

GROUNDWATER ACT,

B.E. 2520 (1977)\*\*

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BHUMIBOL ADULYADEJ, REX;  
Given on the 23<sup>rd</sup> Day of July B.E. 2520 (1977);  
Being the 32<sup>nd</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 groundwater,

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

**Section 1** This Act is called the “Groundwater Act, B.E. 2520 (1977)”.

**Section 2**<sup>1</sup> 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,  
“Groundwater” means water beneath the surface of land, in soil, gravel, sand or rock layers, and which exists at a depth below the depth level as prescribed by the

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\* Translated by Artra Khunthongjan under contract for the Office of the Council of State of Thailand's Law for ASEAN project. Initial Version – pending review and approval by the Office of the Council of State.

\*\* As amended until Groundwater Act (No.3) B.E 2546 (2003)

<sup>1</sup> Published in the Government Gazette, Volume 94, Part 69, Special Issue, Page 8, dated 28<sup>th</sup> July B.E. 2520 (1977).

Minister and published in the Government Gazette. The prescribed depth level shall not be less than ten metres;

“To drill a groundwater well” means an action made to soil, gravel, sand or rock layers for the purpose of obtaining groundwater, or releasing water into a groundwater well;

“Groundwater well” means a well created by drilling groundwater;

“Groundwater Area” means an area designated by the Minister to be a Groundwater Area, by publication in the Royal Thai Government Gazette;

“Groundwater operations” mean an act of drilling groundwater, using groundwater or releasing water into a groundwater well;

“To use groundwater” means to draw groundwater up for use;

“To release water into a groundwater well” means any action consisting in transferring water or any other liquid into a groundwater well;

“License holder” means the holder of a license issued under this Act. In the case where the license holder is a juristic person, the term shall also include the person who is appointed by the juristic person to act as Administer of the operations;

“License issuer” means the Director-General or a person appointed by the Director-General;

“Committee” means the Groundwater Committee;

“Local Groundwater Officer” means a person appointed by the Director-General to have powers and duties under this Act;

“Competent official” means a person appointed by the Minister to execute this Act;

“Director-General” means the Director-General of the Department of Groundwater Resources;

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

**Section 4<sup>2</sup>** This Act shall not apply to ministries, commissions, departments, or state agencies in charge of procuring water for consumption or for agricultural uses with respect to groundwater well drilling and uses of groundwater, except in areas which the Minister, upon recommendation of the Committee, has declared as Critical Groundwater Areas and shall be subject to this Act.

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<sup>2</sup> Section 4 was amended by the Groundwater Act (No. 3), B.E. 2546 (2003).

Critical Groundwater Areas shall be areas where quantity of groundwater drawn for use is greater than quantity of water flowing into the groundwater layers, which may cause land subsidence, infiltration of seawater into the groundwater layers, lowering of water level in the groundwater layers, or other significant environmental impacts.

Ministries, commissions, departments or state agencies under Paragraph one, shall comply with the Notifications issued pursuant to Section 6, and comply with Section 23.

**Section 5.<sup>3</sup>** The Minister shall have the power to prescribe a Groundwater Area under this Act, with the advice of the Committee and by publication in the Government Gazette.

In the case where the draw of groundwater in an area may cause damage or deterioration to groundwater layers, damage to natural resources of the Nation, environmental pollution, harm to the property or health of the population, or land subsidence, the Minister shall have the power, with the advice of the Committee, to designate such area as area in which the draw of groundwater is prohibited, by publication in the Government Gazette.

The Minister shall have the power, with the advice of the Committee, to modify or revoke a Groundwater Area or an Area in which the draw of groundwater is prohibited, by publication in the Government Gazette.

**Section 6** The Minister shall, with the advice of the Committee, have the power to prescribe in the Government Gazette the following:

(1) Prescribe technical rules and measures with respect to drilling of groundwater wells, cessation of groundwater well drilling, use of groundwater in a sustainable manner, release of water into a groundwater well, cessation of groundwater well use, sanitary prevention, and environmental pollution prevention.

