

**PREVENTION AND SUPPRESSION OF PIRACY ACT,
B.E. 2534 (1991)**

BHUMIBOL ADULYADEJ, REX.

Given on the 29th Day of December B.E. 2534;
Being the 4th 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 Prevention and Suppression of Piracy;
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 “Prevention and Suppression of Piracy Act, B.E. 2534”

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

Section 3. All laws, regulations and any other imperatives in so far as they deal with
matters provided herein or inconsistency with the provision in this Act shall be replaced by this Act.

Section 4. In this Act:

“naval officer” means any commissioned naval officer whose position is the Commanding
Officer, Commander of Task Unit, Commander of Task Group, Commander of Task Force,
Commander of Royal Thai Marine Corps, Commander-in-Chief of Royal Thai Fleet or
Commander-in-Chief of the Royal Thai Navy or 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 appointed and published in the Government Gazette by the
Commander-in-Chief of the Royal Thai Navy.

“An act of Piracy” means any act of:

(a) seizing or taking control over a ship by force or threats to endanger a ship or
committing any act of violence or threatening to commit an act of violence against any person
on board that ship.

(b) destroying a ship or causing damage to a ship or by any other means which is likely
to cause danger to that ship.

(c) detaining or confining a person or by any other means whatever, depriving such
person of their liberty or,

(d) robbery or gang-robbery

which is committed on the high seas or within the exclusive economic zone of any state by a person on board a private ship or a private aircraft against another ship or against a person or property on board such ship and for private ends of the offender.

“private ship or private aircraft” includes warships, Government ship or Government aircraft whose crew has mutinied or taken control over such ship or aircraft or seized or taken control by any person.

“preliminary investigation and inquiry” means a search for facts and evidence, the collection of evidence or other proceedings conducted by a naval officer according to the provisions of this Act for the purpose of ascertaining the facts or the particulars of the offence or establishing the guilt or arresting the offender for delivery to the inquiry officer.

Section 5. A naval officer shall have the power to perform any necessary measures for preventing and suppressing acts of piracy and the power to conduct preliminary investigation and inquiry. The preliminary investigation and inquiry of the naval officer shall become an integral part of the inquiry under the Criminal Procedure Code.

Section 6. A naval officer shall have the power to inspect a ship or an aircraft, when having reasonable ground for suspecting that it will commit or has committed an act of piracy by

(1) sending vessels or aircraft under his command to the suspected ship to verify the right to fly the registered flag, and if suspicion still remains, the officer may proceed to a further search as much as deemed necessary.

(2) inspecting and identifying the nationality and the national registry of the suspected aircraft including the flight-plan of such aircraft.

For the benefit of the performance of the duties under (1) or (2) naval officers shall have the power to order or force the ship or the aircraft having a reasonable ground for suspecting that it will commit or has committed an act of piracy, to stop or to proceed to any place or to land at any airport or at any temporary take-off and landing site, and in case of necessity, the naval officer shall have the power to use armed force for such enforcement.

In verifying the right to fly the registered flag of the suspected ship, inspecting and identifying the nationality and the national registry of the suspected aircraft, the order or the force of the naval officer to stop or to proceed the ship or the aircraft to any place or to land at any airport or at any temporary take-off and landing site shall be accomplished by using a prearranged signal enacted by the Commander-in-Chief of the Royal Thai Navy in the Government Gazette.

Section 7. After the naval officer has ordered or forced the ship or the aircraft to stop or proceed to any place or to land at any airport or at any temporary take-off and landing site under section 6, the naval officer shall have the power to perform the following acts against the ship or the aircraft and the persons therein;

(1) to search the ship and the aircraft;

(2) to conduct the preliminary investigation and inquiry of shipmaster and other persons therein;

(3) if the search of the ship or the aircraft or the inquiry indicates a reasonable ground for suspecting that an act of piracy will be committed or has been committed, the naval officer shall have the power to restrain the alleged offender in such offence for inquiry as well as to seize the ship or the aircraft and the articles which will be used or have been used in the committing of the offence.

The ship or the aircraft, the shipmaster or the persons therein shall not be restrained longer than necessary according to the circumstances of the case.

Section 8. In case of necessity for the purpose of the preliminary investigation and inquiry, the naval officer or the inquiry officer shall have the power to escort the controlled ship or aircraft across the exclusive economic zone of any States or the high seas to any place without causing any right to entreat of releasing the controlled vessel.

Section 9. If it appears from the preliminary investigation and inquiry that the shipmaster of the ship or the pilot of the aircraft and the persons therein did not commit any act of piracy, the naval officer shall release the ship or the aircraft and the shipmaster thereof as well as the persons therein.

In the case where the naval officer has acted in good faith for confiscating of the ship or the aircraft or other articles, the charge and costs that its owner or possessor normally prepares or spends for maintaining the ship or the aircraft or other articles shall be borne by the shipmaster, the possessor or the owner thereof.

