

LAW OF INFORMATION ENERGY

ACT ON OFFENCES RELATING TO OFFSHORE PETROLEUM PRODUCTION PLACES B.E. 2530 (1987)

BHUMIBOL ADULYADEJ, REX.

Given on the 31st Day of October B.E. 2530;

Being the 42nd 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 offences relation to offshore petroleum production places;

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

Section 1. This Act is called the "Act on offences Relating to Offshore Petroleum Production Places, B.E. 2530".

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 other laws, by-laws and regulations in so far as they deal with matters provided herein or are contrary hereto or inconsistent herewith shall be replaced by this Act.

Section 4. In this Act:

"petroleum" means petroleum under the law on petroleum;

"offshore petroleum production place" means single or more installations constructed or installed temporarily or permanently in the exclusive economic zone or the continental shelf of the Kingdom of Thailand for the purposes of producing or facilitating the production of petroleum, and includes a ship, floating platform or any other structure existing regularly and being part of the production of petroleum or facilitating the production thereof in the exclusive economic zone or the continental shelf;

"safety zone" means the zone surrounding an offshore petroleum production place at the distance of five hundred metres as measured from each point of the outer edge of the offshore petroleum production place in accordance with international law;

"preliminary investigation and inquiry" means a search for facts and evidence, the collection of evidence or other proceedings conducted by the naval official according to the provisions of this Act in connection with and alleged offence, for the purpose of ascertaining the facts or the particulars of the offence or establishing the guilt or securing the delivery of the offender to the inquiry official;

"sabotage" means an act of sabotage under the law on civil defence;

"naval official" means the naval commissioned officer holding the position of 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 naval commissioned officers specifically appointed and published in the Government Gazette by the Commander-in-Chief of the Royal Thai Navy.

Section 5. The Ministry of Industry shall have the power to issue the Notifications:

(1) determining or cancelling the locations and the safety zones of the offshore petroleum production places;

(2) determining or cancelling the zones of pipelines including the accessories thereof utilized in the petroleum production process which link the offshore petroleum production places outside the safety zones.

The Notifications under paragraph one shall be published in the Government Gazette.

Section 6. The offshore petroleum production place and the safety zone shall be deemed to be located within the Kingdom.

The commission of an offence under Thai laws occurring on, over or under an offshore petroleum production place or in a safety zone shall be deemed to be committed within the Kingdom.

The inquiry official under the Criminal Procedure Code shall have the power to hold an inquiry in all the criminal cases under paragraph two. An inquiry official of which locality will be the responsible inquiry official for conducting the inquiry shall be prescribed in the Notification of the Minister of Interior.

Section 7. The naval official shall have the power to conduct the preliminary investigation and inquiry for preventing and suppressing the acts constituting sabotage against an offshore petroleum production place.

Section 8. For the benefit of the performance of the duty under section 7, the naval official shall have the power to conduct the preliminary investigation and inquiry in regard to the acts constituting the following offences under the Penal Code which have been committed on, over or under the offshore petroleum production places or in the safety zones:

- (1) offences relating to public administration as provided in section 136 to section 146;
- (2) offences relating to public peace as provided in section 209 to section 216;
- (3) offences relating to public security as provided in section 217 to section 226 and section 231;
- (4) offences against life and body as provided in section 288 to section 290 and section 295 to section 298;
- (5) offences against liberty and reputation as provided in section 303, section 310, section 313 to section 315 and section 322 to section 324;
- (6) offences against property as provided in section 334, section 355, section 336 to section 339, section 340, section 340 ter, section 357 to section 360, section 362, section 364 and section 365.

Section 9. Navigation in a safety zone must obtain permission in writing from the Director-General of the Department of Mineral Resources or the person entrusted by him, except in case of necessity on account of force majeure or coming across serious danger.

In making such permission, any condition may also be prescribed.

