining method according to the principles of mining engineering to stabilize the ground layers is not in compliance with the conditions in the Prathanabat for underground mining.

Section 88/13. In the event that any ground layer in a mining area of the Prathanabat for underground mining has collapsed causing all kinds of damage to persons, properties, or environment, the following principles of legal liabilities shall be applied to the damage:

- (1) It shall be initially presumed that the collapse of the ground was caused by the underground mining.
- (2) If it is finally concluded that the underground mining is the cause of the collapse of the ground, the holder of the Prathanabat for underground mining and the relevant government offices, which are responsible for the mining inspection, shall be jointly liable to the injured party in all cases, and after the aforesaid governmental offices have already paid the compensation to the injured party, they are entitled to exercise the rights of subrogation against the holder of the Prathanabat for underground mining.

CHAPTER 5 Artisanal Mining and Ore Panning

Section 89. No one shall undertake any artisanal mining or ore panning unless he has obtained an Artisanal Mining Licence or an Ore Panning Licence.

Section 90. Any person who wishes to obtain an Artisanal Mining Licence or Ore Panning Licence shall submit an application to the local Nai Amphoe, and the local Nai Amphoe shall forward the matter to the Local Mineral Industry Official or the Person appointed by the Director-General to consider the issuance of such a licence.

An Artisanal Mining Licence or Ore Panning Licence is issued by the Local Mineral Industry Official or the person appointed by the Director-General and any conditions may be prescribed in the licence.



An Artisanal Mining Licence or Ore Panning Licence is valid only until 31st December of the year of issue.

Section 91. The rules and procedures concerning the issue of an Artisanal Mining Licence or Ore Panning Licence and the suspension and revocation of such a licence shall be prescribed by a Ministerial Regulation.

CHAPTER 5 bis Drilling for Underground Brine⁵

Section 91 bis. No one shall undertake any underground brine drilling in excess of the depth level as notified by the Minister in the Government Gazette unless he has obtained an *Underground Brine Drilling Licence*.

For the interest of the people's personal use in a specific area, the Minister shall have the power to prescribe the depth level of the underground brine drilling in excess of the specified depth level under the first paragraph with a clear stipulation of the area and the depth level, which shall be published in the Government Gazette.

Subject to Section 91 ter, any person who wishes to obtain an *Underground Brine Drilling Licence* under the first paragraph shall submit an application to the Local Mineral Industry Official or the person appointed by the Director-General. The aforesaid officials are empowered to issue an *Underground Brine Drilling Licence*, which is valid for no more than three years from the date of issue, and specify any condition in the licence therein.

Section 91 ter. For the purpose of the protection of the ground collapse and environmental impacts caused by the underground brine drilling, the Minister shall have the power to demarcate a specific area as an Underground Brine Drilling Restricted Area, and also prescribe the minimum depth level, allowed for the underground brine drilling in the aforesaid restricted area, other than the depth level as prescribed in Section 91 bis.

The demarcation, cancellation, or alteration of any underground brine drilling restricted area and the prescription or alteration of the minimum dept level under the first paragraph shall be notified in the Government Gazette.

Any person who wishes to obtain an Underground Brine Drilling Licence as prescribed in the first paragraph shall submit an application to the Director-General or the person entrusted by him. The Director-General, or the person appointed by him, is empowered to issue *the Underground Brine Drilling Licence* for the aforesaid restricted area, which is valid for no more than five years from the date of issue, and he may specify any condition therein.

Section 91 quarter. The competent official is empowered to enter, at any time, into the area in which the underground brine drilling is granted for an inspection of the operations in order to ensure the conformity of the conditions as specified in the licence,

⁵ As added by Section 6. of the Minerals Act No.4. B.E. 2534)

and the licensee or the possessor of the area in which the underground brine drilling is granted shall offer facilities as appropriate under the circumstances. In this case, the competent official is empowered to give orders in writing to the licensee or the possessor of the area to undertake any action to prevent damage, which may occur.

Section 91 quinque. In case the Local Mineral Industry Official considers that the operation of the licensee may cause harm to persons, animals, vegetation, or properties, he is empowered to give orders in writing to the licensee to alter, modify, or suspend that operation as he deems necessary to prevent or extinguish such harm.

Section 91 sext. The provisions in Chapter 1, General Provisions, and Chapter 2, Committee, shall apply to the underground brine drilling in this chapter by regarding an Underground Brine Drilling Licence as a Prathanabat.

The provisions in Chapter 3 to Chapter 11 shall not apply to the underground brine drilling, brine, and salt derived from the underground brine according to this chapter.

Section 91 septem. The qualifications of applicants, amount of land per application, rules, procedures, and conditions concerning the application for an Underground Brine Drilling Licence, issuance, transfer, extension, suspension, and revocation of an Underground Brine Drilling Licence shall be in accordance with the provisions in Ministerial Regulations.

Section 91 octo. The holder of an Underground Brine Drilling Licence shall pay the royalties in accordance with the law on mineral royalty rates before the removal of underground brine, or salt derived from the underground brine, from the area in which underground brine drilling is granted as specified in the licence, unless it is transported to the places as specified in the licence or the places as later granted by the Local Mineral Industry Official. The aforesaid holder shall provide a cash deposit or a bank guarantee to the Local Mineral Industry Official as an insurance for the royalty payment, in accordance with the rules and conditions prescribed by the Director-General or the person appointed by the Director-General.

In the case where the purchase and sale of underground brine or salt derived from the underground brine forfeited by the State, for which royalties have remained unpaid, the purchaser shall pay the royalties for the aforesaid underground brine and salt derived from the underground brine by the time of purchasing.

CHAPTER 6

Purchase, Sale, and Storage of Minerals

***Section 92.** No person shall purchase minerals for business purposes unless he has received a Mineral Purchase Licence from the Local Mineral Industry Official.

The provision of paragraph one shall not apply to:

- (1) the purchase of minerals from an Artisanal Mining Licencee;
- (2) the purchase of metal derived from metallurgy;



- (3) the purchase of minerals in accordance with the kind and conditions of minerals which have been altered so that they can be mixed with other materials or made into finished products, as to be prescribed by the Director-General and notified in the Government Gazette.

**(As amended by Section 27. of the Minerals Act No.2. B.E. 2516)*

Section 93. Any person who wishes to obtain a Mineral Purchase Licence shall submit an application to the Local Mineral Industry Official in the locality where the applicant is to establish his place of business for purchasing minerals.

The Local Mineral Industry Official is empowered to issue a Mineral Purchase Licence, specify the place of purchase, and may prescribe any conditions in the Mineral Purchase Licence.

A Mineral Purchase Licence is valid only until 31st December of the year of issue.

Section 94. The holder of a Mineral Purchase Licence shall not purchase minerals at any place other than the place of purchase specified in the Mineral Purchase Licence unless he has obtained from the Local Mineral Industry Official a Licence for Mineral Purchasing outside the Designated Place to purchase minerals outside his place of purchase.

If the holder of a Licence for Mineral Purchasing outside the Designated Place wishes to have another person purchase minerals outside his place of purchase on his behalf, he must also specify the name of such person in applying for such a licence.

As for the application and issuance of a Licence for Mineral Purchasing outside the Designated Place, the provisions of Section 93 shall apply *mutatis mutandis*.

A Licence for Mineral Purchasing outside the Designated Place shall expire at the same time as the Mineral Purchase Licence.

Section 95. The holder of a Mineral Purchase Licence shall display the licence at the conspicuous place specified in the licence. In the event that he also holds a Licence for Mineral Purchasing outside the Designated Place he shall display the names of purchasing agents, if any, at the same place.

Purchasing agents so named must carry the Licence for Mineral Purchasing outside the Designated Place with them while purchasing minerals.

Section 96. A Mineral Purchase Licence is not transferable.

Section 97. Upon the death of the holder of a Mineral Purchase Licence, if his heir or the administrator of his estate wishes to continue purchasing minerals under the licence, he shall submit an application to purchase minerals under the deceased's licence within thirty days from the death of the licence holder and at the same time produce evidence of succession or appointment as administrator of the estate. The Local Mineral Industry Official is empowered to allow the applicant to continue purchasing minerals under such a licence.

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

does not apply to purchase minerals under the deceased's licence within the period aforesaid in the first paragraph, the Mineral Purchase Licence shall expire upon completion of thirty days from the death of the licensee.

In the event that the holder of a Mineral Purchase Licence is adjudged incompetent, the provisions in the two preceding paragraphs shall apply to the guardian *mutatis mutandis*.

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

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

Section 98. No holder of a Mineral Purchase Licence or a Licence for Mineral Purchasing outside the Designated Place shall purchase minerals unless the seller has:

- (1) delivered documents in the form issued by the Department of Primary Industries and Mines to show that the minerals were acquired under a Provisional Prathanabat or a Prathanabat, by stating its number and bearing the signature of the holder of the Provisional Prathanabat or Prathanabat or his agent who is duly registered with the Local Mineral Industry Official;
- (2) delivered documents in the form issued by the Department of Primary Industries and Mines to show that the minerals belong to the seller who holds a Mineral Purchase Licence, stating its number and bearing the signature of the purchase licensee or his agent who is duly registered with the Local Mineral Industry Official;
- (3) delivered documents showing that the person has obtained from the Director-General a special permission for this particular sale; or
- (4) produced an Ore Panning Licence and proved that the minerals were acquired in the quantity not exceeding the limit specified in the licence.

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

When the seller produces documents under (4) the Mineral Purchase Licensee must record the purchase on the selling list in the Ore Panning Licence and then return the licence to the holder thereof immediately.

Section 99. No one shall sell minerals unless he is:

- (1) the holder of a Provisional Prathanabat or Prathanabat, or his agent duly registered with the Local Mineral Industry Official, who sells minerals acquired from the mining operations under the Provisional Prathanabat or Prathanabat; (*As amended by Section 29. of the Minerals Act No.2. B.E. 2516*);
- (2) the holder of a Mineral Purchase Licence or his agent who is duly registered with the Local Mineral Industry Official;
- (3) the holder of an Artisanal Mining Licence or the owner of minerals obtained from a holder of an Artisanal Mining Licence;
- (4) the holder of an Ore Panning Licence;
- (5) the person who has obtained a special permission from the Director-General for the particular sale; or
- (6) the person who sells metals obtained from metallurgical processes.



Section 100. The person who is entitled to sell minerals under Section 99 shall not sell minerals to any person except the holder of a Mineral Purchase Licence or the holder of a Licence for Mineral Purchasing Outside the Designated Place; unless the minerals are acquired from Artisanal mining, or the metals are obtained from metallurgical processes, or the minerals are for direct export out of the Kingdom.

Section 101. No person shall store minerals for business purposes at any place, except at the place where the person has obtained a Mineral Storage Licence from the Local Mineral Industry Official or unless the minerals are retained in possession under Section 105.

Section 102. Any person who wishes to obtain a Mineral Storage Licence shall submit an application to the Local Mineral Industry Official.

A Mineral Storage Licence is issued by the Local Mineral Industry Official who may prescribe any condition in the licence.

A Mineral Storage Licence is valid only until 31st December of the year of issue.

Section 103. The Director-General is empowered to revoke any licence issued under the provisions in this chapter when it appears that there have been violations of the provisions hereof or violations of the conditions prescribed in the licence or there have been the occurrence of causes which affect public safety or welfare.

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

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

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

Section 103 bis. When it is deemed expedient, the Minister may, by issuing the notification in the Government Gazette, determine any kind of mineral and its quantity from which the person who purchases, sells or stores that mineral be exempted from the necessity to comply with the provisions of this chapter, provided royalty for such mineral has been duly paid in full as required by Section 104.

(As amended by Section 16. of the Minerals Act No.3. B.E. 2522)

***Section 103 ter.** For the economic interest in the promotion of mining and the storage control of the mineral surplus, which is produced in excess of the quantity permitted by the State for exportation outside of the Kingdom at a certain time, upon the case where the Mineral Storage Licensee, the Mineral Processing Licensee, or the Metallurgical Processing Licensee submits a request in writing that his mineral store, mineral processing area, or metallurgy area, as the case may be, shall be established as a mineral depository, the Minister is empowered to designate the place or area belonging to such a licensee to be a mineral depository by consideration of the necessity and quantity of minerals in each locality, the condition and appropriateness of the place, and may also appoint an official to work regularly at the mineral depository, or stipulate any condition for the Mineral Storage Licensee, Mineral Processing Licensee, or Metallurgical Processing Licensee, whose mineral store, mineral processing area, or

metallurgical proceeding area is also a mineral depository, as the case may be, to perform.

The term of the mineral depository that is established according to the first paragraph shall not exceed one year.

