

RUBBER AUTHORITY OF THAILAND ACT,
B.E. 2558 (2015)*

BHUMIBOL ADULYADEJ, REX.

Given on the 8th Day of July B.E. 2558;

Being the 70th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on rubber authority of Thailand;

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

Section 1. This Act is called the "Rubber Authority of Thailand Act, B.E. 2558 (2015)".

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

Section 3. The following shall be repealed:

- (1) Rubber Replanting Aid Fund Act, B.E. 2503 (1960);
- (2) Rubber Replanting Aid Fund Act (No. 2), B.E. 2505 (1962);
- (3) Rubber Replanting Aid Fund Act (No. 3), B.E. 2518 (1975);

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Translated by Ms. Arriya Phasee under contract for the Office of the Council of State of Thailand's Law for ASEAN project. -Approved version - but subject to final authorisation.

- (4) Rubber Replanting Aid Fund Act (No. 4), B.E. 2530 (1987);
- (5) Royal Decree on Establishment of Rubber Estate Organisation, B.E. 2504 (1961);
- (6) Royal Decree on Establishment of Rubber Estate Organisation (No. 2), B.E. 2508 (1965);
- (7) Announcement of the Revolutionary Council No. 114, dated 3 April B.E. 2515 (1972);
- (8) Royal Decree on Establishment of Rubber Estate Organisation (No. 3), B.E. 2535 (1992).

Section 4. In this Act:

“rubber tree” means a para rubber tree (*Hevea brasiliensis*), and shall include other types of rubber trees prescribed in the Notification by the Committee;

“rubber” means natural rubber latex, rubber piece, rubber scrap, concentrated latex, rubber sheet, block rubber, crepe rubber or any other types of rubber made of or derived from any parts of the rubber tree, but excluding rubber products and finished artificial rubber materials;

“rubber wood” means a rubber tree or a wood log from a rubber tree;

“para rubber” means rubber and rubber wood;

“good-quality rubber” means the rubber tree species that produce good yields, and shall include the rubber tree species that are appropriate for planting on a rubber plantation as prescribed in the Notification by the Committee;

“rubber plantation” means the planting land for rubber trees with an area of not less than two rai. Each rai contains not less than ten rubber trees and, on average, not less than twenty-five trees;

“rubber plantation farmer” means a rubber plantation owner or lessee or a rubber farmer and tapper who has the right to collect harvests from the rubber trees in such rubber plantation and has been registered with the Rubber Authority of Thailand in accordance with the rules, procedures and conditions prescribed in the Notification by the Committee;

“rubber farmer institute” means an association, a cooperative or a group of rubber plantation farmers registered as a juristic person under the law which has been registered with the Rubber Authority of Thailand in accordance with the rules, procedures and

conditions prescribed in the Notification by the Committee, but excluding limited companies, limited partnerships and ordinary partnerships in which a rubber plantation farmer holds shares or partnership interests, in whole or in part;

“rubber business operator” means a person engaged in the business related to para rubber;

“replanting” means the planting of good-quality rubber or other types of trees which are economically important as prescribed in the Notification by the Committee to replace the old rubber trees, wholly or partially;

“new planting” means the planting of good-quality rubber on the land on which no rubber tree has ever been planted;

“Fund” means the Para Rubber Development Fund;

“Committee” means the Rubber Authority of Thailand Committee;

“Governor” means the Governor of the Rubber Authority of Thailand;

“official” means an official of the Rubber Authority of Thailand;

“employee” means an employee of the Rubber Authority of Thailand;

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

Section 5. The Minister of Agriculture and Cooperatives shall have charge and control over the execution of this Act and shall have the power to issue Ministerial Regulations, Rules or Notifications for the execution of this Act.

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

CHAPTER I

ESTABLISHMENT, CAPITAL, INCOMES AND RESERVES

Section 6. There shall be established a rubber authority called the “Rubber Authority of Thailand”, to be called “RAOT” in brief, and it shall have the RAOT’s emblem.

The characteristics of the emblem under paragraph one shall be as prescribed in the Ministerial Regulations.

Section 7. RAOT shall be a juristic person and shall have its head office in the Bangkok Metropolis or other nearby province and may establish its branch offices or agents elsewhere within or outside the Kingdom, but the establishment of any branch office outside the Kingdom shall be approved by the Council of Ministers.

