

Regulation of Department of Industrial Works
Re: Criteria for sharing reward and expenditure from criminal fining
B.E. 2547 (2004)

Pursuant to regulation of Ministry of Finance regarding deduction of fining before submitting to treasury B.E. 2546 (2003) and (No.2) B.E. 2547 (2004), the Regulation of Ministry of Finance regarding payment of reward and implementing expenditure B.E. 2546 (2003), and the Notification of Ministry of Finance regarding category and rate of fining deduction prior submitting to treasury dated 11th February B.E. 2547 (2004), Department of Industrial Works hereby issues criteria for sharing reward and expenditure from criminal fining as follows:

Article 1 This regulation shall be called “Regulation of Department of Industrial Works regarding criteria for sharing reward and expenditure from criminal fining B.E. 2547 (2004)”.

Article 2 This regulation shall enter into force on the day following the date of its publication in the Government Gazette.

Article 3 Any regulation, announcement or order concerning the matter prescribed here or inconsistent with this regulation, this regulation shall be applied instead.

Article 4 Any definition or statement that has no other interpretation shall be considered of its interpretation as prescribed in regulation of Ministry of Finance regarding deduction of fining before submitting to treasury B.E. 2546 (2003) and (No.2) B.E. 2547 (2004), the Regulation of Ministry of Finance regarding payment of reward and implementing expenditure B.E. 2546 (2003), and the Notification of Ministry of Finance regarding category and rate of fining deduction prior submitting to treasury dated 11th February B.E. 2547 (2004).

Article 5 In this regulation,

“Government agency” shall mean Department of Industrial Works and/or Provincial Industrial Office.

“Fining obtained from execution of the law” shall mean fining that government agency receives from criminal offender under the Factory Act B.E. 2535 (1992), the Hazardous Substance Act B.E. 2535 (1992) and (No.2) B.E. 2544 (2001), the Machinery Registration Act B.E. 2514 (1971) and (No.2) B.E. 2530 (1987), and other laws for which Department of Industrial Works is responsible.

“Arrest” shall mean an order for an offender to report himself and shall include the following cases:

(1) Accused person do not consent for the case settlement committee to settle the fine resulting in a refer of the matter to the Police to proceed with the case or a return of the matter from the Police to the case settlement committee to settle the fine.

(2) Accused person do consent for the case settlement committee to settle the fine but refuse to pay the fine settled by the committee resulting in a refer of the matter to the Police to proceed with the case.

(3) Competent official responsible for the execution of the law and/or the Police arrest an offender and proceed with the case by the case settlement committee, or proceed with the court.

“Official carrying out the duty from which fine is acquired” shall mean,

(1) Official who exposes such wrongdoing.

(2) Official who facilitates in successfully exposing such wrongdoing.

(3) Superior of an official who exposes such wrongdoing from the level of Unit, Division, Bureau, Deputy Director-General, Director-General or a superior who plans and directs such inspection which results in successful exposure of wrongdoing, and shall include officials of Provincial Industrial Office and a person occupying the position of Provincial Industrial Chief.

(4) Persons who check all documentation or help in document arrangement for proceeding of the case leading to successful exposure of wrongdoing, namely administrative personnel of bureau which is a case holder, administrative personnel of Legal Division, Policy and Planning personnel of Provincial Industrial Office.

(5) Legal officer who is responsible for the case, his chief and legal officer occupying the position of Director of Legal Division, but excluding legal officer who is appointed to be secretary to the committee or associate secretary to the case settlement committee which is Quasi Judicial Organization.

“Exposure of wrongdoing” shall mean the event that official exposes wrongdoing corresponding with the complaint, or under the normal duty or under other circumstances that there is criminal offender as prescribed in this regulation and there is accusation of such offence resulting in proceeding of the case.

“Person who reports information or clue of wrongdoing to official” shall mean a person who files a report for an arrest under Article 11, excluding a person who files a complaint for inspection of nuisance and a person who files a complaint and is personnel of Department of Industrial Works and Provincial Industrial Office.

