

Unofficial Translation *

CRUELTY PREVENTION AND WELFARE OF ANIMAL ACT,
B.E. 2557 (2014)

BHUMIBOL ADULYADEJ, REX.

Given in the 26th Day of December B.E. 2557;

Being the 69th 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 cruelty prevention and welfare of animal;

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

Section 1. This Act is called the “Cruelty Prevention and Welfare of Animal Act, B.E. 2557 (2014)”.

Section 2.¹ This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. In this Act

“animal” means an animal which, generally, is a domestic animal, working animal, animal used for transportation, companion animal, animal used as food, animal used for entertainment, or animal used for any other purpose, whether owned or unowned, and shall include an animal which lives in its natural habitat as prescribed by the Minister.

“cruelty” means an act or a failure to act which causes an animal to suffer, physically or mentally, or causes an animal to suffer from pain, illness, infirm, or may cause death to such animal, and shall include a use of a disabled, ill, old, or pregnant animal for

* Translated by Mr. Tanuchporn Pisitwanich and reviewed by Associate Prof. Pisawat Sukonthapan under contract for the Office of the Council of State of Thailand's Law for ASEAN project.

- Tentative Version – subject to final authorisation by the Office of the Council of State.

¹ Published in Government Gazette, Vol. 131, Part 87a, dated 26th December B.E. 2557 (2014).

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any advantages, a use of animal for sexual abuse, a use of animal to overwork or to perform an inappropriate work because such animal is ill, old, or underage.

“animal welfare provision” means raising or taking care of an animal to keep it in a proper condition, to have good health and sanitation, to have an accommodation, adequate food and water.

“animal owner” means the person who has ownership, and shall include a person who has the animal in possession, or who is assigned, by the owner or from a person who is assigned from the owner, to take care of the animal.

“Animal Welfare Organisation” means a body of persons, or a juristic person which registered as Animal Welfare Organisation under this Act.

“Animal Aid Centre” means a place for raising animals or a place for rescue or take care of abandoned, unowned, or abused animals.

“Committee” means Cruelty Prevention and Welfare of Animal Committee.

“veterinarian” means a veterinary practitioner under the law on veterinary profession.

“competent official” means a person who is appointed by the Minister for the execution of this Act.

“registrar” means a person who is appointed by the Director-General as a registrar.

“Director-General” means The Director-General of Department of Livestock Development.

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

Section 4. The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and issue notifications for the execution of this Act.

Such notifications shall come into force upon their publication in the Government Gazette.

CHAPTER I

CRUELTY PREVENTION AND WELFARE OF ANIMALS COMMITTEE

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Section 5. There shall be a Committee called the “Cruelty Prevention and Welfare of Animal Committee”, consisting of the Permanent Secretary of Agriculture and Cooperatives as the Chairperson, Secretary of the Office of the Basic Education Commission, Director-General of the Department of Religious Affairs, Director-General of the Department of the Government Public Relation, Director-General of the Department of Fisheries, Director-General of the Department of Local Administration, Director-General of the Department of International Organization, Director-General of the Department of Health, Director-General of the Department of National Parks, Wildlife and Plant Conservation, Governor of the Tourism Authority of Thailand, and Director of the Zoological Park Organization as *ex officio* members, and not more than 7 qualified members appointed by the Minister.

The Director-General shall be a member and secretary.

The qualified members under paragraph one shall be appointed from Deans of Faculties of Veterinary Medicine, representatives of associations or foundations which work or perform activities in relation to animal welfare, representatives of registered Animal Welfare Organisations under this Act, representatives of registered animal aid centres under this act, and persons having knowledge, skill, or experience in cruelty prevention and welfare provision of Animal, as provided by the rules, procedures and conditions prescribed by the Minister.

Section 6. A qualified member shall hold office for a term of four years.

In the case where the Minister appoints a qualified member to replace a member who vacated the office before the expiration of term, or appoints an additional qualified member while the appointed qualified members are still in office, the replacement or additional appointee shall hold office for the unexpired term of office of the qualified members already appointed.

If the remaining term of the office under paragraph two is less than ninety days, the Minister may or may not appoint a replacement.

At the expiration of term under paragraph one, if a new qualified member has not yet been appointed, the qualified member whose term is already expired shall be in office to continue to perform the duties until a new qualified member assumes the duties.

A qualified member who vacates office upon the expiration of the terms may be reappointed, but may not be appointed for more than two consecutive terms.

Section 7. In addition to vacating office on the expiration of term, a qualified member vacates office upon:

(1) death;

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- (2) resignation;
- (3) being dismissed by the Minister due to negligence, disgraceful behaviour or incapacity;
- (4) being bankrupt;
- (5) being an incompetent person or a quasi-incompetent person;
- (6) being imprisoned due to a final judgement, except for an offence committed through negligence or a petty offence;
- (7) vacation from the office of the dean of the Faculty of veterinary medicine, representatives of associations or foundations which work or perform activities in relation to animal welfare, representative of registered Animal Welfare Organisations under this Act, representatives of registered animal aid centres under this act, if he or she is appointed as a member in such capacity.

