

Office of the National Anti-Corruption Commission

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ORGANIC ACT ON COUNTER

ORGANIC ACT ON COUNTER CORRUPTION, B.E. 2542 (1999)

BHUMIBOL ADULYADEJ, REX.
Given on the 8th Day of November B.E. 2542;
Being the 54th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have the organic law on counter corruption;

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 "Organic Act on Counter Corruption, B.E. 2542 (1999)".

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

Section 3. There shall be repealed:

- (1) The Counter Corruption Act, B.E. 2518 (1975);
- (2) The Counter Corruption Act (No. 2), B.E. 2530 (1987);
- (3) The Act on the Declaration of Assets and Liabilities of Senators and Members of the House of Representatives, B.E. 2539 (1996);

Section 4. In this Organic Act:

"State official" means a person holding a political position, Government official or local official assuming a position or having permanent salaries, official or person performing duties in a State enterprise or a State agency, local administrator and member of a local assembly

who is not a person holding a political position, official under the law on local administration and shall include a member of a Board, Commission, Committee or of a sub-committee, employee of a Government agency, State enterprise or State agency and person or group of persons exercising or entrusted to exercise the State's administrative power in the performance of a particular act under the law, whether established under the governmental bureaucratic channel or by a State enterprise or other State undertaking;

"person holding a political position" means:

- (1) Prime Minister;
- (2) Minister;
- (3) member of the House of Representatives;
- (4) senator;
- (5) political official other than (1) and (2) under the law on political officials;
- (6) political parliamentary official under the law on parliamentary officials;
- (7) Governor of Bangkok Metropolitan, Deputy Governor of Bangkok Metropolitan and member of the Bangkok Metropolitan Assembly;
- (8) executive member and member of a Nakhon Municipality Council;
- (9) local administrator or member of a local assembly of a local government organisation the income or budget of which is not lower than that prescribed in the Government Gazette by the National Counter Corruption Commission;

"person holding a high-ranking position" means the person holding the position as head of a Government agency at the level of a Department, Sub-Ministry or Ministry in respect of ordinary Government officials, the person holding the position as Commander of a National Force or Commander-in-chief in respect of military officials, the person holding the position as Commander of the National Royal Thai Police Force, the person holding the position as Permanent-Secretary of the Bangkok Metropolitan Administration, member of the Board the top executive of a State enterprise or head of an independent agency under the Constitution which enjoys the status of a juristic person, or the person holding the position prescribed by other laws;

"injured person" means the person injured by the commission of the act giving rise to unusual wealthiness of a State official, the commission of an offence of malfeasance in office under the Penal Code or the commission of an offence of malfeasance or corruption under other laws;

"alleged culprit" means the person who is alleged to have committed, or who is under the circumstance apparent to the National Counter Corruption Commission as indicating the commission of, an act which prima facie constitutes a basis for the removal from office, the criminal proceedings, the lodging of a request that assets devolve on the State or the initiation of a disciplinary action as provided in this Organic Act, and shall also include the principal, instigator or aider and abetter in the commission of the said act;

"President" means the President of the National Counter Corruption Commission;

"member" means a member of the National Counter Corruption Commission;

"member of a sub-committee" means a member of a sub-committee on national counter corruption appointed by the National Counter Corruption Commission to perform activities under this Organic Act;

"Secretary-General" means the Secretary-General of the National Counter Corruption Commission;

"competent official" means the Secretary-General and the Government official attached to the Office of the National Counter Corruption Commission, including the Government official or official assisting in the official service of the Office of the National Counter Corruption Commission, entrusted by the National Counter Corruption Commission to perform activities under this Organic Act;

"corruption" means the performance or omission of a particular act in office or in the course of official duty, or the performance or omission of a particular act under the circumstance likely to cause other persons to believe that the person so performing or omitting holds such office or has such duty although the office or duty is not held or assumed by such person, or the exercise of power in office or in the course official duty with a view to acquiring undue benefits for his or her own or for other persons;

"unusual increase of assets" means the phenomenon where the assets and liabilities listed in the account showing assets and liabilities submitted by the person holding a political position upon vacation of office differ from the account showing assets and liabilities submitted at the time of taking office, in the manner that the assets unusually increase or liabilities unusually decrease;

"unusual wealthiness" means having an unusually large quantity of assets, having an unusual increase of assets, having an unusual decrease of liabilities or having illegitimate acquisition of assets in a consequence of the performance of duties or the exercise of power in office or in the course of duty.

Section 5. The President of the National Counter Corruption Commission shall have charge and control of the execution of this Organic Act and shall have the power to issue notifications or regulations and appoint competent officials with the approval of the National Counter Corruption Commission for the execution of this Organic Act.

The notification and regulation under paragraph one which are of general application shall enter into force upon their publication in the Government Gazette.

- CHAPTER I : National Counter Corruption Commission
- CHAPTER II : Powers and Duties of the National Counter Corruption Commission
- CHAPTER III : Inspection of Assets and Liabilities
- CHAPTER IV : Fact Inquiry
- CHAPTER V : Removal from Office
- CHAPTER VI : Criminal Proceedings Against Persons Holding Political Positions Under Section 308 of the Constitution
- CHAPTER VII : The Request for the Property to Devolve on the State
- CHAPTER VIII : Inspection of State Officials Not Being Persons Holding Political Positions under Section 308 of the Constitution
- CHAPTER IX : Conflicts Between Personal Interest and Public Interest
- CHAPTER X : Office of the National Counter Corruption Commission
- CHAPTER XI : Penalties
- Transitional Provisions

