

THE RUBBER REPLANTING AID FUND ACT

B.E. 2503 (1960)

Amended by the Act, B.E. 2505 (1962), 2518 (1975), 2530 (1987)

In the name of His Majesty King

PHRABAT SOMDEJ PHRA PARAMINDRA MAHA BHUMIBOL ADULYADEJ

SANGWAN

The Regent

Given on the 25th Day of August B.E. 2503;

Being the 15th Year of the Present Reign.

Whereas it is expedient to enact the Rubber Replanting Aid Fund for helping the rubber planters improve the rubber plantations thereof;

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

Section 1. This Act is called the "**Rubber Replanting Aid Fund Act, B.E. 2503 (1960).**"

Section 2. This Act shall come into force after ninety days from the date of its publication in the Government Gazette.

Section 3. In this Act:

"**Rubber tree** " means Para rubber tree (HEVEA SPP);

"**Good-quality rubber** " means the rubber species that have good harvest as determined by the Board, with the advice of the department of Agriculture;

"**Rubber plantation** " means rubber planting land which has not less than two rai. Each rai contains not less than ten rubber trees and, on the average, twenty-five trees;

"**Small-sized plantation** " means a rubber plantation which contains no more than fifty rai;

"**Medium-sized plantation** " means a rubber plantation which contains more than fifty rai, but less than two hundred and fifty rai;

"**Large-sized plantation** " means a rubber plantation which contains more than two hundred and fifty rai;

"**Rubber planter** " means a rubber farmer who has a right to collect harvests from the rubber trees in the planting rubber plantation;

"**Rubber** " means natural rubber latex, rubber sheet, crepe rubber, rubber piece, rubber scrap, or any other types of rubber made of or from any parts of the rubber tree, regardless of artificial rubber materials;

"**Replanting** " means replanting good-quality rubber or other types of trees which are economically important as prescribed by the Board instead of planting the old rubber trees or the old trees wholly or

partially;

"**Funding year**" means the duration from October 1st in a year to September 30th in the following year.

The following B.E. year shall be used as the title of the funding year;

"**Funding official**" means a person who is appointed by the Minister as a funding official;

"**Board**" means the Board of the Rubber Replanting Aid;

"**Director**" means the Director of the Office of the Rubber Replanting Aid Fund;

"**Minister**" means the Minister in charge of the enforcement of this Act.

[This section is amended under Section 3 of the Rubber Replanting Aid Fund Act (NO.2), B.E.2503 (1960), B.E.2505 (1962), and under Section 3 of the Rubber Replanting Aid Fund Act (NO.2), B.E.2518 (1975).]

Section 4. Establish a fund consisting of the cess combined under this Act, called the "Rubber Replanting Aid Fund, " as the expense for rubber planting that is less harvested to be more fruitful.

The Rubber Replanting Aid Fund shall be the juristic person, aiming at operating the rubber replanting aid transaction under this Act, and shall have the power to do any thing that is necessary or is the device of such aim, including rubber planting and tree planting as well as any related transaction in order to demonstrate and promote for the benefit of the aid, and also the promoting operation or the replanting aid of the other types of trees which are economically important as entrusted by the government.

The Rubber Replanting Aid Fund shall have the head office in Bangkok, called the " **Office of the Rubber Replanting Aid Fund.** "

[This section is amended under Section 5 of the Rubber Replanting Aid Fund Act (NO.3), B.E.2503 (1960), B.E.2518 (1975).]

Section 4. bisThe promoting operation or the replanting aid of the other types of trees under Section 4 shall use the capital budget given by the government or by the agriculture aid fund, in accordance with the law on the agriculture aid fund.

[This section is amended under Section 5 of the Rubber Replanting Aid Fund Act (NO.3), B.E.2503 (1960), B.E.2518 (1975).]

Section 5. Any person who exports the rubber must pay for the cess in accordance with the rules, procedure, conditions, and the cess rate, published by the Minister in the Government Gazette. The cess rate must be approved by the Cabinet prior to the prescription thereof.