Section 10. After the naval officer has performed the actions necessary for the execution of duty under section 7, he shall deliver the alleged offender together with the ship or aircraft or seized articles and all the notes relevant to the case to the inquiry officer at the locality determined by the Commander-in-Chief of the Royal Thai Navy and Director-General of the Police Department without delay. If the inquiry officer cannot keep the ship or aircraft or other articles, the naval officer shall retain of them instead of the inquiry officer.

Section 11. In the performance of duties under this Act, the naval officer shall not have personal liability for any damages or compensation unless the damages are caused by the intentional or gross negligence.

Section 12. In the performance of duties under this Act, the naval officer shall have the same powers and duties as those of an administrative officer or senior police officer and inquiry officer in accordance with the Criminal Procedure Code.

Section 13. In the case that the naval officer delivers the alleged offender to the 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 but not exceeding thirty days. In case of necessity for voyage, the permission for the extension of such period as long as necessary for the journey shall be authorised from the Commander-in-Chief of the Royal Thai Navy.

In case where the alleged offender has been delivered to an onshore naval office, the period of detention of the alleged offender will not exceed twelve days counting from the delivery day, but not including the normal period of journey for delivery the alleged offender to the inquiry officer.

Section 14. The offences under the provisions of this Act shall be prosecuted at the Criminal Court, but if the inquiry is carried out in a locality which is in the jurisdiction of a court of law, the case may also be prosecuted by such court.

If the offence is within the jurisdiction of the military court, it shall be prosecuted by the Bangkok Military Court, if the inquiry has been conducted in a locality within the jurisdiction of any regional Military court, the case may also be prosecuted by such court.

Section 15. Any person who commits an act of piracy by seizing or taking control over a ship, by doing any act of violence or threatening to do any act of violence to cause damage to a ships or by doing any act of violence or threatening to do any act of violence against any person on board such ship shall be punished with imprisonment of five to ten years and fined of fifty thousand to a hundred thousand Baht.

Section 16. Any person who commits an act of piracy by destroying a ship shall be punished with death or imprisonment for life or imprisonment of one to twenty years.

Section 17. Any person who commits an act of piracy by causing damage to a ship which is likely to endanger any persons shall be punished with imprisonment of six months to seven years and fined of five thousand to seventy thousand Baht.

Section 18. Any person who commits an act of piracy by causing damage to a ship or by any other means whatever which likely to cause damage to such ships shall be punished with imprisonment of six months to five years or fined not exceeding fifty thousand Baht, or both.

Section 19. Any person who commits an act of piracy by detaining or confining other persons or by any other means which deprive such persons of their liberty shall be punished with imprisonment of five to ten years and fined of fifty thousand to a hundred thousand Baht.

Section 20. Any person who commits an act of piracy by robbery or gang robbery shall be punished with imprisonment of ten to twenty years and fined of a hundred thousand to two hundred thousand Baht.

Section 21. If the offence under Section 15 to Section 20 was committed by having sexual intercourse with a women who is not own wife, by threatening by any means, by doing any act of violence, by taking advantage of women being in the condition of inability to resist, or by causing a woman to mistake him for another person, the offender shall be punished with death or imprisonment for life or imprisonment of ten to twenty years and fined of a hundred thousand to two hundred thousand Baht.

Section 22. If the offence under Section 15 to Section 20 was committed by acts of cruelty so as to cause bodily or mental harm to the other person, by using a weapon, by using a gun, by using explosives or by acts of torture, the offender shall be punished with death or imprisonment for life or imprisonment of fifteen to twenty years and fined of fifteen hundred thousand to two hundred thousand Baht.

Section 23. If the offence under Section 15 to Section 20 causes grievous bodily harm to another person, the offender shall be punished with death or imprisonment for life or imprisonment of fifteen to twenty years and fined of one hundred and fifty thousand to two hundred thousand Baht.

Section 24. If the offence under Section 15 to Section 20 causes death to another person, the offender shall be punished with death.

Section 25. Any person who commits an act of piracy by warship, Government ships or Government aircraft or commits an act of piracy against the Government ship, the offender shall be punished in double rate of the penalty imposed for that offence.

Section 26. Any person who is an assist to commit any offence under this Act shall be punished as provided for the principal offender of such offences.

Section 27. Any person who attempts to commit any offence under this Act shall be punished as provided for such offence.

Section 28. Any person who commits any offence under this Act outside the kingdom shall be punished in the kingdom, and Section 20 of the Criminal Procedure Code shall apply mutatis mutandis.

In case of necessity, the local inquiry officer under Section 10 shall have the power to conduct inquiry in the period of waiting for an assignment order from the Attorney-General.

Section 29. The Minister of Defence and the Minister of Interior shall have full charge and control of the execution of this Act in relation to respective powers and duties of each Ministry.

Countersigned by
Police General Poa Sarasin
Deputy Prime Minister