




**Executive Measures
in Anti-Corruption Act. B.E. 2551 (2008)
and the additional amendment**

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Preface

According to the proclaiming of the Executive Measures in Anti-Corruption Act (3rd Edition) B.E. 2561 (2018) given on 13th May B.E.2561, there shall be revising in some provisions of the Executive Measures in Anti-Corruption Act B.E. 2551 (2008) in order to be consistent with the current circumstances and to promote, support and acknowledge the public to realize with the hazards of corruption in both of public and private sectors. Moreover, to provide measures and effective mechanisms in order to prevent and eliminate corruption, as well as added mechanisms to encourage people to participate in a campaign, oppose, or point the clues. Otherwise there will be provided the protection measures by the state authority. For these reasons, there shall be the authorities of the Public Sector Anti-Corruption Commission (Members) and the Office of Public Sector Anti-Corruption Commission (PACC) as the main parts involving in the process as well as any additional measures for the witness's protection and revise the additional measures against corruption to be more effective.

This booklet has an objective to revise and update the content of law regarding the Executive Measures in Anti-Corruption Act B.E. 2551 (2008) by merging the Executive Measures in Anti-Corruption Act (2nd Edition) B.E. 2559 (2017) and the Executive Measures in Anti-Corruption Act (3rd Edition) B.E. 2561 (2018) for the purpose of researchs or references.

The organizers hope that the “Executive Measures in Anti-Corruption Act B.E. 2551 (2008) and the additional amendment” will be useful to the competent official concerned as well as the public for the research or reference with accurately and rapidly.

Office of Public Sector Anti-Corruption Commission

July 2561



Executive Measures in Anti-Corruption Act B.E.2551 (2008)

Bhumibol Adulyadej, Rex
Given on the 23rd Day of January B.E. 2551 (2008)
Being the 63rd Year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to have the law on executive measures in anti-corruption.

This Act contains certain provisions in respect of restriction of personal rights and liberties, which under Section 29, together with Sections 31, 32, 35, 40, 41, 43, 56, and 62 of the Constitution of the Kingdom of Thailand, can be done by virtue of the provisions of law.

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent given by the National Legislative Assembly, Thailand, as follows:

Section 1 This Act shall be called the “Executive Measures in Anti-Corruption Act B.E. 2551 (2008).”

Section 2¹ This Act shall come into force as from the day following the date of its publication in the Government Gazette, except Chapter II Fact Inquiry, shall come into force after one hundred and twenty days from the date of its publication in the Government Gazette.

¹ Published in Government Gazette/Vol.125/ Part 21 Kor/Page 1/ dated 24 January B.E.2551

Section 3 In this Act:

“Corruption in Public Sector” means corruption in office or misconduct in public sector.

“Corruption in Office” means any act or omission to act in any position or duty; or any act or omission to act in the circumstances which may cause other persons to believe that the offender has the position or duty, despite the fact that the offender has no such position or duty, or exercise of the position or duty to do an act in order to procure, for himself/herself or the other person, any advantage to which he/she is not entitled by law; or any act which is malfeasance in official position or duty or which is malfeasance in judicial office, under the Penal Code or other laws.

“Misconduct” means exercise of powers in the position or duty in violation of law, rules, orders, or resolutions of the Council of Minister, with a view to control and supervises the receipt, storage, or spends money or use of properties of the State.

“NACC” means the National Anti-Corruption Commission under the Organic Act on Anti-corruption.

“State Official” means the state officials under the Organic Act on Anti-corruption, exclusive of the following state officials:

- (1) Top executives under the Organic Act on Anti-corruption;
- (2) Judges and Justices;
- (3) Public Prosecutor;
- (4) Local Executives, Deputy Local Executives, Assistant Local Executives, and members of Local Councils of local administration;
- (5) State Officials in state agencies of the Courts, Parliament, Constitutional Organs, and Independent Organs as controlled or supervised by Executives established under the Constitution;
- (6) State Officials in Office of Public Sector Anti-Corruption Commission
- (7) State Officials committing offenses in the form as regarded as appropriate for operation as stipulated by NACC;



(8) State Officials jointly commit offenses with the persons under (1), (2), (3), (4), (5), (6), and (7).

“Person Making the Allegation” means the person who is injured by the Corruption in Public Sector by the State Officials, or experienced the Corruption in Public Sector by State Officials, and makes an allegation against the State Officials under the provisions contained herein.

“Alleged Culprit” means the person who is alleged to have committed, or who is under the circumstance apparent to the Public Sector Anti-Corruption Commission which prima facie constitutes a basis for the Fact Inquiry hereunder and shall also include the principal, instigator, or supporter, in the commission of the said offense.

“Fact Inquiry” means going in search of, gathering together of, and operating in any other mean for, acquisition of facts or evidences to be notified of details and proofs in respect of the Corruption in Public Sector of the State Officials.

“Member” means member of the Public Sector Anti-Corruption Commission, and shall also include the President of the Public Sector Anti-Corruption Commission.

“PACC Officials” means the Secretary-General, the Deputy Secretary-General, and the persons who are appointed by the Public Sector Anti-Corruption Commission from civil servants holding offices not lower than supervisory level or equivalent for the execute of this Act.

“PACC Officers” means the persons who are appointed by the Public Sector Anti-Corruption Commission from civil servants or government employees for the execution of this Act.

“Office” means Office of Public Sector Anti-Corruption Commission.

“Secretary-General” means the Secretary-General of Public Sector Anti-Corruption Commission.

“Deputy Secretary-General” means the Deputy Secretary-General of Public Sector Anti-Corruption Commission.

Section 4 The Prime Minister shall have charge and control of the execution of this Act and shall have the power to issue regulations and notifications.²

The President of the Public Sector Anti-Corruption Commission shall have the power to issue regulations and notifications and to appoint competence authorities with the approval of the Public Sector Anti-Corruption Commission for the execution of this Act.

The regulations and notifications under paragraph one or paragraph two which are of general provision shall come into force upon its publication in the Government Gazette.

Chapter I

Public Sector Anti-Corruption Commission

Section 5 There shall be a Public Sector Anti-Corruption Commission called "PACC" in brief, consisting of a President and other five Members as appointed by His Majesty the King in accordance with Section 5/1, as Members, and the Secretary-General of National Anti-Corruption Commission as ex officio Member.³

The Secretary-General shall be the Secretary of such Members and PACC shall appoint not exceeding two public officials as Assistant Secretaries.

The provisions contained in Section 6, Section 8, Section 9, and Section 10 shall not apply to the Secretary-General of National Anti-Corruption Commission who is the ex officio Member.

Section 5/1⁴ Recruitment and selection of Members shall be conducted as follows:

² Section 4 paragraph one shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

³ Section 5 paragraph one shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

⁴ Section 5/1 shall added by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)



(1) In order to recruit the Members, the Cabinet, NACC Committee and Auditor General Committee shall recruit and present five candidates individuals who must achieve qualifications and must not be under prohibitions according to Section 6 and Section 7(4) within thirty days from the day causing the recruitment and selection.

