

(Translation)

Unofficial Translation*

FORENSIC SCIENCE SERVICE ACT

B.E.2559

BHUMIBOL ADULYADEJ, REX.

Given on the 3rd Day of August B.E. 2559;
Being the 71st 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 on Forensic Science Service

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 “Forensic Science Service Act, B.E. 2559”.

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

Section 3 In this Act:

“Forensic Science Service” means a verification and fact-finding service with introduction of principles of integrated branches of sciences and medicine for the purposes of administration of justice or verification of any matter of fact.

“Data” means data obtained from forensic science service

“Institute” means the Central Institute of Forensic Science, Ministry of Justice of Thailand

“Director-General” means Director-General of the Central Institute of Forensic Science

“Committee” means the Forensic Science Service Oversight Committee

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

Section 4 The Minister of Justice shall take charge under this Act.

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CHAPTER 1

FORENSIC SCIENCE SERVICE

Section 5 The Institute shall be obliged to provide forensic science services and to promote forensic science tasks, including:

- (1) Assist and support investigation and criminal proceeding as requested by the lawful authorities
- (2) Provide forensic science services for human rights protection, administration of justice and civil registration as requested by the government officials or the related parties
- (3) Provide forensic science services for the purpose of protection or administration of justice to children and juveniles as requested by the related agencies, parents, legal guardians or direct stakeholders
- (4) Provide forensic science services for verification of any matter of fact as requested by stakeholders. Regarding verification of matter of fact in criminal cases, stakeholders may request for repetitive examination only when it is not during the examination process of other forensic agencies and such repetitive examination shall be in accordance with the Committee's resolutions for the purpose of administration of justice
- (5) Promote and develop forensic science service provision of the private sector
- (6) Cooperate with government agencies, international organizations and the private sector in developing forensic science tasks to be in accordance with international standards
- (7) Cooperate with other government agencies in researches and development to determine the basic value of forensic science

Forensic science service provision in case of requests under (1),(2),(3) and (4) in connection with criminal investigation shall be in accordance with the criteria, methods and conditions as prescribed by the Committee and published in the Government Gazette

Section 6 The performance of duties of personnel of the Institute must be independent and in accordance with the professional practices and standards as prescribed by the Committee

The Director-General shall be obliged to supervise the performance of duties of personnel of the Institute to be in accordance with the provisions contained in Paragraph 1.

Forensic personnel of the Institute may receive professional remuneration as per regulations prescribed by the Committee and with approval of the Ministry of Finance.

Section 7 The Institute shall be empowered to collect service fees under Section 5 from requesters who are not government agencies according to the rates fixed by the Committee.

The Institute may cancel or reduce service fees under Section 5 according to the criteria and methods prescribed by the Committee.

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Service fees collected under Paragraph 1 shall be remitted to the Ministry of Finance as the state revenue but such service fees may be deducted as expenses at the rates fixed by the Ministry of Finance.

CHAPTER 2 DATA

Section 8 Data shall be regarded as secrets; and the Institute shall be obliged to keep and dispose of the data according to the criteria, methods and conditions prescribed by the Committee and published in the Government Gazette.

Section 9 The disclosure of data is permitted to forensic science service requesters only, thus, in accordance with the criteria, methods and conditions prescribed by the Committee, except for the disclosure of data as per the Court's orders or the Committee's resolutions for the purpose of administration of justice.

CHAPTER 3 THE FORENSIC SCIENCE SERVICE OVERSIGHT COMMITTEE

Section 10 The Forensic Science Service Oversight Committee shall be comprised of the Permanent Secretary for Justice as the Chairman, Commissioner General of Royal Thai Police, Director-General of Department of Medical Sciences, Secretary-General of Thai Industrial Standards Institute (TISI), Secretary-General of the National Human Rights Commission of Thailand (NHRC), President of the Medical Council of Thailand, Commander of the Office of Police Forensic Science and Eminent Persons (not exceeding 5 persons) appointed by the Minister as Directors.

The Director-General shall act as Director and Secretary and shall appoint personnel of the Institute (not exceeding 2 persons) Assistant Secretary.

The Minister shall appoint specialized directors under Paragraph 1 from those who have knowledge and expertise or manifest experiences on forensic science, laws and inquiry beneficial to operations of the Committee (at least 1 person per each field).

Section 11 Specialized directors shall have qualifications and shall not have any prohibited characteristics, as follows:

- (a) Qualifications:
 - (1) Having Thai nationality
 - (2) Not less than 35 years of age
- (b) Prohibited Characteristics:
 - (1) Holding political positions; being directors, executives or staff

in political parties

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- (2) Being incompetent or quasi-incompetent
- (3) Being bankrupt
- (4) Having been discharged or dismissed from government service, government agencies or state enterprises due to breaches of disciplines
- (5) Having been suspended or revoked with licenses under the laws governing professional practice
- (6) Having been sentenced by a final judgment to imprisonment, regardless of actual imprisonment, except for offences committed by negligence or petty offences

Section 12 Specialized directors shall have the term in office of 4 years each; and specialized directors who have vacated the office at the end of the term may be reappointed but not more than two consecutive terms.

Section 13 In addition to vacating office at the end of the term, specialized directors must vacate the office upon:

- (1) Death
- (2) Resignation
- (3) Disqualification or having any prohibited characteristics under Section 11
- (4) Dismissal by the Minister due to indiscretion, malfeasance, infamous conduct or defective competency

Section 14 In the event that there is an appointment of a new specialized director during the term of office of specialized directors, irrespective of whether it is an additional or replacing appointment, the newly appointed director shall be in office for the remaining term of other directors.

Section 15 The Committee shall have powers and duties, as follows:

- (1) To set the forensic science service provision standard of the Institute
 - (2) To set the criteria, methods and conditions of forensic science service provision
- In case, there is a request under Section 5(1),(2),(3) and (4) in connection with criminal investigation, thus, by the publication in the Government Gazette
- (3) To set the scope forensic science services under Section 5(2) and (4) to be provided to the related parties and stakeholders, thus, by the publication in the Government Gazette
 - (4) To fix rates of forensic science service fees of the Institute and the criteria and methods of cancellation or reduction of forensic science service fees of the Institute
 - (5) To set the criteria, methods and conditions relating to the storage and disposal of data
 - (6) To set the criteria, methods and conditions relating to the disclosure of data

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(7) To set guidelines for promotion of forensic science service provision in the private sector, including promotion of researches and development on forensic science with government agencies and the private sector

(8) To issue regulations on fixing of rates of professional remuneration for forensic science service provision of personnel of the Institute

Section 16 Meetings and the passing of resolutions of the Committee shall be as prescribed by the Committee

Section 17 The Committee shall be empowered to appoint subcommittee or working groups for consideration or any operation as assigned by the Committee

Regarding meetings of subcommittees or working groups under Paragraph 1, the provisions contained in Section 16 shall apply mutatis mutandis.

Transitory Provisions

Section 18 During the period when the Committee has not yet fixed the standards under Section 6, the performance of duties of personnel of the Institute shall be in accordance with the standards enforced prior to the date of promulgation of this Act.

Counter-Signature:

General Prayut Chan-o-cha

Prime Minister

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Note:- Reason for promulgation of this Act: Whereas, scientific and technological progress plays an essential role in the administration of justice and verification of matter of fact, it is expedient to provide forensic science services to the related parties in general and to promote and develop forensic science tasks to meet international standards; therefore, it is necessary to enact this Act.

Office of Justice Affairs

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