

NUCLEAR ENERGY FOR PEACE ACT (NO. 2),
B.E. 2562 (2019)

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN

Given on the 4th Day of April B.E. 2562;

Being the 4th Year of the Present Reign.

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on nuclear energy for peace.

This Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 40 of the Constitution of the Kingdom of Thailand so permit by virtue of law.

The reasons and necessities for restricting the rights and liberties of persons under this Act are to regulate radiation generators efficiently and in accordance with international standards by aiming to provide sufficient safety and security in order to prevent danger from nuclear and radiation impacts on people and the environment. The enactment of this Act is in accordance with the conditions prescribed in section 26 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 Legislative Assembly acting as the National Assembly, as follows:

Section 1. This Act is called the “Nuclear Energy for Peace Act (No. 2), B.E. 2562 (2019)”.

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

* Published in the Government Gazette, Vol. 136, Part 43a, dated 5th April B.E. 2562 (2019)

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Section 3. The provisions of section 5 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“**Section 5.** The Minister of Science and Technology and the Minister of Public Health shall have charge and control of the execution of this Act accordingly in relation to their respective powers and duties.

The Minister of Science and Technology shall have the power to appoint competent officials and issue Ministerial Regulations prescribing fees not exceeding the rates attached to this Act, prescribing fee reduction or fee waiver, and prescribing other acts for the execution of this Act.

The Minister of Public Health shall have the power to appoint competent officials and issue Ministerial Regulations under section 26/1 and section 91/1 paragraph two.

Ministerial Regulations under paragraph two may prescribe different fees according to the categories, types, sizes, or activity levels of radioactive material, radiation generators, nuclear material, nuclear facilities, or radioactive waste.

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

Section 4. The provisions of (6) in section 8 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“(6) to specify radioactive material that is required a notice of possession or use under section 20 paragraph one, specify radiation generators that are required a notice of possession under section 26/1 paragraph one and section 26/2 paragraph one, or specify nuclear material that is required a notice of possession under section 38 paragraph one;”.

Section 5. The provisions of (18) in section 8 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“(18) to specify the rules and procedures regarding the nuclear and radiation safety and security as well as nuclear safeguards under section 91 and section 91/1 paragraph one and rules regarding safety standards under section 91/1 paragraph two;”.

Section 6. The following provisions shall be added as (18/1) in section 8 of the Nuclear Energy for Peace Act, B.E. 2559 (2016):

“(18/1) to specify the rules of having radiation safety officers under section 92, the rules of having nuclear safety officers under section 93, and the rules of having nuclear reactor operators under section 94”.

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Section 7. The provisions of (7) in section 13 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“(7) to decide on an appeal against an order under this Act from the Secretary General or the person assigned by the Minister of Public Health”

Section 8. The following provisions shall be added as section 26/1 and section 26/2 of the Nuclear Energy for Peace Act, B.E. 2559 (2016):

“**Section 26/1.** A radiation generator as prescribed by Ministerial Regulation, specifically designed for medical diagnostics, not containing radioactive material, and for use in a medical facility, shall be a radiation generator that the possessor does not need to apply for a license under section 26.

Any person possessing or using a radiation generator who is not required to apply for a license under paragraph one shall submit a notice of the possession or use of the radiation generator to the person assigned by the Minister of Public Health.

Submitting a notice of the possession or the use of a radioactive generator shall be in accordance with the rules, procedures, conditions, and periods of time prescribed by Ministerial Regulation.

Ministerial Regulation under paragraph one may prescribe a component of a radiation generator under paragraph one to be a radiation generator under paragraph one.

Medical facilities under paragraph one mean medical facilities under the law on medical facilities and veterinary facilities under the law on veterinary facilities, including medical facilities and veterinary facilities of government agencies.

Section 26/2. In addition to radiation generators under section 26/1, other radiation generators as prescribed by Ministerial Regulation shall be radiation generators that the possessor does not need to apply for a license under section 26, considering the power level and the usage nature of radiation generators.

Any person possessing or using a radiation generator who is not required to apply for a license under paragraph one shall submit a notice of the possession or use of the radiation generator to the Secretary General.

Submitting a notice of the possession or use of a radiation generator shall be in accordance with the rules, procedures, conditions, and periods of time prescribed by Ministerial Regulation.”

Section 9. The provisions of section 91 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

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“Section 91. A license holder under this Act shall comply with the rules and procedures regarding nuclear and radiation safety and security, including nuclear safeguards, as the case may be, as prescribed by Ministerial Regulation.”

Section 10. The following provisions shall be added as section 91/1 of the Nuclear Energy for Peace Act, B.E. 2559 (2016):

“Section 91/1. Any person possessing or using radioactive material under section 20 or a radiation generator under section 26/2 or any person possessing nuclear material under section 38 shall comply with the rules and procedures regarding nuclear and radiation safety and security, including nuclear safeguards, as the case may be, as prescribed by Ministerial Regulation.

A person possessing or using a radiation generator under section 26/1 shall comply with the rules on safety standards as prescribed by Ministerial Regulation.”

Section 11. The provisions of section 92 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“Section 92. A holder of license to produce, possess, or use radioactive material and a holder of a license to possess or use a radiation generator shall have a radiation safety officer on duty at the facility of the license holder in accordance with the rules prescribed by Ministerial Regulation.”

Section 12. The provisions of section 93 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“Section 93. A license holder under section 36 (1) and (2) shall have a nuclear material technical officer on duty at the facility of the license holder in accordance with the rules prescribed by Ministerial Regulation.”

Section 13. The provisions of section 94 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“Section 94. A holder of a license to operate a nuclear facility utilizing a nuclear reactor shall have a reactor operator on duty at the facility of the license holder in accordance with the rules prescribed by Ministerial Regulation.”

Section 14. The provisions of paragraph one of Section 96 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“Section 96. A license under section 95 shall be valid for a term not exceeding five years.”

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Section 15. The provisions of paragraph one in Section 105 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“**Section 105.** A person who receives an order under this Act from the Secretary General or the person assigned by the Minister of Public Health and disagrees with such order shall have the right to appeal to the Commission in accordance with the rules, procedures, and conditions prescribed by the Commission.”

Section 16. The provisions of paragraph two in section 112 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“The identification card of a competent official shall be in the form prescribed by the Notification of the Secretary General or the person assigned by the Minister of Public Health, as the case may be.”

Section 17. The provisions of section 117 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“**Section 117.** A person possessing or using radioactive material or a radiation generator or a person possessing nuclear material who violates section 20 paragraph two, section 26/1 paragraph two, section 26/2 paragraph two, or section 38 paragraph two shall be liable to a fine not exceeding one hundred thousand baht.”

Section 18. The provisions of section 122 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“**Section 122.** Any license holder who fails to comply with section 91 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.”

Section 19. The following provisions shall be added as section 122/1 of the Nuclear Energy for Peace Act, B.E. 2559 (2016):

“**Section 122/1.** A person possessing or using radioactive material or a radiation generator or a person possessing nuclear material who fails to comply with section 91/1 paragraph one or paragraph two shall be liable to a fine not exceeding one hundred thousand baht.”

Section 20. The provisions of Section 140 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“**Section 140.** Regarding the offences under this Chapter, the Court shall inflict a punishment upon an offender by taking into consideration the quantity or activity level of

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radioactive material, nuclear material, radioactive waste, or spent nuclear fuel, and the maximum radiation energy occurred, the radiation dose received, or the nature of use of a radiation generator.”

Section 21. The provisions of paragraph one in section 144 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“**Section 144.** All offences under this Act which are only punishable by a fine or imprisonment not exceeding one year or a fine not exceeding one hundred thousand baht or both may be settled by the Case Settlement Committee, consisting of the Secretary General, a representative from the Office of the Attorney General and a representative from the Royal Thai Police, by way of payment. In the case of offenses relating to a radiation generator, specifically designed for medical diagnostics, not containing radioactive material, and for use in a medical facility, under section 26/1, the person assigned by the Minister of Public Health shall replace the Secretary General as the member in the Case Settlement Committee.”