(2) There shall be a Selection Committee, consisting of the President of the Supreme Court, the President of the Supreme Administration Court, the President of the Constitutional Court, and Chief Ombudsman, by self-electing one member as President of the Selection Committee. In case of absence of a position holder or inability to perform duties, the substitute or the person in charge of such position shall act as the Selection Committee.

(3) The Selection Committee shall consider individuals to appoint as Members from (1) in accordance with available positions.

(4) In case that the Selection Committee is unable to select individual according to available position in (3), the Committee shall inform all organizations in (1) to present new candidate as equivalent as number of vacant positions within thirty days after the day where selection is not complete and shall continue selection process due to (3) in addition to selected Members.

(5) When the Member selection process is completed, the selected Members shall arrange a meeting to select a President and the Selection Committee shall report names of individuals selected as the President and Members with evidences under paragraph two of Section 7 and consent of mentioned individuals to the Prime Minister to respectfully inform H.M. the King for an appointment respectively.

Criteria and process of Members selection according to (3) and (4) shall be determined by the Selection Committee.

Section 6 The Member

(a) must be of the following qualifications:

- (1) being person with obvious fidelity and honesty;
- (2) having knowledge and capabilities in performance of duties as to anti-corruption;

(3) being of Thai nationality;

(4) being of not less than forty five years of age;

(5) being or having, in the past, been Judge of the Constitutional Court, Judge of the Supreme Administrative Court, Judge holding office not lower than Judge of the Supreme Court; or being or having, in the past, been in government service in the position not lower than Deputy Attorney-General, Director-General or the person holding administrative office in the state agency with administrative power equivalent to Director-General or holding office not lower than professor.

(b) must not be under any of the following prohibitions:

(1) being the person holding political party office;

(2) being of unsound mind or of mental infirmity;

(3) being a Buddhist priest, novice, monk or clergy;

(4) being detained by a warrant of the Court or by a lawful order;

(5) being addicted to drug;

(6) being adjusted bankrupt;

(7) having been sentenced by a judgment to imprisonment by the Court, although such case has not yet been final or there is suspension of the execution of imprisonment, or having been sentenced by a final judgment to imprisonment by the Court, except for an offence committed through negligent or petty offense;

(8) having been expelled, dismissed or removed from the official service, a state agency or a state enterprise;

(9) having been sentenced by a judgment or an order of the Court that his or her assets shall devolve upon the State on the ground of unusual wealth or an unusual increase of assets;

(10) having been removed from office by the resolution of the Senate,

Section 7 The person who is appointed as the Member

(1) shall not be a member of the board or advisor of a state enterprise and a state agency;

(2) shall not hold any position in a partnership, a company or an organization carrying out businesses for the purpose of making and sharing profits or incomes, or not be an employee of any person;



(3) shall not engage in any other independent profession;

(4) shall not be a member of the House of Representatives, a member of the Senate, a political official, a member of a local council or a local administrator;

(5) shall not be a State Official under the Organic Act on Anti-corruption, except being a Member of PACC.

In the case of the prohibition according to paragraph one at the day of selected, if such person is able to declare evidences of resignation from positions under (1), (2), (5) or showing the evidence that has terminated independent occupation under (3) within thirty days after selected, the Selection Committee shall continue such selection process. If such person is unable to declare mentioned evidences within mentioned period of time, such person will be considered as disqualified candidate. The Selection Committee shall select a new Member by considering the list of candidates which has been presented under Section 5/1 (1) or by requesting organizations under Section 5/1 (1) to present new lists of candidates Section 5/1 (4) shall be applied for selection process.⁵

Section 8 Members shall hold office for a term of four years. The Member vacating office may be reappointed but not in excess of two consecutive terms.

In the case where the Members vacate office at the expiration of term and the new selected process has not been done, the said Members shall continue to perform their duties until the newly appointed members shall resume office.

Section 9⁶ In addition to the vacation of office at the expiration of the term, the Member shall vacate office upon:

(1) death;

(2) attaining the age of 75 years;

(3) resignation;

(4) being disqualified or being under any of the prohibitions under section 6 or Section 7;

⁵ Section 7 paragraph two shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

⁶ Section 9 shall implemented the message by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

(5) NACC passing a resolution that the Member commits the Corruption in Office or has an unusual increase of assets or has unusual wealth or intends to declare the Assets and Liabilities List and its supporting documents with false statements or conceals the facts which ought to be notified under the Organic Act on Anti-corruption;

(6) PACC passing a resolution of two-thirds of total existing Members, to order the Member to vacate office as a result of malfeasance, infamous conduct, or lack of ability.

NACC shall have power to make a decision whether any Member shall vacate office under (4) or not.

The vacation of office in paragraph one shall be respectively inform His Majesty the King.

Section 10⁷ In the case where the Members vacate office prior to the expiration of their terms of office and have not yet been replaced by newly appointed Members, the existing Members shall perform their duties and the PACC shall be deemed to consist of the existing Members unless the existing Members are less than five in number.

In the case where the President vacates office, the existing Members shall select a Member to act as the President until the newly appointed President shall assume office and Section 5/1 (5) shall be applied as the case may be.

Section 11 It is deemed by NACC that the Members are the State Officials to declare their Assets and Liabilities Lists under the Organic Act on Anti-corruption.

Section 12 At a meeting of the PACC, the presence of not less than one-half of the total existing of the Members is required to constitute a quorum.

Section 13 A meeting shall be in accordance with the Rules as prescribed by PACC.

⁷ Section 10 shall implemented the message by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)



The calling for a meeting shall be in writing and informed to all member not less than three days in advance, unless where the member has known of the calling of such meeting at the previous meeting. In such case, the written notification for a meeting may be made only to the members who were not present at the previous meeting.

The provisions in paragraph two shall not apply in the case where there occurs a compelling necessary urgency, which the President may otherwise call for a meeting.

Section 14 The President shall have the powers and duties to conduct a meeting, and in order to maintain order of the meeting, the President shall have the power to issue any order as necessary.

If the President is not present at the meeting or is unable to perform the duty, the members present at the meeting shall elect one member among themselves to preside over the meeting.

Section 15 A resolution of a meeting shall be made by a majority vote of the existing Members, irrespective of passing a resolution to make a decision or give an approval in accordance with the provisions of this Act,

In casting a vote, each member shall have one vote. In the case of an equality of votes, the President shall have an additional vote as a casting vote.

Section 16 There shall be written minutes of each meeting.

If a dissenting opinion is presented, such dissenting opinion and reasons invoked shall be recorded in the minutes of the meeting. If minority members present their dissenting opinion in writing, it shall also be recorded in the minutes of the meeting.

Section 17 PACC shall have the following powers and duties:

(1) to propose policies, measures, and development plans, on anti-corruption to the Council of Ministers;

(1/1)⁸ to supervise the Office in the promotion and the support of collective public participation against corruption.

⁸ Section 17(1/1) shall added by the Executive Measures in Anti-Corruption Act (3rd Edition) B.E.2561 (2018)

(2) to provide recommendations and advices, with respect to the improvement of laws, regulations, or measures, for anti-corruption in public sector.