The prescription of the cess rate under paragraph one shall also be considered with the amount of the cess that the Rubber Replanting Aid Fund must spend for annual funding and with the export duty rate charged for the rubber exportation in accordance with the law on the custom tariff, measured by rate per a kilogram of rubber weight

The calculation of the amount of the cess that a person under paragraph one shall pay for is that if the fraction of the weight of the rubber is over than a half kilogram, the cess herein shall be charged as much as a kilogram of the rubber. If the fraction of the weight of the rubber is less than a half kilogram, the weight hereto shall not be counted.

The rubber exported as a sample which weighs not over than five kilogram, or exported by a ministry, a bureau, or a department for any non-commercial profits, no matter how much it weights, shall be refrained from the cess.

[This section is amended under Section 3 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960), B.E.2530 (1987).]

Section 6. The Minister shall have the power to publish in the Government Gazette that the accumulation of cess from the exporters, charged under Section 5, shall be suspended by scheduling for the duration of the suspension as it thinks fit. The suspension herein may be concerned with either all types of rubber or some types.

Section 7. The cess accumulated under Section 5 shall be combined with the Rubber Replanting Aid Fund and shall be expended for the matters enacted in this Act particularly.

Section 8. A person shall receive a fund under this Act if he is a rubber planter whose rubber trees are over than twenty-five years old, are dilapidated, or have a few harvests.

The aid shall proceed with replanting and shall support other factors for the benefit of replanting by distributing rubber planters with good-quality rubber species, tree species, seeds, compost, apparatus, and tools, by providing other funding services or funds. The aid hereby may provide one of those or many of those.

Section 9. There shall be a Board for organizing the Rubber Replanting Aid Fund shortly called " B.R.R.A.F., " composed of the Minister of Agriculture and Cooperatives or Deputy Minister of Agriculture and Cooperatives entrusted by the Minister of Agriculture and Cooperatives as Chairman, Permanent Secretary for Agriculture and Cooperatives as Vice Chairman, Secretary-General of the National Economic and Social Development Board, Director of the Bureau of the Budget, Director-General of Department of Agriculture, Director-General of Department of Agricultural Extension, Director-General of Customs Department, Director of Rubber Research Institute, Department of Agriculture as committees and not more than six others committee appointed by the Cabinet where of four from rubber planters and two others from persons involving in rubber work.

The Director shall serve as committee and secretary.

[This section is amended under Section 4 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960), B.E.2530 (1987).]

Section 10. A A committee appointed by the Cabinet shall hold office for the term of two years.

In case a committee appointed by the Cabinet shall become vacant before expiration of his term of office or in case the Cabinet shall appoint an additional committee while the committees already

appointed still hold office, the new committee shall be replaced to hold office or shall hold office for the remainder of the term of office of such already-appointed committees.

After the expiration of the term prescribed under paragraph one, if a new committee shall not be appointed, the vacated committee shall hold office until the vacancy shall be filled by a new-appointed committee.

The outgoing qualified committee may be re-appointed.

[This section is amended under Section 4 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960), B.E.2530 (1987).]

Section 11. In addition to the vacation of office at the expiration of the term under Section 10 the committee appointed by the Cabinet shall be vacated from office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Cabinet;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) having been imprisoned by a final judgement or a legal order to imprisonment, except for an offence committed through negligence or a petty offence;
- (7) vacating an rubber planter or not being involved in rubber work.

[This section is amended under Section 4 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960), B.E.2530 (1987).]

Section 12. At the meeting of the Board, the presence of not less than one-half of the total number of the committees is required to constitute a quorum. If the Chairman is not present at the meeting or is unable to perform his duties, the Vice Chairman shall preside over the meeting. If the Chairman and the Vice Chairman are not present at the meeting or are unable to perform their duties, the committees present may elect one among themselves to preside over the meeting.

[This section is amended under Section 5 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960), B.E.2530 (1987).]