(2) Prescribe procedures for the protection of workers and safety of third party.

**Section 7<sup>4</sup>** The Minister shall, with the advice of the Committee, have the power to issue Ministerial Regulations prescribing the following:

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<sup>3</sup> Section 5 was amended by the Groundwater Act (No. 2), B.E. 2535 (1992).

<sup>4</sup> Section 7 was amended by the Groundwater Act (No. 2), B.E. 2535 (1992).

(1) Groundwater usage fee rates in each of the areas where there is access to tap water supply. Such rates shall not exceed the maximum fee of tap water supply in that area;

In the case of an area with no access to tap water supply, groundwater usage fee rates in such area shall not exceed the maximum fee of tap water supply in the province where the area is located. The groundwater usage fee shall be exempted for individuals with a license to use groundwater for their own consumption, excluding the use of groundwater by industrial plants;

(2)<sup>5</sup> Categories of groundwater use, rules, procedures and conditions for collection, reduction, or waiver of groundwater usage fee;

(2/1)<sup>6</sup> Rates of groundwater conservation fee which is additionally collected from groundwater license holders in Groundwater Critical Areas;

(2/2)<sup>7</sup> Rules, procedures and conditions relating to collection of, reduction in or waiver of the groundwater conservation fee in Groundwater Critical Areas;

(3) Rates of water/liquid sample analysis fee, copy or photocopy fee, certified true copy service fee, and document examination fee;

(4)<sup>8</sup> Rules, procedures and conditions relating to granting of permission to a private entity to collect groundwater usage fee and groundwater conservation fee.

Rights and duties of the private entity under a contract of hire to collect groundwater usage fee and groundwater conservation fee pursuant to (4) shall not be transferred or subrogated.

**Section 7 bis<sup>9</sup>** With a view to enhancing knowledge and capacity of groundwater well drilling technicians, the Department of Groundwater Resources shall provide training courses and academic seminars on groundwater well drilling to groundwater well drilling technicians from both public and private sectors, as well as provide technical consultation and advice to such groundwater well drilling technicians.

**Section 7 ter<sup>10</sup>** The Department of Groundwater Resources shall establish a register of groundwater well drilling technicians with education below professional diploma

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<sup>5</sup> Section 7 (2) was amended by the Groundwater Act (No. 3), B.E. 2546 (2003).

<sup>6</sup> Section 7 (2/1) was added by the Groundwater Act (No. 3), B.E. 2546 (2003).

<sup>7</sup> Section 7 (2/2) was added by the Groundwater Act (No. 3), B.E. 2546 (2003).

<sup>8</sup> Section 7 (4) was added by the Groundwater Act (No. 3), B.E. 2546 (2003).

<sup>9</sup> Section 7bis was added by the Groundwater Act (No. 2), B.E. 2535 (1992).

<sup>10</sup> Section 7ter was added by the Groundwater Act (No. 2), B.E. 2535 (1992).

level, in accordance with the rules, procedures and conditions as prescribed by the Minister in the Government Gazette. The Department of Groundwater Resources\* shall provide training courses and academic seminars on groundwater well drilling to such groundwater well drilling technicians.

**Section 7 quater**<sup>11</sup> There shall be established a Groundwater Development Fund in the Department of Groundwater Resources, abbreviated as “GDF”, to fund studies, research, development and conservation of groundwater resources and environment.

The GDF shall consist of the following assets:

- (1) Money transferred from the groundwater revolving fund;
- (2) Money collected from groundwater usage fee under Section 7(2) which is remitted to the Fund at a rate specified in the Ministerial Regulation but not exceeding fifty percent of the said fee;
- (3) Money collected from groundwater conservation fee under Section 7(2/1);
- (4) Money or other assets received from national or international private entities, foreign governments, or international organisations;
- (5) Money or other assets received from donation;
- (6) Interest or other benefits deriving from the Fund;
- (7) Subsidy allocated by the Government as it deems necessary to fulfill the objectives of the Fund, in the case where the assets of the Fund are insufficient;
- (8) Other income which has been received for the functioning of this Fund.