(3) to provide recommendations to NACC in determination of positions of the State Officials who shall declare their Assets and Liabilities Lists to the NACC under the Organic Act on Anti-corruption;

(4) to inquire into facts and identify prima facie case with regard to the Corruption in Public Sector of the State Officials;

(5) to inquire into facts and summarize the case inclusive of opinion submit to public prosecutor to bring a criminal charge against the State Official;

(6) to provide an annual report on performance of duties and submit to the Council of Ministers, the House of Representatives, the Senate, and NACC.

(7) to appoint a subcommittee to take action assigned by PACC;

(8) to carry out other action provided by this Act or as prescribed in any other act as entrusted by the Council of Ministers or NACC.

Section 18 In performance of duties under 17(4) and (5), PACC shall also have the following powers:

(1) to give inquiry letter to, or call financial institutions, government organizations, or state agencies, or state enterprises; to send the relevant officers to make statements, written explanations, or submit any account, document, or evidence, to PACC for fact inquiry or consideration;

(2) to give inquiry letter to, or call any person to make statements, written explanations, or submit any account, document, or evidence, to PACC for fact inquiry or consideration;

(3) to file an application with the competent Court for an issuance of a warrant permitting an entry into a dwelling-place, place of business or any other place including a vehicle of any person from sunrise to sunset or during the working hours for the purposes of inspecting, searching, seizing or attaching documents, property or other evidence related to the matter under fact inquiry. If the action is not completed within such time, such action may be further taken until its completion.



(4) to request state agencies or officers of state agencies for supporting or joining performance in duties. In this regard, state agencies or officers of state agencies shall perform the duties so requested and suitable for the case.

PACC may assign the subcommittee, PACC Officials, or PACC Officers to take actions under paragraph one in accordance with rules, methods, and conditions as set forth by PACC.

Section 19⁹ For the purpose of Anti-Corruption in Public Sector, PACC shall notify any state agency to cause the Members, Secretary- General or subcommittee or PACC Officials to have a right to access the information in respect of the Alleged Culprit or other persons if there is a reasonable cause to suspect to be in connection with the matter so alleged or for the purpose of the fact inquiry and the consideration of PACC.

The rules, methods, and conditions as requested by the Members, Secretary-General or subcommittee or PACC Officials to have a right to access the information under paragraph one shall be in accordance with the regulation designated by PACC subject to law, regulation, or rule on information protection of such state agency.

Section 20 In the case where any Member, member of a subcommittee or PACC Officials, or PACC Officers have any interest, whether directly or indirectly, in any particular matter, PACC may pass a resolution for not allow such person to participate in the fact inquiry, the consideration, or the determination of such matter, as the case may be, in accordance with rules, methods, and conditions as set forth by PACC.

Section 21 In the case where any Member is alleged and filed to NACC that such Member has committed the Corruption in Office or unusual wealth or an unusual increase of assets, and NACC pass a resolution to accept such allegation for fact inquiry under Organic Act on Anti-corruption, the further performance of duties of such Member shall be specified by NACC, whereby NACC may order such Member to suspend the performance of his duties.

⁹ Section 19 shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

In the case where the NACC passes a resolution that the allegation is not well-founded the Member whose performance of his duties under paragraph one shall be entitled to salary, emolument, and other benefits, in full amount, during the suspension of performance of his duties.

Section 22 The Member shall be entitled to salary, emolument, and other benefits, under the regulation as prescribed in the Royal Decree.

The ex officio Member shall be entitled to salary, emolument, and other benefits, under the regulation as stipulated by the Council of Ministers.

The member of subcommittee shall be entitled to meeting allowance and other benefits, under the regulation as stipulated by the Council of Ministers.

Chapter II

Fact Inquiry

Section 23 Subject to Section 25 and Section 26, PACC shall, without delay, conduct a fact inquiry in accordance with the rules and methods as determined by PACC in the following circumstances:

- (1) when PACC has received the allegation under Section 24;
- (2) when there is a reasonable cause to suspect that any State Official commits the Corruption in Public Sector;
- (3) when PACC has received the matter from inquiry official under Section 30;
- (4) when PACC has received the matter from NACC for fact inquiry.

The provisions contained in paragraph one shall also apply to the case where the State Official or other person is principal, instigator, or supporter.

Section 23/1¹⁰ The consideration of PACC whether to accept or not accept or dispose of matter under Section 27 shall be completed within three months after receiving the allegation.

¹⁰ Section 23/1 shall added by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)



Prior conducting fact inquiry under Section 23, PACC may assign the Secretary-General to conduct fact-finding and gather evidence in accordance with the allegation for sufficient fact for inquiry. In this case, the Secretary-General may assign PACC officials or PACC Officers to perform such duty on behalf of Secretary-General. In this regard, the rules, methods, and conditions shall be in accordance with the regulation designated by PACC.

Section 23/2¹¹ In order to conduct fact inquiry under Section 23, PACC may assign the Secretary-General to conduct a preliminary investigation of fact inquiry on behalf of PACC and present the case to PACC for consideration under Section 39, respectively.

The Secretary-General may assign PACC Officials to conduct the fact inquiry according to paragraph one.

For the purpose fact inquiry under paragraph one and paragraph two, the Secretary-General shall also have an authority according to paragraph one of Section 18.

The rules, methods, and conditions of the preliminary investigation of fact inquiry, on behalf of PACC and conducting fact inquiry by the Secretary-General and PACC Officials shall be in accordance with the regulation designated by PACC.

Section 24 The allegation against the State Official who perform or in connection with malfeasance of corruption in public sector, can be made orally or in written document.

In the case of oral allegation, PACC Officials or PACC Officers shall record the allegation and cause the Person Making the Allegation to affix his signature therein. In addition, in the case where the Person Making the Allegation intends not to reveal himself, PACC Officials or PACC Officers are prohibited to disclose of name or address, inclusive of any other evidence revealing the Person Making the Allegation.

¹¹ Section 23/2 shall added by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

In the case of written allegation, the Person Making the Allegation shall affix his signature and address. The Person Making the Allegation who does not affix the signature and address shall indicate circumstances of the case done by the State Officials so alleged together with sufficient preliminary evidences for continuing the fact inquiry.

Section 25 PACC shall forward the following matters of allegation so received to NACC for further operations:

(1) matter of allegation against the person who is not a State Official but such allegation is under the authority of NACC;

(2) matter of allegation against the person who is a State Official under the authority of NACC that has jointly committed offenses with the person who is not a State Official but under the authority of NACC;

(3) matter of allegation as notified by NACC to be forwarded to NACC for consideration.

In the case of the matter of allegation under (3), if PACC has already inquired into facts, PACC shall also forward the file of such inquiry to NACC. In this case, NACC may accept the aforementioned file of inquiry as the file of fact inquiry under the Organic Act on Anti-Corruption. Otherwise, NACC may re-inquire into facts.

