

**NAVAL OFFICERS EMPOWERMENT TO SUPPRESS SPECIFIC MARITIME OFFENCES ACT,
B.E. 2490 (1947)**

BHUMIBOL ADULYADEJ, REX.

Given on the 15th Day of December B.E. 2490;

Being the 2nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to make the suppression of maritime smuggling on rice and some other goods more effective;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1. This Act is called the “Naval Officers Empowerment to Suppress Specific Maritime Offences Act, B.E. 2490 (1947)”.

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

Section 3. In this Act:

“Naval officer” means any commissioned naval officer whose position is Commanding Officer, Commander of Task Unit, Commander of Task Group, Commander of Task Force and also other positions published in the Government Gazette by the Commander-in-Chief of the Royal Thai Navy as the equivalent thereof, and the commissioned naval officers specifically appointed and published in the Government Gazette by the Commander-in-Chief of the Royal Thai Navy.

Section 4. In the circumstances where it appears that there is an offence or reasonable grounds to suspect an offence has been committed involving the import or export of rice, other goods or narcotics to or from the Kingdom of Thailand, a person illegally enters the Kingdom of Thailand, or human smuggling into the Kingdom of Thailand by sea, or by a watercourse linking to any foreign country or a watercourse being able to link to the sea, or by conducting any illegal maritime fisheries according to the laws of exploration, anti-rice-hoarding, the law of consumer goods and other goods control in

an emergency period, the law of goods exportation and importation, the law of mineral, the law of narcotics, the law of immigration, or the law of fisheries, the naval officer shall have the power to investigate and inquire, and the power to perform their duty or give an order at hand as much as necessary, as follows:

(1) inspecting, searching and controlling the shipmaster and any seafarers, and dismantling or removing any objects in the ship for an inspection.

(2) arresting a ship, and controlling the shipmaster and any seafarer to take the ship in tow, or to take any necessary actions in order that the ship may be inspected, investigated or prosecuted expediently.

(3) confiscating the arrested ship until there is an issue of a final non-prosecution order for the alleged offender or until the Court of Justice has another order in order to prosecute the alleged offender.

(4) arresting and restraining the alleged offender for no longer than seven days. When seven days arrest and restraint has expired, the alleged offender must be released or sent to the inquiry officer together with the inquiry.

Section 5. For executing in accordance with section 4, a naval officer shall have the power to order and to force the shipmaster and any seafarer of the ship, used or suspected to be used for an offence, or in which an offence was committed or suspected to be committed, to stop the ship or to proceed the ship to an appropriate location. If they do not follow the order, the naval officer may take whatever action is deemed necessary to control or to proceed the ship or to prevent offenders from escaping.

Ordering or controlling to stop or to proceed the ship to another location under the provision of the previous paragraph may be accomplished by using a prearranged signal or various prearranged signals. The prearranged signals shall be enacted by the Commander-in-Chief of the Royal Thai Navy in the Government Gazette.

Section 6. Apart from the power provided under section 4, a naval officer shall have the same powers as an administrative officer or senior police officer in accordance with the Criminal Procedure Code.

Section 7. In case that a naval officer investigates the alleged offender under section 4, the naval officer shall have the same powers and duties as inquiry officer in accordance with the Criminal Procedure Code.

Section 8. Dissenting a non-prosecution order of a public prosecutor in accordance with the Criminal Procedure Code, in case that a naval officer remits an inquiry and gives a prosecution opinion to the public prosecutor. The Commander-in-Chief of the Royal Thai Navy shall have the power of Director-General of the Police Department or the Governor, as the case may be.

Section 9. In case that a naval officer delivers the alleged offender to an inquiry officer for further proceedings as per his competence, the time during which the alleged offender was restrained prior to such delivery shall not be included in the period for taking the alleged offender in custody by the inquiry officer.

Section 10. The Minister of Defence and the Minister of Interior shall have full charge and control of the execution of this Act.

Countersigned by
Kuang Apaiwong
Prime Minister