

(ROYAL COMMAND)

**HAZARDOUS SUBSTANCE ACT (No. 2)**  
**B.E. 2544 (2001)**

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BHUMIBHOL ADULYADEJ, REX.

Given on the 9<sup>th</sup> day of November B.E. 2544

Being the 56<sup>th</sup> year of the Present Reign.

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

Whereas it deems expedient to revise the law on hazardous substance which contains some provisions relating to the restriction of the people's rights and liberties, authorized by the provisions of section 29, along with section 31 and section 50 of the Constitution of the Kingdom of Thailand.

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

**Section 1** This Act shall be called the "Hazardous Substance Act (No. 2), B.E. 2544".

**Section 2** This Act shall enter into force on the day following the date of its publication in the Government Gazette.

**Section 3** A definition of "Chemical Weapon Convention" shall be amended in between the definitions of "Label" and "Committee" under section 4 of the Hazardous Substance Act B.E. 2535 (1992), as follows:

"Chemical Weapon Convention" means the convention on the prohibition of development, production, accumulation and use of chemical weapons, and on the destruction of the chemical weapons which was rectified on the 13<sup>th</sup> January B.E. 2536 (1993).

**Section 4** The following provision shall be amended as section 15/1 of the Hazardous Substance Act B.E. 2535 (1992).

"Section 15/1 The Committee shall take the Chemical Weapon Convention and other international treaties and covenants into consideration when giving its resolution or opinion on

the matter of granting approval to the Responsible Minister of other laws and on the announcements prescribed by the Minister of Industry or the Responsible Minister for the execution of this Act”.

**Section 5** The following provisions shall be amended as section 74/1 and section 74/2 of the Hazardous Substance Act B.E. 2535 (1992).

“Section 74/1 A person who uses or supports any offence, which is subject to penalties under section 73 or section 74 with respect to type 3 or type 4 hazardous substances that are toxic chemicals or precursors of toxic chemical production as designated in the Chemical Weapon Convention on the announcements prescribed by the Minister of Industry issued under section 18, shall be subject to penalties as the offender.

Section 74/2 An offender having Thai nationality who commits the offence outside the Kingdom of Thailand and is subject to penalties under section 73 or section 74 with respect to type 3 or type 4 hazardous substances that are toxic chemicals or precursors of toxic chemical production as designated in the Chemical Weapon Convention on the announcements, prescribed by the Minister of Industry issued under section 18, shall be subject to penalties in the Kingdom regardless of the place of conduct.

No penalty shall be given to the offender in the Kingdom for such offence only if,

- (1) the foreign court renders its absolute verdict to free the offender; or
- (2) the foreign court renders its verdict punishing the offender and such offender has finished serving the sentence.

In case where the foreign court renders its verdict punishing the offender and such offender has not finished serving the sentence, the Court may take such sentence into consideration in rendering a verdict punishing the offender with lessen degree than prescribed by law or no punishment at all”.

Countersigned by

Pol. Lt. Col. Thaksin Shinnawat  
Prime Minister

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