Chapter 1 General Chapter

Article 6 Reward and gratuity under this regulation can be devolved on the heirs of a person having the right to receive such reward and gratuity.

In case a person having the right to receive such reward and gratuity has not filed to receive the money within one year from the date that government agency receives fining, such reward and gratuity shall become national income.

Article 7 Department of Industrial Works shall appoint “the DIW Reward and Gratuity Committee” consisting of Director-General or Deputy Director-General of Department of Industrial Works as the Chairman, representative from Human Resource Division, representative from Finance Division, representative from Office of the Department Secretary, legal expert or representative from Legal Division as members, and one representative from finance unit of Finance Division who shall be a member and secretary to the Committee and a representative from accounting unit of Finance Division who shall be a member and associate secretary to the Committee.

The members under paragraph one shall hold office for a term of two years. A member who has left office may be reappointed.

Article 8 At any meeting of the Committee under Article 7, attendance of not less than half of the total membership shall be required to constitute a quorum. Any decision of the meeting shall be taken by a majority of votes.

Article 9 The DIW Reward and Gratuity Committee shall have the following authority and duties:

(1) Make a final decision on matter in dispute or argument against or conflict regarding right of a person filing for receiving of reward and/or gratuity.

(2) Make an interpretation in case there is a problem in being in compliance with this regulation.

(3) Prescribe criteria and relating procedure for the execution of this regulation.

(4) Call for arresting officer, a person exposing wrongdoing or other relating persons for his presence to furnish facts or provide possessing documentation to the Committee for the purpose of the execution of this regulation.

(5) Carry out other duties as appointed by Department of Industrial Works.

The decision of the DIW Reward and Gratuity Committee shall be treated as final.

Article 10 The member of the DIW Reward and Gratuity Committee shall receive meeting fee from implementing expenditure as prescribed by the DIW Reward and Gratuity Committee with the approval of Director-General of Department of Industrial Works at the rate of not exceeding 1,000 Bahts a time. The Chairman of the Committee shall also receive an extra at the rate of 25% additionally. The meeting fee shall be given not more than once a day and four times a month.

Chapter 2

Filing a report for an arrest

Article 11 Filing a report for an arrest shall be made in writing endorsed by an informer according to the arrest record using Form KorRorAor.NorJor.1 annexed hereto, and at minimum shall specify day, month, year, time, location, and circumstances of the fact regarding such wrongdoing desiring for an accused person to be criminally punished under the law as prescribed in this regulation.

In a single case that there are more than two persons filing for an arrest, the first person filing for an arrest with written document according to Form KorRorAor.NorJor.1 annexed hereto shall be a person who receives a reward rightfully.

For information about name, address and/or description of personal status of a person filing for an arrest and the record according to Form KorRorAor.NorJor.1 annexed hereto, a relevant official in the case shall keep such information as top secret.

Article 12 For any wrongdoing taking place in Bangkok Metropolis and other provinces, a person occupying the following position shall be authorized person to accept the filing for an arrest.

12.1 Wrongdoing taking place in Bangkok Metropolis:

(1) Director-General, Deputy Director-General, Director of Bureau of Factory Control and Inspection 1-4, Director of Bureau of Industrial Environmental Technology, Director of Safety Technology Bureau, Director of Hazardous Substance Control Bureau, Director of Central Office for Machinery Registration, chief or head of divisions under such bureaus, factory inspection engineers and factory inspection officers from level 4 up.

(2) Superintendent, Deputy Superintendent, Inspector, Sub-Inspector and policemen with the rank from Police Sub-Lieutenant and up in the Metropolitan Police Station shall be authorized persons to accept the filing for an arrest.

12.2 Wrongdoing taking place in other provinces:

(1) Provincial Industrial Chief, Head and engineers in Industrial Works Division, factory inspection officers and Head of Basic Industry and Mining Division.

(2) Superintendent, Deputy Superintendent, Inspector, Sub-Inspector of Provincial Police and policemen with the rank from Police Sub-Lieutenant and up in the Provincial Police Station.

