

**EMERGENCY DECREE ON CIVIL AVIATION OF THAILAND,  
B.E. 2558 (2015)**

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BHUMIBOL ADULYADEJ, REX.

Given on the 30<sup>th</sup> Day of September B.E. 2558;

Being the 70<sup>th</sup> 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 civil aviation of Thailand;

By virtue of the provisions of section 21 of the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 (2014), be it, therefore, enacted by the King, as follows:

**Section 1.** This Emergency Decree shall be called the “Emergency Decree on Civil Aviation of Thailand B.E. 2558 (2015).”

**Section 2.** This Emergency Decree shall come into force from the date of its publication in the Government Gazette.<sup>1</sup>

**Section 3.** In this Emergency Decree:

“Civil Aviation Board” means the Civil Aviation Board under the law on air navigation;

“Authority” means the Civil Aviation Authority of Thailand;

“Commission” means the Civil Aviation Authority of Thailand Commission

“Director” means the Director of the Civil Aviation Authority of Thailand;

“international standards” means the standards designated under the Convention on International Civil Aviation, done at Chicago on the 7<sup>th</sup> December 1944, as amended;

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\* Translated by Associate Professor Chandler MHM, and reviewed by Associate Prof. Pisawat Sukonthapan under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

<sup>1</sup> Published in the Government Gazette, Vol. 132, Part 95a, Page 1, dated 1<sup>st</sup> October 2558 (2015)

“Minister” means the Minister in charge of the enforcement of this Emergency Decree.

**Section 4.** The Minister of Transport shall be in charge of the enforcement of this Emergency Decree.

## CHAPTER I CIVIL AVIATION ORGANISATIONS

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### Division 1 The Civil Aviation Authority of Thailand

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**Section 5.** The Civil Aviation Authority of Thailand, abbreviated as “KorPorThor”, with the English name “The Civil Aviation Authority of Thailand”, abbreviated as “CAAT”, shall be established as a State agency that is not a government agency or State enterprise under the law on budget procedures or other laws, and shall have the status of a juristic person.

**Section 6.** The affairs of the Authority shall not be subject to the laws on labor protection, labor relations, social security and workmen’s compensation. However, the officers and employees of the Authority shall enjoy benefits that are no less than those provided by the laws on labor protection, social security and workmen’s compensation.

**Section 7.** The Authority has the following objectives:

- (1) to direct, supervise, control, promote and develop civil aviation with respect to safety, environmental conservation, security, air transport facilitation, air transport economy and other aspects of civil aviation to ensure compliance with law and the international standards;
- (2) to implement the law on certain offences against air navigation;
- (3) to promote and develop the air transport system network, aviation industry and civil aviation to ensure efficiency and compliance with the international standards;

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(4) to act as the centre for providing services and disseminating information and news concerning civil aviation so as to be internationally operable and competitive.

**Section 8.** In addition to the powers and duties necessary to implement its objectives, the Authority shall also have the powers and duties to:

(1) study, analyse and develop civil aviation with respect to safety, environmental conservation, security, air transport facilitation, air transport economy and the nation's civil aviation infrastructure;

(2) recommend policy to the Civil Aviation Board concerning civil aviation and air transport;

(3) make recommendations to the Minister in issuing Ministerial Regulations under the law on air navigation;

(4) function as an administrative unit for the Civil Aviation Board under the law on air navigation and to perform other tasks as assigned by the Civil Aviation Board;

(5) prepare facilitation plans, security plans and safety plans for national civil aviation; to propose a national commercial aerodrome (*sa-naam-bin*) establishment master plan to the Civil Aviation Board for its consideration and approval; and to oversee and control the implementation of such plans;

(6) regulate civil aviation and to prescribe rules, procedures and conditions for the use of airspace to ensure maximum safety and efficiency;

(7) examine, monitor, control and encourage those involved in the aviation industry and civil aviation to comply with laws, rules, Rules and the international standards;

(8) oversee aerodrome affairs and licensed aerodromes established under the law on air navigation or under other laws to achieve safety and compliance with the international standards;

(9) provide cooperation with and support for the Civil Aviation Board and government agencies in coordinating or negotiating with international organisations or foreign countries regarding air traffic rights or in reaching any agreements concerning civil aviation that are within the powers and duties of other government agencies;

(10) cooperate and coordinate with relevant organisations or agencies within the country and abroad with respect to Thailand's obligations regarding civil aviation under any convention or international agreement to which Thailand is a party;

(11) promote and support research and development of civil aviation;

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(12) certify courses and training institutions for personnel under the law on air navigation and to prescribe the required qualifications and knowledge of other flight personnel;

(13) prescribe working standards for personnel under the law on air navigation;

(14) prepare registers of aircraft, personnel and other persons involved with civil aviation;

(15) prepare and disseminate knowledge and news regarding civil aviation;

(16) perform any other necessary or related acts to achieve the objectives of the Authority, or as prescribed by law as being within the powers and duties of the Authority, or as assigned by the Minister or the Council of Ministers.

**Section 9.** In carrying out its affairs, the Authority may:

(1) hold ownership or have possessory rights or real rights;

(2) create rights or do any juristic acts involving property;

(3) borrow money for the purpose of implementing the objectives of the Authority.

**Section 10.** The Authority may have the following income and property:

(1) money paid by the government as initial capital;

(2) a general subsidy allocated by the government;

(3) fees collected by the Authority under the law on air navigation;

(4) civil aviation supervision fees under section 39;

(5) a surcharge under section 41;

(6) fees, membership fees, remunerations, service charges or incomes or benefits earned from operations under the powers and duties of the Authority;

(7) income or benefits earned from intellectual property;

(8) money and property donated to the Authority;

(9) any other interest or benefits arising from the capital, income or property of the Authority.

**Section 11.** Income under section 10 shall be vested in the Authority as its operating expenses and appropriate charges without remitting them to the Ministry of Finance under the law on treasury reserves and the law on budget procedures.

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If there are surplus funds, the Authority shall remit them to the Ministry of Finance as public revenue as required by the Ministry of Finance.

If the income of the Authority is insufficient to meet its operating expenses and appropriate charges, and the Authority is unable to find money from other sources, the State shall allocate subsidies as necessary.

**Section 12.** The property of the Authority shall not be subject to execution, and no person shall raise prescription as a defence against the Authority regarding its property.

**Section 13.** None of the income of the Authority shall be subject to corporate income tax.

The Ministry of Finance shall proceed so as to exempt the Authority from taxes and import duties under customs law for articles imported for use in performance of the duties of the Authority.

**Section 14.** The income and property of the Authority shall be used exclusively for the affairs of the Authority.

## Division 2

### Civil Aviation Authority of Thailand Commission

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**Section 15.** There shall be a commission called the “Civil Aviation Authority of Thailand Commission”, comprised of the Permanent Secretary for Transport as Chairperson and not more than five people appointed by the Council of Ministers. These people consist of one representative of the Royal Thai Air Force and experts in commercial aviation management, law, finance or public finance, management or any other field of benefit to the affairs of the Authority.

The Director shall be a Commissioner and the secretary. The Director may appoint an assistant secretary as necessary.

**Section 16.** An expert Commissioner must have the following qualifications:

- (1) being a Thai national;
- (2) being not less than 45 but not more than 65 years old;

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(3) having achievements or having performed work indicating his or her knowledge, understanding and expertise or experience in the appropriate field.

**Section 17.** An expert Commissioner must not have any of the following prohibited characteristics:

- (1) being bankrupt or having been bankrupt due to dishonesty;
- (2) being an incompetent person or a quasi-incompetent person;
- (3) having been imprisoned due to a final court judgment, except for an offence committed through negligence or a petty offence;
- (4) being a director, manager or person with power to manage a juristic person operating any business involving civil aviation;
- (5) being a government official, officer or employee of a government agency, State enterprise or other State organisation, or of a local administration;
- (6) being or having been a political official, person holding a political office, local administrator or member of a local council, unless he or she has vacated such office for not less than two years;
- (7) being or having been a director, advisor or person holding other office in a political party or an official of a political party, unless he or she has vacated such office for not less than two years;
- (8) having been removed from an office under the provisions of the Constitution of the Kingdom of Thailand;
- (9) having been expelled, dismissed, or discharged from government service or from a State organisation, State enterprise or private organisation due to malfeasance or gross misconduct;
- (10) being an official or employee of the Authority or advisor or expert having a contract with the Authority;
- (11) having an interest in an undertaking made with the Authority or in a business that is competitive with that of the Authority either directly or indirectly.

**Section 18.** An expert Commissioner shall hold office for a term of four years and may be reappointed, but may not hold office for more than two consecutive terms.

If an expert Commissioner's term of office expires under paragraph one and no new expert Commissioner has been appointed, the retiring expert Commissioner member shall remain in office and continue working until the newly appointed expert Commissioner assumes his or her duties.

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**Section 19.** Apart from retirement upon the expiration of the term of office, an expert Commissioner shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) discharge by the resolution of the Council of Ministers due to misfeasance, disgraceful conduct or lack of ability;
- (4) lack of qualification or having a prohibited characteristic under section 16 or section 17.

**Section 20.** The Commission shall have the powers and duties to control and supervise the operation of the Authority to ensure that it achieves its objectives efficiently and effectively. Such powers and duties shall include:

- (1) setting policies and guidelines for the operation of the Authority in conformity with the policies stipulated by the Civil Aviation Board;
- (2) approving the goals, plans and projects proposed by the Director;
- (3) overseeing the management and operation of the Authority to ensure compliance with the laws, Regulations, Requirements, Notifications, Rules or Orders of the Authority and with the international standards;
- (4) issuing Regulations, Requirements, Notifications or Rules concerning allocation of work, organizational management, general management, monetary matters, finance, budget spending, supplies, personnel management, wages, remunerations, provision of welfare and other rights and benefits, and other matters necessary for management of the affairs of the Authority;
- (5) approving the fixture of fees, examination fees, upkeep, remunerations and any service charges pursuant to the powers and duties of the Authority;
- (6) approving the placement, appointment or removal of officers at the level of deputy director of the Authority or above;
- (7) appointing sub-committees, advisers or working groups to proceed as assigned by the Commission;
- (8) performing any other acts as prescribed in this Emergency Decree or other laws.

**Section 21.** Meetings of the Commission and any sub-committees shall be conducted in accordance with the Rules prescribed by the Commission.

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**Section 22.** The Commissioners and any sub-committee members shall receive meeting allowances and benefits as fixed by the Council of Ministers.

### Division 3

#### Director of the Civil Aviation Authority of Thailand

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**Section 23.** The Authority shall have a Director appointed by the Commission and selected from among those who have knowledge, expertise and long experience in aviation and have evident achievements in civil aviation or other related fields that benefit the operation of the Authority.

The selection of the Director shall be made in accordance with the rules and procedures prescribed by the Commission and published in the Government Gazette.

**Section 24.** In addition to the qualifications set forth in section 23, the Director must also have the following qualifications:

- (1) being a Thai national;
- (2) being not less than 45 but not more than 65 years old;
- (3) being able to work full time for the Authority.