The provisions of paragraph one shall not apply to the ships of the Government, the ships of a petroleum concessionaire in such locality and the ships of a contractor who has concluded an overall contract with a petroleum concessionaire in such locality.

Section 10. In the case where the zone of pipelines including the accessories thereof utilized in the petroleum production process under section 5(2) is determined in the Notification or where the area of the petroleum pipeline system under the law on Petroleum Authority of Thailand has been announced, no person shall drop or drag an anchor or carry out any act likely to endanger the pipelines utilized in the petroleum production process, or the pipelines utilized in the petroleum transport system from an offshore petroleum production place to onshore, or the pipelines utilized in or being part of the petroleum production process which link the offshore petroleum production places and which are located outside the safety zones, including the accessories thereof.

A person shall not navigate across the pipelines or the accessories thereof under paragraph one without showing anchor above water to such an extent that it can be seen.

The commission of an offence under this section shall be deemed to be committed within the Kingdom.

Section 6 paragraph three shall apply mutatis mutandis to an inquiry in regard to the commission of an offence under this section.

Section 11. The naval official shall have the power to conduct the preliminary investigation and inquiry in regard to the commission of an offence under section 9 or section 10.

Section 12. The naval official shall have the power to order or force the ship or the aircraft used or having a reasonable ground to suspect that it will be used or has been used in a sabotage against an offshore petroleum production place, or the ship or aircraft used or having a reasonable ground to suspect that it has been used in the commission of an offence under section 8, or the ship which has violated or has a reasonable ground to suspect that it has violated section 9 or section 10 to stop or proceed to any place or to land on any airport or on any temporary taking-off and landing site.

In case of necessity for the execution of an act under paragraph one, the naval official shall have the power to use the arms equipped in his ship or to use the aircraft for such enforcement.

Section 13. After the naval official has ordered or forced the ship or the aircraft to stop or proceed to any place or to land on any airport or on any temporary taking-off and landing site under section 12, the naval official shall have the power to do the following acts against the ship or the aircraft, the commander thereof and the persons therein:

- (1) to inspect and search the ship and the aircraft;
- (2) to inquire the commander thereof and the persons therein;
- (3) if the inspection and search of the ship or the aircraft or the inquiry indicates a reasonable ground to suspect that a sabotage will be committed or has been committed or that an offence under section 8 has been committed or section 9 or section 10 has been violated, the naval official shall have the power to keep in custody 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 commission of the offence.

The ship or the aircraft, the commander thereof or the persons therein shall not be kept in custody longer than is necessary according to the circumstances of the case.

Section 14. The naval official shall have the power of hot pursuit of a foreign ship when there is a reasonable ground to believe that such ship has been used in a sabotage against an offshore petroleum production place or in the commission of an offence under section 8 or in the violation of section 9 or section 10.

Only the warships or the military aircraft, or the ships or the aircraft being on Government service, conspicuously marked and authorized by the Commander-in-Chief of the Royal Thai Navy or the person entrusted by him are entitled to exercise the right of hot pursuit.

The authorization under paragraph two may be made in writing or orally or may prescribe any condition.

Section 15. The hot pursuit by the warships or the ships under section 14 paragraph two must be undertaken in order to force such ship to stop or proceed to any place in accordance with the following rules:

(1) the hot pursuit shall be commenced only if the foreign ship or any small boats thereof or another ship working jointly with a foreign ship and using the foreign ship as a mother ship is within the safety zone;

(2) the pursuing ship has given the stop sign, visible or audible, at a distance which the foreign ship is able to see or hear such sign, but it is not necessary that at the time of giving the order to stop, the ship giving such order shall be within the maritime zones of the Kingdom;

(3) the hot pursuit may be continued outside the maritime zones of the Kingdom, if the hot pursuit has not been interrupted; provided that, it shall cease as soon as the ship pursued enters the territorial sea of any other State.