Article 13 Once receiving a filing for an arrest, a person accepting such filing shall organize a proof of filing receipt in form of letter using Form KorRorAor.NorJor.2 and give a copy to a person filing for an arrest as a proof for receiving a reward later on.

Chapter 3 Deduction and Gratuity Rate

Article 14 Director-General of Department of Industrial Works or appointed person for wrongdoing taking place in Bangkok Metropolis, or Provincial Industrial Chief or appointed person for wrongdoing taking place in other provinces, shall deduct fining, prior to deliver it as nation revenue, for being used as reward, gratuity and implementing expenditure as follows:

(1) For a case that there is an arrest of an offender, fining shall be deducted at a rate of 80% of receiving fine.

(2) For a case that there is an exposure of wrongdoing, fining shall be deducted at a rate of 60% of receiving fine.

(3) 25% of money deducted under (1) or (2) above shall be used as implementing expenditure.

Article 15 Fining receiving according to decision of the Court by Secretary-General of the Office of the Judiciary shall be deducted to be used as expenditure under Article 14(3) and shall be paid according to criteria and gratuity allotment rate under this regulation.

Article 16 For wrongdoing taking place in Bangkok Metropolis, Finance Division under Department of Industrial Works shall deposit reward and gratuity that Department of Industrial Works deducting from fining under Article 14(1) (2) or receiving under Article 15 in the "Saving Account for Reward and Gratuity of Department of Industrial Works".

Under the provisions of Articles 17, 19 and 21 of this regulation, for wrongdoing taking place in other provinces and for reward and gratuity that Provincial Industrial Office deducting from fining under Article 14(1) (2) or receiving under Article 15, Provincial Industrial Chief shall allot gratuity in the part for a rightful person in the provincial area that wrongdoing taking place by depositing it in the "Saving Account for Reward and Gratuity of Provincial Industrial Office" and shall submit gratuity for other rightful persons to Finance Division under Department of Industrial Works by transferring the money to the "Saving Account for Reward and Gratuity of Department of Industrial Works".

For implementing expenditure of 25% under Article 14(3), Finance Division under Department of Industrial Works and Provincial Industrial Office shall submit it to The

Comptroller General's Department by transferring into the "Saving Account for Implementing Expenditure concerning Reward and Gratuity of Department of Industrial Works".

Chapter 4 Gratuity Allotment

Article 17 In case there is an arrest and presence of a person filing for such arrest by which the case has been sent to Department of Industrial Works or Provincial Industrial Office to proceed with the case, the fining after being deducted under Article 14(3) or Article 15 shall be allotted as reward and gratuity as follows:

17.1 As reward for a person filing for an arrest at the rate of 25%. If there is more than one person, the money shall be divided equally.

17.2 As reward for arrest officers or officers implementing his duty and resulting in such fining at the rate of 75% by allotting as follows:

(1) Police officers or administrative officer shall receive 20 parts.

(2) For wrongdoing taking place in Bangkok Metropolis, an officer responsible for the case shall receive 15 parts, division chief shall receive 5 parts, director of bureau shall receive 3 parts and administrative personnel shall receive 2 parts, or

For wrongdoing taking place in other provinces, an officer responsible for the case in Provincial Industrial Office shall receive 15 parts, division chief of such officer shall receive 4 parts, Provincial Industrial Chief shall receive 4 parts and policy and planning personnel in Provincial Industrial Office shall receive 2 parts.

(3) Legal officer responsible for the case shall receive 13 parts, chief of such legal officer shall receive 4 parts, Director of Legal Division shall receive 2 parts and administrative personnel of Legal Division shall receive 2 parts.

(4) All Deputy Director-General of Department of Industrial Works together shall receive 6 parts and Director-General of Department of Industrial Works shall receive 3 parts.

17.3 It is prohibited to allot the gratuity to officers under Article 17(2) who are appointed as member, secretary or associate secretary to the case settlement committee.