Section 8. RAOT shall have the following objectives:

(1) to be a central organisation to be responsible for and supervise the administration and management of the whole system of para rubber of the country on an integrated basis and the administration and management of the Fund's finance and to promote and support the country to become a center for para rubber product industry;

(2) to promote, support and provide education, analysis, research, development and information dissemination in relation to para rubber;

(3) to promote, support and provide assistance to rubber plantation farmers, rubber farmer institutes and rubber business operators in respect to academic matters, finance, production, processing, industry, marketing, business operation and other related operations in order to improve income levels and quality of life;

(4) to take action to stabilise the prices of para rubber;

(5) to promote and support replanting and new planting.

Section 9. RAOT shall have the power to carry out the following activities within the scope of its objectives under section 8:

(1) to promote and support the improvement of product quality and marketing system in order to bring the utmost benefit to rubber plantation farmers and rubber business operators;

(2) to carry out the business related to para rubber;

(3) to promote and support the integration of rubber plantation farmers into a rubber farmer institute in order to invest in the business and industry related to para rubber as prescribed by the Committee;

(4) to promote, support and cooperate with para rubber producing countries and international organisations in relation to para rubber;

(5) to promote and provide personnel development and administration and management in relation to para rubber;

(6) to perform any other necessary or related act to ensure the achievement of the objectives of RAOT as prescribed by the Committee.

Section 10. To achieve the objectives under section 8 and in furtherance of the power to carry out the activities under section 9, RAOT shall also have the power and duty to perform the following activities:

(1) to have ownership, possessory rights or property rights;

(2) to create rights or to engage in any juristic act, within or outside the Kingdom;

(3) to enter into an agreement and cooperate with organisations or agencies, domestically or internationally in the business related to the operations under the objectives of RAOT;

(4) to participate or jointly invest with other juristic persons in the business related to the objectives of RAOT;

(5) to borrow or lend money for its operations under the objectives of RAOT;

(6) to establish a limited company or a public limited company in order to conduct business in relation to para rubber;

(7) to collect fees, maintenance fees, remuneration or service fees for its operations;

(8) to perform any other necessary or related act to ensure the achievement of the objectives of RAOT.

The participation in the business or the joint investment under (4) and the borrowing and lending of money under (5) in the amount of not more than fifty million baht shall be in accordance with the criteria prescribed by the Committee.

Section 11. The capital of RAOT consists of:

(1) money and properties transferred as an initial capital pursuant to section 67, section 68 and section 70, only for those not transferred to the Fund under section 44;

(2) money or properties donated or belonging to RAOT.

Section 12. RAOT may have the following incomes:

- (1) capital under section 11;
- (2) general subsidy allocated as appropriate by the Government from time to time for business operation or expansion as appropriate;
- (3) money subsidised from private sectors or other organisations, international or from foreign countries;
- (4) fees, maintenance fees, remuneration, service fees or incomes from the operations or investments;
- (5) fruit from money or properties of RAOT.

Section 13. The income received by RAOT from its operations shall be vested in RAOT for use as operating expenses, maintenance expenses, depreciation expenses, reserves under section 14, bonus or award under section 34, provident fund, pension fund or aid fund and other aids for the welfare of officials, employees and their family members under section 54 and capital investment under the capital budget approved under section 55 as well as other appropriate charges as prescribed by the Committee.

The yearly income after deducting the expenses and charges under paragraph one shall be remitted by RAOT to the Treasury as State revenue.

In the case where the income is not sufficient to meet the expenses and charges under paragraph one other than the reserves under section 14 and the bonus or award under section 34, and RAOT is unable to obtain money by any other means, the State shall pay money to RAOT for the shortfall amount.

Section 14. The reserves of RAOT consist of ordinary reserve set aside for deficit, reserve for repayment of debts and other reserves for each specific purpose as the Committee deems appropriate.

The ordinary reserve may be paid only by the resolution of the Committee.

Section 15. The properties of RAOT and the Fund are not liable to the executions.

Section 16. The immovable properties acquired by RAOT as a gift or purchased by RAOT with the income of RAOT shall be owned by RAOT.

RAOT shall have the power to govern, supervise, maintain, use, distribute and obtain benefits from the properties of RAOT.