The assets of the GDF under Paragraph two shall be remitted to the account of the GDF and are not required to be remitted to the Treasury as State revenue.

The receipts, payments, taking custody and investment of the Fund, as well as the management and alienation of assets, and the internal audit of expenditures of the Fund shall be in accordance with the notification prescribed by the Minister with the approval of the Ministry of Finance. The Ministry of Finance shall complete its consideration within sixty days as from the date of receipt of the notification. In the case where the Ministry of Finance has not completed its consideration within such period of time, it shall be deemed that the Ministry of Finance has approved the notification.

**Section 7 quinquies**<sup>12</sup> The GDF shall be used for the following purposes:

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<sup>11</sup> Section 7quater was added by the Groundwater Act (No. 3), B.E. 2546 (2003).

<sup>12</sup> Section 7quinquies was added by the Groundwater Act (No. 3), B.E. 2546 (2003.)

(1) to study, explore, research and establish a Master Plan for the development and conservation of groundwater resources and environment;

(2) to assist and support any activity relating to substitution and conservation of groundwater resources;

(3) to manage the GDF in accordance with the agreement established with the Ministry of Finance;

(4) to hire a private entity to collect groundwater usage fee and groundwater conservation fee;

The use of the GDF under Paragraph one shall be in accordance with the Master Plan established under Section 7 *septies* (2);

**Section 7 *sexies***<sup>13</sup> There shall be an Executive Committee of Groundwater Development Fund, consisting of the Director-General of the Department of Groundwater Resources as Chairperson, and a representative of the Bureau of the Budget, a representative of the National Economic and Social Development Board, a representative of the Comptroller General's Department, a representative of the Office of Natural Resources and Environmental Policy and Planning, a representative of the Office of Industrial Economics, a representative of the Department of Water Resources, and a representative of the Federation of Thai Industries as members.

The Director-General shall appoint a director or an equivalent rank official in the Department of Groundwater Resources as member and secretary.

The provisions of Section 12 and Section 13 shall apply *mutatis mutandis* to meetings of the GDF Executive Committee.

**Section 7 *septies***<sup>14</sup> The GDF Executive Committee shall have the following powers and duties:

(1) to supervise the use of money and assets of the GDF so as to be in accordance with the purposes specified in Section 7 *quinquies*, paragraph one;

(2) to propose a Master Plan for the Development and Conservation of Groundwater Resources and Environment to be submitted to the Committee for approval;

(3) to provide advice to the Minister with respect to the issuance of notifications under Section 7 *quater*;

(4) to submit a report on the operations of the GDF to the Committee;

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<sup>13</sup> Section 7*sexies* was added by the Groundwater Act (No. 3), B.E. 2546 (2003).

<sup>14</sup> Section 7 *septies* was added by the Groundwater Act (No. 3), B.E. 2546 (2003).

(5) to perform other functions as prescribed by this Act or other laws to be the powers and duties of the GDF Executive Committee, or as entrusted by the Committee.

**Section 7** *octies*<sup>15</sup> The GDF shall submit the balance sheet, financial statement and operational account to the auditor, within one hundred and twenty days from the last day of a financial year.

Each year, the Office of Auditor-General of Thailand shall audit and evaluate the GDF's use of money and assets. The Office of Auditor-General of Thailand shall provide opinions as to which extent such use is in accordance with the purposes and produces expected outcomes. Once the Office of the Auditor-General of Thailand has audited and certified the financial statement, the GDF shall transmit the financial statement to the Ministry of Finance for information, and submit its audit report to the Cabinet and the National Assembly, which will be published in the Government Gazette.

**Section 8** The Minister of Natural Resources and Environment\* shall have charge and control of the execution of this Act and shall have the power to appoint competent officials, issues Ministerial Regulations prescribing fees not exceeding the rates as provided in the schedules hereto attached, grant waiver of fees to government agencies or public organisations under Section 4, as well as prescribe other activities and issue notifications for the execution of this Act.

