

(Translation)

Unofficial Translation*

THE PUBLIC ASSEMBLY ACT
B.E.2558

BHUMIBOL ADULYADEJ, REX.
Given on the 9th Day of July B.E. 2558;
Being the 70th Year of the Present Reign

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

Whereas it is expedient to have a law governing public assembly.

Therefore, His Majesty the King Bhumibol Adulyadej has graciously been pleased to enact this Act, with the advice and consent of the National Legislative Assembly, as follows:

Section 1 This Act shall be called the “Public Assembly Act B.E. 2558”.

Section 2¹ This Act shall come into force when a period of thirty days as from the date following the date of its publication in the Government Gazette has been elapsed.

Section 3 This Act shall not apply to the following public assemblies:

- (1) Assembly on occasions of Royal Ceremonies and State Ceremonies
- (2) Assembly for performance of religious rites or customary activities or local cultural activities
- (3) Assembly for performance of entertainment, sports or tourism promotion events or other activities for normal trading benefits of the assembly organizers
- (4) Assembly within educational institutions
- (5) Assembly or meetings under the provisions of laws or academic meetings or seminars of educational institutions or agencies for academic purpose
- (6) Public assembly during the declaration of the State of Emergency or promulgation of the Martial Law and public assembly organized for the purpose of election campaign during the election period, thus, subject to the laws governing the matter

¹ The Government Gazette, Volume 132 Section 63 (A) Page 19 dated 14th July 2015.

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Section 4 In this Act:

“Public assembly” means an assembly of people in a public place so as to express their common demand, support, objections or opinions on any specific matter to the general public; and such assembly may be participated by other people regardless of demonstration or mobility of people.

“Public Place” means plots of land or buildings which are the State Property used for public benefits or reserved for common interests, or which are not owned, but occupied or utilized, by government agencies, including highways and public ways and those which are legally accessible by the general public.

“Highway” means the highway under the law governing highway

“Public Way” means roads or waterways, including roads and rail systems, for public transport

“Assembly Organizer” means a person who organizes public assembly, including a person who intends to organize public assembly and a person who persuades or invites other people to participate in a public assembly by expressing himself/herself in a manner to make other people understand that he/she has organized or has jointly organized such public assembly.

“Public Assembly Participant” shall include assembly organizer and participant in a public assembly regardless of participation in such public assembly as per the persuasion or invitation of the assembly organizer.

“State Agency” means a government agency, state enterprise, government organization, public organization, local administrative organization, organization under the Constitution and other state agency.

“Notification Recipient” means the head of police station of the locality where a public assembly is organized or any other person as prescribed and announced by the Minister to act as a notification recipient of a public assembly under this Act.

“Minister” means the Minister taking charge under this Act.

Section 5 The Prime Minister shall take charge under this Act and shall be empowered to issue announcements for compliance with this Act.

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

CHAPTER 1 GENERAL PROVISIONS

Section 6 A public assembly must be organized in a peaceful manner and without weapons.

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The exercise of rights and liberties of a public assembly participant during a public assembly must be subject to the scope of exercise of rights and liberties as per the provisions of the Constitution and the laws.

Section 7 It is prohibited to organize a public assembly within a distance of one hundred and fifty meters from the boundary of the Grand Palace, the Royal Palace, the Royal Residence of the Heir-Apparent or of HRH Prince or HRH Prince, the Upcountry Royal Palace, the Royal Mansion or from places where the King, the Queen, the Heir-Apparent or HRH Prince or HRH Prince stays or resides or from residence of the Royal Guest.

No public assembly shall be organized within areas of the Parliament, the Government House and the Courts unless a specific venue for public assembly is prepared therein.

The Courts under Paragraph 2 mean the Constitutional Court, the Court of Justice, the Administrative Court, the Military Court and other courts under the law governing the establishment of courts.

In case of necessity and for the purpose of keeping of public safety and public order, the Commissioner General of the Royal Thai Police or his designated person shall be empowered to announce the prohibition of public assembly within a distance of not exceeding fifty meters from the boundary of such venues under Paragraph 2, thus, by taking account of the number of public assembly participants and circumstances of each public assembly.