CHAPTER II COMMITTEE AND GOVERNOR

Section 17. There shall be a committee called the "Rubber Authority of Thailand Committee", consisting of:

(1) a Chairperson appointed by the Council of Ministers being a person with knowledge, expertise and extensive experience in agriculture, science, industries or administration;

(2) ex officio members, consisting of a representative of the Ministry of Finance, a representative of the Ministry of Agriculture and Cooperatives, a representative of the Ministry of Commerce, a representative of the Ministry of Interior, a representative of the Ministry of Industry and a representative of the Office of the National Economic and Social Development Board;

(3) seven qualified members appointed by the Council of Ministers from three representatives of rubber plantation farmers, two representatives of rubber farmer institutes, one representative of rubber business operators who has expertise in business, and one representative of rubber business operators who has expertise in the rubber industry's production.

The Governor shall be a member and secretary, and the Governor shall appoint not more than two officials as assistant secretaries.

The criteria and procedures for selecting the persons to be proposed to the Council of Ministers for appointment as qualified members shall be in accordance with the Rules prescribed by the Minister by the recommendation of the Committee.

Section 18. Apart from having qualifications and possessing no prohibited characteristics under the law on standard qualifications for State enterprise board members and staff, the Chairperson and a qualified member shall not possess the following prohibited characteristics:

(1) being a person holding political position, a member of local assembly or a local administrator, a director or person holding any position responsible for the administration of a political party or an advisor or official of a political party;

(2) being a staff member or an employee or an advisor or expert having an employment contract with RAOT;

(3) being a person having an interest in any business conducted or to be conducted with RAOT, or in any business having the same nature and competing with the business of RAOT, directly or indirectly, except for a qualified member from rubber plantation farmers, rubber farmer institutes and rubber business operators and a Chairperson or qualified member assigned by the Committee to be a chairperson or director in the limited company or public limited company whose shares are held by RAOT or established by RAOT.

Section 19. The Chairperson and a qualified member shall hold office for a term of three years.

When the term of office of the Chairperson or a qualified member remains less than one hundred and twenty days but not less than ninety days, the selection or appointment of a new Chairperson or qualified member shall be commenced and completed within ninety days from the commencement date. Upon the expiration of the term of office under paragraph one, if a new Chairperson or qualified member has not yet been appointed, the Chairperson or the qualified member whose term of office has expired shall remain in office to continue to perform his or her duties until a newly appointed Chairperson or qualified member assumes his or her duties.

The Chairperson or the qualified member who vacates office upon the expiration of the term may be reappointed, but may not hold office for more than two consecutive terms.

Section 20. In addition to vacating office on the expiration of term, the Chairperson and a qualified member vacate office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Ministers;
- (4) being disqualified or possessing any prohibited characteristics under section 18.

Section 21. If the Chairperson or a qualified member vacates his or her office prior to the expiration of the term, the Council of Ministers shall appoint a person to replace the vacated position, unless the remaining term of such vacated person is less than ninety days, in which case, the appointment of a Chairperson or a qualified member may be omitted. The person appointed to replace the vacated position shall be in office for the remaining term of office of the Chairperson or the qualified member already appointed.

If the Chairperson or a qualified member vacates his or her office prior to the expiration of the term, the Committee shall consist of all of the remaining members until a new Chairperson or qualified member has been appointed under paragraph one. If the Chairperson vacates his or her office prior to the expiration of the term, the remaining members shall elect one among themselves to act as a Chairperson on a temporary basis.

Section 22. The Committee shall have the power and duties to establish policies and exercise general supervision of RAOT's business. Such power and duties shall include:

- (1) to establish policies on the administration and fund raising and to approve the working plans related to para rubber policies;
- (2) to consider approving the investment plan, financial plan and annual budget of RAOT;
- (3) to issue rules or regulations to ensure compliance with the scope of the objectives;
- (4) to issue rules or regulations in relation to the operation and administration;
- (5) to issue rules or regulations in relation to the operations of the Committee and its sub-committee;

(6) to issue rules or regulations in relation to the performance of duties of the Governor;

(7) to issue regulations on the selection, recruitment, appointment, performance evaluation, dismissal, discipline and disciplinary punishment, vacating from office, petition and appeal, punishment of officials and employees as well as determination of salary and other payments;

(8) to issue regulations on the aid fund or other aids for the welfare of officials, employees and their family members with approval of the Ministry of Finance;

(9) to issue regulations on the employment term and the rules, procedures and conditions of the employment of officials and employees;

(10) to issue rules on the uniform of the Governor and officials.