**Section 25.** A person with any of the following characteristics shall be prohibited from serving as the Director:

- (1) being bankrupt or having been bankrupt due to dishonesty;
- (2) being an incompetent person or a quasi-incompetent person;
- (3) having been imprisoned due to a final court judgment, except for an offence committed through negligence or a petty offence;
- (4) being a director, manager or person with power to manage a juristic person operating any business involving civil aviation;
- (5) being a government official, officer or employee of a government agency, State enterprise or other State organisation, or of a local administration;
- (6) being or having been a political official, person holding a political office, local administrator or member of a local council, unless he or she has vacated such office for not less than two years;

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(7) being or having been a director or person holding other office in a political party or an official of a political party, unless he or she has vacated such office for not less than two years;

(8) having been removed from an office under the provisions of the Constitution of the Kingdom of Thailand;

(9) having been expelled, dismissed, or discharged from government service or from a State organisation, State enterprise or private organisation due to malfeasance or gross misconduct.

**Section 26.** The Director shall hold office for a term of four years, and may be reappointed, but shall hold office for no more than two consecutive terms.

**Section 27.** Apart from retirement upon the expiration of the term of office, the Director shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) an event stipulated in the employment contract or agreement between the Commission and the Director;
- (4) discharge by the Commission due to misfeasance, disgraceful conduct or lack of ability;
- (5) discharge by the Commission due to inability to push for the prescription of qualifications, rules, procedures, conditions, standards and practice guidelines for oversight under section 37 (1) in compliance with the international standards, causing damage to the aviation industry;
- (6) lack of qualification or having a prohibited characteristic under section 24 or section 25.

**Section 28.** The Director shall have the duty to manage the affairs of the Authority in compliance with its objectives, powers and duties under this Emergency Decree and with the laws, Rules, Regulations, Notifications, Requirements, policies and resolutions of the Commission. The Director shall also have the following duties:

- (1) to propose goals, plans and projects to the Commission for its consideration and approval, and to then proceed to achieve those goals, plans and projects;
- (2) to address and solve all problems that might cause civil aviation in Thailand to fall below the international standards;

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(3) to conduct, control and supervise the prompt and timely implementation of section 37;

(4) to monitor, evaluate; and prepare a report on; civil aviation, and submit such report to the Minister or the Commission pursuant to the powers and duties of the Authority or as required by law;

(5) to submit to the Commission for its consideration an annual report regarding the results of various aspects of the operations of the Authority, as well as a financial and accounting report and a financial plan and budget for the following year;

(6) to offer opinions to the Commission regarding the improvement of the affairs and operations of the Authority to ensure efficiency and compliance with its objectives;

(7) to supervise the officers and employees of the Authority;

(8) to issue Rules, Notifications or Order regarding the management of the Authority and performance of duties by the officers and employees of the Authority in so far as they are not contrary to or inconsistent with the Regulations, Requirements, Notifications or Rules of the Commission;

(9) such other powers and duties as assigned by the Commission.

**Section 29.** In managing the affairs of the Authority, the Director shall report to the Commission.

The Director shall be the superior of the officers and employees of all positions of the Authority and shall be responsible for the conduct of all affairs of the Authority.

In overseeing flight safety and security in civil aviation, the Director shall proceed in accordance with the law and the public interest, taking into account national interest and conformity with the international standards.

**Section 30.** In performing his or her duties, the Director may authorise any official of the Authority to act on his or her behalf, pursuant to the regulations prescribed by the Commission.

**Section 31.** In a transaction involving a third party, the Director shall be the representative of the Authority. For this purpose, the Director may authorise any person to perform specific tasks on his or her behalf, pursuant to the Rules or Regulations prescribed by the Commission.

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The limitation of the powers of the Director shall be in accordance with the Regulations of the Commission which must be published in the Government Gazette.

Any juristic act performed by the Director that is not in compliance with the Regulations under paragraph two shall not be binding on the Authority, unless ratified by the Commission.

**Section 32.** If the office of the Director is vacant, or if the Director cannot perform his or her duties, the Deputy Director who is most senior shall act on his or her behalf, but this shall not limit the power of the Commission to appoint another Deputy Director to act on his or her behalf. If there is no Deputy Director, or if the Deputy Director cannot perform his or her duties, the Commission shall appoint a person without any of the characteristics prohibited under section 25 to act on his or her behalf.

The person acting on behalf of the Director under paragraph one shall have the same powers and duties as the Director.

**Section 33.** The Director must not have an interest in any contract made with the Authority or in any undertaking performed for the Authority either directly or indirectly.

If an ascendant, spouse, descendant or ascendant of the spouse of the Director acts under paragraph one, the Director shall be deemed to have an interest in the undertaking of the Authority.

Any juristic act performed that is not in accordance with paragraph one shall not be binding on the Authority.

**Section 34.** The rate of salary and other benefits of the Director shall be as prescribed by the Commission.

**Section 35.** Where necessary for the efficient performance of the Authority, the Authority may employ a foreigner who has specific knowledge, competence and expertise as an officer or employee of the Authority.

**Section 36.** For the purposes of management of the Authority, the Director may request a government official, competent official or other personnel in another government agency, State enterprise or State organisation to work temporarily for the Authority, provided that permission is given by the superior or employer of such person.

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The government official, competent official or other personnel approved to perform work as an officer or employee of the Authority under paragraph one shall be deemed to be permitted to leave government service or his or her job to perform any work, and the period of performing work for the Authority shall be counted in the calculation of retirement benefits, pension or other similar benefits as if performing official duties or other such work full time, as the case may be.

Upon completion of the period of working for the Authority, the person under paragraph one shall be placed and appointed to the office and receive salary in his or her original government agency, State enterprise or other State organisation at a level not lower than his or her original one.

## CHAPTER II

### CONTROL AND OVERSIGHT OF CIVIL AVIATION

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**Section 37.** In overseeing civil aviation and controlling civil aviation affairs, the Authority shall have the following powers and duties:

(1) to issue Regulations, Requirements, Notifications, Rules and Orders to prescribe the qualifications, rules, procedures, conditions, standards and practice guidelines for the following matters, in compliance with the current and timely international standards:

- (a) personnel;
- (b) air traffic rules;
- (c) flight operation rules;
- (d) use of airspace;
- (e) aeronautical meteorology;
- (f) flight charts;
- (g) dimensional units in air-to-ground communication
- (h) air navigation service provision;
- (i) aircraft nationality and registration marks;
- (j) airworthiness of aircraft;
- (k) air transport facilitation;
- (l) aeronautical telecommunications;
- (m) air traffic services;
- (n) establishment and operation of aerodromes;
- (o) aeronautical information services;

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- (p) environmental protection;
- (q) civil aviation security;
- (r) transport of dangerous goods by air;
- (s) security management;
- (t) other aspects related to civil aviation;

(2) to oversee, control, examine, monitor and evaluate practices in all matters related to civil aviation to ensure that the aircraft and persons required to comply with the Regulations under (1) have complied with the Regulations as well as the rules, procedures, conditions and practice guidelines prescribed under (1);

(3) for the purposes of proceeding under (2), in addition to the powers under the law on air navigation, the Director and any competent official authorised by the Director shall have the power to summon any persons involved to provide an explanation or submit documents and evidence in support of consideration, and shall have the power to enter or board an aircraft at any time while that aircraft parks or flies and to enter any relevant places for examination. However, if it is necessary to enter any place outside its business hours, consent must be received from its owner or possessor first, or its owner or possessor must have been informed at least six hours in advance.

**Section 38.** In overseeing, controlling, promoting and developing civil aviation affairs with respect to the air transport economy, the Authority shall, at a minimum, proceed to:

- (1) oversee and examine the fixing of prices and the collection of fares and freights for transport aircraft by persons licensed to operate air navigation services to ensure compliance with the rules prescribed by the Civil Aviation Board;
- (2) oversee and examine the collection of service charges, charges or any other remunerations by public aerodrome operators to ensure compliance with the rates and conditions approved;
- (3) oversee and examine the collection of service charges for air navigation facilities to ensure compliance with the rates and conditions approved;
- (4) oversee, examine and monitor the operations of persons licensed to operate air navigation services to ensure compliance with the relevant laws, Regulations, Requirements, Notifications, Rules or Orders;
- (5) make recommendations to the Minister on the allocation of air traffic rights and flight permissions for Thai and foreign aircraft and airlines.