Section 26 PACC shall be prohibited from conducting the following matters:

(1) matter which has been accepted for consideration by NACC or which has finally been decided by NACC;

(2) matter which has finally been completed investigation by PACC and there is no new evidence which is subject to the case;

(3) matter which the Alleged Culprit is brought of criminal charge on the same issue in the court and the court has accepted the charge or sentenced a judgment or gave absolute order without withdrawal of the charge or dropping of the charge, or in the case where the court has not yet decided the subject matter of the case;

(4) matter which the Alleged Culprit has vacated office of the State Official for a period exceeding of five years prior to the date of allegation.



Section 27 PACC may not accept or dispose of the following matters;

(1) matter which does not indicate evidences or circumstances of action in a clear manner to perform the fact inquiry;

(2) matter with a period having elapsed for more than five years as from the date of occurrence up to the date of allegation without evidences adequate for continuing to inquiry into facts;

(3) matter, which, in the opinion of PACC, is not severe disciplinary offense;

(4) matter which is being considered or has already been final by the personnel administrative organization or the state agency and there is no ground showing that such consideration is wrong.

Section 28 Any matter not received or dispose under Section 27(1), (2), or (3), if PACC has considered and is of opinion as appropriate, shall be immediately notified to the superior of the State Officials so alleged to take action in accordance with the duties and the results of operations shall be notified to PACC as for information.

Section 29 PACC may assign the Secretary-General to consider whether or not the acceptance of any matter for consideration under Section 26 or Section 27, and report to PACC for information respectively under the regulation as set fort by PACC.

Section 30 In case where there complaint or denunciation is lodged to the inquiry official to conduct legal proceedings against the State Officials hereunder as a consequence of the Corruption in Public Sector, the inquiry official shall forward the matter to PACC within a period of thirty days as from the date of complaint or in crimination to further inquire into facts. In this regard, PACC may notify the inquiry official to complete the inquiry and serves the file of such inquiry to PACC within the period so specified, whereby it may be deemed by PACC that all or part of the file of the inquiry shall also be the file of fact inquiry of PACC.

For the purpose of the operations under paragraph one, Royal Thai Police, Department of Special Investigation, and other relevant state agencies shall make an agreement with the Office by defining a variety of procedures and practices, including preparing the file of inquiry, detaining, provisionally releasing, and other operating, for joint operation.

In case that there is an inclusion of other criminal charges which is not considered as corruption in public sector and PACC agrees that it will be more beneficial if the inquiry official acts on his duty. PACC shall turn the case to the inquiry official within thirty days from the day PACC has received and shall request the inquiry official to continue investigation according to his authority by applying methods and procedures mentioned in paragraph two as the case may be. In this case, PACC shall dispose the case and notify to the superior of the State Officials so alleged to take action in accordance with the duties.¹²

Section 30/1¹³ In case that the inquiry official has submitted the complaint to PACC under Section 30 while the Alleged Culprit is detained. PACC Officials shall have an authority to detain and consider request for provisional release of detained Alleged Culprit as same as the inquiry official under the Criminal Procedure Code.

Provisional release under paragraph one shall be under designation of the Criminal Procedure Code.

In case that it is necessary to detain the Alleged Culprit for the benefit of fact inquiry or case prosecution, PACC Officials may file a request for detention warrant to the court. If the Alleged Culprit has been detained by the court. PACC officials, shall have the power as same as the inquiry officials or public prosecutor under the Criminal Procedure Code, to request continuation of detention from the court, as the case may be.

¹² Section 30 paragraph three shall added by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

¹³ Section 30/1 shall added by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)



Section 31 For the matter forwarded by the inquiry official to PACC under Section 30, if PACC has considered and then is of opinion to be the following cases, PACC shall return the matter to the inquiry official or further proceedings under the Criminal Procedure Code:

- (1) matter which is not the case under Section 23;
- (2) matter of which PACC is prohibited from acceptance or consideration under Section 26 (1), (2), and (3);
- (3) matter of which PACC is prohibited from acceptance or consideration under Section 26(4)

In case of (1) and (3), if the matter is under the authority of NACC, PACC shall forward such matter to NACC for further consideration and operation.

Section 32 PACC may appoint a subcommittee to operate the fact inquiry on its behalf or assign PACC Officials or PACC Officers to seek, and gather together of, evidences for matter of facts or grounds of offense, by taking into account the appropriate level, rank and position of the Alleged Culprit.

The subcommittee under paragraph one shall be appointed from persons with fidelity and honesty and with knowledge and capabilities in performance of the said duties.

The performance of duties of the subcommittee, PACC Officials, and PACC Officers under paragraph one shall be in accordance with the Rules as determined by PACC.

Section 33¹⁴ Repealed

Section 34 PACC may appoint persons as advisors or experts to render consultation or assistance to PACC or fact inquiry subcommittee or to take any other action as assigned by PACC, as the case may be.

The appointment of advisors or experts under paragraph one shall be in accordance with the rules and methods as provided by PACC, and shall be publicized in the Government Gazette.

¹⁴ Section 33 shall repealed by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

The advisors or experts shall be entitled to remuneration, traveling expense, accommodation expense, and other rights and benefits, as prescribed in the Regulations of Office of the Prime Minister with the approval of the Ministry of Finance.¹⁵

Section 35 The person under the following circumstances shall not be appointed as a member of subcommittee, PACC Officials, or PACC Officers in fact inquiry:

(1)¹⁶ having knowledge of the situation or had investigated or considered the matter so alleged, as other position, not as PACC Officials or PACC Officers;

(2) having interests in the matter to which the allegation relates;

(3) having current animosity towards the Person Making the Allegation or the Alleged Culprit;

(4) being the Person Making the Allegation or the Alleged Culprit, or spouse, ancestor, descendant, or brother or sister of full or half blood of the Person Making the Allegation or the Alleged Culprit;

(5) having a close relationship with the Person Making the Allegation or the Alleged Culprit in the capacity as relative or partner or having commercial mutual benefits or conflicting interests vis-a-vis the Person Making the Allegation or the Alleged Culprit.

The stakeholder can raise an objection to the member of the subcommittee, PACC Officials, or PACC Officers in the case under paragraph one by file a motion to PACC, and PACC shall promptly make a decision. During waiting for the results of decision made by PACC, the member of the subcommittee, PACC Officials, or PACC Officers so objected shall pause the performance of their duties.

¹⁵ Section 34 paragraph three shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

¹⁶ Section 35(1) shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)



Section 36 In conducting a fact inquiry, the allegation shall be notified to the Alleged Culprit and there shall be fixed a reasonable period of time within which the Alleged Culprit may give explanations of the allegation, present evidence or bring witnesses to testify in support of the explanations, in accordance with the methods as set forth by PACC.

In giving explanations of the allegation and testimonies, the Alleged Culprit shall have the right to have the presence of his or her attorney or the person upon whom the Alleged Culprit reposes confidence for hearing his or her explanations or testimonies.

Section 37 Prior passing a resolution that any State Official has committed the Corruption in Public Sector, if PACC resolves that the fact that if the State Official so alleged continues to be in the capacity shall obstruct the fact inquiry and it is expedient to order suspense from service, or office, or vacation from office, PACC shall forward the matter to the superior of the Alleged Culprit to issue an order as the case may be, in accordance with the laws, rules, or regulations on personnel administration as applied to the State Official so alleged.