Section 23. The provisions governing the committee having the power to conduct an administrative procedure under the law on administrative procedure shall apply to the meetings of the Committee, *mutatis mutandis*.

Section 24. For the benefit of RAOT's business, the Committee shall have the power to appoint a sub-committee to perform any operation of RAOT as assigned by the Committee.

Section 25. The Chairperson, a member and a member in the sub-committee shall receive a meeting allowance and other compensations in accordance with the criteria prescribed by the Council of Ministers.

Section 26. The Committee shall appoint the Governor and determine his or her salary rate with approval of the Council of Ministers.

Section 27. Apart from having qualifications and possessing no prohibited characteristics under the law on standard qualifications for State enterprise board members and staff, the Governor shall not possess the prohibited characteristics under section 18 (3).

Section 28. The Governor shall hold office for a term of not exceeding four years, and may be reappointed but not for more than two consecutive terms.

Section 29. In addition to vacating office on the expiration of term under section 28, the Governor vacates office upon:

- (1) death;
- (2) resignation;
- (3) expiration of the term of the employment contract;
- (4) having the employment contract terminated by the resolution of the Committee;
- (5) having acted in violation of the employment contract's conditions which, as specified in the contract, results in the termination of the employment contract;
- (6) being disqualified or possessing any prohibited characteristics under section 27.

The Committee's resolution on termination of the employment contract under (4) shall be passed by a vote of not less than two-thirds of the number of the remaining members, exclusive of the Governor.

Section 30. The Governor shall have the duty to administer RAOT's business in accordance with the laws, rules, regulations and policies prescribed by the Committee and shall have the power to control and supervise officials and employees.

The Governor shall be responsible to the Committee for the business administration of RAOT.

Section 31. The Governor shall have the power as follows:

- (1) to recruit, appoint, increase salary or wage and impose disciplinary punishment to officials and employees as well as to remove officials and employees from office in accordance with the regulations prescribed by the Committee, provided that, in the case of an official or employee holding a position of advisor, expert, departmental director or equivalent or higher, prior approval of the Committee shall be obtained;

(2) to establish rules on the performance of duties of RAOT and to determine conditions of work of officials and employees which shall not be in conflict or inconsistent with the rules or regulations prescribed by the Committee.

Section 32. With respect to affairs dealing with third persons, the Governor shall be representative of RAOT. In this regard, the Governor may, in accordance with the regulations prescribed by the Committee, entrust any agent of RAOT under section 7 or any person to perform any specific activity on his or her behalf.

RAOT shall not be bound by any juristic act conducted by the Governor in violation of the rules, regulations or policies prescribed by the Committee, unless such act has been ratified by the Committee.

Section 33. In the case where the Governor is unable to perform his or her duties for any reason or there becomes a vacancy and a new Governor has not yet been appointed, the Committee shall appoint a member or an official to be Acting Governor.

The Acting Governor shall have the same power and duties as the Governor.

Section 34. The Chairperson, a member, an official and an employee may be entitled to bonus or award as determined by the Council of Ministers.

Section 35. In the operation of RAOT, the benefits of the State and the public shall be taken into account.

CHAPTER III

PROMOTION AND SUPPORT FOR RUBBER PLANTATION FARMERS, RUBBER FARMER INSTITUTES AND RUBBER BUSINESS OPERATORS

Section 36. If any rubber plantation farmer, who has a rubber plantation located on the land of which he or she has ownership or possessory right pursuant to the law, wishes to apply for the promotion and support for replanting in accordance with this Act, such person

must file an application for the promotion and support with RAOT in accordance with the form and procedures prescribed by the Committee.

In the case where a person applying for the promotion and support for replanting is a rubber farmer in a leasehold land or tenanted land, such person must present to RAOT that the lessor or the grantor has already consented to his or her application for the promotion and support in accordance with the form prescribed by the Committee.

In the interest of the exploration and inspection of RAOT when considering the granting of promotion and support for replanting, an applicant for the promotion and support shall facilitate and comply with the criteria prescribed by the Committee.

Section 37. The person who will receive the promotion and support for replanting under this Act shall be a rubber plantation farmer whose rubber trees are over twenty-five years old, are dilapidated, or produce small yields in accordance with the criteria prescribed by RAOT.