Section 8 A public assembly shall not obstruct entrances of any of the following premises and shall not interfere the performance of works or use of services therein:

- (1) Offices of state agencies
- (2) Airports, ports, railway stations or public transport terminals
- (3) Hospitals, educational institutions and religious sites
- (4) Embassies or consulates of foreign states or offices of international organizations
- (5) Other venues as prescribed and announced by the Minister

Section 9 A state agency may provide a specific venue for public assembly.

The provision of such specific venue for public assembly under this Section shall not affect liberties of people to organize a public assembly in any other public places.

Provisions contained in Chapter 2 “Notification of Public Assembly” shall not apply to a public assembly organized within the venue under Paragraph 1.

CHAPTER 2 NOTIFICATION OF PUBLIC ASSEMBLY

Section 10 Any person who intends to organize a public assembly shall notify his/her intentions thereof to the Notification Recipient at least twenty-four hours prior to the start of the public assembly.

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It shall be regarded that the person who persuades or invites other people to participate in a public assembly on a prescribed date, time and venue by any means whatever as well as the applicant for permission to use a public place or amplifiers or for official facilitation for a public assembly shall be the person who intends to organize a public assembly under Paragraph 1.

The notification of public assembly shall be specified with the objective, date, time and venue for public assembly as per the procedures as prescribed and announced by the Minister and which are convenient to the Notification Recipient and shall also be notified through the information technology system.

Section 11 The Notification Recipient shall, upon receiving the public assembly notification, send a summary of public assembly under this Act to the Informant within twenty-four hours as from the time of receipt of the notification.

In case, the Notification Recipient considers that the notified public assembly may be contrary to Section 7 or Section 8, the Notification Recipient shall order the Informant to rectify the same within the prescribed period.

In case, the Informant fails to comply with the order under Paragraph 2, the Notification Recipient shall order to prohibit such public assembly by giving a written notice of such order to the Informant.

In case, the Informant disagrees with the order under Paragraph 3, the Informant shall submit a written appeal to the direct superior of the Notification Recipient; and the direct superior of the Notification Recipient shall make decision and shall notify the decision on such appeal within twenty-four hours. The decision on such appeal shall be final.

During the issuance of public assembly prohibition order, appeal and consideration and decision on such appeal, a public assembly shall be cancelled.

Section 12 Any person who intends to organize a public assembly but being unable to notify such public assembly within the time limit under Section 10 shall notify the public assembly together with an application for postponement of such time limit to the Commander of the Police responsible for the Bangkok areas or to the Commander of the Provincial Police in other provinces, as the case may be, prior to the start of such public assembly.

Provisions contained in Section 10, Paragraph 3 shall, *mutatis mutandis*, apply to the notification under Paragraph 1.

The recipient of an application for postponement of the time limit under Paragraph 1 shall issue a written notice of such order, together with a reason thereof, to the applicant within twenty-four hours as from the time of receiving such application.

Section 13 The Notification Recipient under Section 11 and the recipient of an application for postponement of the time limit under Section 12 shall be the competent official under the Criminal Code.

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Section 14 In case, a public assembly is not in accordance with provisions under Section 6 or there is no notification of a public assembly under Section 10; or in case, the Informant fails to comply with orders of the Notification Recipient; or the Notification Recipient has issued an order to prohibit such public assembly under Section 11; or a public assembly is organized after the applicant has received a written notice that there is no proper reason to postpone the time limit under Section 12, it shall be regarded that such public assembly is unlawful.

CHAPTER 3

DUTIES OF THE ASSEMBLY ORGANIZER AND PUBLIC ASSEMBLY PARTICIPANTS

Section 15 The Assembly Organizer shall have duties, as follows:

(1) Supervise and be responsible for organization of a public assembly in a peaceful manner and without weapons as per the scope of exercise of rights and liberties under the provisions of the Constitution.

(2) Supervise and be responsible for organization of a public assembly not to cause unreasonable obstruction to the general public for use of a public place; and supervise and be responsible for the public assembly participants' compliance with provisions contained in Section 16.

(3) Inform all public assembly participants of their duties under Section 16 as well as conditions or orders imposed by the competent official supervising the public assembly.

(4) Give cooperation to the competent official supervising the public assembly for supervision of a public assembly in accordance with (1) and (2).

(5) Refrain from instigating or inducing public assembly participants to be in breach of provisions contained in Section 16.

(6) Refrain from addressing speeches or organizing public assembly activities by using amplifiers during 24.00 hrs to 06.00 hrs of the next morning.