In the case where the superior of the State Official disagrees with the resolution of PACC under paragraph one, such superior of the State Official shall forward this matter to the Prime Minister as the head of government for consideration. The decision made by the Prime Minister shall be executed by the superior of the State Official.

If it appeared that the aforesaid State Official is not well-founded, PACC shall notify the superior of the State Official thereof within a period of seven days as from the date of resolution and the superior of the State Official shall order the State Official mentioned above to assume the office in accordance with the law, regulation, or rule as applied to the State Official so alleged.

Section 38 The Member, subcommittee, PACC Officials, or PACC Officers shall be prohibited from acting or arranging for any action which amount to enticement or coercion or making promises to the Alleged Culprit or witnesses in order to persuade them to give any testimony in the matter under the allegation.

Any statement acquired in violation of paragraph one shall not be admitted of evidence.

Section 39 Upon the completion of the fact inquiry, the file of such fact inquiry shall be prepared and submitted to PACC in accordance with the rules as set forth by PACC.

For the interest of justice, PACC may order to perform further fact inquiry or set up a new subcommittee for such fact inquiry.

Section 40 When PACC resolves that any State Official commits the Corruption in Public Sector offense and it is the disciplinary fault, the President shall submit existing reports and documents together with opinions to his/her superior or the person with power to appoint and remove such Alleged Culprit for consideration of disciplinary punishment based upon offense as resolved by PACC, whereby it is unnecessary for a disciplinary inquiry committee to be further appointed. In consideration of the disciplinary punishment against the Alleged Culprit, the reports, documents, and opinions of PACC shall be regarded as the files of disciplinary inquiry of the disciplinary inquiry committee under the laws, rules, or regulations, on personnel administration of such Alleged Culprit, as the case may be.

In the case of no any law, rule, or regulation, in respect of disciplines governing, when PACC resolves that such Alleged Culprit has committed the offense so alleged, the President shall submit the existing reports and documents together with opinions of PACC to the supervising official or supervising official authorized to make an instatement order for further operations under the authorities.

Section 41 Upon receipt of the reports under Section 40, the supervising official or supervising official authorized to make an instatement order shall take the disciplinary actions within a period of thirty days as from the date of receipt of the matter and the supervising official or supervising official authorized to make an instatement order shall submit a copy of such conviction order to PACC within a period of fifteen days as from the date of issuance.



Section 42 Any supervising official or supervising official authorized to make an instatement order who neglects the duty under Section 41 shall be deemed to have committed a breach of discipline by laws, rules, or regulations, on personnel administration of such Alleged Culprit.

Section 43 In the case where the superior of the Alleged Culprit fails to take any disciplinary action under Section 41 or PACC is of opinion that the disciplinary action of the superior under Section 41 is incorrect or inappropriate; PACC shall propose its opinion to the Prime Minister and the Prime Minister shall have the power to issue an appropriate instructions. If necessary, PACC may forward the matter to Civil Service Commission for consideration under Civil Service Act; or to other competent Committee who have duties to control and supervise the compliance of laws, rules, or regulations on personnel administration for State Officials; or to the State Enterprises Committee or the supervising official of the Members, subcommittee, employees of government organizations, state agencies, or state enterprises, as the case may be, to take actions in accordance with their authorities to further the appropriate manner.

Section 44 The Alleged Culprit who has been punished under Section 41 may exercise his/her right to appeal against the discretion in the determination of punishment of his/her superior in accordance with laws, rules, or regulations, on personnel administration. The aforesaid right shall be exercised within a period of thirty days as from the date of acknowledgement of the order mentioned above.

Section 45 If the offense committed by the State Officials under Section 40 is also a criminal offense, PACC shall forward the matter together with the file of fact inquiry, reports, documents, and opinions of PACC to a public prosecutor to proceed the case, whereby the action taken by and the file of fact inquiry of PACC are the inquiry and the file of inquiry of the inquiry official under the Criminal Procedure Code.

In the case where the public prosecutor is of opinion that the facts, reports, documents, or opinions of PACC have not yet been sufficiently complete to proceed with the case, the public prosecutor shall return such case to PACC to perform further fact inquiry by indicating such invalid fact in a complete manner. In the case of necessity, PACC may jointly with the public prosecutor to set up a working group for such further fact inquiry.

In the case where the public prosecutor agree to issue a non-prosecution order but PACC passes an affirmative resolution to institute the prosecution, the matter shall be forwarded to the Attorney-General for decision. The decision made by the Attorney-General shall be final.

The provisions contained in this section shall *mutatis mutandis* apply in the case where the public prosecutor lodges an appeal or dika or withdrawal of a legal charge, withdrawal of appeal, or withdrawal dika action.

Section 46 In the case where the public prosecutor issues a prosecution order and it is necessary to bring the Alleged Culprit to the court, the Alleged Culprit shall be taken to meet the public prosecutor within the time so stipulated. Moreover, in the case of necessary to arrest the Alleged Culprit, the public prosecutor shall notify the administrative or police official who has jurisdiction over the locality located by domicile or residence of the Alleged Culprit for operations. For this purpose, the supervising official or supervising official authorized to make an instatement order of the Alleged Culprit, and the administrative or police official mentioned above shall have the power to request the court with jurisdiction over the said locality to issue an arrest warrant. In this case, the provisions on arrest, confinement, and acquittal under the Criminal Procedure Code shall apply thereto.

In the case of arrest, the administrative or police official shall bring the arrested person together with arrest record to the court and shall have notified the public prosecutor within a period of forty-eight hours.

Section 47¹⁷ In the case where the Alleged Culprit is under military jurisdiction, the criminal case proceeding under Section 45 and Section 46 shall be instituted the prosecution by the Military Attorney. In this regard, the public prosecutor power under Section 45 paragraph three shall be deemed as the power of the Judge Advocate General.

¹⁷ Section 47 shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)



Section 48 Upon fact inquiry, if PACC is of opinion that it is expedient to examine the Assets and Liabilities List of the State Official so alleged and in the case where such State Official has a duty to submit the Assets and Liabilities List to NACC, PACC shall request NACC to forward such the Assets and Liabilities List to PACC for examination. However, in the case where the State Official so alleged is not obligated to file the Assets and Liabilities List with NACC, PACC shall have the power to order the above-mentioned State Official to file the Assets and Liabilities List of his/her own, spouse, and non sui juris children, to PACC within the period of time as designated by PACC.

Upon the fact inquiry under paragraph one or in any other cases where there is any ground of suspicious for PACC that the State Official so alleged to have unusual wealth or unusual increase of assets, PACC shall forward such matters together with the files of inquiry and relevant documentations to NACC to take further actions in accordance with its authorities. In such case, the files of fact inquiry of PACC shall be deemed by NACC to be the files of fact inquiry of NACC, whereby an additional fact inquiry may be made.