The promotion and support for replanting shall be by means of distributing the rubber plantation farmers with good-quality rubber, tree species, seeds, compost or apparatus and tools, or providing them with other services or funds. Such promotion and support may be provided in one or more of the above means.

Section 38. The Fund's money allocated as an expense for the promotion and support for replanting under section 49 (2) in each year shall be paid for promoting and supporting the rubber plantation farmers applying for the replanting in accordance with the following proportions:

- (1) not more than eighty percent for the rubber plantation with an area of not exceeding thirty rai;
- (2) any other percentage than indicated in (1) for the rubber plantation with an area exceeding thirty rai.

Section 39. If any person, who has never owned a rubber plantation but has the land of which he or she has ownership or possessory right pursuant to the law with an area of not less than two rai and which is located in the area appropriate for a new planting as

prescribed in the Notification by the Minister, wishes to apply for the promotion and support for a new planting, he or she shall file an application for the promotion and support to RAOT in accordance with the form and procedures prescribed by the Committee.

The cost for implementing the promotion and support under paragraph one may not be paid from the Fund.

The Committee shall have the power to appropriate money to the applicants for the promotion and support under paragraph one for not over fifteen rai per person in accordance with the criteria and procedures prescribed by the Committee.

In the case where the applicant for the promotion and support under paragraph one does not receive the promotion and support, the right of such person to receive the promotion and support in the following years shall not be prejudiced.

Section 40. The money received by the persons receiving the promotion and support for replanting and new planting as an expense for the replanting and new planting under this Act shall be exempted from any taxes, duties and fees.

Section 41. A rubber plantation farmer, a rubber farmer institute and a rubber business operator who wishes to apply for the promotion, support and assistance in respect to academic matters, finance, production, processing, industry, marketing, business operation and other operations related to para rubber under this Act shall file an application to RAOT in accordance with the form and procedures prescribed by the Committee.

The verification of the qualification of the applicants for the promotion, support and assistance under paragraph one and the consideration for granting the promotion, support and assistance shall be in accordance with the criteria and procedures prescribed by the Committee.

In the interest of the exploration and inspection of RAOT when considering the granting of promotion, support and assistance, a rubber plantation farmer, a rubber farmer institute and a rubber business operator shall facilitate and follow the orders of RAOT as necessary.

Section 42. All rules, procedures and forms prescribed by the Committee under this Chapter shall come into force upon their publication in the Government Gazette.

CHAPTER IV
PARA RUBBER DEVELOPMENT FUND

Section 43. There shall be established in RAOT a fund called the "Para Rubber Development Fund" to be expended for the promotion and support for the development of para rubber.

The spending of the Fund's money shall be made on an extensive and efficient basis, primarily taking into account the benefits of rubber plantation farmers.

Section 44. The Fund consists of:

- (1) money transferred from the Rubber Replanting Aid Fund under section 67;
- (2) fees collected under section 47 and section 48;
- (3) maintenance fees, remuneration, service fees or incomes from the operation of the Fund;
- (4) fruit from money or properties of the Fund.

The money and properties belonging to the Fund shall not be remitted to the Treasury as State revenue.

Section 45. Receipt, payment and custody of the Fund's money and making benefit of the Fund shall be in accordance with the Rules prescribed by the Committee.

Section 46. Within one hundred and twenty days from the last day of the fiscal year according to the law on budget procedures, the Committee shall present the balance sheet and the statement of receipts and expenditures of the Fund in the foregoing year, which have been audited and certified by the Office of the Auditor-General of Thailand to the Council of Ministers for acknowledgement.

Section 47. Any person who exports para rubber must pay the fee to RAOT at the rate prescribed in the Notification by the Minister and shall be exempted from the special fee under the law on export and import of goods.

In the case of necessity, the Minister may issue a Notification to exempt the fee under paragraph one.

The determination of the fee rate under paragraph one and the exemption of the fee under paragraph two shall be subject to prior approval of the Council of Ministers.

The rules, procedures and conditions on the determination or exemption of the fee shall be as prescribed in the Notification by the Minister.

Section 48. Any person having the duty to pay the fee who fails to pay the fee or pays the fee after the specified period of time or pays the fee in an incomplete amount shall pay a surcharge of two percent per month of the unpaid amount of the fee or the amount of the fee paid after the specified period of time or the shortfall amount of the fee, as the case may be, from the next day on which the fee is required to be payable. Any fraction of a month shall be deemed a full month. The calculated surcharge shall not exceed the amount of fee required to be payable under section 47.