Article 18 In case there is an arrest and presence of a person filing for such arrest under Article 17 by which the case is proceeded without sending the case to Department of Industrial Works or Provincial Industrial Office, or there is any ground under this regulation or other grounds which results in no rightful person to receive gratuity under Article 17.2, such gratuity shall be considered as national revenue.

Article 19 In case there is an arrest with no person filing for such arrest by which the case has been sent to Department of Industrial Works or Provincial Industrial Office to proceed with the case, the fining after being deducted under Article 14(3) or Article 15 shall be allotted as gratuity as follows:

(1) Police officers or administrative officer shall receive 25%.

(2) For wrongdoing taking place in Bangkok Metropolis, an officer responsible for the case shall receive 20%, division chief shall receive 7%, director of bureau shall receive 5% and administrative personnel of such bureau shall receive 3%, or

For wrongdoing taking place in other provinces, an officer responsible for the case in Provincial Industrial Office shall receive 20%, division chief of such officer shall receive 6% Provincial Industrial Chief shall receive 6% and policy and planning personnel in Provincial Industrial Office shall receive 3%.

(3) Legal officer responsible for the case shall receive 19%, chief of such legal officer shall receive 6%, Director of Legal Division shall receive 2% and administrative personnel of Legal Division shall receive 3%.

(4) All Deputy Director-General of Department of Industrial Works together shall receive 6% and Director-General of Department of Industrial Works shall receive 4%.

It is prohibited to allot the gratuity to officers under Article 17(1)-(4) who are appointed as member, secretary or associate secretary to the case settlement committee.

Article 20 In case there is an arrest with no person filing for such arrest under Article 19 by which the case is proceeded without sending the case to Department of Industrial Works or Provincial Industrial Office, or there is any ground under this regulation or other grounds which results in no rightful person to receive gratuity under Article 19, such gratuity shall be considered as national revenue.

Article 21 In case there is an exposure of wrongdoing, the fining after being deducted under Article 14(3) shall be allotted as follows:

(1) For wrongdoing taking place in Bangkok Metropolis, an officer exposing such wrongdoing and responsible for the case shall receive 30% (if there is other officers helping in this conduct, they shall receive 25% of the gratuity that an officer exposing such wrongdoing has received), division chief shall receive 9%, director of bureau shall receive 7% and administrative personnel of such bureau shall receive 3%, or

For wrongdoing taking place in other provinces, an officer responsible for the case in Provincial Industrial Office shall receive 30% (if there is other officers helping in this conduct, they shall receive 25% of the gratuity that an officer exposing such wrongdoing has received), division chief of such officer shall receive 8% Provincial Industrial Chief shall receive 8% and policy and planning personnel in Provincial Industrial Office shall receive 3%.

(2) Legal officer responsible for the case shall receive 23%, chief of such legal officer shall receive 8%, Director of Legal Division shall receive 3% and administrative personnel of Legal Division shall receive 2%.

(3) All Deputy Director-General of Department of Industrial Works together shall receive 9% and Director-General of Department of Industrial Works shall receive 6%.

It is prohibited to allot the gratuity to officers under Article 21(1)-(3) who are appointed as member, secretary or associate secretary to the case settlement committee.

Article 22 In case there is no rightful person to receive the gratuity, or there is any ground under this regulation or other grounds which results in no rightful person to receive gratuity under Article 21, such gratuity shall be considered as national revenue.

Article 23 Director of division or bureau or Provincial Industrial Chief shall prescribe criteria and procedure for gratuity allotment according to expectant right for administrative personnel of division or bureau or policy and planning personnel in Provincial Industrial Office, as the case may be, by taking into account appropriateness, work load, productivity, and effectiveness of the work.

Article 24 In case for any position that there is no person occupying such position which has right in gratuity but there is a person in charge of such position, it is prohibited to allot the gratuity to such person and the gratuity shall be considered as national revenue, unless there is an acting person under the regulation regarding acting for position or being in charge of position the gratuity shall still be allotted to a person occupying such position.