The holder of a Provisional Prathanabat, Prathanabat, or Mineral Purchase Licence who purchases minerals from the Ore Panning Licencee may deposit the mineral surplus, acquired from the mining in his possession with the quantity exceeding that permitted by the State for exportation outside of the Kingdom at a certain time, to the mineral depository according to the rules, procedures, and conditions as specified by the Director-General.

**(Added by Section 5. of the Emergency Decree amending the Minerals Act, B.E. 2526)*

CHAPTER 7

Payment of Royalty, Possession, and Transport of Minerals

***Section 104.** The holders of a Provisional Prathanabat, Prathanabat, Mineral Purchase Licence, the possessor of other minerals derived from mineral processing and the holder of a Metallurgical Processing Licence shall pay the royalties under the law on mineral royalty rates as follows:

- (1) Royalties for the minerals designated in the Prathanabat, including other minerals which are mined as by-products, shall be paid in full and in accordance with their quantities before their removal from the mining area.
- (2) The holder of a Mineral Purchase Licence who purchases minerals from an Ore Panning Licencee shall pay royalties for the minerals purchased in the previous month by the fifth day of the following month.
- (3) In case the holder of a Provisional Prathanabat, Prathanabat, or the holder of a Mineral Purchase Licence, who purchased minerals from an Ore Panning Licencee, transports the minerals to his own mineral processing or metallurgical area, or that of others, with prior approval from the Director-General, the said person may ask for a deferment of the royalty payment until the completion of mineral processing or metallurgical processing, provided he furnishes to the Local Mineral Industry Official, as may be designated by the Local Mineral Industry Official, a cash deposit or a bank guarantee, issued by a bank approved by the Director-General, as an insurance against the royalty payment.
- (4) In case the mineral processing recovers other kinds of minerals, mineral royalties must be paid for the recovered minerals together with the application for the possession thereof as required by Section 105.
- (5) In case the slag contains other minerals at a quantity exceeding that is designated by the Director-General and for which royalties have not yet been paid, the metallurgical processor shall pay in full royalties for the admixed minerals according to the assessed quantity before removing the slag from the metallurgical processing area.

In case the purchase and sale of minerals forfeited by the State, and for which royalties have remained unpaid, the purchaser shall pay the royalties under the law on



mineral royalty rates together with the application for possession of the said minerals as required by Section 105.

**(As amended by Section 17. of the Minerals Act No.3. B.E. 2522)*

Section 104 bis. The person who deposits the minerals at the mineral depository under Section 103 ter may ask for a deferment of the royalty payment in accordance with the term, rules, procedures, and conditions specified a Ministerial Regulation.

(Added by Section 6. of the Emergency Decree amending the Minerals Act, B.E. 2526)

Section 105. No person shall be allowed to have in his possession an excess of two kilograms of each kind of minerals, unless it is:

- (1) the mineral for which a Mineral Possession Licence has been issued or for which exemption has been given under Section 103 bis;
- (2) the mineral acquired from prospecting for use in analysis or research at a quantity not exceeding that specified in the Atchayabat;
- (3) the mineral acquired from mining in the mining area where it is kept;
- (4) the mineral for which a Mineral Transport Licence has been issued for its removal to the place designated under the Mineral Storage Licence;
- (5) the mineral which is in the course of transportation under a Mineral Transport Licence or which is kept in a transit store specified in the said Mineral Transport Licence;
- (6) the mineral in the mineral purchasing place, which is acquired under a document provided under Section 98;
- (7) the mineral transported under a Mineral Transport Licence to the mineral processing or metallurgical processing area for processing;
- (8) the mineral acquired under an Artisanal Mining Licence or Ore Panning Licence or under paragraph two (3) of Section 92;
- (9) the mineral kept under possession for the purpose of study or research by a private research institute that has received a written permission from the Director-General, government agencies, government organizations or education institutes;
- (10) the mineral which has been allowed by written permission from the Director-General to be kept under possession for a special and individual case;
- (11) the mineral in the form of finished products which are utensils, decorative articles, sculptures, or products from metallurgical or industrial processes.
(As amended by Section 18. of the Minerals Act No.3. B.E. 2522)
- (12) the mineral for which a Mineral Transport Licence has been issued for its removal to a mineral depository under Section 103 ter. *(Added by Section 7. of the Emergency Decree amending the Minerals Act, B.E. 2526)*

Section 106. Any person who wishes to obtain a Mineral Possession Licence shall submit an application to the Local Mineral Industry Official.

A Mineral Possession Licence is issued by the Local Mineral Industry Official who shall specify the place where the minerals are to be retained and may prescribe any conditions in such licence.

The holder of a Mineral Possession Licence may retain minerals in possession only in the place specified in the licence. In this case, the licensee does not need to hold

a Mineral Storage Licence, but shall obtain a Mineral Transport Licence before transporting the minerals out of such a place.

A Mineral Possession Licence is valid only until 31st December of the year of issue.

Section 107. Upon the death of the holder of a Mineral Possession Licence, it shall be deemed that the possessor of the minerals is the holder of the Mineral Possession Licence until the expiry of the licence.

***Section 108.** No person shall transport minerals from any place except:

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

**(As amended by Section 32. of the Minerals Act No.2. B.E. 2516)*

Section 109. Any person who wishes to obtain a Mineral Transport Licence shall submit an application to the Local Mineral Industry Official and shall produce evidence that the payment of royalties on the minerals, for which a Mineral Transport Licence is applied, has been paid in full or a Licence for Deferment of the Royalty Payment has been issued in advance.

(Added by Section 8. of the Emergency Decree amending the Minerals Act, B.E. 2526)

A Mineral Transport Licence is issued by the Local Mineral Industry Official who may prescribe any condition in such a licence.

***Section 110.** The holder of a Mineral Transport Licence can, at each time, transport minerals between places for a quantity specified in the licence.



The extent and quantity of each kind of mineral that can be transported in excess of the limit provided in the Mineral Transport Licence shall be prescribed by a Ministerial Regulation.

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

The transportation of minerals in excess of the quantity permitted and prescribed by the Ministerial Regulation shall cause the entire lot of minerals to be regarded as being transported without a licence.

**(As amended by Section 19. of the Minerals Act No.3. B.E. 2522)*

Section 111. Subject to Section 112, the holder of a Mineral Transport Licence may transport minerals only of the same kind and condition as specified in the licence. If other minerals are mixed therein and such minerals are not being found and mixed in natural occurrence, it shall be deemed that the entire lot of minerals is illegally transported.

Section 112. The holder of a Mineral Transport Licence cannot transport minerals in which other minerals are admixed in natural occurrence and the minerals thus mixed are in the categories and quantities as prescribed by a Ministerial Regulation, except when the licence specifies the categories of the admixed minerals and the holder of a Mineral Transport Licence complies with the conditions prescribed in the Ministerial Regulations.

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

Section 113. In the event that a person holds several Prathanabats with contiguous mining areas, or several persons hold several Prathanabats with contiguous mining areas and have received permission from the Local Mineral Industry Official to coordinate their mining projects into a single mine, it shall be regarded under the purposes of this chapter that such mining areas are combined into one mining area.

Section 113 bis. The Minister shall be empowered to designate, by notification in the Government Gazette, any location or place as a mineral checkpoint area.

(As amended by Section 20. of the Minerals Act No.3. B.E. 2522)

CHAPTER 8

Mineral Processing

***Section 114.** No one shall undertake mineral processing operations unless he has received a licence from the Local Mineral Industry Official or has been a holder of a Provisional Prathanabat or Prathanabat who undertakes mineral processing operations within the mining area.

Section 113 shall apply thereto *mutatis mutandis*.

**(As amended by Section 33. of the Minerals Act No.2. B.E. 2516)*

***Section 115.** A person who wishes to apply for a Mineral Processing Licence shall submit an application to the Local Mineral Industry Official.

A Mineral Processing Licence is issued by the Local Mineral Industry Official who may specify any condition therein.

A Mineral Processing Licence shall be valid for a period specified in the licence but not exceeding three years from the date of issue and may be renewed for not exceeding three years from the date of each renewal.

A Mineral Processing Licencee must comply with the conditions specified in the Mineral Processing Licence.

**(As amended by Section 33. of the Minerals Act No.2. B.E. 2516)*

Section 116. In undertaking a mineral processing operation, the holder of a Mineral Processing Licence shall not perform any act likely to render, or fail to perform any act the failure of which is likely to render toxic minerals or other poisonous materials harmful to persons, animals, vegetation, or properties.

Section 117. The competent officials are empowered to enter into a mineral processing area for inspection of the mineral processing operation at any time and the possessor of the mineral processing area shall offer such facilities as may be appropriate under the circumstances. The competent officials are also empowered to give orders in writing to the holder of the Mineral Processing Licence to undertake any action to prevent any harm which may result from the mineral processing operation.

Section 118. When the Local Mineral Industry Official considers that the mineral processing operation will cause harm to persons, animals, vegetation or properties, he is empowered to give an order in writing to alter or modify the mineral processing operation to prevent such harm, and to suspend the mineral processing operation totally or partially as he may deem appropriate.

Section 119. The Director-General is empowered to revoke a Mineral Processing Licence when it appears that there has been violation of the provisions hereof or of the conditions prescribed in the licence, or upon the occurrence of causes affecting public safety or welfare.

The order revoking a licence shall be delivered to the licencee, and the licence shall expire on the date that order is received.

The licencee whose licence is revoked is entitled to appeal the order to the Minister by submitting such appeal to the Local Mineral Industry Official within fifteen days after receiving the order. The decision of the Minister shall be final.

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



CHAPTER 9

Metallurgical Processing

Section 120. Metallurgical processing of any kind of minerals, together with production capacity and processes which are to be restricted by this Act shall be prescribed in a Ministerial Regulation.

Section 121. No one shall undertake any metallurgical processing restricted by this Act unless he has obtained a Metallurgical Processing Licence.

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

Section 122. A person who wishes to obtain a Metallurgical Processing Licence shall submit an application to the Local Mineral Industry Official.

A Metallurgical Processing Licence is issued by the Director-General who may prescribe any condition in the licence.

A Metallurgical Processing Licence is valid for the period specified in the licence but not exceeding twenty five years from the date of issue and the licence may be extended for a specified period of not exceeding twenty five years from the date of extension.

Section 123. In undertaking metallurgical processing, the holder of a Metallurgical Processing Licence shall not perform any act likely to render or fail to perform any act the failure of which is likely to render toxic minerals or other poisonous materials harmful to persons, animals, vegetation or properties.

Section 124. The competent officials are empowered to enter at any time into a metallurgy area for inspection of the metallurgical processing and the possessor of the metallurgy area shall offer facilities as may be appropriate under the circumstances. The competent officials are also empowered to give orders in writing to the holder of the Metallurgical Processing Licence to undertake any action to prevent any harm which may result from the metallurgical processing.

Section 125. When the Local Mineral Industry Official considers that the metallurgical processing will cause harm to persons, animals, vegetation or properties, he is empowered to give an order in writing to the holder of the Metallurgical Processing Licence to alter or modify the metallurgical processing as he may consider necessary to prevent such harm, and he is empowered to give an order in writing to suspend the metallurgical processing totally or partially as he may deem appropriate.

Section 126. The Director-General is empowered to revoke a Metallurgical Processing Licence when it appears that there has been violation of the provisions thereof or of the conditions prescribed in the licence, or upon the occurrence of causes affecting public safety or welfare.

The order revoking a Metallurgical Processing Licence shall be delivered to the licensee and the licence shall expire on the date that order is received.

The licensee whose licence is revoked is entitled to appeal the order to the Minister by submitting such an appeal to the Local Mineral Industry Official within fifteen days after receiving the order. The decision of the Minister shall be final.

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

CHAPTER 10 Reimbursement of Royalties

***Section 127.** In case any mineral for which the royalties have been duly paid, the Minister shall be empowered to reimburse the royalties to the mineral user if he has proven with sufficient satisfaction to the Minister that the mineral has been used within the country for the industries, which are not those for which the royalties cannot be reimbursed as prescribed by the Minister in the Government Gazette, or that the mineral is consumed as energy matter within the country.

The royalty reimbursement for each type of mineral according to the first paragraph shall be in compliance with the rules, procedures, conditions, and rates prescribed in a Ministerial Regulation.

Any person who wishes to reimburse the royalties shall submit a petition to the Local Mineral Industry Official in the locality where the mineral is consumed.

**(Added by Section 7. of the Emergency Decree amending the Minerals Act, B.E. 2528)*

CHAPTER 11 Import and Export of Minerals

Section 128. The import or export of minerals of any kind, condition, and quantity, which is to be restricted by this Act, shall be prescribed in a Ministerial Regulation.