In the case where any person having the duty to pay the fee willfully commits any act by any means to avoid payment of the fee or to pay the fee less than the amount to be payable, RAOT shall order such person to pay an administrative fine in the amount ranging from five to twenty times the fee to be payable under section 47.

In the case where RAOT has ordered a person having the duty to pay the fee to pay a surcharge under paragraph one or administrative fine under paragraph two and such person fails to make the payment, the provisions governing the administrative enforcement under the law on administrative procedure shall apply, *mutatis mutandis*.

The surcharge and administrative fine under this section shall be deemed as the fee collected under section 47 and shall be remitted to the Fund.

Section 49. The Committee shall appropriate the Fund's money in accordance with the following proportions and for the following expenses in each fiscal year:

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- (1) not more than ten percent shall be the expense for the administration of RAOT's business;
 - (2) not more than forty percent shall be the expense for the promotion, support and assistance to rubber plantation farmers for their replanting;
 - (3) not more than thirty-five percent shall be the expense for the promotion, support and assistance to rubber plantation farmers, rubber farmer institutes and rubber business operators for the improvement of product quality, production, processing, marketing and other operations related to para rubber and primary rubber processing industry, rubber product manufacturing industry, rubber wood industry, para rubber integrated development and rubber price stability;
 - (4) not more than five percent shall be the expense for the promotion and support for finance, academic matters, study and research and experiment on para rubber that is beneficial to the administration and management of para rubber on an integrated basis;
 - (5) not more than seven percent shall be the expense for the provision of welfare for rubber plantation farmers;
 - (6) not more than three percent shall be the expense for the promotion and support for rubber farmer institutes.

The administration and allocation of the Fund's money shall be in accordance with the regulations prescribed by the Committee by and with the approval of the Council of Ministers, taking into account the appropriate proportions and the benefits to the development of para rubber as well as the spending for the benefits in accordance with the objective of the collection of the fee under section 47.

In the case where the Fund's money in any fiscal year has not been appropriated in full in accordance with the amount specified for each type of the expenses under paragraph one, the Committee may appropriate the remaining money for any types of the expenses other than the expense under (1) as appropriate and necessary.

In the case where the Fund's money is not sufficient to meet the operating expenses under (2), (3), (4), (5) and (6), the Committee shall additionally appropriate the incomes under section 12 for such expenses in the amount of not exceeding twenty percent of the incomes under section 12.

In the case where the Fund's money allocated under (1), (2), (3), (4), (5) and (6) is still not sufficient, the State shall set up additional expenditure in the annual budget as necessary.

Any money remaining, if any, after payment of the expenses under paragraph one shall be kept in order to be paid for the corresponding expenses in the following year.

Section 50. The Governor must separate the accounts and other documents related to finance and properties of the Fund from the accounts and other documents related to finance and properties of RAOT.

CHAPTER V

EXPLORATION, INSPECTION AND BOUNDARY SURVEY

Section 51. If any rubber plantation farmer, rubber farmer institute or rubber business operator who has received the promotion and support under this Act willfully fails to comply with or violates the regulations, rules or orders of RAOT or the Committee or an official giving the order pursuant to this Act, RAOT shall have the power to order to revoke the promotion and support.

Section 52. For the execution of this Act, a member, an official and a person assigned in writing by RAOT shall have the power as follows:

(1) to enter the rubber plantation of a rubber plantation farmer applying for the promotion and support and the adjacent land, the office of a rubber farmer institute applying for the promotion and support or the business facility of a rubber business operator applying for the promotion and support, for exploration, inspection or boundary survey;

(2) to issue a letter of inquiry or a written summons to a rubber plantation farmer, a rubber farmer institute or a rubber business operator, an applicant for the promotion and support or any person which is reasonably believed to be able to provide any facts to come to give statements, submit written clarification or submit or present any other documents or evidence in relation to and in support of the execution of this Act.

CHAPTER VI
PETITION AND WELFARE

Section 53. An official and employee shall have the right to petition in accordance with the regulations prescribed by the Committee.

Section 54. RAOT shall provide a provident fund under the law on provident fund, a pension fund or an aid fund or other aids for the welfare of officials, employees and their family members in case of vacating from office, accidents, sickness, death or any other cases deserving such aids, in accordance with the regulations prescribed by the Committee.