In the case where NACC has made the fact inquiry and is of opinion that such State Official has no any unusual wealth or unusual increase of assets but there shall be any action in respect of the Corruption in Public Sector to be taken, NACC may return the matter to PACC to take action under its authorities or continue the fact inquiry and identify prima facie case under its authorities.

Section 49 In the case where PACC passes a resolution that any allegation is well-grounded other than the operations under Section 40 or Section 45, if it appears that the State Official who is alleged has wrongfully approved, permitted, issued documents of rights, given rights and interests, or given any instruction, in favor of any person, or may cause any damages to government service, PACC shall also notify the superior of relevant state agency thereof to continue consideration and give orders of cancellation or revocation of the approval, permission, issuance of documents of right, giving of rights and interests, or giving of any order.

Section 50 In the case where the State Official is alleged to commit the Corruption in Public Sector and PACC agree to accept this allegation for consideration hereunder, although the mentioned State Official is subsequently released of his/her service on other grounds not exceeding a period of five years, in addition to death, PACC shall have its power to continue to take such action. However, such action shall have been completed within a period of two years as from the date on which such the Alleged Culprit has been released of his/her service, or on the date of allegation against such State Official or when such State Official is released of his/her service, as the case may be.

In the case where PACC resolves that the Alleged Culprit under paragraph one has committed the Corruption in Public Sector, the superior of the Alleged Culprit or the person with power to appoint and remove the Alleged Culprit shall continue to take such action under their authorities as if such person was still the State Official. Moreover, in the case where such offense is also a criminal offense, PACC shall take action under Section 45.

Chapter III

Office of Public Sector Anti-Corruption Commission

Section 51 There shall be the Office of Public Sector Anti-Corruption Commission as a government organization as a department which is not under the Office of Prime Minister, Ministry or Department, whereby there shall be a Secretary-General who commands officials and staffs of the office and responsible directly to the Prime Minister, whereby there shall be Deputy Secretary-General to assist in directing and performing official duties.¹⁸

The Office shall have the following powers and duties;

(1) to be responsible for administrative affairs of PACC, including to support and facilitate the efficiently performance of duties of PACC;

¹⁸ Section 51 paragraph one shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)



(2) to coordinate and cooperate with other government organizations and state agencies in relation to anti-corruption;

(3) to provide international coordination and cooperation in respect of anti-corruption;

(3/1)¹⁹ to promote and support of the collective public participation against corruption, including campaigns to educate, to encounter, or to expose corruption, as well as the indoctrination and values of integrity in both public and private sectors.

(4) to collect and publicize the data pertaining to the corruption;

(5) to arrange or cooperate with other organizations for studying, training, and developing the knowledge of anti-corruption;

(6) to execute other actions as prescribed herein and in other laws as entrusted by PACC.

For the purpose of complying with the authorities in (3), the Office shall discuss and make mutual agreements with NACC.

In the performance of duties in accordance of (3/1), if NACC has provided the relevant measures and mechanisms, the Office shall cooperate with NACC and comply with such measures and mechanisms.²⁰

Section 51/1²¹ The Secretary-General shall be a civil servant who the Prime Minister respectfully informs for officially endorses by H.M the King according to selection of PACC with the approval of the Senate.

PACC shall select any person to be appointed as Secretary-General and formally report to the Prime Minister, respectively.

For the selection under paragraph two, PACC shall consult with NACC.

For the purpose to comply with the law on civil servants of human resource administration, the Office shall have the Ministerial Civil Service Sub-Commission where the PACC President acts as the Chairman of the

¹⁹ Section 51 (3/1) shall added by the Executive Measures in Anti-Corruption Act (3rd Edition) B.E. 2561 (2018)

²⁰ Section 51 paragraph four shall added by the Executive Measures in Anti-Corruption Act (3rd Edition) B.E. 2561 (2018)

²¹ Section 51/1 shall added by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

Ministerial Civil Service Sub-Commission and the Secretary-General shall act as the Vice Chairman of the Ministerial Civil Service Sub-Commission.

Section 51/2²² The performance of duties under Section 51 paragraph two (3/1), PACC shall appoint a quorum of committee for the purpose of providing recommendations, assisting, and coordinating with the Office.

The quorum of committee under paragraph one shall comprise of the Secretary-General as a Chairperson, the Deputy Secretary-General, NACC Committee assigned by the Secretary-General of NACC, not more than four representatives from private sector and civil society in the field of anti-corruption, and not more than three experts as the Committee. The Secretary-General shall appoint one official from the Office as the secretary and not more than two officials as assistant-secretaries.

The appointment of the Committee from the private sector, the civil society, and experts in accordance to paragraph two shall be comply with the rules and procedures regulated by PACC. Such the Committee shall hold the position for the term of three years.

The Chairperson and members of Committee under paragraph two shall be entitled to meeting allowance and other benefits under the regulations as stipulated by the Council of Ministers.

Section 52²³ PACC Officials and PACC Officers and other PACC staffs shall be the special position holder under laws on civil servants.

PACC Officials and PACC Officers shall be entitled to position allowance at the rate equivalent to the interrogation official and assistant interrogation official under Organic Act on Anti-corruption, in accordance with the rules as stipulated by PACC with the approval of the Ministry of Finance.

²² Section 51/2 shall added by the Executive Measures in Anti-Corruption Act (3rd Edition) B.E. 2561 (2018)

²³ Section 52 shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)



Section 52/1²⁴ PACC Officials under this Act shall be appointed from the civil servants within the Office who hold a position not lower than professional level or equivalent and reach one of the following qualifications:

(1) Graduates Bachelor's Degree of Law and passes an examination for barrister-at-law according to the curriculum of the Thai Bar Institute and has knowledge and experience on fact inquiry and case pronouncement or provides legal opinion for not less than six years.

(2) Graduates Master Degree of Law and passes an examination for a barrister-at-law according to the curriculum of The Thai Bar Institute and has knowledge and experience on fact inquiry and case pronouncement or provides legal opinion for not less than four years.

(3) Graduates Doctoral Degree of Law and has knowledge and experience on fact inquiry and case pronouncement or provides legal opinion for not less than two years. If that person passes an examination for barrister-at-law according to the curriculum of The Thai Bar Institute, the duration shall be lessen from two years to one year.

(4) Graduates Bachelor's Degree of Law or graduates Bachelor's Degree at least two branches or graduates Master Degree and has knowledge and experience on fact inquiry and case pronouncement or provides legal opinion for not less than eight years.

(5) Graduates Bachelor's Degree in any shortage field of knowledge which will be beneficial for inquiry and passes an inquiry training under regulation of PACC Commission and has been a civil servants of the office or NACC office for not less than the period PACC Commission regulates which must not less than four years.

Section 53 For the purpose of conforming hereto, the Office may provide an initial protective measures for the Person Making the Allegation, the injured person, motion filer, the complainant and accuser, the statement maker, or the giver of clue or any information in association with the Corruption in Public Sector or other information beneficial to the execution hereof under the rules as set forth by PACC.