Section 129. No one shall import or export minerals restricted by this Act unless he has obtained a Mineral Import Licence or a Mineral Export Licence.

Section 130. Any person who wishes to import or export minerals restricted by this Act shall submit an application to the Local Mineral Industry Official.

A Mineral Import or a Mineral Export Licence is issued by the Director-General or his appointee who may prescribe any condition in the licence.

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



Section 131. Upon the occurrence of causes affecting the security or economy of the country, the Minister is empowered to revoke any Mineral Import or Mineral Export Licence at any time by publishing such a revocation in the Government Gazette.

CHAPTER 11/1 Liabilities⁶

Section 131/1. The holder of an Atchayabat, a Prathanabat, or any licence under this Act shall be responsible for his actions that cause any damage or nuisance to a person, property, or environment.

In case the damage has occurred within the licenced area, it shall be presumed that the aforesaid damage is caused by the actions of the holder of the Atchayabat, Prathanabat, or licence.

CHAPTER 12 Punishment

Section 132. Whoever violates section 7 shall be liable to a fine not exceeding five hundred baht.

***Section 132 bis.** Whoever fails to comply with the order of the Director under Section 9 octo shall be punished as follows:

- (1) Violation of Section 9 octo (1) (a) shall be subject to a punishment of imprisonment for the term of one to three years or a fine of fifty thousand to three hundred thousand baht, or both.
- (2) Violation of Section 9 octo (1) (b) (c) (d) or (g) or Section 9 octo (2) (a) or Section 9 octo (3) (e) shall be subject to a punishment of imprisonment for the term not exceeding two years or a fine of ten thousand to a hundred thousand baht, or both, and, in the case where the aforesaid violation continues, by a daily fine of two thousand baht throughout the period of violation.

In case of violation under Section 9 octo (1) (g), if the offender has proved that the violation was necessary and unavoidable for a reason, which was not his fault or was caused by his participation, for the safety of life or property, he shall be exempt from the punishment.

- (3) Violation of Section 9 octo (1) (e) or Section 9 octo (2) (b) or Section 9 octo (3) (b) shall be subject to a punishment of imprisonment for the term not exceeding one year or a fine of two thousand to thirty thousand baht, or both.
- (4) Violation of Section 9 octo (1) (e) or Section 9 octo (2) (b) or Section 9 octo (3) (a) (c) or (d) shall be subject to a punishment of imprisonment for the term not exceeding one year or a fine of two thousand to thirty

⁶ (As amended by Section 15 of the Minerals Act No.5 B.E. 2545)

thousand baht, or both and, in the case where the aforesaid violation continues, of a daily fine of five hundred baht throughout the period of violation.

If the holder of an Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, Prathanabat, licencee, or the holder of a permit under this Act committed the offence according to this Section, the Minister shall have the power to revoke the Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, Prathanabat, licence, or permission, as the case may be.

**(Added by Section 8 of the Emergency Decree amending the Minerals Act, B.E. 2528)*

***Section 132 ter.** The owner or possessor of any vehicle, which is being used in the transportation or removal of minerals without the sign as specified by the Director under Section 9 octo (3) (e), shall be liable to a fine of five hundred to five thousand baht.

The transportation or removal of mineral on the public way by the vehicle without the sign under the first paragraph shall be initially presumed to be an illegal transportation or removal of mineral, and the Director or the competent official shall be empowered to issue any order under this Act, unless the owner or possessor of the vehicle can clearly and undoubtedly prove to the competent official who is inspecting it that the official licence or permission is truly original. Any person who has no legal rights to transport or remove mineral and uses the sign prescribed by the Director under Section 9 octo (3) (e) shall be liable to a fine of two hundred to two thousand baht.

**(Added by Section 8 of the Emergency Decree amending the Minerals Act, B.E. 2528)*

Section 132 quarter. Whoever obstructs or does not offer facilities to the Director or the competent official in the execution of his functions as prescribed in Section 9 novem (1) or (2) or fails to comply with the order of the Director, or the competent official, under Section 9 novem (2) (3) or (4) shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding thirty thousand baht, or both.

(Added by Section 8 of the Emergency Decree amending the Minerals Act, B.E. 2528)

Section 133. Whoever violates Section 11, Section 12, or Section 14 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand baht, or to both.

Section 133 bis. Whoever fails to comply with a Ministerial Regulation issued under Section 17 (3 bis) (4) (5) or (6) shall be liable to a fine not exceeding ten thousand baht.

(As amended by Section 7 of the Minerals Act No.4 B.E. 2534)

Section 133 ter. Whoever violates Section 25 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand baht or to both.

(As amended by Section 34 of the Minerals Act No.2 B.E. 2516)



Section 134. Whoever fails to comply with Section 31 paragraph one or Section 40; or fails to comply with the conditions specified in Section 28 paragraph four or Section 33 paragraph six shall be liable to a fine not exceeding two thousand baht.

(As amended by Section 35 of the Minerals Act No.. B.E. 2516)

***Section 135.** Whoever violates Section 43 or Section 91 bis shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand baht, or both.

In the case where the violation of Section 43 occurred in a mineral restricted area or the violation of Section 91 bis occurred in the underground brine drilling restricted area, the violator shall be liable to imprisonment for a term of two to seven years or a fine of three hundred thousand to five hundred thousand baht, or both.

**(As amended by Section 8 of the Minerals Act No.4 B.E. 2534)*

Section 136. Whoever obstructs, or does not offer facilities, or fails to comply with the order of the competent official in the due exercise of his functions under Section 48, Section 70, Section 91 quarter, Section 117, or Section 124, if such action does not amount to an offence as stipulated in the Criminal Code, shall be liable to a fine not exceeding a thousand baht.

(As amended by Section 9 of the Minerals Act No.4 B.E. 2534)

Section 137. Whoever fails to comply with the order of the Local Mineral Industry Official under Section 71, or Section 91 quinque shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand baht and the Minister is empowered to revoke the Prathanabat or the Underground Brine Drilling Licence.

(As amended by Section 9 of the Minerals Act No.4 B.E. 2534)

Section 138. Whoever violates or fails to comply with Section 57, Section 59, Section 62, Section 63, Section 64, Section 67, Section 68, Section 69, or Section 74 or fails to comply with the conditions specified in Section 59, Section 62, Section 63, Section 64, Section 67, Section 68, or Section 74 shall be liable to a fine not exceeding two thousand baht and the Minister is empowered to revoke the Prathanabat.

(As amended by Section 36 of the Minerals Act No.2 B.E. 2516)

Section 138 bis. Whoever fails to comply with Section 60 shall be liable to a fine not exceeding ten thousand baht and the Minister is empowered to revoke the Prathanabat.

(As amended by Section 37 of the Minerals Act No.2 B.E. 2516)

Section 139. Whoever fails to comply with the order of the competent official under Section 72, paragraph two, shall be liable to a fine not exceeding two thousand baht and shall be liable to compensate for the expense of restoring the land to its original condition.

Section 140. The holder of a Prathanabat who violates section 76 shall be liable to a fine not exceeding ten thousand baht and the Minister is empowered to revoke the Prathanabat.

Section 141. The holder of a Prathanabat or sub-lessee of mining operations who fails to comply with the conditions prescribed under Section 77 shall be liable to a fine not exceeding two thousand baht.

Section 142. Whoever violates Section 89 or fails to comply with the conditions prescribed under Section 90 shall be liable to a fine not exceeding one thousand baht.

Section 143. Whoever violates Section 92, Section 99 or Section 101 shall be liable to imprisonment for a term not exceeding six months or to a fine of not exceeding five thousand baht, or both.

Section 144. Whoever fails to comply with the conditions prescribed under Section 93 or Section 102 shall be liable to a fine not exceeding two thousand baht.

Section 145. Whoever violates Section 94 shall be liable to a fine not exceeding two thousand baht.

Section 146. Whoever violates Section 95 shall be liable to a fine not exceeding five hundred baht.

Section 147. Whoever violates Section 98 or Section 100 shall be liable to a fine not exceeding two thousand baht.

Section 147 bis. Any Mineral Storage Licencee, a Mineral Processing Licencee, or a Metallurgical Processing Licencee whose mineral store, mineral processing area, or the metallurgical processing area, as the case may be, is established as a mineral depository, who violates or fails to comply with the conditions as prescribed in the first paragraph of Section 103 ter shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand baht, or both.

(Added by Section 9 of the Emergency Decree amending the Minerals Act, B.E. 2526)

***Section 148.** Whoever violates Section 105 or Section 108 shall be liable to a fine from one to five times the value of minerals based on the price fixed under the law on mineral royalty rates in force on the date of the offence. The Minister has the power to revoke the Provisional Prathanabat, Prathanabat or licence in the case of the following:

- (1) illegal possession of minerals from other sources in the mining area, mineral processing area, metallurgical area, storage place or mineral purchasing area, or
- (2) illegal transportation of minerals from the mining area, mineral processing area, metallurgical area, storage place or mineral purchasing area.

**(As amended by Section 21 of the Minerals Act No. 3 B.E. 2522)*



If the violation of the first paragraph occurred in the mineral restricted area, the violator shall be liable to imprisonment for a term of one to five years or a fine from two to six times the value of minerals based on the price fixed under the law on mineral royalty rates in force on the date of the offence, or both, and, in such case, the Minister is empowered to revoke the Provisional Prathanabat, Prathanabat, or licence involved, in the case that (1) or (2) is applied.

(Added by Section 10 of the Emergency Decree amending the Minerals Act, B.E. 2528)

Section 148 bis. Whoever violates Section 106 or fails to comply with the conditions prescribed under Section 106 or 109 shall be liable to a fine not exceeding five thousand baht.

(As amended by Section 22 of the Minerals Act No. 3 B.E. 2522)

Section 149. Whoever violates Section 114 or Section 121 or fails to comply with conditions prescribed under Section 115 or Section 122 shall be liable to a fine not exceeding two thousand baht.

Section 150. Whoever violates Section 116 or Section 123 shall be liable to a fine not exceeding two thousand baht.

Section 151. Whoever fails to comply with the orders of the competent official given under Section 118 or Section 125 shall be liable to a fine not exceeding two thousand baht.

***Section 152.** Whoever violates Section 129 shall be liable to imprisonment for a term not exceeding ten years or to a fine from five to ten times the value of minerals based on the price fixed under the law on mineral royalty rates in force on the date of the offence, or both.

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

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

**(As amended by Section 23 of the Minerals Act No. 3 B.E. 2522)*

Section 152 bis. Whoever fails to comply with the conditions prescribed under Section 130 shall be liable to a fine not exceeding ten thousand baht.

(As amended by Section 24 of the Minerals Act No. 3 B.E. 2522)

Section 152 ter. In the event of a shortage of minerals from the production stock–book kept by the holder of a Provisional Prathanabat, Prathanabat, or from the balance–in–stock book kept by the holder of a Mineral Purchase Licence, Mineral Storage Licence, Mineral Possession Licence, Mineral Processing Licence, Metallurgical Processing Licence; or a person whose mineral store, mineral processing area, or metallurgical processing area is also a mineral depository, who cannot prove that the shortage of such minerals is not his fault, the holder of a Provisional Prathanabat, Prathanabat, Mineral Purchase Licence, Mineral Storage Licence, Mineral Possession Licence, Mineral Processing Licence, Metallurgical Processing Licence; or a person whose mineral store, mineral processing area, or metallurgical processing area is a mineral depository, as the case may be, shall be liable to a fine from one to three times the value of the missing minerals based on the price fixed by the law on mineral royalty rates in force on the date of the offence, and, in such case, the Minister is empowered to revoke the Provisional Prathanabat, Prathanabat, licence, or mineral depository involved.

(Added by Section 10 of the Emergency Decree amending the Minerals Act, B.E. 2526)

Section 153. As for the commission of an offence which is liable to imprisonment for a term not exceeding one month or a fine not exceeding ten thousand baht, the competent official shall have the power to settle it.

Section 153 bis. As for the commission of an offence according to Section 148 paragraph one or Section 152 ter, the Director-General shall have the power to settle it with a fine at the amount of no less than the minimum set by the law. Payment of the fine by the offender shall bring the case to extinction.

(Added by Section 11 of the Emergency Decree amending the Minerals Act, B.E. 2528)

***Section 154.** All minerals, equipment, tools, appliances, beasts of burden, vehicles or machinery, which a person acquires or uses in the commission of an offence, or possesses for use in the commission of an offence or uses as accessory to derive results from the commission of an offence under Section 132 bis, Section 132 ter, Section 132 quarter, Section 133, Section 133 ter, Section 135, Section 138, Section 142, Section 143, Section 145, Section 147, Section 148, Section 148 bis, Section 152 or Section 152 bis, shall be forfeited wholly, regardless of any person being sentenced by a judgment.

A prosecutor shall submit a request to the court to give orders for the forfeiture of the properties according to the first paragraph, and upon such request submitted by the prosecutor, the competent official shall publish the request at least two consecutive days in a local daily newspaper to allow the person who may claim to be the owner to submit a request to enter into the case before the court of first instance pronounces a judgment, whether there appears a person who is deemed to be the owner or not.

In the case where no person claims to be the owner before the court of first instance pronounces a judgment, or the owner cannot prove to the court that he does not know or there is no reason for him to suspect that the commission of such an offence has occurred, granted that he has exercised such care as may be expected to prevent such offence, or cannot prove to the court that he does not know or there is no reason for him to suspect that the properties are used in the commission of such offence according to this Act, the court shall order a forfeiture of such property after thirty days



from the date of publication in the local daily newspaper as prescribed in the second paragraph, and, in this case, Section 36 of the Penal Code shall not be applied.

**(Added by Section 12 of the Emergency Decree amending the Minerals Act, B.E. 2528)*

***Section 155.** In the case of the offence under Section 132 bis, Section 132 ter, Section 133 ter, Section 135, Section 142, Section 143, Section 145, Section 147, Section 148, Section 148 bis, Section 152, Section 152 bis, or Section 152 ter, the Director-General is empowered to order the payment of rewards to the informer who supplies information leading to the arrest and to the person who makes the arrest in accordance with the Ministerial Regulations as published in the Government Gazette at the total rate of no more than fifty five percent of the net sale of the exhibits or fine, as the case may be. In the prescription of the rates of the reward for the informer or the reward for the arresting party, the Minister may prescribe the payment of such rewards in the case where there appears an accused person and/or offender criminally convicted by a final judgment more than the payment of the rewards in the case where there appears no accused person and/or no offender convicted by a final judgment.

The reward for an informer and reward for the arresting party according to the first paragraph shall be paid, by the Director-General, from the sale of the exhibits forfeited by the court, or from the fine paid to the court in the case where the exhibits are not forfeited by the court or are unsaleable, or from the settlement fine in the event that the case is extinguished through the settlement of fine or the sale of exhibits, which become the properties of the State under Section 15 quinqué. In the event where the case is concluded by the settlement of fine, the competent official who has the power to settle the case, as appointed by the Director-General, shall order the payment and may stipulate any condition thereof.

**(Added by Section 12 of the Emergency Decree amending the Minerals Act, B.E. 2528)*

CHAPTER 13

Transitory Provisions

Section 156. The provisions of Section 89 where they relate to artisanal mining, Section 101, Section 105 and Section 114 shall not apply until sixty days after this Act has come into force.

Section 157. During the period before Ministerial Regulations or Proclamations under this Act are issued, all the Ministerial Regulations and Proclamations under the laws relating to mining which are in force on the day this Act is published in the Government Gazette shall continue to apply in so far as that they are not contrary or contradictory to the provisions of this Act.

Section 158. During the period before the laws relating to petroleum are promulgated, the provisions of this Act shall temporarily apply to petroleum *mutatis mutandis*.

Section 159. Whoever wishes to obtain an Exclusive Prospecting Atchayabat to prospect for petroleum shall submit to the Director-General an application together with a map showing the area for which an Exclusive Prospecting Atchayabat to prospect for petroleum is applied.

Section 160. Whoever wishes to obtain a Prathanabat to mine for petroleum shall submit to the Director-General an application together with a map showing the area for which the Prathanabat is applied.

Section 161. The Minister is empowered to prescribe, by publication in the Government Gazette, the zonal areas, validity periods, principles, procedures, conditions, and benefits to accrue to the State in issuing an Exclusive Prospecting Atchayabat to prospect for petroleum and in issuing a Prathanabat to mine for petroleum, which may differ from the provisions of this Act.

Section 162. The holder of an Exclusive Prospecting Atchayabat to prospect for petroleum shall be exempted from the mining area rental fee under Section 26.

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

Section 163. All Prathanabats, Atchayabats, or licences issued under the laws repealed under Section 3 prior to the date this Act comes into force, shall be deemed to be Prathanabats, Atchayabats, or licences issued under this Act until their expiry.

Countersigned by
Field Marshal Thanom Kittikachorn
Prime Minister

Remark: The reason to promulgate this Act is due to the fact that at the present time there are many laws concerning minerals which shall be combined into a single code and amended in such a way that the State has the power to manage mineral productions, conservation, purchases, and metallurgical processes, and at the same time shall facilitate the mining entrepreneurs while providing protection to labourers as well as public safety in accordance with the most recent conditions.



Schedule of Fees⁷

Serial No.	Particulars	Rates of fees
1	Fee for an application, each	20 baht
2	Fee for a Prospecting Atchayabat, each	100 baht
3	Fee for an Exclusive Prospecting Atchayabat, each	500 baht
4	Fee for a Special Atchayabat or its renewal, each	1000 baht
5	Fee for a Provisional Prathanabat	1000 baht
6	Fee for a Prathanabat or its renewal, each	1000 baht
7	Fee for a licence or its renewal, each	1000 baht
8	Mining area rental fee	
	(a) under an Exclusive Prospecting Atchayabat or a Special Atchayabat, every 1 rai or a fraction thereof, each year	6 baht
	(b) under a Prathanabat or Provisional Prathanabat, every 1 rai or a fraction thereof, each year	20 baht
9	Fee for surveying, every 40 metres of the length of traverse or a fraction thereof	20 baht
10	Fee for map drawing or duplicating, the first 50 square centimeters of area in the map or less, each sheet;	20 baht
	for every subsequent 50 square centimeters or a fraction thereof;	5 baht
	but not exceeding per copy	200 baht
11	Examining fee, each case	100 baht
12	Mining boundary demarcation post, each	100 baht
13	Fee for a transfer of Prathanabat, each	500 baht
14	Fee for a transfer of mining rights	4 per cent
15	Fee for technical examining, testing or analyzing each mineral sample.	1000 baht
16	Copying or photocopying fee, each page	10 baht
17	Documents certifying fee, each document	50 baht
18	Fee for inspecting documentary evidence, each matter	100 baht
19	Fee for filling in an application at the request of the applicant, each application	5 baht
20	Replacement certificate of an Atchayabat, a Provisional Prathanabat, Prathanabat or licence, each	200 baht
21	Fee for registration of power of attorney, each	100 baht
22	Fee for suspension of mining operations, every 1 rai or a fraction thereof, each year.	20 baht
23	Fee for damming up or pumping water, calculated from every cubic metre, or a fraction thereof, of water used per 1 minute.	100 baht

⁷ As amended by the Minerals Act (No. 4) B.E. 2534

Part II

Selected

Ministerial Regulations

Issued in Accordance with the Minerals Act B.E. 2510



Ministerial Regulation

No. 9 (B.E. 2513)

Issued in Accordance with the Minerals Act B.E. 2510

By virtue of Section 17 of the Minerals Act B.E. 2510, the Minister of National Development has issued the Ministerial Regulation as follows:

The procedures to provide protection and safety for workers and the third persons are the followings:

1. A holder of Prathanabat, Provisional Prathanabat, Mineral Processing Licence, or Metallurgical Processing Licence shall provide first-aid necessities without any charge to help workers in a timely manner in the case that they are injured or sick.

2. When an accident occurs resulting in human fatality or inability to work within 48 hours, or more than 48-hour shutdown of the operation and the accident causing the shutdown may harm workers or the third persons; the holder of Prathanabat, Provisional Prathanabat, Mineral Processing Licence, or Metallurgical Processing Licence shall report the incidence to the Local Mineral Industry Official within 72 hours after the accident. However, in case the inability to work or the required shutdown takes less than 48 hours, the holder shall make a report in the official monthly report form, which is designated by the Department of Primary Industries and Mines, no later than the fifth day of the following month.¹

3. The holder of a Prathanabat, Provisional Prathanabat, Mineral Processing Licence, or Metallurgical Processing Licence must provide drinking water, water supply, lighting, and lavatory in hygienic condition for the workers in a mining area, mineral processing area, or metallurgy area.

4. The holder of a Prathanabat, Provisional Prathanabat, Mineral Processing Licence, or Metallurgical Processing Licence must perform as follows.

¹ As amended by the Ministerial Regulation No. 50 (B.E. 2525)

CHAPTER 1

General Provisions

- 1) Appoint a representative upon the absence of the statutory tenant of mining area, mineral processing area, or metallurgy area.
- 2) In case more than 20 workers are employed, arrange to have a supervisor to look after routine operation for safety and accident prevention during mining, mineral processing, or metallurgical processing. In addition, the results of the safety inspections must be documented in order to present to the competent official.
- 3) Cooperate by sending personnel to be trained at the training center on the supervision of the operation with regard to the accidental protection and first aid.
- 4) Keep the mining face in the condition that is safe from sliding, collapsing, and falling of any objects that may cause harm to persons, and arrange a chief worker or a deputy for close supervision throughout the period of operation.
- 5) Provide sufficient lighting for operation at the mining face, mineral processing plant, or metallurgical processing plant.
- 6) Equip all the buildings in mining, mineral processing, or metallurgy area with fire extinguishers.

CHAPTER 2

Provisions on the Use of Water Jet Monitor

- 7) Prevent any person from standing in front of a water jet monitor while loosening the ground. In case of necessity in doing so, stop the water jet first.
- 8) Keep the distance between the monitor and the mining face at no less than the height of the face to be mined.
- 9) Arrange to have an operator in active duty at all times during ground loosening by water jet.

CHAPTER 3

Provisions for Machine and Equipment Operation

- 10) Allow only authorized person to operate the equipment.
- 11) Well-fitting dress must be worn by the operator when working around moving parts of the equipment.
- 12) Machines, belt conveyors, gears, crankcases, or flywheels, which may cause accident or fatality to workers, must be covered with protection for safety.
- 13) The pulleys that are located no higher than 2.5 metres above the ground must have protected cover for safety.
- 14) Prevent anyone from operating any equipment unless it is certain that nobody else is in the vicinity that may be harmed by the equipment.



- 15) The walkways along equipment need to have suitable spacing. In case they are in the limited space between equipment, there must be side protection against the equipments for safety on both sides of the walkways.
- 16) Designate that the operator of a stone grinding machine must wear safety glasses.
- 17) Maintain every vehicle with good working condition of brakes and signals.

CHAPTER 4

Provisions on the Use of Boiler

- 18) Arrange for a routine check inside the boilers at least once a year.
- 19) Arrange for regular checks on the safety valves.
- 20) Keep a water-level gauge, vapor-pressure gauge and their accessories in a clean and good working condition.
- 21) Prevent anybody from repairing the boilers and their connected accessories while the vapor pressure is active.
- 22) Arrange for at least two exits in a boiler room. In case there are door panes, they must be pushed open only in an outward direction.

CHAPTER 5

Provisions on the Use of Electricity

- 23) Arrange the high-voltage power lines to be installed at no less than 5 metres above the ground. If the installation across any buildings or structures is necessary, the power lines need to be installed at least 3 metres in height above these structures.
- 24) Provide lightning protection facilities for electrical devices and high-voltage circuits.
- 25) Post a sign “Danger-High Voltage” to be clearly seen by using red-coloured letters on white background board to the place where a transformer or a high-voltage panel is installed.
- 26) Provide ground lines for any parts that may have electrical leak, e.g., metal structure, outer-covering, motor cover, generator cover, electrical panel or other electrical devices.
- 27) Regularly check the ground lines to ensure they are in good working condition.
- 28) Provide the electrical control panel with the following:
 - (a) enough room around the panel for convenient operation,
 - (b) sufficient lighting, and
 - (c) emergency circuit breaker.
- 29) Designate clear displaying devices for all switches to signal their functioning.
- 30) Prevent any person from working on the electrical circuit that still has active electric current unless it is necessary.
- 31) When the high-voltage circuit is switched off, there must be a fastening or a key lock combined with the clearly-shown sign “Danger-Do Not Switch On.”
- 32) Prevent anybody from switching on any circuit unless it is certain that nobody else is operating on the circuit.

- 33) Prevent any person from wrapping active cable line that still has electric current.
- 34) The power lines connected into a building, or installed inside a building or structures must be insulated.