Section 8. The committee shall have the following powers and duties:

- (1) to propose to the Minister, a policy, plan, measure, and guideline which raise awareness of the cruelty prevention and welfare provision of animal;
- (2) to propose to the Minister, an opinion to revise the law on cruelty prevention and welfare provision of animals;
- (3) to propose to the Minister, an opinion to issue a notification under this Act
- (4) to issue rules on examination and to follow up operations to be in accordance with this Act
- (5) to consider appeals made under this Act
- (6) to perform any other operation as prescribed by the law as powers and duties of a member of the committee or as assigned by the Minister.

Section 9. The committee shall hold a committee meeting at least twice a year.

At a meeting of the committee, the presence of not less than one-half of the members is required to constitute a quorum.

At a meeting of the committee, if the chairperson does not attend or is unable to perform the duties, the present members shall elect a member to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 10. The committee shall have the power to appoint subcommittees to perform any acts prescribed by the committee.

In a subcommittee meeting, Section 9 shall apply *mutatis mutandis*.

CHAPTER II

ANIMAL WELFARE ORGANISATION

Section 11. Any body of persons or juristic person which has the objective of, or which performs an activity in relation to the prevention of cruelty or the provision of animal welfare, and which does not have a political objective or an objective to gain profit or income to share among themselves is entitled to file for a registration as an animal welfare organisation to a registrar.

Rules, procedures, and conditions for registration shall be as prescribed by the Director-General.

Section 12. An animal welfare organisation may be supported by the Department of Livestock Development or other State Agencies in performing the following activities:

- (1) establishment of a volunteer network to support activities done in cooperation with competent officials under this Act;
- (2) public relations, news and information dissemination to encourage the public to understand and participate in cruelty prevention or welfare of animal;
- (3) initiation of a campaign or an activity for cruelty prevention or animal welfare provision;
- (4) solving problems related to cruelty prevention or welfare of animals;
- (5) research on cruelty prevention or welfare of animals.

Section 13. In the case where it appears that any animal welfare organisation performs an illegal activity or performs an activity with a political objective, or an objective to gain profit or income to share among themselves, or performs an activity in contravention to public order or good morals, a registrar shall have a power to serve a written notice specifying the time frame to cease such activity. If the organisation fails to comply with the notice within the time frame specified, the registrar shall have the power to revoke the registration of such animal welfare organisation.

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CHAPTER III
ANIMAL AID CENTRE

Section 14. So as to support cruelty prevention and welfare of animal, a founder of an animal aid centre which does not have a political objective or an objective to gain profit or income to share among themselves is entitled to file for a registration as an animal aid centre to a registrar

Rules, procedures, and conditions for registration shall be as prescribed by the Director-General.

Section 15. A founder of an animal aid centre, once registered under section 14, may be supported by the Department of Livestock Development or other State Agencies, in the following areas;

- (1) knowledge in relation to cruelty prevention or animal welfare provision;
- (2) quantity control and the prevention of animal contagious diseases within the Animal Aid centre;
- (3) any other activity related to cruelty prevention or animal welfare provision.

Section 16. In the case where it appears that any animal aid centre registered under section 14 performs an activity with a political objective, or an objective to gain profit or income to share among themselves, or performs an activity which is regarded as animal cruelty or improper welfare of animal, a registrar shall have a power serve a written order specifying a time frame to perform such activity correctly and properly. If the animal aid centre fails to comply with the order within the time frame specified, the registrar shall have the power to revoke the registration of such animal aid centre.

CHAPTER IV
APPEAL

Section 17. In the case where a registrar makes an order not accepting the registration under section 11 or section 14, the person obtaining such order is entitled to

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appeal to the committee within fifteen days as from the date of the acknowledgement of such order.

Section 18. In the case where a registrar makes an order to revoke the registration under section 13 or section 16, the person obtaining such order is entitled to appeal to the committee within fifteen days as from the date of the acknowledgement of such order.

The appeal under paragraph one shall not stay the execution of the order unless the appellant so requests, and the committee agrees to temporarily stay the execution.

Section 19. The committee shall make a decision on the appeal under section 17 and 18 within forty-five days as from the date it receives the appeal.

The decision of the committee on the appeal shall be final.

Rules, procedures, and conditions for decision on the appeal shall be as prescribed by the committee.

CHAPTER V

ANIMAL CRUELTY PREVENTION

Section 20. No person shall perform any act which is deemed an act of cruelty to animal without justification.

Section 21. The following shall not be deemed cruelty to animal under section 20;

- (1) killing an animal for food, this shall apply only to animals used as food;
- (2) killing an animal under the law on animal killing control and meat vending;
- (3) killing an animal to control animal contagious diseases under the law on animal contagious diseases;
- (4) killing an animal in the case where a veterinarian considers an animal ill, disabled, or injured and cannot be treated or restored to survive without insufferable pain;
- (5) killing an animal in accordance with a religious ritual or belief;
- (6) killing animal in the case where there is a necessity to prevent danger to life or body of a human or other animal, or to prevent damage to property;

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(7) any act to the body of an animal which is deemed a veterinary practice by a veterinarian by profession or a person who is exempt from registering, and being granted a veterinary license from the veterinary council as per the law on veterinary profession;

(8) cutting an ear, the tail, fur, horn, or tusk with reasonable justification and is harmless to an animal or the life of an animal;

(9) local traditional animal fight;

(10) any other act which is specifically permitted by the law;

(11) any other act which is prescribed by the Minister by Notification with the approval of the committee.