²⁴ Section 52/1 shall added by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

Section 54 In the case where PACC is of opinion that it is expedient to provide protective measures for the persons under Section 53, PACC shall notify the relevant agencies of provision of the protective measures for the aforesaid persons, whereby the aforesaid persons shall be regarded as witnesses who are entitled to the protection under laws on witness protection in criminal case, provided that PACC shall also propose its opinion that it is expedient to use general measures or special measures under laws on witness protection in criminal case for the aforesaid persons.

In the case of damage against the lives, bodies, health, reputations, properties, or any right of the persons under paragraph one; or husbands, wives, ascendants, descendants, or other persons with close relationship with the said persons, as a result of willful criminal offense commission as a consequence of taking action or making statement or giving clue or information to PACC, such persons shall have their rights to file motions to the responsible agencies to receive remuneration as necessary and reasonable under laws on witness protection in criminal case.

Section 55 PACC shall give reward or any other benefit to the persons under Section 53 in pursuance of the rules as stipulated by PACC.

Section 56 In the case where the persons under Section 53 are the State Officials and PACC is of opinion that taking action or making statement or giving clue or information to PACC by such persons are greatly beneficial for the Anti-Corruption matter and it is expedient that such persons to be praised and modeled for the State Officials or public, PACC may propose the request to the Council of Ministers for consideration to promote such persons in the special case pursuant to the rules, methods, and conditions as determined by PACC with the approval of the Council of Ministers.

Section 57 In the case where the persons under Section 53 are the State Officials, when the above-mentioned persons file an application to PACC that if such persons continue to perform their duties under the existing affiliations, such person may be persecuted or unfairly treated, resulting from alleging or making statement, or giving clue or information, and PACC has considered that there are grounds to believe that there may be above-mentioned grounds, PACC shall forward this matter to the Prime Minister for consider to instruct that



the aforesaid persons to be protected or there shall be any other measures to protect the aforesaid persons as it deemed appropriate.

Section 58 If any person or the Alleged Culprit who participates in the offense against the State Officials who are other Alleged Culprits, has been giving statement or any clue or information which are important parts for use as witnesses in the decision made to identify prima facie case of other State Officials, such persons may be held back as witnesses without conducting legal proceedings if PACC has been approved in accordance with the rules, methods, and conditions as set forth by PACC.

Once PACC passes the resolution to use such persons as witnesses under paragraph one, the conducting of criminal proceeding or disciplinary action is prohibited. Such witnesses shall be gained any assistance as needed until the lawsuit finally reached, unless such witnesses violates the criteria, procedures, or conditions under testimony under paragraph one.²⁵

The protection under paragraph two, shall be covered the protection of the witness's position, including salary and other benefits. Unless such witness is not entitled to protect, taking into account under the circumstances and the condition of the offense or violate the conditions of being witness.²⁶

Chapter 3/1

Measure in Anti-Corruption in Public Sector²⁷

Section 58/1 For these following cases, without any delay, PACC shall consider and operate under Section 17 (2).

(1) When it appears that laws, rules, regulations or measures have been outdated, lack of efficiency or lack of comprehensive enforcement, leading to

²⁵ Section 58 paragraph two shall added by the Executive Measures in Anti-Corruption Act (3rd Edition) B.E. 2561 (2018)

²⁶ Section 58 paragraph three shall added by the Executive Measures in Anti-Corruption Act (3rd Edition) B.E. 2561 (2018)

²⁷ Chapter 3/1 shall added by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

an opportunity for public authorities to commit a corruption or causing public authorities unable to operate for public benefits.

(2) When it appears that Anti-Corruption operation in public sector has been unsuccessful as the shortage, of necessary laws, rules, regulations or discipline obligations or measures.

Section 58/2²⁸ Once appears that any state agency has any regulations or procedures with the following characteristics, the Office shall notify the superior of such agency to perform its amendments respectively:

- (1) Fail to comply with the Licensing Facilitation Act
- (2) Cause nuisance or damages to a public service clientele, nevertheless in accordance with the rules and procedure regulated by PACC
- (3) Cause severe detriment to the government service

In the case under (1), as the reasonable cause, the Office shall notify the Office of the Public Sector Development Commission to perform further any action in accordance to its authority.

Upon receipt of the notification under paragraph one, the superior of the agency shall proceed the examination, thereafter notify the results thereof to the Office within sixty days as from the date of notification. Where the improvement requires to be done, the agency must notify the Office to acknowledge the limitation of completion. In case that the superior of the agency fails to modification within such period of time without reasonable cause, the Office shall report PACC to consider upon Section 17(1) or (2). In case of the circumstances presumed to be malpractice in public sector, PACC shall report to the Council of Ministers and NACC for further proceeding in accordance to the authority.

Section 58/3 In case that PACC or Office finds out any project determining financial budget which is higher than reality or not worthy, it shall inform Office of the Auditor General for further operation, respectively.

²⁸ Section 58/2 shall amended by the Executive Measures in Anti-Corruption Act (3rd Edition) B.E. 2561 (2018)



Chapter IV

Miscellaneous

Section 59 The Office shall prepare a list of allegation against the State Officials as accepted for consideration by PACC and the results of operations and submit to NACC under the Organic Act on Anti-Corruption for information, for coordination according to the periods, methods, and items as mutually agreement.

Section 60 In the performance of duties hereunder, the Member, the member of subcommittee, PACC Official, and PACC Officer shall be the officials under the Penal Code.

In the operation of fact inquiry hereunder, the Members, the members of subcommittee, and PACC Officials shall be the superior administrative or police officials; and PACC Officers shall be the administrative or police officers to have the same powers under the Criminal Procedure Code as the inquiry official, except for the power to arrest and custody which shall be notified to the administrative or police official to take action.

Section 61²⁹ The following expenses, inclusive of the disbursement procedures, shall be in pursuance of the Office of Prime Minister Regulation with the approval of the Ministry of Finance:

- (1) fact inquiry, seeking of information, and gathering of evidence;
- (2) assistance in performance of official duties or state agencies under Section 18(4);
- (3) any other operation as necessary for the Anti-Corruption hereunder.

²⁹ Section 61 shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)

Section 61/1³⁰ In the process of pursuing the criminal offense hereunder, if the Alleged Culprit or the accused person has escaped during being prosecuted or during consideration of the court, the duration of such escape shall not be counted as a part of prescription. Once the final judgement to punish the accused person has been made and the accused person has escaped during the final judgement, Section 98 of the Criminal Code shall not be enforced.

Chapter V

Penalties

Section 62 Any person who fails to make statement or send documents or evidences or take any action under Section 18(1) and (2) without reasonable ground shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht, or both.

Section 63 Any person who fails to comply with an order of PACC as given under Section 48 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht, or both.

Section 64 Any person who discloses statements, facts or information obtained as a consequence of the performance of duties hereunder without being entrusted by PACC and which is not an action pursuant to official duties or for the purpose of verifying or inquiring into facts or for official or public interest shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht, or both.

Section 65 Any person, being the Member, member of the subcommittee, PACC Official, or PACC Officer, who commits the Corruption in Public Sector, shall be liable to twice the penalty provided by the law for such offense.