The provision of the aid fund or other aids for welfare under paragraph one, the determination of the criteria on contribution to the aid fund, the classification of persons entitled to the aids, the criteria on the provisions of aids and the management of the aid fund shall be in accordance with the regulations prescribed by the Committee.

CHAPTER VII
FINANCE, ACCOUNTING AND AUDIT

Section 55. RAOT shall prepare an annual budget consisting of annual incomes and operating expenses.

The operating expenses shall be divided into capital budget and operating budget. The capital budget shall be proposed to the Council of Ministers for consideration and approval, and the operating budget shall be proposed to the Council of Ministers for acknowledgement.

Section 56. RAOT shall open a deposit account with a financial institution in accordance with the Rules prescribed by the Committee by and with the approval of the Ministry of Finance.

Section 57. RAOT shall set up and maintain an accounting system in accordance with the generally accepted accounting standards, classified by the categories of the main works, and there shall be entered the particulars of receipts and expenditures and the assets and liabilities which shall represent actual and fair conditions of business by each category of works together with the particulars which are the sources of such entries. An internal audit of accounts shall be conducted regularly.

Section 58. RAOT shall prepare and submit the balance sheet, operating account and profit and loss account to the auditor within ninety days from the end of each accounting year.

Section 59. Each year the Office of the Auditor-General of Thailand shall audit, examine and certify every category of accounts and finance of RAOT.

Section 60. The auditor shall have the power to examine all books of accounts and documents and evidence of RAOT and shall, for this purpose, have the power to interrogate the Chairperson, members, the Governor, officials, employees and other persons who are the representatives of RAOT.

Section 61. The auditor shall, within one hundred and twenty days from the end of each accounting year, prepare and submit the report on the result of accounting and finance audit to the Committee for further proposing to the Minister. RAOT shall, within sixty days from the date of the auditor's certification, publish the annual report of the foregoing year showing the balance sheet, operating account and profit and loss account certified by the auditor.

CHAPTER VIII
SUPERVISION AND CONTROL

Section 62. The Minister shall have the power and duty to exercise general supervision of the business of RAOT and, for this purpose, the Minister may instruct RAOT to state facts, give opinions, submit reports, or perform or refrain from performing any act to be in accordance with the policies of the Government or the resolutions of the Council of Ministers. The Minister shall also have the power and duty to order the inquiry into the facts concerning the operation of RAOT.

Section 63. RAOT shall prepare and submit to the Minister a report annually which shall contain the result of works carried out by RAOT in the foregoing year together with clarification on the policies of the Committee, and projects and plans to be implemented in the future.

Section 64. Any matter that is to be proposed by RAOT to the Council of Ministers shall be first presented by RAOT to the Minister for further proposing to the Council of Ministers. In this regard, the Minister may give opinions for the Council of Ministers' consideration.

Section 65. RAOT must obtain approval of the Council of Ministers prior to undertaking the following:

- (1) to increase or reduce capital;
- (2) to borrow or lend money in the amount exceeding the amount prescribed by the Council of Ministers by the recommendation of the Ministry of Finance;
- (3) to dispose of immovable properties with the price exceeding the price prescribed by the Council of Ministers by the proposal of the Ministry of Finance;
- (4) to issue bonds or any other instruments for the purpose of investment;
- (5) to establish a limited company or a public limited company;
- (6) to participate in business with other persons or to hold shares in a limited company or a public limited company;
- (7) to prescribe the rates of fee and to exempt the fee under section 47.

CHAPTER IX
PENALTY PROVISIONS

Section 66. Any person who obstructs or fails to provide convenience to a member, an official or a person assigned by RAOT to perform the duty under section 52 (1) or willfully fails to comply with a letter of inquiry or a written summons under section 52 (2) without valid reason shall be liable to a fine not exceeding one thousand baht.

TRANSITORY PROVISIONS

Section 67. All businesses, money, properties, rights, liabilities, obligations and budget of the Rubber Replanting Aid Fund under the Rubber Replanting Aid Fund Act, B.E. 2503 (1960) shall be transferred to RAOT or the Fund pursuant to section 11 or section 44, as the case may be, and the Committee shall appropriate money from the Fund of not more than fifteen percent as an initial capital of RAOT pursuant to section 11.