CHAPTER 6

Provisions on the Use of Explosives

- 35) Arrange to have the explosive magazine in the following manner:
 - (a) The magazine building must be fire-proof, water-proof, as well as bullet-proof. The floor material must have no potential to spark.
 - (b) The magazine must be located at no less than 75 metres from any other building, and no less than 100 metres from a main shaft or an access to underground working area.
 - (c) Always keep the magazine securely locked.
 - (d) Post the sign "Danger-Explosives" to be clearly seen using red-coloured letters on a white board.
 - (e) Provide good ventilation.
- 36) Keep high explosives at least 30 metres away from the detonators or the detonating cord magazine, and put them separately in two different magazines.
- 37) Arrange for an exclusive magazine to keep only explosives.
- 38) There must be no dry weed or any flammable material within 8 metres around the magazine.
- 39) Make a balance record to show to the officials the remaining amount of high explosives, detonators and detonating cords.
- 40) Prevent the use of deteriorated explosives.
- 41) Prevent any person from carrying detonators together with high explosives.
- 42) Prevent any person from transporting the following together with explosives: any metal, tools made of metal, fuel, matches, acid, or any flammable material.
- 43) Allow only the operator with direct responsibility to make the loading of explosives, with the requirement to move away any flame to a safe distance from the blasting site.
- 44) Prevent any person from smoking during any operation on explosives.
- 45) Allow only wooden materials to be used during loading operation.
- 46) Return the remaining explosives to the magazine immediately after daily use.
- 47) Before each blasting, the blaster must give the signals known to everybody, and at least 15 minutes after the blast to provide the signals of the safe area that has no dust and smoke, prior to the workers can re-access for working.
- 48) Safety fuse in use must be at least 1 metre in length.
- 49) Use only the pliers designed for crimping a plain detonator with safety fuse.
- 50) Prevent any person from using any other material except copper or wooden tool to pierce into high explosives for the insertion of plain detonator with safety fuse.
- 51) Electric blasting must be operated as follows:
 - (a) Short-circuit the two lines of the detonator until the blasting is ready.
 - (b) Short-circuit the two electric leading lines for the blast until the blasting is ready.
 - (c) When the blast is ignited from an electric circuit, use the two-way switch that must be placed at a safe distance from the blasting area, and maintain short-circuit the two electrical lines until the blasting is ready.



- 52) In case of misfire after the blast, blast them out first before any operation is conducted in that area. Drill a new hole parallel to the misfired holes by applying at least 50 centimeters spacing between holes.
- 53) Post the signs “Danger-Blasting Area” to be clearly seen through red-coloured letters on white background board, and put them within 100 metre radius around the area.

CHAPTER 7

Provisions for Dredging

- 54) Before starting any moveable parts of any equipment in a dredge, keep everybody away from the parts at a safe distance.
- 55) Give known signals audible to all persons, before starting to move bucket chain or trommel.
- 56) Provide sufficient illumination at all ladders and walkways. Handrails must be installed at all ladders.
- 57) Take precaution not to put any equipment or tools/devices in a possibly rolling-out or falling-down manner.
- 58) During dredging operation, the head and swing lines must be able to move without any obstruction along their length. Take precaution not to allow any person to cross, to go under, or to approach near the head and the swing lines.
- 59) If the head and the swing lines need to be cast across the walkway or the roadway, relocate them at a safe distance. In this case, a prior approved document by Local Mineral Industry Officials must be received before taking such an action.
- 60) Arrange a supervisor to facilitate as well as to provide safety for the passing-by barges or boats, in case of necessity to cast the head or the swing lines across the public waterway.
- 61) Provide sufficient easy-access life-savers for the workers in the dredge.
- 62) Put the signs “Danger from Dredge Lines” in a clearly seen manner, using red-coloured letters on white boards; and post them at regular intervals along the lines with the distance between 10 to 30 metres away from the lines.
- 63) Prevent any person from working in the water near the dredge during dredging.

CHAPTER 8

Provisions on Excavators

- 64) Prevent any person from approaching near the excavating, mucking, grading or bulldozing equipment during its operation.
- 65) Designate the employees working around excavators to wear safety hats and safety shoes.

CHAPTER 9

Provisions on Underground Mining

- 66) Provide good ventilation according to the appropriate technical practice, and supply the minimum amount of 1.5 cubic metres per minute per manpower working underground.
- 67) Prevent any person from working in the underground area that has oxygen less than 20 percent by volume, or carbon dioxide or other toxic gases more than 0.5 percent by volume, or methane more than 1 percent by volume.
- 68) Provide at least two accesses to the underground, with the exception at the development stage prior to ore production that one access is temporarily allowed.
- 69) Prevent any person from using any fuel consuming equipment underground, except with the written approval from the Local Mineral Industry Officials.
- 70) Use only electric, dry cell, carbide lantern, or candle to illuminate underground; however, the underground coal mine must be illuminated by electric or dry cell only.
- 71) Provide strong and stable supports for shafts, adits, and tunnels.
- 72) Prevent any person from making a support stretching out further than 2.5 metres span.
- 73) Take precaution not to allow any person to work in an unsafe adit or tunnel, unless a safe condition can be managed.
- 74) In order to take precaution against danger or accident to persons or properties, assign a shift supervisor to inspect the following: shaft and tunnel supports, ventilation system, machinery, hoisting wire ropes, and other activities. In case of any defect or malfunction, immediately correct it to obtain safe condition. Always make each shift fill out an inspection record as evidence to present to competent officials.
- 75) Arrange to have the mining faces checked before any blast hole drilling. If unsafe, support them to be in a safe condition before making any operation.
- 76) After blasting, arrange to have the adit or tunnel checked for safe condition before making any successive operation.
- 77) Provide each underground operator with personal dry cell or carbide-lantern.
- 78) The shaft that is used as a passage way, if equipped with ladders, must be in rigid and safe condition, with no less than 50 centimeters in width, no more than 30 centimeter between steps, and the minimum area of 60x120 centimeters for the platforms which should not be more than 8 meter interval.
- 79) Prevent any person from being transported up and down along a shaft using manual or rope winch.
- 80) In case of using equipment to hoist workers up/down along the shaft, the hoisting speed must not be more than 300 metres per minute, and needs to be equipped with safety protection.
- 81) The hoisting rope must be strong enough to withstand both the load to be hoisted up/down and the weight of the rope itself. It is compulsory to have the factor of safety at least 6 times the specified load to be used.
- 82) Spray water into the drilled holes at all times when drilling blast holes with a drilling machine, unless having sufficient dust protection.
- 83) To use mine cars for transportation, there must be in good condition, equipped with sound-signal devices, and headlights at the locomotive, and light signals at the last mine car. The locomotive with its trailing mine cars need to have the minimum



clearance of 60 centimeters from each side of the adit or tunnel wall. Also, take precaution not to allow any loading stretched out from the mine car carrier. The rails as well as the switching keys must be in good working condition.

- 84) Take precaution not to allow any unauthorized person to accompany in the explosive transporting vehicles. The explosive truck must have a minimum traveling distance of 100 metres from other vehicles. During transportation, the explosives must be contained in the cases or packages that are made of materials non-conductive to electricity or heat.
- 85) Explosive containers that are used underground must be made of materials not conductive to electricity or heat, and must be at least 8 metres away from the engine-driven machine or the power line.
- 86) Assign the underground operators to wear safety hats and safety shoes.
- 87) Arrange to store fuel, lubricant, and grease to be used underground only in containers with tight covers.
- 88) Prevent the following persons from working underground: any person under 18 years of age, female, unhealthy person, any person with contagious diseases.
- 89) Except for the worker or the person involved in the underground operation, other persons are not permitted to go underground, unless accompanied by a mine personnel.

Given on the 24th day of March B.E. 2513

Signed by Poj Sarasin

Minister of National Development

Remark: The reason for the Ministerial Regulations to be promulgated is for the purposes of providing the workers with safety environment during working, hygienic living, justice to be received from employers in case of accidents, and no grievance to the third person because of the operations.

Ministerial Regulation
No. 10 (B.E. 2513)
Issued in Accordance with the Minerals Act B.E. 2510

By virtue of Section 17 and Section 67 of the Minerals Act B.E. 2510, the Minister of National Development has issued the Ministerial Regulation as follows:

The allowable content of discharged slime or tailings from mining operations, out of the mining area shall not contain solid matter or tailings in excess of 6 grams per one litre of slime.

The slime or tailings concentration to be discharged out of the mining area shall be defined as the sample that officials collect from the last dewatering gate with the volume of at least one litre.

Given on the 24th day of March B.E. 2513

Signed by Poj Sarasin
Minister of National Development

Remark: The reason for promulgating this Ministerial Regulation is to protect public waterways from becoming shallow and prevent damage to agriculture.



Ministerial Regulation

No. 13 (B.E. 2513)

Issued in Accordance with the Minerals Act B.E. 2510

By virtue of Section 17 and Section 112 of the Minerals Act B.E. 2510, the Minister of National Development has issued the Ministerial Regulation as follows.

The kinds and the amounts of admixed minerals in natural condition that prevent a holder of a Mineral Transport Licence from transporting them are:

- 1) Tin, exceeding four percent
- 2) Tungstic oxide, exceeding four percent
- 3) Columbium/Tantalum pentoxide, altogether exceeding two percent
- 4) Zinc, exceeding eight percent
- 5) Lead, exceeding ten percent
- 6) Gold, exceeding five grams per ton
- 7) Silver, exceeding one hundred grams per ton

Given on the 24th day of March B.E. 2513

Signed by Poj Sarasin
Minister of National Development

Remark: The reason for the Ministerial Regulation to be promulgated is for the purpose of regulating a holder of a Mineral Transport Licence not to transport other minerals which is required to pay for royalties along with the minerals specified in the licence.

Ministerial Regulation
No. 19 (B.E. 2516)
Issued in Accordance with the Minerals Act B.E. 2510

By virtue of Section 6 and Section 17 of the Minerals Act B.E. 2510 amended by the Minerals Act (No. 2) B.E. 2516, the Minister of industry has issued the Ministerial Regulations as follows:

CHAPTER 1
Qualifications of the Applicant for Atchayabat, Prathanabat, and Licence

Article 1. For the minerals other than gold, the applicant for Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, and Prathanabat shall have the following qualifications and characters¹:

- (1) Not being under 20 years of age.
- (2) Having a domicile or residence in the Kingdom.
- (3) Being a member of the Mining Council.
- (4) Not being a person of unsound mind, mental infirmity, incompetence, or quasi-incompetence.
- (5) Not being a bankrupt person.
- (6) Having never received a revocation of the application or a cancellation of the Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat or Prathanabat with the exception that more than 12 months has elapsed since the last issuance of the revocation or cancellation, or with the exception that the reason for the revocation or cancellation is not a result of the applicant's or the revoked person's fault.
- (7) Having never been punished for the violation of Section 25 or Section 43 of the Minerals Act B.E. 2510, with the exception that more than 12 months has elapsed since the punishment is over.

In case the applicant is a juristic person, they shall have the qualifications and characters as specified in (2), (3), (6), and (7).

The provision under paragraph (3) shall not be applicable to the governmental body or state enterprise applying for Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, or Prathanabat.

Article 1 bis.² The applicant for Special Atchayabat, Provisional Prathanabat and Prathanabat for prospecting and mining for the gold ore within the area specified by

¹ As amended by the Ministerial Regulation No. 64 (B.E. 2530)

² As amended by the Ministerial Regulation No. 64 (B.E. 2530)



Ministry of Industry shall have the following qualifications and characters in addition to the provisions according to Article 1 (3), (6), and (7).

- (1) Being a company
- (2) Having the registered capital no less than 50 million baht, or registered capital plus the assets altogether no less than 50 million baht.
- (3) Having sufficient tools, machinery, equipment, and specialists to be able to prospect for the reserves as well as to operate a gold mine.

In case the applicant does not have the qualifications specified in (3) above, there must be another company accredited by Department of Primary Industries and Mines, which is qualified according to (3) and has relationship both in capital investment and management with the applicant. The accredited company shall guarantee sufficient supply of tools, machinery, equipment, and specialists for prospecting and operation of a gold mine.

For the submission of an application, the applicant shall provide the evidence indicating the above qualifications and characters together with the application form.

Article 1 ter.³ The applicant for Special Atchayabat, Provisional Prathanabat, and Prathanabat for the gold mine outside the area specified by the Ministry of Industry shall have not only the qualifications according to Article 1 (1) to (7), but also the ones under Article 1 bis. (3), or Article 1 bis paragraph 2.

In case the applicant is a company, it shall have the qualifications and characters in accordance with Article 1 (3), (6), (7) and Article 1 bis (3) or Article 1 bis paragraph 2.

For the submission of an application, the applicant shall provide the evidence indicating the above qualifications and characters together with the application form.