Section 13. The Board shall have the powers and duties to supervise general work of the Rubber Replanting Aid Fund and particularly have the following powers and duties:

- (1) To proceed the administration of the Rubber Replanting Aid;
- (2) To lay down the rules or regulations on the administration or finance in order to proceed the Rubber Replanting Aid;
- (3) To lay down the rules on filling the post, appointment, removal, salary increment, reduction of salary, salary decrement, and the disciplines of staff as well as formulate the vacancy, position, salary, wage,

fare, allowance, rental fee or residential fee, compensation, and other necessary expenses;

(4) To lay down the rules on the staff's uniforms.

The Board may authorize and entrust the Director to perform one or lots of their duties by prescribing in the rules or regulations in (2).

[This section is amended under Section 6 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960), B.E.2530 (1987).]

Section 14. The Chairman, committees, and secretaries shall receive attendance fee and other compensations as prescribed by the Cabinet.

[This section is amended under Section 6 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960), B.E.2530 (1987).]

Section 15. The Board shall have charge to appoint, remove, and determine the Director's salary rate with the approval of the Cabinet. The Director shall receive other compensations which a committee of the Office of the Rubber Replanting Aid Fund shall be deserved.

[This section is amended under Section 6 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960), B.E.2530 (1987).]

Section 16. The Director shall have the powers and duties to do the performance in accordance with the resolutions of the committees and shall have the power to command all of the staff.

If the Director is unable to perform his duties, the Board shall elect a Deputy Director.

The Deputy Director shall have the same powers and duties as the Director, except for his powers and duties as a committee.

Section 17. If the performance is related to the outsiders, the Director shall act as a representative of the Rubber Replanting Aid Fund and the Director hereby shall entrust any person to perform some of his duties with the approval of the Board.

Section 18. In every funding year, the Board shall appropriate the cess accumulated under Section 5 in the following circumstances:

(1) less than five percent of cess shall be the expense for organizing an experiment on rubber matters that is particularly beneficial to rubber planters, and shall be given to Department of Agriculture by paying in instalments in accordance with the rules and procedure prescribed by the Minister. The cess given to Department of Agriculture is not deemed to be an income in accordance with the law on the Budget Procedure.

(2) less than ten percent of cess shall be the expense for the administration of the rubber replanting aid of the Office of the Rubber Replanting Aid Fund. If such amount of cess is not enough to pay for such administration, the government shall append an additional expense in the annual budget as necessary.

(3) The whole amount of cess other than in (1) and (2) shall be the appropriated budget for funding

rubber planters in accordance with this Act, and shall not be spent for any others.

The budget deriving the profit from the cess allocated under Section 5, if there are any, the Board shall appropriate it as an expense for the administration of the rubber replanting aid, augmented from the appropriation in (2) to the extent of the necessity. If there is any residue, it shall be combined with the appropriated amount in order to fund for the rubber planters. In the following funding year, the cess appropriated for the rubber planters in (3), if there is the residuary part in any funding year, it shall be combined with the appropriated budget in order to fund for the rubber planters in (3) in the following funding year.

[This section is amended under Section 4 of the Rubber Replanting Aid Fund Act (NO.2), B.E.2503 (1960), B.E. 2505 (1962) and under Section 7 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960) , B.E.2530 (1987).]

Section 19. The cess appropriated for funding for the rubber planters under Section 18 (3), each year, shall be divided by;

types of rubber plantation as follows:

a type of large-sized plantation shall have ten percent;

a type of medium-sized plantation shall have twenty percent;

a type of small-sized plantation shall have seventy percent;

but if any person in a type of the plantations receive a fund less than the stated amount, the Board shall have the power to consider supplementing the rest of the cess for the other types of the plantations. In such case, the rate of the cess as above provided shall not be applicable to the planters of the same type of rubber plantation. They may receive funding more than of less than the others, before or after the others, or may not receive any fund. The Board shall appropriate the fund herein with regard to the allocated cess and on the basis of the common benefit deserved of the increase of the quantity of crops.

Any rubber planters lacking of fund under the paragraph hereinbefore does entail a loss of the right to receive a fund in the following funding years.

Section 20. Any rubber planter requiring a fund under this Act shall make a request for a fund with the local funding official in accordance with the pattern and the procedure prescribed in the Ministerial Regulation.

In the case where a person requesting for a fund is a rubber farmer in a leasehold land or tenanted land, such person must satisfy the funding official by proving that the lessor or the grantor has already consented to his request for the fund.

In the interest of the inspection of the Board in considering funding, the fund receiver shall facilitate and follow the orders of the Board or the official as necessary.

Section 21. A rubber planter who owns one plot of the rubber plantation with less than fifty rai or many plots which the total area is not over than fifteen rai shall request a fund by farming a good-quality

rubber plantation in a new land containing over than fifteen rai in lieu of replanting in the old land of the rubber plantation, provided that such planter shall be funded only insofar as he deserves from the old rubber plantation.

[This section is amended under Section 5 of the Rubber Replanting Aid Fund Act (NO.2), B.E.2503 (1960), B.E. 2505 (1962).]

Section 21. bis. In the interest of promotion of creating more good-quality rubber plantations, in the case where a person who never owns a rubber plantation and has his own land with not less than two rai requires to have a fund for farming rubber plantation, such person shall make a request for a fund to the Office of the Rubber Replanting Aid Fund in accordance with the patterns and the procedure prescribed in the Ministerial Regulation.

The performance of funding under paragraph one shall spend the subsidy, the annual budget, or the loan provided by the government.

The Board shall have the power to appropriate the cess for the person requesting a fund under paragraph one for not over than fifteen rai per person in accordance with the rules, the procedure, and the conditions prescribed by the Minister's consideration on the advice of the Board and published in the Government Gazette.

The provisions of section 22 and section 23 shall apply mutatis mutandis to the provision of the fund receiver under this section.

In the case where a person requesting for a fund under paragraph one does not receive a fund, such person shall not entail a loss of the right to be funded in the following funding years.

[This section is amended under Section 5 of the Rubber Replanting Aid Fund Act (NO.4), B.E.2503 (1960), B.E. 2530 (1987).]

Section 22. If a rubber planter receiving a fund under this Act violates or fails to comply with the Ministerial Regulation, the regulations, the rules, or the orders of the Board or the official ordering under this Act, the Board shall be empowered to extinguish the fund.

Section 23. The cess given to the rubber planters under this Act shall be exempted from any taxes, duties and fees.

Section 24. For the execution of this Act, the committees, the funding official and the person entrusted by the written authority from the Board shall have the following powers:

- (1) To enter a rubber plantation that the planter requests for a fund, and the area connected with such rubber plantation for the purpose of the inspection and the cadastral survey;
- (2) To issue a letter of recall of the rubber planter requesting for a fund and any person who has reasonable grounds to believe to give any facts that is beneficial to the implementation of this Act to make a statement;

(3) To issue a letter of recall of such person in (2) to submit or produce any document that is believed on reasonable grounds that it shall be beneficial to the implementation of this Act.

Section 25. Within one hundred and twenty days as from the last day of every funding year, the Board shall prepare a balance-sheet of the financial status with the certificate of inspection certified by the State Audit Commission, and shall submit a report on the outcome of the performance to the Minister. The Minister shall publish the balance-sheet and such report in the previous paragraph in the Government Gazette without delay.

[This section is amended under Section 6 of the Rubber Replanting Aid Fund Act (NO.2), B.E.2505 (1962).]

Section 26. Any person who does any commitment to avoid a payment of cess under Section 5 or to pay for the cess less than the required amount shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten times of the due cess but not less than one thousand Baht or to both.

The fine under this section shall be deemed as the cess accumulated under Section 5 and shall be combined with the Rubber Replanting Aid Fund.

Section 27. Any person impeding or causing inconvenience to the committees, the funding official or a person entrusted by the Board to perform the official duties under Section 24 (1), or any person failing to comply with the letter of recall issued by such person under Section 24 (2) or (3), shall be liable to imprisonment for a term not exceeding ten days or to a fine not exceeding five hundred Baht or to both.

Section 28. The Agriculture and Cooperatives Minister shall have charge and control of the execution of this Act and shall have the power to appoint a funding official and to issue Ministerial Regulations for the execution of this Act.

Such Ministerial Regulations shall come into force upon its publication in the Government Gazette.

