

(Translation)

Unofficial Translation*

ROYAL DECREE
GOVERNING THE PRESENTATION OF MATTERS AND CABINET MEETINGS
B.E.2548

BHUMIBOL ADULYADEJ, REX.

Given on the 27th Day of February B.E. 2548;
Being the 60th Year of the Present Reign

His Majesty King Bhumibol Adulyadej has the Royal Proclamation to announce that:

Whereas it is expedient to prescribe the criteria and guidelines for presentation of matters to the Cabinet as well as Cabinet meetings to be in accordance with the criteria and methods of good governance;

By virtue of Section 221 of the Constitution of the Kingdom of Thailand and Section 3/1 of the National Government Organization Act B.E.2534, amended by the National Government Organization Act (No.5) B.E.2545, therefore, His Majesty the King Bhumibol Adulyadej has graciously been pleased to enact this Royal Decree, as follows:

Section 1 This Royal Decree shall be called the “Royal Decree Governing the Presentation of Matters and Cabinet Meetings B.E. 2548”.

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

Section 3 In this Royal Decree:

“Minister in Charge” means the Minister in charge of a ministry or a bureau in the capacity of the superior of a ministry or a bureau and in the capacity of a superior or a regulator of a state agency; and it shall include the Prime Minister or a Deputy Prime Minister or the Minister of the Prime Minister’s Office, who has been designated to give orders and to act for the Prime Minister in the capacity of the superior of the Prime Minister’s Office or in the capacity of a superior or a regulator of a state agency.

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“State Agencies” means government agencies, state enterprises, local administrative organizations and other state agencies.

“Ministerial Regulations” shall include rules of the Prime Minister’s Office, rules of the Bureau, Civil Service Commission regulations and rules being called in other names and in the capacity similar to the Ministerial Regulations.

Section 4 Only the following matters can be presented to the Cabinet:

- (1) Matters prescribed by laws to be under powers and duties of the Cabinet or to be presented to the Cabinet;
- (2) Bills or Drafts of Royal Ordinances;
- (3) Matters to be presented to the House of Representatives, the Senate or the Parliament for approval;
- (4) Drafts of Royal decrees;
- (5) Drafts of Ministerial Regulations relating to significant policies prescribed by the Cabinet;
- (6) Drafts of rules, regulations or announcements applicable to government agencies in general;
- (7) Matters relating to international relations or in connection with international organizations to be binding the Thai Government;
- (8) Initiation of mega projects of government agencies, state enterprises, public organizations or other state agencies with the amount limits as prescribed by the Cabinet, except for investment projects prescribed in the work plans approved by the Cabinet’s resolutions;
- (9) Matters being requested for review or exemption of compliance with the Cabinet’s resolutions, rules, regulations or announcements under (6);
- (10) Opinions of the Council of State on general bureaucratic regulations or norms;
- (11) Matters requiring the spending of the national budgets in addition to those approved by the laws governing the annual expenditure budgets or additional expenditure budgets;
- (12) Matters presented by the Prime Minister, in the capacity of the Head of the Government, or ordered to be submitted to the Cabinet;
- (13) Matters that the Cabinet has passed its resolution to be submitted to the Cabinet;

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When the Prime Minister and the Cabinet, who has issued orders or has passed resolutions under (12) or (13), has vacated the office, the Secretariat of the Cabinet shall collect orders or resolutions in the manner of determination of the criteria for presentation of matters to the Cabinet, thus, to be presented to the new Cabinet for consideration, confirmation or cancellation within thirty days as from the date when the Cabinet has made the statement of policy to the Parliament.

Section 5 The Cabinet shall appoint a body of persons consisting of the related ministers and other experts on matters to be considered, thus, for the purpose of consideration and screening of any matters before submission thereof to the Cabinet.

Section 6 The presentation of matters to the Cabinet under Section 4 shall be under powers of the “Minister in Charge”, who shall be the signatory of matters to be presented, except for the following cases:

(1) In case, any committee consists of the Prime Minister, Deputy Prime Minister or the Minister of the Prime Minister’s Office or “Minister in Charge” as the Chairperson of such Committee, then, the Prime Minister, Deputy Prime Minister or the Minister of the Prime Minister’s Office or “Minister in Charge”, as the case may be, in the capacity of the Chairperson, shall be the signatory of matters to be presented to the Cabinet;

(2) In case, a state agency that has presented the matters to the Cabinet is an independent organization which is not under the supervision of the administrative authorities, the Head of such organization shall be the signatory of matters to be presented to the Prime Minister;

(3) In case, a state agency which is under the direct command of the Prime Minister or a state agency which is not under the supervision of the administrative authorities, wishes to present matters to the Cabinet, the Head of such organization shall be the signatory of matters to be presented to the Cabinet;

The presentation of matters under Paragraph 1 shall be sent to the Secretariat of the Cabinet for further actions.

Section 7 Regarding matters to be presented to the Cabinet under Section 4 (1)(3)(7)(9)(10) or (11) and matters which have been screened by a body of persons under Section 5, in case, the Cabinet has considered that such matters are under the normal missions or there are specific operational guidelines, the Cabinet shall pass its resolution of general designation that the Prime Minister or the Deputy Prime Minister may give approvals, consents or orders in lieu of the Cabinet. In such case, it shall be regarded that such approvals, consents or orders of the Prime Minister or the Deputy Prime Minister shall be resolutions of the Cabinet.