Article 2.⁴ The following qualifications are required for the applicant for a Mineral Purchase Licence, Mineral Storage Licence, Mineral Processing Licence, Metallurgical Processing Licence, Mineral Import Licence and Mineral Export Licence:

- (1) Not being under 20 years of age.
- (2) Having a domicile or residence in the Kingdom.
- (3) Being a member of the Mining Council.
- (4) Not being the person of unsound mind, mental infirmity, incompetence, or quasi-incompetence.
- (5) Not being a bankrupt person.
- (6) Having never received a revocation of the application or cancellation of the licence, with the exception that more than 12 months has elapsed since the last issuance of the revocation or cancellation, or with the exception that the reason for the revocation or cancellation is not a result of the applicant's or the revoked person's fault.

The applicant who is a juristic person shall have the qualifications and characters as specified in (2), (3), (5), and (6).

The provision under (3) is not applicable to the applicant, which is a governmental body or state enterprise.

³ As amended by the Ministerial Regulation No. 64 (B.E. 2530)

⁴ As amended by the Ministerial Regulation No. 52 (B.E. 2526)

Article 2 bis.⁵ Except for the licences specified in Article 2, the applicant for other licences shall have the following qualifications:

- (1) Not being under 20 years of age
- (2) Having a domicile or residence in the Kingdom
- (3) Not being the person of unsound mind, mental infirmity, incompetence, or quasi-incompetence.
- (4) Not being a bankrupt person.
- (5) Having never received a revocation of the application or cancellation of the licence, with the exception that more than 12 months has elapsed since the last issuance of the revocation or cancellation, or with the exception that the reason for the revocation or cancellation is not a result of the applicant's or the revoked person's fault.

The applicant who is a juristic person shall have the qualifications as specified in (2), (4), and (5).

Article 3.⁶ The provisions under the Ministerial Regulation No. 19 (B.E. 2516) issued under Minerals Act B.E. 2510, which is later on amended by the Ministerial Regulation No. 30 (B.E.2517) issued under Minerals Act B.E.2510, that are repealed or amended by this Ministerial Regulation, will remain in force for the consideration of the application for an Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, Prathanabat, and all other licences submitted before or on the date this Ministerial Regulation becomes effective.

CHAPTER 2

Rules, Procedures, and Conditions Concerning Application for Atchayabat, Prathanabat and Licences

Article 3. For the submission of an application for an Exclusive Prospecting Atchayabat, the applicant shall enclose document as specified in the application form as well as the following items.

- (1) The map designating the prospecting area in the application form, the boundary of which shall have all sides superimposed on the grid lines of the military map with the scale of 1:50,000 or 1:25,000, and also providing the U.T.M. coordinates at a corner of the map.
- (2) Enclosed evidence indicating sufficient capital investment for the prospecting as prescribed by the Department of Primary Industries and Mines, together with the prospecting plan and methods that provide a list of items as prescribed in the Ministerial Regulation issued under Section 17 (3) of the Minerals Act B.E.2510.⁷

⁵ As amended by the Ministerial Regulation No. 52 (B.E. 2526)

⁶ As amended by the Ministerial Regulation No. 52 (B.E. 2526)

⁷ As amended by the Ministerial Regulation No. 69 (B.E. 2534)



Article 4. For the submission of an application for a Special Atchayabat, the applicant shall enclose the evidence as specified in the application form and present additional items as follows:

- (1) The map designating the prospecting area in the application form, the boundary of which shall have all sides superimposed on the grid lines of the military map with the scale of 1:50,000 or 1:25,000, and also providing the U.T.M. coordinates at a corner of the map.
- (2) Enclosed evidence indicating sufficient capital investment for the prospecting, together with the prospecting plan and methods that provide a list of items as prescribed in the Ministerial Regulation issued under Section 17 (3) of the Minerals Act B.E.2510.
- (3) Presentation of the prospecting obligations by specifying the expenses for yearly prospecting during the valid life of an Atchayabat.
- (4) Presentation of the detailed special benefits intended to offer to the state in return, such as financial consideration, scholarship, or grant to the government, upon obtaining Special Atchayabat.

Article 5. To apply for Prathanabat, the applicant needs to enclose documental evidence as specified in the application form, as well as to provide the following:

- (1) The map designating the mining area in the application form, the details of which shall include a map scale, map direction, and the indicated distance of all sides, together with the U.T.M. coordinates of any one corner of the map.
- (2) Evidence on capital investment
- (3) When the competent official has demarcated the Prathanabat area, the applicant shall hand in the proposal and plan for the mining project that provides a list of items as specified in the Ministerial Regulation issued under Section 17 (3) of the Minerals Act B.E.2510.

Article 6. An application for a Provisional Prathanabat shall be submitted only after the completion of all the processes in Article 5.

Article 7. For the submission of an application for a Mineral Processing Licence and a Metallurgical Processing Licence, the applicant shall enclose evidence specified in the application form and additional items as follows:

- (1) The map designating a mineral processing area or a metallurgy processing area, as the case may be.
- (2) The flowchart and mineral processing method, or the flowchart and metallurgical processing method, as the case may be, indicating a list of items as prescribed in the Ministerial Regulation issued under Section 17 (5) of the Minerals Act B.E. 2510.

Article 8. For the submission of an application for any other licence, the applicant shall enclose the evidence specified in the application form.

CHAPTER 3
**Rules, Procedures, and Conditions for Renewal of a Mineral Processing
Licence and Metallurgical Processing Licence**

Article 9. For a renewal of a Mineral Processing Licence or Metallurgical Processing Licence, the application shall be submitted at least 60 days before the expiration date of the licence.

Given on the 25th day of July B.E.2516

Signed by General K. Seevarar
Minister of Industry

Remark: The reason to promulgate this Ministerial Regulation originates from Section 6 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No 2.) B.E. 2516, which sets the applicant's qualifications, rules, procedures, and conditions required for applying for an Exclusive Prospecting Atchayabat, Special Atchayabat, Prathanabat, Provisional Prathanabat, licences, and also in renewal of a Mineral Processing Licence and Metallurgical Processing Licence.



Ministerial Regulation

No. 20 (B.E. 2516)

Issued in Accordance with the Minerals Act B.E. 2510

By virtue of Section 17, Section 34, and Section 47 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 2) B.E. 2516, the Minister of Industry has issued the Ministerial Regulations as follows:

Rules

Article 1. For the following cases, use the surveying method specified in Article 3 to demarcate the boundary of the area for Exclusive Prospecting Atchayabat, Special Atchayabat, or Prathanabat:

- (1) When there is a dispute or an error about the boundary of the area.
- (2) When the competent official deems expedient.

Article 2. With the exception of Article 1 above, the methods specified in Article 4 shall be applied to demarcate the boundary of the area for Exclusive Prospecting Atchayabat, Special Atchayabat, or Prathanabat.

Procedures

Article 3. In order to demarcate the boundary of the area for Exclusive Prospecting Atchayabat, Special Atchayabat, or Prathanabat by using the surveying methods, one or several of the following procedures shall be applied:

- (1) Make a close traverse by theodolite and chain.
- (2) Make a close traverse by theodolite and electronic device to measure distance.
- (3) Measure a distance by using theodolite or electronic measuring device.
- (4) Make a survey by using triangulation method.

Article 4. Employ one of the following methods in case of using other means to demarcate the boundary of the area for Exclusive Prospecting Atchayabat, Special Atchayabat, or Prathanabat.

- (1) Demarcate the boundary of the area in the military map of the scale 1:50,000 or 1:25,000.
- (2) Demarcate the boundary of the area by making a benchmark to find international Cartesian coordinates (Universal Traverse Mercator Coordinates or U.T.M. coordinates) and its grid azimuth.

Given on the 25th day of July B.E. 2516

Signed by General K. Seevarar
Minister of Industry

Remark: The reason to promulgate originates from Section 34 and Section 47 of the Minerals Act B.E. 2510, as amended by the 2nd issue B.E. 2516, which sets rules and procedures to designate the area of Exclusive Prospecting Atchayabat, Special Atchayabat, and Prathanabat by means of surveying method or other methods specified in the Ministerial Regulation, thus making it necessary to issue this Ministerial Regulation.

Ministerial Regulation

No. 21 (B.E. 2516)

Issued in Accordance with the Minerals Act B.E. 2510

By virtue of Section 4 and Section 17 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 2) B.E. 2516, the Minister of Industry has issued the Ministerial Regulation as follows:

Article 1. The Ministerial Regulation No. 18 (B.E. 2516) issued under the Minerals Act B.E. 2510 shall be repealed.

Article 2. This article was repealed and amended by the Ministerial Regulation No. 77 (B.E. 2539).

Article 3. This article was repealed and amended by the Ministerial Regulation No. 77 (B.E. 2539).

Article 4. Designate the followings as industrial soils:

- (1) Fire Clay
- (2) Diatomite or Diatomaceous Earth
- (3) Marl
- (4) Kaolinite
- (5) Ball Clay

Article 5. Designate glass sand and silica sand to be industrial sand.

Given on the 25th day of July B.E. 2516

Signed by General K. Seevara
Minister of Industry



Ministerial Regulation No. 24 (B.E.2516)

Issued in Accordance with the Minerals Act B.E.2510

By virtue of Section 17 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No.2) B.E. 2516 and Section 128 of the Minerals Act B.E. 2510, the Minister of Industry has issued the Ministerial Regulation as follows:

1. The Ministerial Regulation No. 7 (B.E. 2512) issued under the Minerals Act B.E.2510 shall be repealed.
2. An import of minerals of the following kinds, conditions, and quantities into the kingdom shall be restricted by this Act:
 - (1) Tin ore, in excess of two kilograms.
 - (2) Tin metal or tin alloy, in excess of two kilograms.
3. An export of minerals of the following kinds, conditions, and quantities shall be restricted by this Act:¹
 - (1) Tin ore, in excess of fifty grams.
 - (2) Gold ore of any quantity.
 - (3) Copper ore, in excess of two kilograms
 - (4) Zinc ore, in excess of two kilograms
 - (5) Iron ore, in excess of two kilograms
 - (6) Minerals containing columbium, tantalum, or thorium, and others with radio-active contents irrespective of the quantity.
 - (7) Dolomite, in excess of one metric ton.
 - (8) Barite, in excess of one metric ton.
 - (9) Pyrophyllite, in excess of one metric ton.
 - (10) Feldspar, in excess of one metric ton.
 - (11) Gypsum, in excess of one metric ton.
 - (12) Kaolin, in excess of one metric ton.

Given on the 25th day of July B.E. 2516

Signed by Gen. K. Seevarar
Minister of Industry

¹ The statements in Article 3.(7), (8), (9), (11) and (12) were added by the Ministerial Regulation No. 73 rd. (B.E. 2537), which are printed herein.

Ministerial Regulation

No. 25 (B.E.2517)

Issued in Accordance with the Minerals Act B.E.2510

By virtue of the Section 17 of the Minerals Act B.E. 2510 amended by the Minerals Act (No. 2) B.E. 2516, the Minister of Industry has issued the Ministerial Regulation as follows:

CHAPTER 1

Rules and Methods for Mineral Processing

1. For mineral processing, a single or several methods from the following shall be employed:

- (1) Crushing, grinding or classifying of the ore, including washing by water.
- (2) Hand sorting.
- (3) Separation by applying different specific gravity, for example, the methods using a lanchute, jig, shaking table, Humphrey's spiral or cyclone.
- (4) Magnetic separation.
- (5) Electrostatic or high tension separation.
- (6) Flotation.
- (7) Chemical method.
- (8) Other methods approved by the Director-General.

2. Flowsheet and method for mineral processing shall provide the followings:

- (1) The types of ore to be processed.
- (2) The processing method and the flowsheet to illustrate the mineral processing.
- (3) The list of machinery and equipment for mineral processing, including their sizes and horsepower used.
- (4) The location of machinery and equipment to be used for mineral processing.
- (5) The methods for storing tailing waste, slime water, dust protection and suppression, and disposal of toxic matters. If there is none of the aforesaid, notify that there is no toxic substance to be discharged out of the mineral processing area.
- (6) The method for dewatering from mineral processing area.
- (7) The map with appropriate scale showing location of mineral processing plant and mineral processing areas, roads and distance from the main roads, location of an office, a mineral storage area, a water storage area being used for mineral processing, and a storage area for tailing waste and slime.