The Act, B.E. 2503(1960) and the Act, B.E. 2505 (1962), countersigned by

Field Marshal S. Dhanarajata

Prime Minister

The Act, B.E. 2518(1975), countersigned by

Sanya Dharmasakti

Prime Minister

The Act, B.E. 2530(1987), countersigned by

General P. Tinsulanonda

Prime Minister

Remarks:

The rationale for the enactment of the Act, B.E. 2503 (1960), is that most of the rubber plantations in Thailand are old and the quality of rubber is rather low-quality, resulting in the production of rubber

being out of expectation. In order to improve such condition, the old rubber shall be replaced by the good-quality rubber species. Be it, therefore, it is expedient to have the law to establish the fund for providing the expense herein.

The rationale for the enactment of the second Act, B.E. 2505 (1962), is that the enactment of the provisions shall authorize the Board of the Rubber Replanting Aid to spend the budget drawn from the legal fruit of the cess, if there is any, for the administration of rubber replanting aid and for funding rubber farmers as appropriate, and to amend the provisions offering the owners of small-sized rubber plantations more opportunities to receive the rubber replanting aid for the new plot of land.

The rationale for the enactment of the third Act, B.E. 2518 (1975), is that since some types of trees such as coconuts, oil palms and fruit trees are economic crops and are deserved of the promotion or the replanting aid of the old fruitless trees in order to gain more crops like Para rubber trees; therefore, it is essential to extend the objectives of the Rubber Replanting Aid Fund in order to be able to offer the replanting aid of tree plantations by using a capital as an expense for aiding given by the government or by the Agriculture aid fund. Be it, therefore, it is necessary to amend the law on the Rubber Replanting Aid Fund.

The rationale for the enactment of the fourth Act, B.E. 2530 (1987), is that since the provision of the Rubber Replanting Aid Fund, B.E. 2503 (1960) with regard to the rules, the procedure, the conditions, and the cess rate for accumulating some cess from the rubber exporters have not been deemed appropriate to the current circumstances yet, it is expedient to re-formulate the rules, the procedure, and the conditions of the accumulation of cess as well as the rate of cess by specifying the cess rate to be related to the level of the cess rate and the export duty rate in accordance with the law on the custom tariff in order that the rate of the accumulated cess shall be stable, which is beneficial to the management of financial plan to let the rubber planters definitely receive a fund and to encourage the combination between the rate of the cess accumulation and the rate of export duty shall be able to compete with the neighboring countries which is beneficial to the country in preventing smuggling the export of rubber, and that is also consistent to the financial policy of the country. Other than those mentioned it is expedient to amend the elements and authorities of the Board of the Rubber Replanting Aid Fund including the term of office of the Board of the Rubber Replanting Aid Fund appointed by the Cabinet in order to enhance the proficiency of the administration of the Office of the Rubber Replanting Aid Fund. In addition, It is expedient to re-formulate the rate of the appropriation of the cess so as to be sufficient to the expenses of the administration of the aid and to grant a minor fund of good-quality rubber planting for a person who has his own land but never owns a rubber plantation before, and hence it is deemed essential to enact this Act.

The Rubber Replanting Aid Fund Act, B.E. 2518 (1975)
is particularly supplemented by the following provisions:

Section 6. The aid of replanting of other types of trees substituting for those in the old tree plantations shall be in accordance with the rules, the procedure, and the conditions prescribed by the Minister's consideration on the advice of the Board and published in the Government Gazette.

The Rubber Replanting Aid Fund Act, B.E. 2530 (1987) 2530

is particularly supplemented by the following provisions:

Section 9. During the unavailability of the publication of the formulation of the rules, the procedure, and the conditions of the payment of the cess and the rate of the cess under Section 5 of the Rubber Replanting Aid Fund Act, B.E. 2503 (1960) amended by this Act, the payment of the cess and the rate of the cess shall be in accordance with the Ministerial Regulation and the notification applied on the date of the publication of this Act in the Government Gazette.

Section 10. The Board holding office on the date of the publication of this Act in the Government Gazette shall keep holding office until the Board shall be appointed under this Act, at the latest, by not exceeding ninety days as from the date this Act shall come into force.