Section 16. The hot pursuit by the military aircraft or the aircraft under section 14 paragraph two shall be in accordance with the following rules:

(1) the provisions of section 15 shall apply mutatis mutandis;

(2) the aircraft giving the order to a stop must itself pursue such ship in order to force it to stop or proceed to any place or pursue it until a warship or military aircraft, or a ship or aircraft under section 14 paragraph two, summoned by the pursuing aircraft, arrives to take over the pursuit in order to force such ship to stop or proceed to any place. The hot pursuit shall not be undertaken, if the aircraft which is about to pursue merely sees the ship committing an offence or suspects that the offence has been committed without issuing the order to stop and making an uninterrupted hot pursuit by such aircraft or other aircraft or ships.

Section 17. In case of necessity for the benefit of an inquiry, the naval official or the inquiry official shall have the power to escort the ship kept in custody across the exclusive economic zone of any State or the high sea to any place without giving rise to a claim for the release of such escorted ship.

Section 18. After the naval official has performed the act necessary for the execution of duty under section 13, he shall deliver the alleged offender together with the articles seized and all the notes relevant to the case to the inquiry official without delay, unless such articles are the ships or the aircraft or other articles of which the inquiry official cannot maintain the storage; in such case, the naval official shall seize them on behalf of the inquiry official.

The inquiry official or the naval official shall seize the articles under paragraph one until a final non-prosecution order is issued or until the case becomes final. If the articles under paragraph one are perishable, or the storage thereof involves the risk of damage or unreasonable costs of maintenance, the inquiry official or the naval official, as the case may be, shall prepare an inventory and sell them by auction or dispose them of by other modes as he may think fit. The net proceeds after deducting the operating costs, shall be seized in place of the articles.

Section 19. If it appears from the preliminary investigation and inquiry that the commander of the ship or aircraft and the persons therein did not commit any act constituting a sabotage against an offshore petroleum production place or did not commit the offence under section 8 or did not violate section 9 or section 10, the naval official shall release the ship or the aircraft and the commander thereof as well as the persons therein without delay.

In the case where the naval official has acted in good faith, the charge and costs arising from the storage of the ships, the aircraft or other articles seized shall be borne by the commander or the owner thereof.

Section 20. The performance of duties for preventing and suppressing an act constituting a sabotage under this Act shall not give rise to a claim to damages or compensation for any person.

Section 21. In the performance of duties under this Act, the naval official shall have the same powers and duties as those of the superior administrative or police official and the inquiry official under the Criminal Procedure Code.

Section 22. In the case where the naval official delivers the alleged offender to the inquiry official for further proceedings in accordance with his power and duty, the time during which the alleged offender was kept in custody prior to such delivery shall not be included in the period for keeping the alleged offender in custody by

the inquiry official under the Criminal Procedure Code.

Section 23. The offences as provided by this Act shall be tried and adjudicated by the Criminal Court; provided that, if the inquiry has been conducted in a locality within the jurisdiction of any Court, the case may also be tried and adjudicated by such Court.

Section 24. Any person who fails to comply with section 9 paragraph one or fails to comply with the conditions prescribed in the permission under section 9 paragraph two shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding fifty thousand Baht or to both.

Section 25. Any person who violates section 10 paragraph one shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

If the commission of such offence causes the destruction, damage, depreciation in value or uselessness of the pipelines or the accessories thereof, the offender shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Bath or to both.

Section 26. Any person who violates section 10 paragraph two shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

If the commission of the offence causes the destruction, damage, depreciation in value or uselessness of the pipelines or the accessories thereof, the offender shall be liable to imprisonment for a term not exceeding five years or the a fine not exceeding five hundred thousand Baht or to both.

Section 27. The Minister of Defence, the Minister of Interior and the Minister of Industry shall have charge and control of the execution of this Act in so far as the powers and duties of each Ministry are concerned.

Countersigned by:

General P. Tinsulanonda

Prime Minister

Certified correct translation

(Rongphol Charoenphandhu)

Office of the Council of State

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