Section 68. All businesses, money, properties, rights, liabilities, obligations and budget of the Rubber Estate Organisation under the Royal Decree on Establishment of Rubber Estate Organisation, B.E. 2504 (1961) shall be transferred to RAOT under this Act.

Section 69. A staff member and employee of the Rubber Replanting Aid Fund under the Rubber Replanting Aid Fund Act, B.E. 2503 (1960) and a staff member and employee of the Rubber Estate Organisation under the Royal Decree on Establishment of Rubber Estate Organisation, B.E. 2504 (1961) shall be the official or employee of RAOT and shall be provisionally entitled to salary, wage, remuneration, welfare and other compensations as previously received until he or she is recruited and appointed to hold office by the Governor. However, the Governor may not appoint such person to receive salary, wage, remuneration, welfare and other compensations lower than the amount previously received.

Such appointment shall be completed within one hundred and twenty days from the effective date of this Act.

The conversion to be the official or employee of RAOT under paragraph one shall not be deemed as a discharge from employment because the original affiliation has terminated an employment, and the working period while being the staff member or employee of the Rubber Replanting Aid Fund or the Rubber Estate Organisation shall be deemed to be working period for RAOT.

Section 70. All businesses, money, properties, rights, liabilities, obligations and budget of the Department of Agriculture, the Ministry of Agriculture and Cooperatives only in relation to official service of the Rubber Research Institute and other agencies related to the rubber business as the Minister deems necessary for the operation of RAOT, existing prior to the effective date of this Act shall be transferred to RAOT, except for all businesses, money, properties, rights, liabilities, obligations and budget in relation to the operation under the law on rubber control and the salary budget and wages of the existing personnel.

Section 71. Any government official, staff member and employee of the Department of Agriculture, the Ministry of Agriculture and Cooperatives who has performed the duties in relation to the businesses transferred under section 70 who voluntarily wishes to be transferred to work with RAOT and has notified his or her intention in writing to his or her responsible Director-General within sixty days from the effective date of this Act shall be transferred to be the official or employee of RAOT, as the case may be, and such position in the Department of Agriculture shall be dissolved.

The government official, staff member or employee transferred to be the official or employee of RAOT under paragraph one shall be provisionally entitled to salary, wage, remuneration or welfare and other benefits as previously received until he or she is recruited and appointed to hold office by the Governor. However, the Governor may not appoint such person to receive salary, wage, remuneration or welfare and other benefits lower than the amount previously received. Such appointment shall be completed within thirty days from the day following the last date of the period of time under paragraph one.

Section 72. The transfer of the government official under section 71 shall be deemed as a discharge from government service because the government service has terminated or dissolved office under the law on government pension or the law on government pension fund.

The transfer of the staff member and employee under section 71 shall be deemed as a discharge from employment because the government service has dissolved office or has terminated an employment without fault, and the staff member and employee shall have the right to receive pension in accordance with the rule of the Ministry of Finance on employee pension.

Section 73. All Ministerial Regulations, Rules, Regulations, Notifications or Prescriptions issued under the Rubber Replanting Aid Fund Act, B.E. 2503 (1960) or the Royal Decree on Establishment of Rubber Estate Organisation, B.E. 2504 (1961) in relation to the performance of duties within the scope of the objectives of, or within the power and duties to be assumed by RAOT under this Act, which have been in force prior to the effective date of this Act shall continue in force insofar as they are not in conflict or inconsistent with this Act until the Ministerial Regulations, Rules, Regulations, Notifications or Prescriptions under this Act come into force.

Section 74. At the initial term, the Minister shall appoint a person to provisionally perform the duties of the Governor until the Governor has been appointed pursuant to this Act, which shall not be later than one hundred and twenty days from the effective date of this Act.

Section 75. At the initial term, the Committee consists of the members under section 17 (2) who shall elect one among themselves to act as a Chairperson, and the person performing the duties of the Governor under section 74 shall be a member and secretary who shall provisionally perform the duties of the Committee pursuant to this Act until the Chairperson and qualified members have been appointed pursuant to section 17 (1) and (3), which shall not be later than one hundred and twenty days from the effective date of this Act.

Section 76. RAOT shall arrange to have a pension fund for the persons used to be the staff members of the Rubber Replanting Aid Fund, who have been transferred to be the officials of RAOT and still have been a member of the pension fund prior to the effective date of this Act, until such officials have ceased to be a member of the pension fund.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister