

NATIONAL CULTURE ACT

B.E. 2553 (2010)¹

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BHUMIBOL ADULYADEJ, REX.

Given in the 4th Day of November B.E. 2553;
Being the 65th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on national culture and the law on the Office of the National Culture Commission;

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

Section 1. This Act is called the “National Culture Act B.E. 2553 (2010).”

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

Section 3. The followings shall be repealed:

- (1) The National Culture Act B.E. 2485;
- (2) The National Culture Act (No. 2) B.E. 2486;

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¹ Translated by Mr. Tohpong Smiti under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

- (3) The Act on uniform of the National Culture Commission B.E. 2486;
- (4) The National Culture Commission Act B.E. 2522;
- (5) The National Culture Commission Act (No. 2) B.E. 2535

Section 4. In this Act;

“Culture” means the living, thought, belief, value, norm, worship, and wisdom which a community and society has mutually created, collected, fostered, inherited, educated, amended and modified so that there is a prosper in mind and object peacefully and sustainably;

“Fund” means Cultural Promotion Fund

“Commission” means the National Culture Commission;

“Minister: means the Minister having charge and control of this Act.

Section 5. The Minister of Culture shall have charge and control of this Act and shall have the power to prescribe the Ministerial Regulation for the execution of this Act.

The Ministerial Regulation shall come into force upon its publication in the Government Gazette.

CHAPTER I

ADMINISTRATION OF THE CULTURE WORK

PART 1

NATIONAL CULTURE COMMISSION

Section 6. The National Culture Commission shall consist of the Prime Minister or Deputy Prime Minister assigned by the Prime Minister as the Chairperson, the Minister of Culture as the Deputy Chairperson, the Permanent Secretary of the Prime Minister’s Office, the Permanent Secretary of the Ministry of Finance, Permanent Secretary of

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the Ministry of Foreign Affairs, Permanent Secretary of the Ministry of Tourism and Sports, Permanent Secretary of the Ministry of Social Development and Human Security, Permanent Secretary of the Ministry of Natural Resources and Environment, Permanent Secretary of the Ministry of Agriculture and Cooperatives, Permanent Secretary of the Ministry of Information and Communication Technology, Permanent Secretary of the Ministry of Commerce, Permanent Secretary of the Ministry of Interior, Permanent Secretary of the Ministry of Education, Permanent Secretary of the Ministry of Public Health, Chairperson of the Culture Council of Thailand and the qualified members appointed by the Prime Minister who are specialised in the field of culture for not exceeding nine persons as members.

Permanent Secretary of the Ministry of Culture shall be member and secretary and the Permanent Secretary of the Ministry of Culture shall appoint official under the Ministry of Culture as assistant to secretary.

Section 7. The qualified members shall have the qualifications and prohibitions as follows:

- (1) Is of Thai nationality;
- (2) Is not less than forty years of age;
- (3) Has the experience and work on the reservation, development or promote culture;
- (4) Being bankrupt, an incompetent person or a quasi- incompetent person;
- (5) Being imprisoned due to a final judgment to a term of imprisonment except for an offence committed through negligence or a petty offence.

Section 8. The qualified members shall be in office for a term of three years and may be reappointed but shall not be more than two consecutive terms.

In the case where the qualified member vacates the office before the expiration of the term or in the case where there is an additional appointment during the time where the qualified member appointed is still in the office, the appointee shall replace

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or be the qualified member for the remaining period of the member whom he or she replaces or the existing appointed member.

In the case where the qualified member vacates the office at expiration of the term and if there is no new appointment, the member who vacates the office shall be in office to perform his or her duties until the new qualified member is appointed.

Section 9. In addition to vacating office at the end of the term, a member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Prime Minister due to performing an act violating this Act or damaging behaviour or incompatible;
- (4) lack of the qualification or prohibition under section 7.

Section 10. At a meeting of the Commission, the presence of not less than one-half of the total number of members is required to constitute a quorum.

At any meeting, if the Chairperson is not present at the meeting or is unable to perform the duties, the first Vice-Chairperson shall preside over the meeting. If the Chairperson and first Vice-Chairperson is not present at the meeting or is unable to perform the duties, the second Vice-Chairperson shall preside over the meeting. If the Chairperson and both Vice-Chairpersons are not present at the meeting or are unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 11. The Commission has the following powers and duties:

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(1) to provide recommendation and opinion to the Council of Ministers relating on policies and the master plan for the national culture;

(2) to provide recommendation to the Council of Ministers to arrange or amend the law, rule, regulation or the resolution of the Council of Ministers on the national culture;

(3) to lay out the means and to coordinate the policies and plan to encourage the cooperation and the performance of governmental or private agencies concerning the national culture and encouragement of the national culture;

(4) to provide recommendation, suggestion and cooperate with the governmental or private agencies with the promotion of the national culture;

(5) to control and to find means to cultivate the national culture in the heart of the people for the execution of this Act;

(6) to supervise, follow up and evaluate the performance on the national culture;

(7) to specify the annual financial and budget plan of the fund;

(8) to consider for the submission to the Council of Ministers in the issuance of the Ministerial Regulation for the execution of this Act;

(9) to perform any other acts as prescribed under this Act or any other Acts which provides to be the powers and duties of the Commission or as assigned by the Council of Ministers.

The master plan of the national culture under (1) shall consist of the means to promote the culture of democratic regime of government with the King as the head of state.

Section 12. The Commission may appoint the sub-commission to perform any acts as assigned by the Commission.

Section 10 shall apply to the meeting of the sub-commission *mutatis mutandis*.

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PART 2
COUNCIL OF CULTURE

Section 13. For the purpose of conservation and rehabilitation of norm and culture, local wisdom, national and local culture and cooperation of the culture which the grassroots and public participate in, it shall establish the Council of Culture in each level consisting of:

- (1) Thailand Council of Culture;
- (2) provincial Council of Culture;
- (3) *amphur* Council of Culture;
- (4) *tambon* Council of Culture

The establishment of other Councils of Culture in additional to (1), (2), (3) and (4) shall be as prescribed in the Ministerial Regulation.

Section 14. The Council of Culture established under section 13 shall have the legality as the private organization and performs the task relating to culture and under the supervision of the Department of Cultural.

Section 15. The Council of Culture established under section 13 shall consist of the members of council and members who are the representatives of the agencies on the culture or other related agencies which are the agencies under the culture network such as the governmental network, private network, community network, business network, local wisdom network and academic network. In this regard, it shall be as prescribed in the Ministerial Regulation

Section 16. In each province, *Amphur* and *Tambon*, it shall establish the Provincial Council of Culture, *amphur* Council of Culture and *tambon* Council of Culture under section 13 in each level.

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Section 17. Qualifications, criteria, method of receiving, the amount of members, term of office, expiration of term, meeting, management and the performance of the Council of Culture under section 13 and section 15 shall be as prescribed in the Ministerial Regulation.

Section 18. The Council of Culture shall have the following duties:

- (1) to provide opinion or recommendation to the Commission relating to the specification of the policies and plans of the national culture;
- (2) is the centre in exchange of knowledge, experience and concept on the work relating to the culture network;
- (3) to mobilize resources, personnel and others from the agencies and organizations for the performance of task related to culture;
- (4) to promote, support and coordinate to organize the member organization and culture network to preserve, rehabilitate, develop, create, exchange, inherit, and be cautious on the culture;
- (5) to distribute the information on the activities and work result on the member organization and the culture network;
- (6) other act as requested for cooperation from the Commission, Ministry of Culture, Province or other agencies.

CHAPTER II

CULTURAL PROMOTION FUND

Section 19. The fund shall be established under the Department of Cultural Promotion and it shall be called “Cultural Promotion Fund” with the purpose to be an expense fund relating to the promotion and support of the cultural work under this Act.

Section 20. The fund shall consist of:

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- (1) money and properties transferred under section 32.
- (2) Support money from the government as allocated in the annual budget;
- (3) Money or properties donated or provided;
- (4) Money or properties received from the foreign or international organizations;
- (5) Interest or income occurred from money or properties of the fund;
- (6) Other income.

Section 21. The fund committee shall be established and consist of the qualified person with knowledge and specialty in asset management and culture appointed by the Commission for not exceeding eight persons as members of the committee.

The committee in paragraph one shall select one member to be the chairperson of the fund committee.

The Director-General of the Department of Cultural Promotion shall be a member and secretary.

Section 22. Section 7, section 8, section 9 and section 10 shall apply to the qualification, term of office and vacating of office of the fund committee including the meeting of the fund committee *mutatis mutandis*.

Section 23. The fund committee shall have the following duties:

- (1) To manage the fund in according to its purpose;
- (2) To consider the approval of the projects or activities of the government sector, private sector and the community sector which requests for the support money from the fund in accordance with the national culture policy in education, research, development, rehabilitation, promotion and distribution of culture;
- (3) To follow up and evaluate the project or activity which has been promoted or supported from the Fund;

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(4) To submit an annual report concerning the financial status and management of the fund to the Commission;;

(5) To act as assigned by the Minister or the Commission.

Conditions and details of the project or activity under (2) shall be in accordance with the regulation as prescribed by the fund committee.

Section 24. Money and interest under section 20 shall not be remitted to the Ministry of Finance under the law on Treasury Balance and Budgetary.

Section 25. The donator of money or properties to the fund is entitled to income tax deduction or an exemption to the tax on such donated money or properties as the case may be. In this regard, it shall be in accordance with the rule, procedure and criteria as prescribed in the Revenue Code.

Section 26. Acceptance, disperse, maintenance of money, seeking of interest and fund management shall be in accordance with the regulation prescribed by the Fund committee with the approval of the Ministry of Finance.

Section 27. The fund committee shall conduct the balance sheet and account and annually submit them to the auditor within one hundred and twenty days as from the date of the end of the accounting year.

Office of the Auditor General of Thailand or a third party as appointed by the fund committee with the approval of the Office of the Auditor General of Thailand shall be an auditor of the fund each year and report the result of the account of the fund to the committee.

CHAPTER III

HONOR

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Section 28. The following people may receive the honor in the field of culture:

- (1) National artist;
- (2) Qualified person in the field of culture;
- (3) A person whose work is excellent in the field of culture

Section 29. The specification of branch, qualification, rules and procedures in the selection of national artists including the reward from the fund for the national artists shall be as prescribed in the Ministerial Regulation.

The specification of branch, qualification, rules and procedures in the selection of qualified person in the field of culture including the reward from the fund for the national artists shall be as prescribed in the Regulation by the Committee with the approval of the Ministry of Finance.

Section 30. The person receiving the honor under section 28 shall play a role in the followings:

- (1) To research, develop, rehabilitate, preserve, educate, promote and publicize the art work and culture;
- (2) To provide recommendation and consultation on the art and culture to the Ministry of Culture.

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TRANSITORY PROVISIONS

Section 31. All the Royal Decrees, Ministerial Regulations, Regulations, Rules or Notification prescribed under the National Culture Act B.E. 2485 and the Office of the National Culture Commission Act B.E. 2522 which were in force before this Act has come into force shall continue to be enforced so far as it is not contradictory or inconsistent to the provisions of this Act. In this regard, it is only until there are Ministerial Regulations, Regulations, Rules, or Notification prescribed under this Act.

Section 32. Properties, obligations, budget, and income of the Fund on the cultural promotion under the Office of the National Culture Commission Act B.E. 2522 shall be transferred to the Cultural Promotion Fund under this Act.

Section 33. The persons who are in office as the National Culture Commission under the Office of National Culture Commission Act B.E. 2522 on the day that this Act is published in the Government Gazette shall continue to perform their duties until the appointment of the Cultural Promotion Fund Committee. In this regard, it shall not exceed ninety days as from the day that this Act has come into force.

Section 34. The person who is the national artist, the qualified person in the field of culture and the person whose work is excellent in the field of culture on the day that this Act has come into force shall be the national artist, the qualified person in the field of culture, or the person whose work is excellent in the field of culture under this Act as the case may be.

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Section 35. The members of the Commission and members in the Council of Culture under the Regulation of the Ministry of Culture on the Council of Culture B.E. 2551 on the day that this Act has published in the Government Gazette shall continue to perform their duties until the appointment of the members of the Commission and members of the Council of Culture under this Act has been made. In this regard, it shall not exceed ninety days as from the day that this Act has come into force.

Countersigned

Abhisit Vejjajiva

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