Each field of professional engineers must sign in concerned documents, together with ranking class, branch of engineering and licence number,



3. The holder of a Mineral Processing Licence shall operate according to the approved flowsheet and method. Additionally the engineers, who certify the concerned documents, shall supervise and be responsible for each engineering work according to the laws regarding engineering profession. If the replacement of the supervised engineer is desired, the Local Mineral Industry Official shall be given a notification of the replacement together with a written consent from the substitute. The ranking class of the engineer, engineering branch and licence number must be specified together with the consent letter.

In case the holder of a Mineral Processing Licence would like to make a change or modify any item outside mineral processing line, a written notification shall be given to the Local Mineral Industry Official. However, if the change or modification relating to the mineral processing or tailings pond or wastewater pond, the holder shall submit the new mineral processing method with a flowsheet for approval before action can be taken.

4. The holder of a Mineral Processing Licence shall fill in the printed form, as designated by the Department of Primary Industries and Mines, specifying the actual account of workers, the amount of received ores and processed ores. These documents shall be kept in the mineral processing area so that the competent officials may examine them at all times.

5. The holder of a Mineral Processing Licence shall submit a monthly report, using the printed form provided by the Department of Primary Industries and Mines, on actual mineral processing to the Local Mineral Industry Official no later than the fifth day of the following month.

CHAPTER 2

Rules and Metallurgical Processing Methods

6. For metallurgical work, any single or several of the following methods shall be utilized:

- (1) Pyrometallurgical process.
- (2) Chemical solution process with metallurgical separation or precipitation (Hydrometallurgical process).
- (3) Other processes as approved by the Director-General.

7. The flowsheet and the metallurgical processing methods shall indicate the following items:

- (1) The types of ore, fuel and other raw materials to be used in metallurgical processing.
- (2) The metallurgical processing methods and the illustrated flowsheet to be used.
- (3) The list of smelting furnaces, blast furnaces, machinery and equipment for metallurgical processing, including their sizes and horsepower used.
- (4) The locations of smelting furnaces, blast furnaces, machinery and equipment to be used in metallurgical processing.
- (5) The methods in details for prevention or suppression of the dust as well as the hazardous matters resulted from metallurgical processing.

- (6) The discharge of water, gas, fumes, or waste from metallurgical processes out of the metallurgy area.
- (7) The map with attached scale to illustrate the location of a metallurgical processing plant, metallurgy area, main road, the distance to the main road adjacent to the metallurgy area including storage area for crude-ore feed, after-smelting metal products, slag, dust, and the dewatering route out of the metallurgy area.
- (8) Production capacity per day.

Each field of professional engineers must sign in concerned documents, together with ranking class, branch of engineering and licence number,

8. The holder of a Metallurgical Processing Licence shall operate according to the approved flowsheet and metallurgical processing methods. Additionally the engineers, who certify the documents, shall supervise and be responsible for each engineering work according to the laws regarding engineering profession. If the replacement of the supervised engineer is desired, the Local Mineral Industry Official shall be given a notification of the replacement together with a written consent from the substitute. The ranking class of the engineer, engineering branch and licence number must be specified together with the consent letter.

In case the holder of a Metallurgical Processing Licence would like to make a change or modify any item outside metallurgical processing line, a written notification shall be given to the Director-General. However, if the change or modification relating to the metallurgical processing method, the holder shall submit the new flowsheet and the new metallurgical processing method for approval before any action can be taken.

9. The holder of the Metallurgical Processing Licence shall fill in the printed form, as designated by the Department of Primary Industries and Mines, specifying the actual records of the workers, the amount of received ores and metallurgical-processed ores, and the sale amount of ore. These documents shall be kept in the metallurgy area in order for the competent officials to be able to examine at all times.

10. The holder of a Metallurgical Processing Licence shall submit a monthly report, using the printed form provided by the Department of Primary Industries and Mines, on the actual metallurgical processing to the Local Mineral Industry Official no later than the fifth day of the following month.

Given on the 9th day of January B.E. 2517

Signed by Osoth Kosin
Ministry of Industry



Ministerial Regulation

No. 26 (B.E.2517)

Issued in Accordance with the Minerals Act B.E.2510

By virtue of Section 17 of the Minerals Act B.E. 2510, as amended by Section 120 of the Minerals Act (No. 2) B.E. 2516, and Section 121 of the Minerals Act B.E. 2510, the Minister of Industry has issued the Ministerial Regulation as follows:

1. The Ministerial Regulation No. 5 (B.E. 2512), issued under the Minerals Act. B.E. 2510 shall be repealed.
2. The metallurgical processing methods that are under restriction shall include all metallurgical processes by smelting method, other metal extraction methods from ores, purification of metal, and productions of steel at any capacity.
3. The offices in the Ministry of Defence as well as in the Ministry of Industry that undertake metallurgical processing will be exempted from the restriction.

Given on the 9th day of January B.E. 2517

Signed by Osoth Kosin
Ministry of Industry

Ministerial Regulation

No. 28 (B.E. 2517)

Issued in Accordance with the Minerals Act B.E. 2510

By virtue of Section 17 of the Minerals Act B.E. 2510 amended by the Minerals Act (No. 2) B.E. 2516, the Minister of Industry has issued the Ministerial Regulation as follows:

1. Chapter 1 and Chapter 2 of the Ministerial Regulation No. 6 (B.E. 2512) issued under the Minerals Act B.E. 2510 shall be repealed.

2. The rules and procedures concerning the prospecting for minerals according to Atchayabat, conservation of minerals, as well as mining method shall conform to this Ministerial Regulation.

CHAPTER 1

Prospecting and Exploration for Minerals

3. Mineral prospecting shall be made by investigation of the geologic conditions together with any single or several of the following methods:¹

- (1) Geochemistry or geophysics investigation.
- (2) Drilling or boring method.
- (3) Pitting according to a prospecting technique shall be done under the following rules:
 - (a) The pit shall not exceed 1.50 metres in width or in length or in diameter, driven downward with its section not exceeding this specified dimension.
 - (b) The spacing shall be at least 20 metres between pits.
 - (c) All abandoned pits shall be fully backfilled or restored.
 - (d) To make a new pit in between the existing backfilled or restored pits, the permission shall be obtained from the Local Mineral Industry Official and must follow the above (a), (b), and (c).
- (4) Trenching along the mineral zone according to a prospecting technique shall be done under the following rules:
 - (a) The trench shall be no wider than 1.00 metre, no deeper than 3.00 metres, and shall have the smoothest and the most upright wall as possible.
 - (b) The spacing between trenches shall be no less than 10 metres.
 - (c) All abandoned trenches shall be fully backfilled or restored.

4. The prospecting by a principle or method rather than one of those specified in Article 3 shall require a working plan and prospecting methods together with supporting reasons to be submitted to the Local Mineral Industry Official in order to apply for a prior approval in writing by the Director-General before commencing the operation.

¹ The former statement in Article 3 was repealed and amended by the Ministerial Regulation No. 70 (B.E.2534), and is being used instead of the statement in Article 3 printed herein.



5. The working plan and prospecting methods shall include the following details:
- (1) Topographic map with a scale of 1:25,000 or greater.
 - (2) Area for each plot of land.
 - (3) Type of ores and prospecting methods for each stage.
 - (4) Type, size, and number of machinery and equipment for prospecting.
 - (5) Capital investment and financial obligation for each prospecting year.
 - (6) Number of workers.

A geologist or a mining engineer approved by the Director-General shall certify by affixing a signature on the working plan and prospecting methods specified in paragraph 1.²

6. The holder of a Prospecting Atchayabat shall make prospecting for minerals only by investigation of geologic conditions together with any method or several prospecting methods provided in Article 3 (1).

7. The holder of an Exclusive Prospecting Atchayabat or the holder of a Special Atchayabat shall make prospecting according to the principles and methods specified in Article 3, or act in accordance with Article 4 in case another principle or method will be applied.

8. The holder of an Exclusive Prospecting Atchayabat or the holder of a Special Atchayabat shall make prospecting for minerals according to the approved working plan and prospecting methods under the supervision and the responsibility of the geologist or mining engineer, approved by the Director-General, who has certified the working plan and prospecting methods.

The replacement of the geologist or mining engineer under the first paragraph shall require a prior written approval from the Director-General.

8 bis. The geologist or mining engineer who supervises the prospecting, as approved by the Director-General, shall certify the report on the results of the prospecting operations under Section 31 or Section 40 of the Minerals Act B.E. 2510.³

9. The holder of an Atchayabat is prohibited from taking the ores obtained from prospecting for analysis or research more than the allowed amount specified in each type of Atchayabat.

10. The competent official shall be empowered to enter the prospecting area at all times to inspect the prospecting operations, and the holder of Atchayabat shall offer facilities as appropriate under the circumstances. In addition, the official shall be empowered to issue a written order requiring the holder to arrange for a prevention of any harm resulted from the prospecting and shall strictly comply with the order.

² The statements in Article 5 paragraph two, Article 6, and Article 8 were repealed and amended by the Ministerial Regulation No. 70 (B.E. 2534), and are being used instead of the statements in Article 5 paragraph two, Article 6, and Article 8 as printed herein.

³ The statement in Article 8 bis was amended by the Ministerial Regulation No 70 (B.E. 2534).

CHAPTER 2 Conservation of Minerals

11. The mining operation, mineral processing, and metallurgical processing shall not generate unreasonable waste of minerals or metals.

CHAPTER 3 Mining

12. The mining operation shall technically utilize any mining method or methods from the following:

- (1) Dredging method: The mining operation by installing machinery and equipment on a boat or a barge to extract ore bearing ground through mucking, excavating, or suctioning, and then deliver to lanchutes or other mineral processing equipment.
- (2) Gravel Pumping method: The mining operation that uses each or several procedures such as labor use, hydro-power, excavator, or blasting to loosen ore bearing ground at the mining face, and then delivered by gravel pump or sand pump to lanchutes or other mineral processing equipment.
- (3) Hydraulicking/Jetting method: The mining that uses each or several procedures to loosen the ore bearing ground at the mining face in the same manner as the Gravel pumping method, and then employs the hydraulic elevator to lift and further deliver the slurry to lanchutes or other processing equipment.
- (4) Ground Sluicing method: The mining operation on the hill or its slope that uses each or several procedures such as labor use, hydro-power, excavator, or blasting to loosen ore bearing ground at the mine working face, and further deliver to lanchutes or other processing equipment.
- (5) Open-Pit Mining method: The mining operation that uses each or several procedures such as labor use, excavator, or blasting either to excavate or to open the mining face to be a pit or a bench, and then further transports the crude ore to lanchutes, other processing equipment or handsorting for the direct use of the ore.
- (6) Alluvial Gophering method: The mining operation in the alluvial ore deposit with thick overburden, by sinking shaft into an ore bearing layer, and then driving adits/tunnels to bring out ore bearing ground for lanchutes or other mineral processing equipment.
- (7) Underground Mining method: The underground mining operation in the ore veins or other deposits rather than alluvial ores, by means of shaft, adit/tunnel, or both that uses each or several procedures such as labor use, machinery and equipment, or blasting in order to extract crude ores to feed to the mineral processing equipment or to directly make use of them.
- (8) Gophering method: The mining operation in the ore vein by means of labor use, machinery and equipment, or blasting to excavate or to open



either the trench or the adit/tunnel into the mountain to vertically follow the vein at no more than 10 metres deep, and then to bring up the ore for washing, or breaking to sort out only the lump of high grade, or feeding to the mineral processing equipment.

(9) The other mining methods that the Director-General approves.

13. The proposal for the mining project plan shall include the following:

- (1) Topography within the Prathanabat area.
- (2) The characteristics of deposits: for alluvial deposit, specify the mining area, the depth of overburden and the average grade of the deposit; for the ore zone, ore vein, or other types of deposits, indicate the direction and the dimension of width, length, and depth, as detected.
- (3) Mining methods and mineral processing methods.
- (4) Map with correct scale to illustrate the location of all buildings in the mine, the direction and orientation of the ore vein, the starting location of the mining, the mining sequence of the working faces, the storage area for tailings and slime from mining and mineral processing, the dams and the dewatering gates.
- (5) The drawings to scale of the dams and the dewatering gates, and if there is any shaft sinking or tunneling operation, illustrate how to support the shafts and adits.
- (6) The type, size and number of machinery and equipment, together with the number of workers that are utilized in mining and mineral processing.
- (7) Method of drawing in water for mining.
- (8) Method of storage of slime or waste tailings and the mine dewatering method.
- (9) The routes of the relocated water courses, highways or other public roads within the area of the Prathanabat, which shall be illustrated in the map specified in (4).