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### CHAPTER III

#### CIVIL AVIATION SUPERVISION FEES

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**Section 39.** In addition to the fees collected under the law on air navigation, the Authority shall have the power to collect the following civil aviation supervision fees:

(1) a flight segment fee collected from the operator of any air navigation service whose flight takes off or lands at any domestic public aerodrome, at the rate prescribed by the Authority;

(2) a fee for entry into or departure from the country collected from the operator of any air navigation service, calculated from the number of passengers entering or leaving the country at the rate prescribed in a Notification issued by the Authority;

(3) a fee for the transport of goods by air collected from the operator of any air navigation service carrying goods by air from any domestic public aerodrome, calculated from the amount of freight indicated on the air bill at the rate prescribed in a Notification issued by the Authority;

(4) an aircraft fuel oil fee collected from a service provider or aircraft fuel oil seller at any point of service in the country, at the percentage per litre prescribed in a Notification issued by the Authority.

The rates prescribed under paragraph one shall be enforceable upon approval by the Civil Aviation Board.

**Section 40.** Operators of air navigation services and service providers, or aircraft fuel oil sellers, shall have the duty to pay the fees prescribed under section 39 and to remit such fees within the period and pursuant to the procedures prescribed in the Notification of the rates of such fees.

**Section 41.** Any person having a duty to remit fees under section 40 who fails to remit such fees properly and in full under section 39 shall pay a surcharge at the rate of two percent per month of the civil aviation supervision fee not remitted or not remitted in full. Any fraction of a month shall be regarded as one full month.

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## CHAPTER IV

### RELATIONSHIP WITH THE GOVERNMENT

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**Section 42.** The Minister shall have the power to oversee the Authority to proceed in accordance with the law and the policies and plans prescribed by the Civil Aviation Board under the law on air navigation. For this purpose, the Minister shall have the power to summon the Chairperson of the Commission, the Commissioners and the Director to explain facts, provide opinions or prepare and submit reports, and shall have the power to order the stoppage of any act of the Authority or the Director considered to be in violation of such policies or plans.

The Civil Aviation Board shall have the power to supervise the performance of the Authority and the Director to ensure that it is timely, proper and completely within the law and in compliance with the convention under the law on air navigation and other relevant laws. Pursuant to this authority, the Civil Aviation Board may order the Director to explain the facts or to improve, rectify or stop any act performed that is inconsistent with the law, rules, Regulations or convention.

**Section 43.** Where this Emergency Decree directs the Authority to propose a matter to the Council of Ministers, the Commission shall propose the matter to the Minister, who shall forward it to the Council of Ministers.

## CHAPTER V

### AUDIT AND ACCOUNTING

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**Section 44.** The Authority shall establish and maintain an appropriate accounting system for its affairs in accordance with international principles and consistent with the accounting system established by the Ministry of Finance.

**Section 45.** The Authority shall regularly arrange for an internal audit by an internal auditor and report the audit results directly to the Audit Committee.

The Commission shall appoint not less than three expert Commissioners to form the Audit Committee, which shall offer its opinion regarding the internal audit results to the Commission.

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Annual consideration of the performance of the internal auditor shall be as suggested by the Audit Committee.

**Section 46.** The Authority shall prepare its balance sheet, financial statements and operating accounts and submit them to the auditor within ninety days from the end of every fiscal year.

**Section 47.** The Office of the Auditor General of Thailand or a certified public accountant approved by the Office of the Auditor General of Thailand shall be the auditor of the Authority and shall evaluate the results of expenditure of money and property by the Authority each year and prepare an audit result report. The auditor shall submit the audit result report to the Commission within one hundred and fifty days from the end of the fiscal year, so that the Commission may forward it to the Minister within sixty days from the date of receipt of the report.