The Ministerial Regulations and Notifications shall come into force upon publication in the Government Gazette.

## Chapter 1

### Groundwater Committee

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**Section 9**<sup>16</sup> There shall be a committee called the "Groundwater Committee", consisting of the Director-General of the Department of Groundwater Resources as Chairperson, and the Director-General of the Department of Public Works and Town & Country Planning\*, the Director-General of Royal Irrigation Department, the Director-General of the Department of Health, a representative of the Ministry of Natural Resources and Environment\*, the Governor of the Metropolitan Waterworks Authority or representative,

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<sup>15</sup> Section 7 *octies* was added by the Groundwater Act (No. 3), B.E. 2546 (2003).

<sup>16</sup> Section 9 was amended by the Groundwater Act (No. 2), B.E. 2535 (1992).

the Governor of the Provincial Waterworks Authority or representative, the Chairman of the Federation of Thai Industries or representative, and not more than two qualified members appointed by the Minister as members; a representative of the Department of Groundwater Resources\*, Department of Groundwater Resources\*, shall be member and secretary.

**Section 10** Qualified members shall hold office for a term of two years.

In the case where a member is appointed during the term of office of the members already appointed, whether it is an appointment to add a new member or to replace a former member, the appointee shall be in office for the unexpired term of office of the members already appointed.

The member who vacates his or her office at the end of the term may be reappointed.

**Section 11** A qualified member shall vacate office before the end of the term upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister;
- (4) being bankrupt;
- (5) being incompetent or quasi-incompetent;
- (6) being imprisoned due to final judgment, except for an offence committed through negligence or petty offence.

**Section 12** At a meeting of the Committee, the presence of not less than one-half of members is required to constitute a quorum.

If the Chairperson is not present or is unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

**Section 13** The resolution of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

**Section 14** The Committee shall have the following duties:

- (1) to provide opinions and advice to the Minister with respect to the issuance of Ministerial Regulations or Notifications to be published in the Government Gazette, or in other matters for the execution of this Act;

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(2) to provide opinions and advice to the Director-General with respect to the execution of this Act.

**Section 15** In performing its duties, the Committee shall have the power to appoint sub-committees for the execution or consideration of a matter which resides within the scope of duties of the Committee, as well as to invite individuals to provide factual statements, explanations, advice or opinions.

The provisions of Section 12 and Section 13 shall apply *mutatis mutandis* to meetings of sub-committees.

## Chapter 2

### License Application and Issuance of License for Groundwater Operations

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**Section 16** No person shall carry out any groundwater operations in any of the Groundwater Areas, regardless of whether such person holds ownership or possessory rights of the land in such Groundwater Areas or not, unless that person has obtained a license issued by the Director-General or a person appointed by the Director-General for that purpose.

The application and approval as well as the application for and the issuance of a license shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

The approval or the issuance of a license as well as the rejection or the refusal to issue a license shall be completed within ninety days as from the date of receipt of the application which contains all information as required in the Ministerial Regulation.

**Section 17** Any person with intention to apply for a license for groundwater operations in a Groundwater Area shall submit an application to the local groundwater officer of such Groundwater Area.

**Section 18** Types of license are as follows:

- (1) A license to drill a groundwater well;
- (2) A license to use groundwater;
- (3) A license to release water into a groundwater well.

**Section 19** The license under Section 18 shall extend its protection to employees or agent of the licensee.

Any act of an employee or agent of the licensee who enjoys protection under the license pursuant to paragraph one shall be deemed as that of the licensee unless he or she can prove that such act is beyond his or her capability to know or control. In such case, the employee or agent shall be personally accountable.