Section 22. The following provisions shall be added as (31/1) and (31/2) in the rates of fees of the Nuclear Energy for Peace Act, B.E. 2559 (2016):

“(31/1) License transfer	2,000 baht each
(31/2) License amendment	2,000 baht each”

Section 23. The provisions of (32) (33) (34) and (35) in the rates of fees of the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall be repealed and replaced by the following:

“**Nuclear and radiation officers**

(32) License for radiation safety officer	5,000 baht each
(33) License for nuclear material technical officer	5,000 baht each
(34) License for nuclear reactor operator	10,000 baht each
(35) License substitute	500 baht each”

Section 24. The following provisions shall be added as (35/1) and (35/2) of nuclear and radiation officers in the rates of fees of the Nuclear Energy for Peace Act, B.E. 2559 (2016)

“(35/1) License renewal	each time equal to the fee for each type of licenses
(35/2) License amendment	500 baht each”

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Section 25. The following provisions shall be added as (41/1) in the rates of fees the Nuclear Energy for Peace Act, B.E. 2559 (2016):

“(41/1) License transfer 2,000 baht each”

Section 26. A license to produce, possess, or use atomic energy from a radiation generator under the Atomic Energy for Peace Act, B.E. 2504 (1961) and a license to possess, or use a radiation generator under the Nuclear Energy for Peace Act, B.E. 2559 (2016) for a radiation generator under section 26/1 and section 26/2 of the Nuclear Energy for Peace Act, B.E. 2559 (2016), as amended by this Act, before the date this Act comes into force, and if such licenses are still valid, shall be deemed as the receipts of notices of possession or use of radiation generators under section 26/1 or section 26/2 of the Nuclear Energy for Peace Act, B.E. 2559 (2016), as amended by this Act, as the case may be.

A holder of a license that is deemed to be the receipt of a notice under paragraph one, who failed to comply with section 92 of the Nuclear Energy for Peace Act, B.E. 2559 (2016), as amended by this Act, before the date this Act comes into force shall not be liable for punishment.

Section 27. Ministerial Regulations under section 26/1, section 26/2, section 91/1, section 92, section 93, and section 94 of the Nuclear Energy for Peace Act B.E. 2559 (2016), as amended by this Act, shall be promulgated within ninety days from the date this Act comes into force. If case of otherwise, the Minister shall report the reasons to the Council of Ministers.

When Ministerial Regulations under paragraph one promulgated under section 26/1 or section 26/2 of the Nuclear Energy for Peace Act, B.E. 2559 (2016), as amended by this Act, are in force, a person possessing or using a radiation generator under such section, who does not apply for a license under the Nuclear Energy for Peace Act, B.E. 2559 (2016) shall submit a notice of the possession or use within ninety days from the date such Ministerial Regulations are in force, as the case may be. Once the notice submitted, such possession or use of that radiation generator shall not be an offence. The person shall be able to possess or use that radiation generator until receiving an order that such notice is not accepted from the person assigned by the Minister of Public Health or the Secretary General, as the case may be.

When Ministerial Regulations under paragraph one promulgated under section 92, section 93, or section 94 of the Nuclear Energy for Peace Act B.E. 2559 (2016), as amended by this Act, are in force, and a license holder who has provided a radiation safety officer, a nuclear material technical officer, or a reactor operator, as the case may be, on duty at the facility of the license holder in accordance with the rules prescribed by such Ministerial

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Regulations within sixty days from the date Ministerial Regulations come into force shall not be liable for punishment.

Section 28. An application for a license and a license extension to possess or use a radiation generator under section 26/1 or section 26/2 of the Nuclear Energy for Peace Act, B.E. 2559 (2016), as amended by this Act, which was submitted before the day this Act comes into force shall be deemed to be a submission of a notice of the possession or the use of a radiation generator to the person assigned by the Minister of Public Health or the Secretary General, as the case may be, under the Nuclear Energy for Peace Act, B.E. 2559 (2016), as amended by this Act.

Section 29. The licenses under section 95 of the Nuclear Energy for Peace Act, B.E. 2559 (2016) issued before the day this Act comes into force, which are currently valid, shall be valid for five years from the date of granting that license.

Section 30. All Ministerial Regulations, notifications, or rules under the Nuclear Energy for Peace Act, B.E. 2559 (2016), which are in force on the day before this Act comes into force, shall continue to be in force in so far as they are not contrary to or inconsistent with this Act.

Section 31. The Minister of Science and Technology and the Minister of Public Health shall have charge and control of the execution of this Act accordingly in relation to their respective powers and duties.

Countersigned by
General Prayut Chan-o-cha
Prime Minister

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