Chapter 5 Request for reward and gratuity

Article 25 Reward shall be paid to a person filing for an arrest who has right in such reward within the following period.

(1) For wrongdoing taking place in Bangkok Metropolis, the reward shall be paid to a person filing for an arrest within 5 working days as from the date that Finance Division under Department of Industrial Works receives the fining.

(2) For wrongdoing taking place in other provinces, the reward shall be paid to a person filing for an arrest within 5 working days as from the date that Provincial Industrial Office receives the fining.

Article 26 For wrongdoing taking place in Bangkok Metropolis and there is a case settlement, a legal officer responsible for the case shall compose a name list and money portion for a person with the right in reward and gratuity using Form KorRorAor.NorJor.3 annexed hereto and notify Finance Division under Department of Industrial Works within 3 working days as from the date that there is fine payment and notifying the office of officer who has right in such reward and gratuity.

The reward and gratuity from fining that Department of Industrial Works receives from the Office of the Judiciary, an appointed legal officer shall follow what prescribed in paragraph one mutatis mutandis.

For wrongdoing taking place in other provinces and there is a case settlement, a legal officer responsible for the case shall compose a name list and money portion for a person with the right in reward and gratuity using Form KorRorAor.NorJor.3 annexed hereto, and notify Provincial Industrial Office with the result of fine settlement and send copies to Finance Division under Department of Industrial Works and the office of officer who has right in such reward and gratuity.

The reward and gratuity from fining that Provincial Industrial Office receives from the Provincial Office of the Judiciary, an officer responsible for the case shall follow what prescribed in paragraph three mutatis mutandis.

Article 27 For wrongdoing taking place in Bangkok Metropolis, officers having right in gratuity shall submit a request form for each month using Form KorRorAor.NorJor.4 annexed hereto to Finance Division under Department of Industrial Works by the 15th of the following month.

For wrongdoing taking place in other provinces, officers having right in gratuity and performing his duty at Provincial Industrial Office shall submit a request form for each month using Form KorRorAor.NorJor.4 annexed hereto to Provincial Industrial Office or to Finance Division under Department of Industrial Works for officers having right in gratuity and performing his duty at Department of Industrial Works by the 15th of the following month.

Article 28 Once received a request form for each month or Form KorRorAor.NorJor.4 under Article 27, Finance Division under Department of Industrial Works or Provincial Industrial Office shall inspect such form and a name list and money portion for a person with the right in reward and gratuity or Form KorRorAor.NorJor.3 under Article 26. If an inspection shows correctness and validity of information, Finance Division under Department of Industrial Works or Provincial Industrial Office shall compose the record on inspection result and a request for approval in payment of reward and gratuity.

Chapter 6
Payment of reward and gratuity and implementing expenditure

Article 29 Procedure in paying reward and gratuity and implementing expenditure shall be in accordance with the Regulation of Ministry of Finance regarding payment of reward and implementing expenditure B.E. 2546 (2003) dated 2nd December B.E. 2546 (2003) and/or its amendment (if any).

Chapter 7
Money safekeeping and delivery of money to treasury

Article 30 Procedure concerning money collection, money withdrawal, money safekeeping, delivery of money to treasury and inventory shall be in accordance with the Regulation of Ministry of Finance regarding deduction of fining before submitting to treasury B.E. 2546 (2003) dated 2nd December B.E. 2546 (2003) and (No.2) B.E. 2547 (2004) dated 11th February B.E. 2547 (2004) and/or its amendment (if any).

Article 31 Director-General of Department of Industrial Works shall take charge of the execution of this Regulation.

Provisional Chapter

Article 32 The case that has still been in the process of proceeding and have not finalized before the enforceable date of this Regulation, criteria and procedure for allotment of reward and gratuity under this Regulation shall be applied mutatis mutandis.

Announced on the 4th day of August B.E. 2547 (2004)

(signed)

(Mr. Reungsak Ngamsompak)

Director-General of Department of Industrial Works