

## Translation

### NARCOTICS CONTROL ACT, B.E. 2519 (1976)<sup>1</sup>

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BHUMIBOL ADULYADEJ, REX.

Given on the 16<sup>th</sup> Day of November B.E. 2519;

Being the 31<sup>st</sup> 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 narcotics control;

Be it, therefore, enacted by the King, by and with the advice and consent of the Advisory Council to the Prime Minister acting as the National Administrative Reform Council, as follows:

**Section 1.** This Act is called the “Narcotics Control Act, B.E. 2519”.

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

**Section 3.** In this Act:

“narcotics”<sup>3</sup> means narcotics under the law on narcotics, psychotropic under the law on psychotropic substances and volatile substances under the law on controlling the use of volatile substances;

“laws relating to narcotics”<sup>4</sup> means the law on narcotics, law on psychotropic substances, law on controlling the use of volatile substances and law on measures for the suppression of offenders in an offence relating to narcotics;

“Board” means the Narcotics Control Board;

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<sup>1</sup> As last amended by the Narcotics Control Act (No. 2), B.E. 2534 (1991) Government Gazette Vol. 108, Part 170, Special issue, dated 27<sup>th</sup> September B.E. 2534 (1991)

<sup>2</sup> Published in the Government Gazette Vol. 93, Part 144, Special Issue, dated 17<sup>th</sup> November B.E. 2519 (1976)

<sup>3</sup> As amended by section 3 of the Narcotics Control Act (No.2), B.E. 2534 (1991)

<sup>4</sup> As amended by section 3, *ibid.*

“member” means a member of the Board, and includes the Chairperson thereof;

“Secretary-General” means the Secretary-General of the Narcotics Control Board;

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

“competent official” means the person appointed by the Secretary-General for the execution of this Act.

**Section 4.** This Act shall not affect the powers and duties of any Government agency or competent official of any Government agency under the laws relating to narcotics.

In the case where there is a problem in connection with the execution of the powers and duties of the Board, or competent official, and of the Government agency or official having the powers in connection with narcotics, the Board shall make the decision and lay down the Rules on the performance of official affairs and the co-ordination thereof.

**Section 5.** There shall be the “Narcotics Control Board” called “N.C.B.” in brief, consisting of the Prime Minister as Chairperson, Minister of Interior, Minister of Education, Minister of Public Health, Director-General of the Royal Thai Police Department, Director-General of the Customs Department, Attorney-General as ex officio members, and not more than six other members appointed by the Council of Ministers, and the Secretary-General as member and secretary.

**Section 6.** A member appointed by the Council of Ministers shall hold office for a term of two years, and a member who vacates office may be re-appointed.

**Section 7.** A member appointed by the Council of Ministers vacates office before the end of term upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Ministers;
- (4) being an incompetent or quasi-incompetent person;

(5) being imprisoned by a final judgment to a term of imprisonment.

When a member vacates office before the end of term, the Council of Ministers may appoint any other person to replace him.

The member who is appointed to fill the vacancy or as additional member shall hold office for the remaining term of other members.

**Section 8.** At a meeting of the Board, if the Chairperson does not attend or is not present, the members present shall elect one among themselves to preside over the meeting.

**Section 9.** At each meeting, the presence of not less than one-half of the total number of members of the Board is required to constitute a quorum.

The decision shall be made by a majority of votes. Each member shall have one vote. In case of an equality of votes, the Chairperson shall have an additional vote as casting vote.

**Section 10.** The Board may appoint an advisory committee or a sub-committee for consideration or execution of any matter as may be entrusted by the Board.

**Section 11.** There shall be the Office of the Narcotics Control Board called "O.N.C.B." in brief, having the duties to implement the resolutions of the Board and perform any other administrative functions.

**Section 12.** There shall be the Secretary-General of the Narcotics Control Board, having the duties to generally supervise the performance of official affairs of the Office of the Narcotics Control Board, and there may be Deputy Secretary-General to assist the Secretary-General in the performance of official duties.