The Secretariat of the Cabinet shall summarize the matters handled by the Prime Minister or the Deputy Prime Minister under Paragraph 1 to be reported to the Cabinet from time to time.

Section 8 In normal cases, the Cabinet meetings may be convened when at least one-third of the total members of the Cabinet have participated in such meetings.

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In case of necessities for protection of significant national interests or in case of emergencies or for the purpose of confidentiality, the Prime Minister may consider any matter with the related ministers that the Prime Minister may think fit to pass the Cabinet's resolution on such matter; and in normal cases, when a meeting has been convened, the Prime Minister shall report such resolution of the Cabinet to the Cabinet's meeting.

The Cabinet's meetings shall be convened by inviting Ministers to participate in the meetings at the prescribed venues or by any other methods that the meeting participants are able to discuss despite not being at the same place, thus, as prescribed by the Prime Minister.

Section 9 In normal cases of the Cabinet meetings under Section 8, Paragraph 1, the Secretariat of the Cabinet shall submit the meeting agenda, together with the related documents, to the Cabinet for at least one day prior to the date of the Cabinet meeting, except in case of urgency, the Prime Minister may approve the convocation of such Cabinet meeting without prior submission of the meeting agenda; however, in case, such matter may result in the approval of budget, the Prime Minister shall approve the matter only in case of urgency for protection of significant national or public interests.

Meeting agenda and the related documents may be sent via electronic mails.

Section 10 Regarding the presentation of matters to the Cabinet, state agencies responsible for the matters shall determine issues to be submitted to the Cabinet for resolution and approval or for resolution on any specific matter. In case, the Cabinet has passed its resolution for approval on the presented matter, it shall be regarded that the Cabinet's resolutions shall be binding only the principles of the presented issues, except that it is clearly specified in the Cabinet's resolution regarding the details of such approval.

The fact that the Cabinet has passed its resolution on any matter as proposed by any state agency, shall not be cited as an excuse for the presenter of such matter and the state agency to be exempted from complying with the conditions, criteria or any methods that must be normally complied with, unless otherwise expressly provided by the Cabinet.

Section 11 When the Cabinet has passed its resolution on any matter, the Secretariat of the Cabinet shall be obliged to follow up and gather the results of compliance with the Cabinet's resolution on such matter to be reported to the Cabinet from time to time; or in case of necessity, the Secretariat of the Cabinet may present the matter to the Prime Minister for consideration and review of the Cabinet's resolution on such matter.

Section 12 The criteria and guidelines for the presentation of matters, operations in accordance with the Cabinet's resolutions, reporting of the results of compliance with the Cabinet's resolution or any other actions in favor of the performance of duties of the Cabinet, shall be in accordance with the regulations prescribed by the Cabinet.

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Section 13 Upon the assumption of office of a new Cabinet, the Secretariat of the Cabinet shall be obliged to gather the Cabinet's resolutions and the Prime Minister's orders in the previous Cabinet relating to the state administration or government officials, issued not by virtue of any laws, together with recommendations whether it is expedient to maintain the Prime Minister's orders or the Cabinet's resolution on such matter, thus, to be presented to the Prime Minister for consideration, command or further actions within one hundred and twenty days as from the date when the Cabinet has made the statement of policy to the Parliament.

Section 14 The Secretariat of the Cabinet shall verify the Prime Minister's orders and the Cabinet's resolutions relating to the presentation of matters to the Cabinet, public administration and government officials, which have been effective before the date when this Royal Decree shall come into force, together with recommendations whether the Prime Minister's orders or the Cabinet's resolutions on any matter should be repealed or revised in accordance with the guidelines under this Royal Decree; whereas, such action shall be taken until completion within one year as from the date when this Royal Decree has come into force.

Section 15 The provisions contained in Section 4 Paragraph 2 and Section 11 shall be enforced when the Cabinet has made the statement of policy to the Parliament after the date when this Royal Decree has come into force.

Section 16 During the period when there is no regulation on the presentation of matters to the Cabinet, issued in accordance with Section 12 of this Royal Decree, the Regulations of the Office of the Prime Minister Governing the Presentation of Matters to the Cabinet B.E.2531 and its Amendments shall apply *mutatis mutandis*, thus, insofar as they are not contrary to or inconsistent with this Royal Decree.

Section 17 The Prime Minister shall take charge under this Royal Decree.

Counter-Signature:

Police Lieutenant Colonel Thaksin Shinawatra

Prime Minister

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Note:- Reason for promulgation of this Act: on the grounds that, at present, the Cabinet has its mission to be taken; and there are a lot of matters to be presented by state agencies or units for consideration by the Cabinet; and in order to reduce mission and the number of matters to be presented for consideration by the Cabinet and in order to find effective and proper solutions in case of urgency for the national interests, it is expedient to prescribe the criteria and guidelines for the presentation of matters to the Cabinet and Cabinet meetings in accordance with such principles; and whereas, Section 3/1 of the National Government Organization Act B.E.2534, amended by the National Government Organization Act (No.5) B.E.2545, which has prescribed the criteria and methods of government practices and command of government agencies and government officials for performance of government services in favor of the state administration and to reduce the operational procedures, and for decentralization of decision making and to provide the responsible person for the outcomes of works which shall be made by means of enactment of a royal decree; therefore, it is necessary to enact this Royal Decree.

Office of Justice Affairs

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