Each field of professional engineers must sign in concerned documents, together with ranking class, branch of engineering and licence number,

14. A holder of Provisional Prathanabat or Prathanabat shall strictly conduct mining operation and mineral processing according to the approved mining methods and mining project plan. The engineers, who certify documents in the plan, shall supervise and be responsible for each engineering work according to the laws regarding engineering profession. In case he wishes to replace the supervised engineer, the Local Mineral Industry Official shall be informed with written consent as evidence from the substitute. The ranking level, the engineering branch and the licence number must be specified in the consent.

15. In case the holder of a Provisional Prathanabat or Prathanabat has modified the mining or mineral processing method, the dewatering route in a mining operation, or the storage area for slime as well as waste tailings, it shall be deemed that the holder has altered the mining method or the mining project plan under Section 57 of the Minerals Act. B.E.2510.

The modification and addition of machinery and equipment for mining operation or mineral processing without altering mining and mineral processing method needs no

submission of a new mining project plan; however, the notification to the Local Mineral Industry Officials is required as evidence.

16. Before commencing mining operation, the holder of a Provisional Prathanabat or Prathanabat shall accompany the competent official to inspect the pre-mining work. Only after receiving the written permission from the Local Mineral Industry Official, the mining operation is able to commence.

17. The holder of a Provisional Prathanabat or Prathanabat shall truthfully fill in workers records, amount of ore obtained in the printed form provided by the Department of Primary Industries and Mines, and the documents shall be kept in the mining area so that the competent official may examine them at all times.

18. The holder of a Provisional Prathanabat or Prathanabat shall truthfully make a monthly mining report, using the printed form provided by the Department of Primary Industries and Mines, and submit to the Local Mineral Industry Official no later than the fifth day of the following month.

19. The holder of a Provisional Prathanabat or Prathanabat, who utilizes these mining methods: dredging, gravel pump, water-jet, open-pit, or underground mining, shall submit the map illustrating actual mining operation to the Local Mineral Industry Official, together with the monthly report specified in 18.

Given on the 17th day of January B.E. 2517

Signed by Osoth Kosin
Minister of Industry



Ministerial Regulation

No. 29 (B.E.2517)

Issued in Accordance with the Minerals Act B.E.2510

By virtue of Section 17 of the Minerals Act B.E. 2510 amended by the Minerals Act (No. 2) B.E. 2516, the Minister of Industry has issued the Ministerial Regulation as follows:

1. Chapter 3 of the Ministerial Regulation No. 6 (B.E.2512) issued under the Minerals Act B.E.2510 shall be repealed.

2. The rules and procedures for purchase, sale, storage, possession, and transportation of minerals shall be followed in accordance with this Ministerial Regulation.

Purchase of Minerals

3. The holder of a Mineral Purchase Licence shall operate according to the following rules and procedures:

- (1) Purchase only the kind, quantity, and weight of minerals specified in the original document issued under Section 98 of the Minerals Act B.E. 2510 amended by the Minerals Act (No. 2) B.E. 2516.
- (2) Store minerals only in the area specified in the Mineral Purchase Licence or in the permitted mineral storage area, and also allow the competent official to conveniently inspect it.
- (3) Always fill in the lists of the minerals received, countersign the receipt or purchase of the minerals in the Mineral Transport Licence or the Ore Panning Licence, as the case may be, and immediately return the licence to the holder.
- (4) Always post a record in the printed form designated by the Department of Primary Industries and Mines, upon each mineral purchase.
- (5) Submit a monthly report to the Local Mineral Industry Official to verify the mineral purchases and the remaining quantity of minerals in accordance with the printed form designated by the Department of Primary Industries and Mines no later than the fifth day of the following month.
- (6) Keep the documents concerning the purchase of minerals either at the purchasing place or at the mineral storage as specified in the licence.
- (7) Provide the competent officials with facts and details concerning the purchase of minerals, and facilitate them in performing their inspection duties.

Sale of Minerals

4. The person who has the rights to sell minerals under Section 99 (1), (2), (4), and (5) of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 2) B.E. 2516, shall operate according to the following rules and procedures:

- (1) At the time of each sale of minerals, submit to the holder of the Mineral Purchase Licence the documents specified in the Section 98 (1), (2), or (3) of the Minerals Act B.E. 2510, amended by the Minerals Act (No. 2) B.E. 2516, as the case may be.
- (2) Present the Ore Panning Licence to the holder of a Mineral Purchase Licence or the holder of a Licence for Mineral Purchasing Outside the Designated Place in order to indicate that the amount of the mineral sale does not exceed the designated quantity in the licence, and also require the holder of the aforesaid licence to countersign in the Ore Panning Licence upon each mineral sale.
- (3) Always post a record of each mineral sale in the printed form designated by the Department of Primary Industries and Mines and keep it for inspection by the competent official at all times with the exception of the person who has the rights to sell minerals in accordance with the Section 99 (4).
- (4) Submit a monthly report indicating the mineral sale and the remaining quantity of minerals, by using the printed form designated by the Department of Primary Industries and Mines, to the Local Mineral Industry Official no later than the fifth day of the following month, with the exception of the person who has the rights to sell minerals under the Section 99 (4).
- (5) Provide the competent officials with the facts and details concerning the sale of the minerals, and facilitate them in performing their inspection duties.

Storage of Minerals

5. The holder of a Mineral Storage Licence shall operate according to the following rules and procedures:

- (1) Identify each mineral stockpile in the mineral storage area, and also provide posted-signs to clearly verify the kinds of minerals and the owner.
- (2) Do not allow any other person to store minerals in the permitted mineral storage area, except for the individual who is granted permission to store minerals in the same mineral storage area.
- (3) Always post a record in the printed form designated by the Department of Primary Industries and Mines every time the minerals are brought into or taken out of the storage.
- (4) Submit a monthly report indicating the list of records of the minerals in the storage which has been either brought in or taken out, and the remaining amount by using the printed form provided by the Department of Primary Industries and Mines, to the Local Mineral Industry Official no later than the fifth day of the following month.
- (5) Keep the documents concerning the storage of minerals at the permitted mineral storage area for inspection, at all times, by the competent official.
- (6) Provide the competent officials with facts and details concerning the storage of minerals, and facilitate them in performing their inspection duties.



Possession of Minerals

6. The holder of a Mineral Possession Licence shall operate according to the following rules and procedures:

- (1) Identify the storage area of the possessed minerals and provide posted-signs to clearly verify the kinds of minerals in each stockpile.
- (2) Always post a record of each sale or transfer of the possessed minerals in the printed form designated by the Department of Primary Industries and Mines.
- (3) Submit to the Local Mineral Industry Official a monthly report indicating the list of records of the mineral possessed, sale, and the remaining quantity of minerals by using the printed form designated by the Department of Primary Industries and Mines no later than the fifth day of the following month.
- (4) Keep the documents concerning the possession of minerals at the location specified in the licence in order that the competent official may inspect them at all time.
- (5) Provide the competent officials with facts and details concerning the possession of minerals, and facilitate them in performing their inspection duties.

Transport of Minerals

7. The holder of a Mineral Transport Licence shall operate according to the following rules and procedures:

- (1) Only transport the minerals along the route specified in the Mineral Transport Licence.
- (2) Always carry the original Mineral Transport Licence along with the mineral transportation.
- (3) Transit places are permitted only in specific locations, within a period of time, which are specified in the Mineral Transport Licence.
- (4) Provide the competent officials with facts and details, and facilitate them in performing their inspection duties.
- (5) In case the holder of a Mineral Transport Licence is not able to deliver the minerals to the specified place so that the receiver cannot record and countersign in the licence, the Local Mineral Industry Official who issued the licence shall be notified of this before that licence is expired, with the exception that the holder is unable to give the notification by the designated time due to *force majeure*. In that case, the holder shall immediately inform the Local Mineral Industry Official of this as well as the reason of failure to notify on time.¹

Given on the 17th day of January B.E. 2517

Signed by Osoth Kosin
Minister of Industry

¹ The statement in Article 7 (5) was added by the Ministerial Regulation No. 44 (B.E. 2523).

Ministerial Regulation
No. 42 (B.E. 2522)
Issued in Accordance with the Minerals Act B.E. 2510

By virtue of Section 17 and Section 76 paragraph two of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 3) B.E. 2522, the Minister of Industry has issued the Ministerial Regulation as follows:

Sublease of Mining

1. The holder of a Prathanabat or a Provisional Prathanabat who desires to sublease a mining operation to another person must submit the application, using the printed form provided by the Department of Primary Industries and Mines, to the concerned Local Mineral Industry Official. The applicant shall provide at least the specified mining sub-lessee, time duration for the sublease, and the given area to be subleased for mining in the application form.
2. The application in article 1 above shall be submitted within the valid date of a Prathanabat or a Provisional Prathanabat.
3. The Minister, or the person entrusted by the Minister, is authorized to issue the Mining Sublease Licence to the person whom the holder of a Prathanabat or Provisional Prathanabat has specified in the application form as mentioned in article 1.

Cancellation of the Sublease of Mining Operations

4. The sub-lessor, and/or the sub-lessee, who wishes to terminate the mining sublease during the valid date of the Mining Sublease Licence shall submit the petition, using the printed form provided by the Department of Primary Industries and Mines, to the concerned Local Mineral Industry Official.
5. Upon submitting the application for cancellation of the sublease of mining operation, if the applicant has not yet discharged any debts obligated under the Minerals Act, the concerned Local Mineral Industry Official shall inform the applicant to pay all remaining debts, and then process the application to the Minister or the person entrusted by the Minister to consider the cancellation.
6. In case that either the sub-lessor or the sub-lessee has petitioned to cancel the mining sublease, the Mineral Industry Official shall inform the matter to the other party in writing in order to obtain the written consent or objection within 30 days from the date of notification.
After the receiver of the above notification gives the consent, the Local Mineral Industry Official shall further process the application according to article 5.
If the receiver of the notification gives neither the consent nor the objection within the time duration specified in the first paragraph, the concerned Local Mineral Industry Official shall further process the application according to article 5.



If the receiver of the notification gives an objection to the cancellation of the mining sublease, the concerned Local Mineral Industry Official shall inform the other party to file a lawsuit within sixty days from the date of notification. If the lawsuit is filed, the plaintiff shall send without any delay a copy of the complaint to the concerned Local Mineral Industry Official. If no lawsuit is filed within the specified time, it shall be deemed that the applicant does not wish to continue with the cancellation of the sublease.

In case a lawsuit is filed within the specified time in paragraph 4, the application for cancellation of the sublease will be under suspension until the case is finalized. Then, after the final decision is reached, the applicant must notify the Local Mineral Industry Official to continue with the process of the cancellation.

7. The cancellation of a sublease of mining operation is issued by the Minister or the person entrusted by the Minister.

Given on the 8th day of October B.E. 2522

Signed by Prasit Narongdech
Minister of Industry

Ministerial Regulation

No. 77 (B.E. 2539)

Issued in Accordance with the Minerals Act B.E. 2510

By virtue of Section 4 and Section 17 of the Minerals Act B.E. 2510, as amended by the Minerals Act (No. 4) B.E. 2534, the Minister of Industry has issued the Ministerial Regulation as follows:

Article 1. Article 2 and 3 in the Ministerial Regulation No. 21 (B.E. 2516) issued under the Minerals Act B.E. 2510 that was amended by the Ministerial Regulation No. 75 (B.E. 2537) issued under the Minerals Act B.E. 2510 shall be repealed.

Article 2. The following rocks which are able to be cut into slabs or various shapes and can be used for decoration shall be designated as dimensional stones:

- (1) Conglomerate
- (2) Breccia
- (3) Granite
- (4) Travertine
- (5) Serpentine
- (6) Gneiss
- (7) Basalt
- (8) Limestone
- (9) Slate
- (10) Sandstone

Article 3. Other types of rocks which are not specified in Article 2 above or types of rocks listed in Article 2 above and proclaimed by the Director-General of having sufficient reserves or having inappropriate quality to be used as dimension stones shall be classified as industrial rocks.

Article 4. Any rock blasting and aggregate crushing licence under the Land Code, the term of which is not expired before the effective date of this Ministerial Regulation, will be considered *mutatis mutandis* as a Prathanabat under the Minerals Act, and the operation can proceed until expiration.

The holder of the licence according to the first paragraph shall pay royalties according to the Minerals Royalty Rates Act.

Article 5. The application for a rock blasting and aggregate crushing licence under the Land Code, which is submitted before 13th June B.E. 2538 and is under consideration process, will be deemed *mutatis mutandis* to be the application for a Prathanabat under the Minerals Act. However, in consideration for issuing such a Prathanabat, the authorities according to the Minerals Act have the rights to revise as necessary in order to make it conform to the Minerals Act.

Given on the 8th day of March B.E. 2539

Signed by Chaiwat Sinsuwongse
Minister of Industry