**Section 13.** The Board shall have the powers and duties as follows:

(1) to prepare work plans and measures for preventing and suppressing the offenders under the laws relating to narcotics;

(2) to control the investigation, inquiry and prosecution of offences under the laws relating to narcotics;

(3) to prepare and implement projects as well as to instruct the Government agencies concerned to disseminate knowledge in narcotics;

(4) to control, expedite and coordinate the performance of duties of the Government agencies having the powers and duties in respect of the execution of the laws relating to narcotics;

(5) to submit recommendations to the Council of Ministers in order that there may be the improvement in the performance of official affairs or in the work plans or projects of the Government agencies having the powers and duties in respect of the execution of the laws relating to narcotics;

(6) to coordinate and supervise the treatment and healing of narcotic addicts;

(7) to consider and approve the appointment of competent officials for the execution of this Act.

**Section 14.** In order to proceed with the prevention and suppression of offences under the laws relating to narcotics, the member, the Secretary-General, the Deputy Secretary-General and the competent official shall have the following powers:

(1) to enter any dwelling place, premises or conveyance during the daytime between sunrise and sunset in order to search, seize or attach narcotics unlawfully possessed or arrest any person where there is a reasonable ground to suspect that he has committed an offence under the laws relating to narcotics. In the case where there is a reasonable ground to suspect, however, that there are narcotics unlawfully hidden or the person to be arrested is hidden in such dwelling place or premises together with a reasonable ground to believe that should actions not be taken immediately, such narcotics would be removed or the person hiding would escape, they shall have the power to enter during the nighttime after sunset;

(2)<sup>5</sup>to search any dwelling place, premises or person in the case where there is a reasonable ground to suspect that there are narcotics unlawfully hidden therein or thereon, to seize or attach narcotics or any other property which was obtained owing to the commission of an offence under the laws relating to narcotics, or which was used or will be used in the commission of an offence under the laws relating to narcotics, or which may be used as evidence;

(3) to arrest any person who has committed an offence under the laws relating to narcotics;

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<sup>5</sup> As amended section 4, *ibid.*

(4) to make an inquiry of the alleged offender in an offence under the laws relating to narcotics;

(5) to issue a letter of inquiry to or summon any person or the official of any Government agency to give statements or to submit any account, document or material for examination or supplementing the consideration.

A competent official of any position and at any level who is to have all or part of such powers and duties as referred to in paragraph one shall be prescribed by the Secretary-General with the approval of the Board by means of executing an instrument of authorization and delivering it to each official who has been so authorized.

The competent official who has been so authorized under paragraph one shall produce the instrument of authorization to the person concerned each time.

**Section 15.** For the purpose of the execution of section 14, the member, the Secretary-General, the Deputy Secretary-General and the competent official who have been authorized under section 14(3) shall be deemed to have the same powers and duties as the inquiry official under the Criminal Procedure Code for the entire Kingdom, and shall have the power to keep the person arrested in custody under section 14(3) for inquiry for a period of not more than three days. Upon the lapse of such period or before it has elapsed as they may think fit, they shall send the arrested person to the inquiry official under the Criminal Procedure Code for further proceedings, provided that the keeping of the said arrested person in custody shall not be considered as that of the inquiry official under the Criminal Procedure Code.

**Section 16.** Any person who obstructs, or fails to render facilities, or refuses to give statements or to submit any account, document or material to the member, the Secretary-General, the Deputy Secretary-General or the competent official who performs an act in pursuance of section 14 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht.

**Section 17.** The member, the Secretary-General, the Deputy Secretary-General or any competent official who commits an offence under the laws relating to narcotics shall be liable to treble penalty imposed for such offence.

**Section 18.** The Prime Minister shall have charge and control of the execution of this Act and shall have the power to issue Regulations or Rules for the execution of this Act.

Countersigned by:

Thanin Kraivixien

Prime Minister