(7) Refrain from using amplifiers with electric power or noise level as prescribed and announced by the Commissioner General of the Royal Thai Police.

Section 16 Public assembly participants shall have duties, as follows:

(1) Refrain from causing inconvenience to the general public for use of the public place where the public assembly is organized or from causing unreasonable troubles to other people.

(2) Refrain from willfully concealing or camouflaging themselves from correct identification, except for normal traditional costumes.

(3) Refrain from carrying weapons, firework, imitation of firearms or weapon-like device into the public assembly venue regardless of being licensed to carry such thing with them.

(4) Refrain from trespassing or causing damage, destruction or impracticability of property of other people.

(5) Refrain from causing fear of potential danger to life, body, property or liberties of other people.

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(6) Refrain from committing an act of violence or threatening to commit an act of violence to public assembly participants or other people.

(7) Refrain from obstructing or causing any obstacles to the performance of duties of the competent official supervising the public assembly in protecting and facilitating the general public for use of public places and supervising such public assembly.

(8) Refrain from demonstrating or mobilizing during 18.00 hrs to 06.00 hrs of the next morning, unless receiving permission from the competent official supervising the public assembly.

(9) Comply with conditions or orders imposed by the competent official supervising the public assembly.

Section 17 In case, the Assembly Organizer fails to notify that there will be demonstration or mobility of public assembly participants, such demonstration or mobility of public assembly may be permitted upon giving prior notification to the head of police station responsible for supervision of such public assembly.

Section 18 The public assembly participants must finish the public assembly within the period that the Assembly Organizer has notified to the Notification Recipient.

In case, the Assembly Organizer intends to continue organizing such public assembly, the Assembly Organizer shall submit an application for extension of period of such public assembly to the Notification Recipient within twenty-four hours before the expiry of the period under Paragraph 1.

CHAPTER 4

PROTECTION OF PUBLIC CONVENIENCE AND SUPERVISION OF PUBLIC ASSEMBLY

Section 19 The head of police station of the locality where a public assembly is organized shall be the competent official supervising the public assembly to be in accordance with this Act and shall notify the administrative official or local administrative organization of the locality where a public assembly is organized or the public relations units of the public or private sector in such locality for acknowledgment.

In case of continuous public assembly covering several areas, the Commander or the Commissioner of the Police responsible for areas of such public assembly, as the case may be, shall be the competent official supervising the public assembly under Paragraph 1.

In case, it is expedient, the Commissioner General of the Royal Thai Police may appoint other police officers to be competent officials additionally or in lieu of the competent official supervising the public assembly under Paragraph 1 or Paragraph 2.

For the purpose of protection of public convenience and supervision of public assembly and keeping of public order or good morals, the competent official supervising the public assembly shall have powers and duties, as follows:

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- (1) Facilitate people for use of a public place where the public assembly venue is located.
- (2) Provide safety, convenience or relief of troubles and nuisance to other people in nearby areas of the public assembly venue.
- (3) Provide safety or convenience to public assembly participants in the public assembly venue.
- (4) Facilitate the traffic and public transport in areas of the public assembly venue and other nearby areas so that people shall be least affected by a public assembly.
- (5) Determine conditions or order the Assembly Organizer, public assembly participants or people within the public assembly venue to comply with such conditions, thus, for the purpose of performance of duties under (1) (2) (3) or (4).

Regarding the performance of duties under this Section, the competent official supervising the public assembly may issue an order to block or adjust the traffic routes on a temporary basis, thus, for the purpose of protection of public convenience or supervision of a public assembly.

Upon request by the competent official supervising the public assembly, the administrative officials or local administrative organizations or the government officials in the locality where a public assembly is organized shall comply with such request within the scope of powers and duties of such people.

The competent official supervising the public assembly and the police officers designated to supervise a public assembly must receive training to obtain skills, understanding and endurance to situations of public assembly and must wear uniforms for identification and may use any riot control device as prescribed and announced by the Minister

Section 20 Before, during and after a public assembly, the Royal Thai Police and the public relations units in the public sector shall provide or coordinate for public relations from time to time so that the general public shall be informed of the public assembly venues and periods and shall also provide advice on traffic routes or the public transport system so that people shall be least affected by a public assembly.

Section 21 In case, there is an unlawful public assembly under Section 14; or in case, the Assembly Organizer or the public assembly participants is/are in breach of the provisions contained in Section 7 or failing to comply with the provisions contained in Section 8, Section 15, Section 16, Section 17 or Section 18, the competent official supervising the public assembly shall take actions, as follows:

- (1) In case, there is an unlawful public assembly under Section 14; or in case, a public assembly has not finished within the period notified to the Notification Recipient under Section 18, the competent official supervising the public assembly shall announce that all public assembly participants shall finish the public assembly within the prescribed period.

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(2) In case, the Assembly Organizer or the public assembly participants is/are in breach of the provisions contained in Section 7 or failing to comply with the provisions contained in Section 8, Section 15, Section 16 or Section 17, the competent official supervising the public assembly shall announce that all public assembly participants shall rectify the same within the prescribed period.

In case, the public assembly participants fail to comply with the announcement under Paragraph 1, the competent official supervising the public assembly shall request the Civil Court or the Provincial Court with jurisdiction over the public assembly venue to order the public assembly participants to finish such public assembly; and during the period of the Court's pending order, the competent official supervising the public assembly shall be empowered to take any necessary actions as per the plan or guidelines for public assembly supervision as approved by the Cabinet as per the advice of the Royal Thai Police, thus, for protection of public convenience and supervision of public assembly.

The plan or guidelines for public assembly supervision under Paragraph 2 shall be prescribed that the competent officials shall avoid using force; and in case, such use of force may not be avoided, the competent officials shall use force and riot control device as necessary.

Operation of the competent official supervising the public assembly under this Section shall not deprive the rights of other people who are troubled or damaged by such public assembly to request to the Civil Court or the Provincial Court with jurisdiction over the public assembly venue to order the public assembly participants to finish such public assembly.

Section 22 Upon receiving an application for issuing of an order demanding the public assembly participants to finish such public assembly under Section 21, the Court shall urgently consider such application.

In the trial thereof, in case, it appears to the Court that the public assembly participants fail to comply with the announcement of the competent official supervising the public assembly under Section 21, the Court shall issue a decree enforcing the order that the public assembly participants shall finish such public assembly within the period prescribed by the Court.

Regarding the Court's order under Paragraph 2, an appeal shall be lodged to the Appeal Court or the Regional Court of Appeal; and an order of the Appeal Court or of the Regional Court of Appeal shall be final.

The Executing Officer shall post up an announcement of the Court's order under this Section at a conspicuous place in the area where such public assembly is organized and by any means whatever so that the public assembly participants and the general public shall be informed of such Court's order.

Section 23 In case, the public assembly participants fail to finish the public assembly as per the Court's order within the period prescribed by the Court, the competent official supervising the public assembly shall report the same to the Court; and shall reasonably announce the area where such public assembly is organized and its vicinity as the controlled area and shall announce that the public assembly participants shall vacate the controlled area within the prescribed period and

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that no person is allowed to access the controlled area without permission from the competent official supervising the public assembly; and shall report the situation to the Minister for acknowledgment.

When the controlled area under Paragraph 1 is announced and determined, the Commissioner of the Metropolitan Police, the Governors of other provinces or the person designated by the Minister shall be responsible for control of the situation so that the public assembly shall be finished as per the Court's order.

In case of necessity, the Minister may assign other people to assume the responsibility for control of the situation so that the public assembly shall be finished.

Section 24 When the period prescribed for public assembly participants to vacate the controlled area has been elapsed, in case, there are public assembly participants within the controlled area or accessing the controlled area without permission from the competent official supervising the public assembly, it shall be regarded that such people have committed flagrant offences and the situation controller and his designated person shall take action so that such public assembly shall be finished as per the Court's order; whereas, the situation controller and his designated person shall have powers, as follows:

- (1) Arrest people in the controlled area or those accessing the controlled area without permission from the competent official supervising the public assembly.
- (2) Search, seize, freeze or remove the property used or available for use in such public assembly.
- (3) Take any necessary actions as per the plan or guidelines for public assembly supervision under Section 21.
- (4) Issue an order to prohibit any actions for the purpose of cancellation of such public assembly.

Provisions contained in Section 19 Paragraph 7 shall, *mutatis mutandis*, apply to operators under Paragraph 1.

Section 25 In case, the public assembly participants have taken any serious actions which may cause danger to life, body, mind or property of other people and may result in civil commotion, the competent official supervising the public assembly shall be empowered to order the public assembly participants to cease such actions. In case, the public assembly participants fail to comply with such order, the competent official supervising the public assembly and the situation controller or his designated person shall be empowered to take actions under Section 23 and Section 24.

In case, the public assembly participants disagree with the order under Paragraph 1, the public assembly participants shall file an objection to the Civil Court or the Provincial Court with jurisdiction over the public assembly venue for consideration within thirty days as from the date of issuing such order; and the Court's order under this Section may be appealed to the Appeal Court or the Regional Court of Appeal; provided that orders of the Appeal Court or the Regional Court of Appeal shall be final.

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Section 26 The competent official supervising the public assembly and the situation controller or his designated person or those who perform their duties in accordance with orders of such people shall be the competent officials under the Criminal Code and shall be the administrative officials or police officers under the Criminal Procedure Code.

CHAPTER 5 PENALTIES

Section 27 Any person who is in breach of the provisions contained in Section 7 or Section 8 shall be imprisoned for not exceeding six months or fined for not exceeding ten thousand Baht, or both.

Section 28 Any person who is in breach of the provisions contained in Section 10, Section 12, Section 17 or Section 18 shall be fined for not exceeding ten thousand Baht.

Section 29 Any person who is in breach of the order relating to the prohibition of a public assembly or having organized a public assembly during the imposition of such order under Section 11 shall be imprisoned for not exceeding six months or fined for not exceeding ten thousand Baht, or both.

Section 30 Any assembly organizer who fails to comply with the provisions contained in Section 15(1)(2) or (3) or any public assembly participant who fails to comply with the provisions contained in Section 16(1) or (2) shall be fined for not exceeding ten thousand Baht.

Section 31 Any assembly organizer who fails to comply with the provisions contained in Section 15(4)(5)(6) or (7) or any public assembly participant who fails to comply with the provisions contained in Section 16(3)(4)(5)(6)(7) or (8) shall be imprisoned for not exceeding six months or fined for not exceeding ten thousand Baht, or both.

In case, any actions under Paragraph 1 have caused any temporary or permanent impracticability of the public transport system, the communication or telecommunication system, the electricity generating or water supply system or any other public utility systems, the assembly organizer shall be imprisoned for not exceeding ten years or fined for not exceeding two hundred thousand Baht, or both.

Section 32 Any person who is in breach of orders or announcements of the competent official supervising the public assembly under Section 19(5) or Section 23, in case, such person is an assembly organizer or a public assembly participant, such person shall be imprisoned for not exceeding one year or fined for not exceeding twenty thousand Baht, or both; however, in case, such person is within the public assembly venue, such person shall be fined for not exceeding ten thousand Baht.

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In case, it is expedient, the Court may punish such person less than those prescribed or may not punish such person.

Section 33 Any person who is in breach of orders of the situation controller or his designated person under Section 24 or Section 25 shall be imprisoned for not exceeding three years or fined for not exceeding sixty thousand Baht, or both.

In case, it is expedient, the Court may punish such person less than those prescribed or may not punish such person.

Section 34 Any person who is not designated by the competent official supervising the public assembly or the situation controller or his designed person to perform duties under this Act but has carried a weapon into the public assembly venue regardless of being licensed to carry such thing with him/her shall be imprisoned for not exceeding three years or fined for not exceeding sixty thousand Baht, or both.

In case, weapons under Paragraph 1 are firearms, explosives or any other similar objects, the offender shall be imprisoned for not exceeding five years or fined for not exceeding one hundred thousand Baht, or both.

Section 35 All properties which are used or available for use in the public assembly and have been seized from any unlawful public assembly or from any public assembly which has failed to comply with the Court's order to finish such public assembly shall be completely confiscated by the Court's order, regardless of having a person punished as per the Court's decision.

Counter-Signature:

General Prayut Chan-O-Cha

Prime Minister

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Note:- Reason for promulgation of this Act: Whereas, it is expedient to determine criteria for exercise of rights for public assembly clearly and in conformity with the International Covenants on Civil and Political Rights (ICESCR) to which Thailand is a state party so that the public assembly shall be organized in a peaceful manner and shall not affect the national security, public safety, public order or good morals, as well as public health or convenience for use of public places and shall not affect rights and liberties and human dignity of other people; therefore, it is necessary to enact this Act.

Prepared by: Preeyanuch
15th July 2015

Checked by: Panchaporn
15th July 2015

Office of Justice Affairs

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