**Section 20** The license under Section 18 shall have a period of validity as prescribed by the license issuer, but not exceeding the following periods:

(1) License to drill a groundwater well shall be valid for a period not exceeding one year;

(2) License to use groundwater shall be valid for a period not exceeding ten years;

(3) License to release water into a groundwater well shall be valid for a period not exceeding five years<sup>17</sup>;

If a licensee wishes to renew his or her license, he or she shall submit the application prior to the expiration of the license, and after having submitted the application, he or she may continue his or her operations until the license issuer decides to reject the renewal of the license.

The application for license renewal and the approval shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

**Section 20 bis<sup>18</sup>** A licensee may transfer his or her license under this Act to another person, after having received permission in writing from the license issuer.

The application for license transfer and the permission shall be in accordance with the rules, procedures, and conditions prescribed by the Department of Groundwater Resources\*.

**Section 21<sup>19</sup>** In the case where the license issuer refuses to grant, renew or transfer a license, the applicant for a license, license renewal or license transfer, has the

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<sup>17</sup> Section 20, paragraph one, was amended by the Groundwater Act (No. 2), B.E. 2535 (1992).

<sup>18</sup> Section 20 bis was added by the Groundwater Act (No. 2), B.E. 2535 (1992).

<sup>19</sup> Section 21 was amended by the Groundwater Act (No. 2), B.E. 2535 (1992).

right to appeal in writing before the Minister within thirty days as from the date of receiving the notification of the refusal to issue, renew or transfer a license.

The decision of the Minister shall be deemed final.

In the case where the license issuer refuses to renew or transfer a license, the Minister, prior to giving his decision on the appeal under paragraph two, has the power to permit the appellant to continue his operations for the time being upon the appellant's request.

### Chapter 3

#### Duties of the Licensee in respect to groundwater operations

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**Section 22** The licensee shall comply with the conditions prescribed in the license and the notifications of the Minister issued under Section 6.

**Section 23** In drilling a groundwater well, if antiques and objects of art, fossils, or minerals of economic importance or value for geological study are discovered, the licensee or government agencies or state agencies under Section 4 shall report to the local groundwater officer or the Department of Groundwater Resources\* within seven days as from the date of discovery. Furthermore, if it is an antique or object of art, the Department of Groundwater Resources shall immediately report to the Fine Arts Department.

**Section 24** The licensee shall display his or her license or substitute of the license in an open and easily visible space at the place indicated in the license.

**Section 25** In the case where a license is lost or substantially damaged, the licensee shall notify the local groundwater officer and apply for a substitute of the license within thirty days after he or she is aware of the said loss or damage.

The application for and the issuance of a substitute of the license shall be in accordance with the rules, procedures and conditions prescribed by the Director-General.

**Section 25/1**<sup>20</sup> The licensee of groundwater usage shall pay the groundwater usage fee and the groundwater conservation fee at the rates as prescribed in the Ministerial Regulation.

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<sup>20</sup> Section 25/1 was amended by the Groundwater Act (No. 3), B.E. 2546 (2003).

**Section 26** Any licensee who ceases his or her operations authorized under this Act, shall notify, in writing, the cessation of the operations to the local groundwater officer within fifteen days as from the date of cessation of operations. The license shall be deemed expired as from the date of cessation of operations.

**Section 27** When a licensee has already ceased operations, or has been refused the renewal of the license under Section 20, or has had the license revoked under Section 33 and Section 35, the said licensee shall demolish, pull out, fill or cover the holes, wells or any other structures relating to groundwater operations which the competent official considers detrimental to groundwater resources, within thirty days as from the date of receiving a written notification from the local groundwater officer.

In the case where the licensee fails to comply with paragraph one, the local groundwater officer has the power to act on his or her behalf, and the said licensee shall pay all the expenses incurred from the said operation.

#### **Chapter IV** **Competent Official**

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**Section 28** The competent official has the power to inspect the drilling of groundwater wells, use of groundwater, or release of water into a groundwater well, at a time between sunrise and sunset, or during official working hours. The licensee or his/her agent shall facilitate the inspection as appropriate. The competent official shall have the power to order in writing the licensee or his/her agent to address the prevention of damage which may be caused by the drilling of groundwater wells, use of groundwater, or release of water into a groundwater well.

**Section 29** In the case where the competent official considers that the drilling of groundwater wells, use of groundwater or release of water into a groundwater well, may cause or have already caused damage to groundwater resources, he or she shall have the power to order in writing the licensee to change, modify or stop the drilling of groundwater wells, use of groundwater or release of water into a groundwater well, as the case may be and as deemed necessary to prevent or alleviate the damage.

**Section 30** The licensee has the right to appeal an order of the competent official issued under Section 28 or Section 29 to the Minister. He or she shall submit the appeal to the local groundwater officer within seven days as from the date of acknowledgement of such order. The Minister has the power to order dismissal of the appeal or revision of the order of the competent official.

The decision of the Minister shall be deemed final.

The appeal under paragraph one does not suspend the enforcement of an order issued by the competent official under Section 28 or Section 29, unless it is an appeal against an order relating to the use of groundwater.

**Section 30 bis**<sup>21</sup> In the case where the Court has already issued an order or a judgment under paragraph 2 of Section 36 *bis*, if the offender fails to demolish or pull out the structures, or to fill or cover the holes and wells where the offense has been committed or which are the cause of the offense within the time limit prescribed by the Court, the competent official shall have the power to perform any act to ensure the execution of the Court's order or judgment, and the offender shall pay all expenses incurred from the said operation.

**Section 31** In performing the duties under this Act, the competent official shall present his or her identity card at the request of a person concerned.

The identity card of the competent official shall be in accordance with the form prescribed in the Ministerial Regulation.

**Section 32** In performing the duties under this Act, the competent official shall be the competent official under the Criminal Code.

## Chapter V

### Amendment and Revocation of a License

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**Section 33**<sup>22</sup> If it becomes known later that a license was issued based on error or misunderstanding of material facts, or the facts as appear in the license have

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<sup>21</sup> Section 30 bis was added by the Groundwater Act (No. 2), B.E. 2535 (1992).

<sup>22</sup> Section 33 was amended by the Groundwater Act (No. 2), B.E. 2535 (1992).

changed after the license was issued, the Director-General shall have the power to correct the license. However, if the compliance with the said license may cause damage to national resources, environmental pollution, harm to property and health of the population, or land subsidence, the Director-General shall have the power to revoke such license.

**Section 34** If it appears that the groundwater operations of a licensee will cause environmental damage in a Groundwater Area, the Director-General shall have the power to order and prescribe measures, as he or she deems appropriate, to be taken by the licensee in order to prevent such damage.

**Section 35** When it appears that a licensee violates or fails to comply with this Act, the Ministerial Regulations or Notifications issued under this Act, the Director-General shall have the power to revoke the license.

The order to revoke a license shall be transmitted in writing to the licensee. The license shall be deemed expired as from the date of receipt of such order to revoke.

**Section 36** The licensee whose license has been revoked under Section 33 and Section 35 has the right to appeal in writing to the Minister. He or she shall submit the appeal to the local groundwater officer within thirty days as from the date of receipt of the order to revoke. The Minister shall have the power to dismiss the appeal or amend the Director-General's order.

The decision of the Minister shall be deemed final.

The appeal under paragraph one does not suspend the enforcement of an order to revoke a license.

## Chapter VI Penalties

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**Section 36 bis<sup>23</sup>** Any person drawing groundwater in an area where the draw of groundwater is prohibited as prescribed under Section 5, paragraph two, or violates Section 16, shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty thousand baht, or to both. Any instruments or machines which have

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<sup>23</sup> Section 36 bis was added by the Groundwater Act (No. 2), B.E. 2535 (1992).

been used to commit the offense or used as tools for the commission of offense may be seized.

In the case of an offense under paragraph one, at the request of the public prosecutor, the Court shall have the power to order the offender to demolish and pull out the structures, fill or cover the holes and wells where the offense has been committed or which are the cause of violation of such provision.

**Section 37** Any licensee who fails to comply with the Notifications under Section 6 shall be liable to a fine not exceeding twenty thousand baht.

**Section 38**<sup>24</sup> (repealed)

**Section 39** Any licensee, his or her employees or agent who fail to comply with the conditions prescribed in the license shall be liable to a fine not exceeding five thousand baht.

**Section 40** Any licensee who fails to comply with Section 23 shall be liable to imprisonment for a term not exceeding one month, or to a fine not exceeding one thousand baht, or to both.

**Section 41** Any licensee who fails to comply with Section 24 or Section 25 shall be liable to a fine not exceeding five hundred baht.

**Section 42** Any licensee who fails to comply with Section 26 shall be liable to a fine not exceeding one thousand baht.

**Section 43** Any person who obstructs or fails to appropriately facilitate the competent official in his performance of duties under Section 28, shall be liable to a fine not exceeding two thousand baht.

**Section 44** Any person who fails to comply with an order of the competent official issued under Section 28 or Section 29, and is not exempted under Section 30, paragraph three, or fails to comply with an order of the Director-General issued under Section 34, shall be liable to a fine not exceeding five thousand baht.

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<sup>24</sup> Section 38 was repealed by the Groundwater Act (No. 2), B.E. 2535 (1992).

**Section 45**<sup>25</sup> There shall be settlement committees in Bangkok Metropolitan and other provinces as necessary.

The Minister shall appoint settlement committees, each of which consists of three legal experts, serving a two-year term. At the end of the term, the members may be reappointed.

The meeting and procedure of the settlement committee shall be in accordance with the notifications prescribed by the Minister.

In performing the duties under this Act, the settlement committee shall be the competent official under the Criminal Code.

**Section 45/1**<sup>26</sup> For all offenses under this Act, except the offense under Section 36 bis, only for cases of violations of the notifications under Section 5, paragraph two, the settlement committee may settle by way of payment if they consider that the offender should not be prosecuted. Upon payment by the offender of the settled amount of the fine within thirty days as from the date of settlement, the case shall be deemed settled under the Criminal Procedure Code.

In the case where an inquiry official finds that a person has committed an offense under Paragraph one and such person consents to the settlement by way of payment, the inquiry official shall submit such matter to the settlement committee within seven days as from the date on which the person has given his or her consent to settlement.

In the case of seizure or freezing of exhibits relating to the commission of offenses under this Act, the person who has settlement power under Paragraph one may carry out the settlement only after the offender has consented that the seized or frozen exhibits be vested in the Department of Groundwater Resources. The Department of Groundwater Resources shall sell or dispose of the exhibits and remit the income to the State revenue.

### Transitional Provisions

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<sup>25</sup> Section 45 was amended by the Groundwater Act (No. 3), B.E. 2546 (2003).

<sup>26</sup> Section 45/1 was added by the Groundwater Act (No. 3), B.E. 2546 (2003).



**Section 46** Upon the issuance of the notification prescribing Groundwater Areas under this Act, persons who have already been carrying out groundwater operations in such Groundwater Areas shall submit their application for a license to the local groundwater officer within one hundred and twenty days as from the date of publication of the notification prescribing Groundwater Areas, and such persons may continue their operations for the time being until the license issuer gives an order rejecting their license applications. In such case, Section 27 shall apply *mutatis mutandis*.

Countersigned by:

Thanin Kraivichien  
Prime Minister

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## Fee rates<sup>27</sup>

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(1) Application	10 baht per document
(2) License to drill a groundwater well	1,000 baht per document
(3) License to use groundwater	1,000 baht per document
(4) License to release water into a groundwater well	1,000 baht per document
(5) Substitute of a license	Each substitute costs half of the fee of the license
(6) Renewal of a license	For each renewal, equivalent to the license application fee
(7) Transfer of a license	For each transfer, equivalent to the license application fee

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<sup>27</sup> Fee rates were amended by the Groundwater Act (No. 2), B.E. 2535 (1992).