³⁰ Section 61/1 shall amended by the Executive Measures in Anti-Corruption Act (2nd Edition) B.E.2559 (2016)



Transitional Provisions

Section 66 The appointment of the Public Sector Anti-Corruption Commissioner shall be completed within a period of sixty days as from the date of the entry into force of this Act.

Section 67 The Ministry of Justice, the Office of Public Sector Anti-Corruption Commission, the Office of Public Sector Development Commission, the Office of the Civil Service Commission, Bureau of the Budget, and relevant agencies, shall jointly prepare the Office structure, maximum numbers of government official and government employee positions, and budget determination, inclusive of any other operation as necessary for supporting the operations according to the authorities of the Office of Public Sector Anti-Corruption Commission hereunder within a period of thirty days as from the date of the enforcement hereof.

In the initial period, the determination of the structure, positions, and budgets under paragraph one shall also support the operations in accordance with the authorities of the Office of Public Sector Anti-Corruption Commission in the regions as necessary and appropriate.

Countersigned by
General Surayud Chulanont
Prime Minister

Remark:- The reasons for the promulgation of this Act are as follows: whereas, at present, the government has important and urgent policies in anti-corruption but there has not yet been any direct government organization having authorities and holding responsibilities for anti-corruption, causing the government not to be able to supervise and push such policies to be implemented on an efficient basis and in accordance with the goals so set forth, and whereas the National Anti-Corruption Commission which is an independent organization with the power in anti-corruption of the state officials has a large number of missions under its responsibilities, in addition, it is expedient to have a government organization in executive branch being responsible for the implementation of the aforementioned policies and being a center to coordinate with all of the relevant state agencies, including to determine a variety of measures to enable the anti-corruption in executive branch to be operated in more integrated and efficient manners; therefore, this Act is enacted.

* This unofficial translation is during the process of certifying correct translation by the Council of State



- Unofficial Translation -
Notification of Ministry of Justice
on Defining the Jurisdiction Areas of Office of Anti-Corruption
in Public Sector Area 1-9

Whereas Clause 12 of the Ministerial Regulation on Organizing Office of Public Sector Anti-Corruption Commission, Ministry of Justice B.E. 2551 stated that Office of Anti-Corruption in Public Sector Area 1-9 shall have powers and duties in the areas assigned by Minister of Justice, it is expedient for defining the jurisdiction areas of Office of Anti-Corruption in Public Sector Area 1-9. Therefore, the Offices shall have the powers as stipulated by law and have a clear mandate to perform within their respective jurisdiction areas.

By virtue of Clause 12 of the Ministerial Regulation on Organizing Office of Public Sector Anti-Corruption Commission, Ministry of Justice B.E. 2551, the Minister of Justice hereby issues the Notification of Defining the Jurisdiction Areas of Office of Anti-Corruption in Public Sector Area 1-9 as follows:

1. Office of Anti-Corruption in Public Sector Area 1 shall have powers and duties in the areas of Pathum Thani, Chai Nat, Nonthaburi, Phra Nakhon Si Ayutthaya, Lopburi, Sing Buri, Samut Prakan and Ang Thong Province.

2. Office of Anti-Corruption in Public Sector Area 2 shall have powers and duties in the areas of Chonburi, Chanthaburi, Chachoengsao, Trat, Nakhon Nayok, Prachinturi, Sa Kaeo and Rayong Province.

3. Office of Anti-Corruption in Public Sector Area 3 shall have powers and duties in the areas of Nakhon Ratchasima, Chaiyaphum, Buriram, Yasothon, Surin, Sisaket, Amnat Charoen and Ubon Ratchathani Province.

4. Office of Anti-Corruption in Public Sector Area 4 shall have powers and duties in the areas of Khon Kaen, Kalasin, Mukdahan, Maha Sarakham, Loei, Nakhon Phanom, Roi Et, Sakon Nakhon, Nong Bua Lamphu, Nong Khai, Udon Thani and Bueng Kan Province.¹

¹ Notification of Ministry of Justice on Defining the Jurisdiction Areas of Office of Anti-Corruption in Public Sector Area 1-9, amended (No. 2) in B.E. 2555 (2012)

5. Office of Anti-Corruption in Public Sector Area 5 shall have powers and duties in the areas of Chiang Mai, Chiang Rai, Mae Hong Son, Nan, Phayao, Phrae, Lamphun and Lampang Province.

6. Office of Anti-Corruption in Public Sector Area 6 shall have powers and duties in the areas of Phitsanulok, Kamphaeng Phet, Tak, Nakhon Sawan, Phichit, Phetchaburi, Sukhothai, Uttaradit and Uthai Thani Province.

7. Office of Anti-Corruption in Public Sector Area 7 shall have powers and duties in the areas of Nakhon Pathom, Kanchanaburi, Ratcharuti, Phetchaburi, Prachuap Khiri Khan, Suphan Buri, Samut Songkhram and Samut Sakhon Province.

8. Office of Anti-Corruption in Public Sector Area 8 shall have powers and duties in the areas of Surat Thani, Krabi, Chumphon, Phuket, Nakhon Si Thammarat, Phang Nga and Ranong Province.

9. Office of Anti-Corruption in Public Sector Area 9 shall have powers and duties in the areas of Songkhla, Trang, Narathiwat, Pattani, Phatthalung, Yala and Satun Province.

Notified as on 30 June B.E. 2552

Mr. Pirapan Salirathavibhaga
Minister of Justice



Office of Public Sector Anti-Corruption Area 1-9

Area 5

Chiang Mai, Lampang Mae Hong Son
Chiang Rai Phayao, Nan
Lamphun, Phrae

Area 4

Khon Kaen, Udon Thani, Nong Khai, Loei, Sakon Nakhon
Nakhon Phanom, Mukdahan, Maha Sarakham, Roi Et
Nong Bua Lam Phu, Kalasin, Bueng Kan

Area 6

Phitsanulok, Sukhothai, Uttaradit Tak,
Kamphaeng Phet, Phichit Phetchabun,
Nakhon Sawan
Uthai Thani

Area 1

Phra Nakhon Si Ayutthaya, Lop Buri
Chai Nat, Sing Buri, Ang Thong
Saraburi, Pathum Thani
Nonthaburi, Samut Prakan

Area 7

Nakhon Pathom, Ratchaburi, Suphan Buri
Kanchanaburi, Phetchaburi, Prachuap Khiri Khan
Samut Sakhon, Samut Songkhram

Area 3

Nakhon Ratchasima, Chaiyaphum
Buri Ram, Surin, Si Sa Ket
Ubon Ratchathani, Amnat Charoen
Yasothon

Area 2

Chon Buri, Chachoengsao
Nakhon Nayok, Prachin Buri, Sa Kaeo
Rayong, Trat, Chanthaburi

Area 8

Nakhon Si Thammarat, Chumphon
Surat Thani, Ranong, Krabi
Phangnga, Phuket

Area 9

Songkhla, Trang, Phatthalung
Satun, Pattani, Yala
Narathiwat





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