CHAPTER VI

ANIMAL WELFARE PROVISION

Section 22. An animal owner shall provide proper welfare to his or her animal in accordance with rules, procedures, and conditions prescribed by the Minister.

In an issuance under paragraph one, the issuer shall take type, kind, character, condition, and age of the animal into consideration.

Section 23. An animal owner shall not leave, abandon, or act in any way to get the animal out of the owner's responsibility without justification.

The act under paragraph one shall not include the transfer of ownership or possessory right to a person willing to take care of the animal.

Section 24. In animal transportation, or the use of animal for work, or for entertainment, the owner or relevant person shall provide proper animal welfare, as provided by the rules, procedures, and conditions prescribed by the Minister

In an issuance under paragraph one, the issuer shall take the type, kind, character, condition, and age of the animal into consideration.

CHAPTER VII

COMPETENT OFFICIAL

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Section 25. In performing duties under this Act, a competent official shall have the powers and duties as follows:

(1) to issue summons to an owner, a representative of an animal welfare organisation, a caretaker of an animal aid centre or a related person to give statement or to send a related document or evidence to be taken into consideration for operations under this Act;

(2) to enter into any place to investigate, if the competent official is notified, or if there is a reasonable belief that there is an animal cruelty under this Act;

(3) to order the stoppage of a vehicle to investigate, if the competent official is notified, or if there is reasonable belief that there is an act of animal cruelty under this Act;

(4) to seize, or sequester an animal or the corpse of an animal, which is suspected to be killed or abused, this shall include documents, evidences, vehicles, tools, equipment, or items relevant to the offence under this Act as evidence in the legal proceedings;

(5) to take the abused animal to be cured, or to rescue an animal in danger, in the case where it appears that such animal is cured or rescued by no person.

The entry into a place under (2) for investigation shall require a search warrant, unless there is reasonable belief that if there is a delay in obtaining the search warrant, there shall be moving of, hiding, or destruction of the evidence related to the offence, the competent official may search without a search warrant, but shall be in accordance with the Criminal Procedure Code on search procedures.

Section 26. In the case where there a left, abandoned, or unowned animal is found, a competent official shall ensure the appropriate welfare of such animal.

Section 27. In the case of finding an animal in a state of suffering from illness or a serious injury, and whereupon a veterinarian is of an opinion that in allowing such animal to remain alive, such animal shall be in a state of excessive suffering, a competent official shall have the power to order to kill such animal.

Killing of animal under paragraph one shall be carried out by a veterinarian, and if the animal is owned, a consent from the owner shall be required.

Section 28. In performing duty of a competent official under section 25, the animal owner or a relevant person shall provide appropriate convenience.

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Section 29. In performing duties under this Act, a competent official shall produce a card of identification to an animal owner or a relevant person.

A competent official card of identification shall be in the form as prescribed by the Minister.

Section 30. In performing duties under this Act, a competent official shall be an official under the Criminal Code.

CHAPTER VIII
PENALTIES

Section 31. Any person who contravenes section 20 shall be liable to imprisonment for a term of not exceeding two years or to a fine not exceeding forty-thousand baht or to both.

Section 32. An animal owner or any person who fails to comply with rules, procedures, and conditions prescribed by the Minister under Section 22, section 23, or contravenes section 23 shall be liable to a fine not exceeding forty thousand baht.

Section 33. In the case where the court hands down the decision punishing any person under section 31 or section 32, if the court is of an opinion that the animal is likely to be abused or be provided with improper welfare if it remains in the possession of the owner or the offender, the court may issue an order prohibiting the owner or the offender from possessing such animal, and send the animal to a State Agency, or a person whom the court considers appropriate to possess or take care of such animal.

Section 34. Any person who fails to comply with section 28 shall be liable to a fine of not exceeding twenty thousand baht.

Section 35. All offences under this Act which are only punishable by a fine may be settled by The Director-General, or a person assigned by the Director-General.

Upon payment by the accused of the settled amount of the fine within a reasonable time, but not exceeding fifteen days, the case shall be deemed settled under the Criminal Procedure Code.

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If the accused fails to consent to the settlement, or, upon consent thereto, fails to pay the fine within the time specified under the second paragraph, the legal proceedings shall continue.

Transitory Provision

Section 36. At the beginning period, the committee shall consist of *ex officio* members under Section 5 performing duties temporarily until the appointment of qualified members takes place, which shall not exceed one hundred and eighty days as from the date this Act come into force.

Countersigned by

General Prayut Chan-o-cha
Prime Minister

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