**Section 48.** The Authority shall prepare and submit its annual report to the Council of Ministers within one hundred and eighty days from the end of its fiscal year and disseminate this report to the public.

The annual report under paragraph one shall present the details of the financial statements on which the auditor has given his or her opinion together with the results of operations, a description of the obstacles to the operations of the Authority in the previous year, and the solutions and plan of action to be carried out in the next year.

#### Transitory Provisions

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**Section 49.** During the initial period when there is no Director, the Minister of Transport shall appoint a person with knowledge and competency to perform the duties of the Director until such time as there is a Director.

**Section 50.** During the initial period, the government officials, employees and government employees of the following agencies of the Department of Civil Aviation shall temporarily perform work of the Authority:

- (1) the Civil Aviation Security Standards Division;
- (2) the Aerodrome Standards Division;

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(3) the Air Transport Regulatory Bureau;

(4) the Flight Standards Bureau, except for the Aircraft Search and Rescue Group and the Flight Safety and Aircraft Accident Investigation Group;

(5) the Air Transport Promotion and Development Bureau.

The Minister of Transport may also order other government officials, employees or government employees attached to the Department of Civil Aviation other than those prescribed in paragraph one to perform work of the Authority temporarily.

Those who perform work of the Authority under paragraph one and paragraph two shall receive salary, wages, remuneration, welfare and other benefits as originally received, and the period of performance of such work shall be counted as a period of government service for the purposes of calculation of retirement benefits and pension.

**Section 51.** Any government official, employee or government employee attached to the Department of Civil Aviation who wishes to become officer or employee of the Authority shall express his or her intention in writing to his or her superior within thirty days from the effective date of this Emergency Decree; and, after passing selection or evaluation by the Director in accordance with the rules and procedures prescribed by the Commission, and being placed as an officer or employee of the Authority, shall leave government service.

A person leaving government service under paragraph one shall be deemed to have been discharged from government service due to the termination or abolition of his or her position under the law on gratuities and pensions for government officials or the law on government pension funds. If he or she is an employee, he or she shall be deemed to have been discharged from work due to the abolition of his or her position or the termination of employment by the government service without fault and shall receive gratuities pursuant to the Rules of the Ministry of Finance governing employee gratuities.

Any government official, employee or government employee holding an office in an agency under paragraph one of section 50 who does not wish to become an officer or employee of the Authority or who has not been selected or has not passed evaluation under paragraph one, and who has not been appointed to hold another office in the Department of Airports or another agency in the Ministry of Transport, shall be discharged from government service due to the termination or abolition of his or her position.

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The provisions of paragraph one shall not apply to a government official or person with obligations to perform work in an agency specified by the government service. In such case, such government official or person shall perform duties in the government agency or State agency as specified by the Permanent Secretary for Transport, taking into account the knowledge of such person. If such person is ordered to perform duties in a State agency that is not a government agency, resulting in leaving government service, the provisions of paragraph two shall apply to such person *mutatis mutandis*.

Placement and appointment of a government official under this section shall be deemed a discharge from government service due to the termination or abolition of his or her position under the law on gratuities and pensions for government officials or the law on government pension funds.

Placement and appointment of an employee under this section shall be deemed a discharge from work due to the abolition of his or her position or the termination of employment by the government service without fault, and such employee shall receive gratuities pursuant to the Rules of the Ministry of Finance governing employee gratuities.

**Section 52.** The portion of the budget of the Department of Civil Aviation consisting of salaries, wages, remunerations and benefits of the government officials, employees and government employees placed as an officer or employee of the Authority under section 50 shall be transferred to become part of the initial capital of the Authority under this Emergency Decree so as to be paid as wages, remunerations, welfare and other benefits of such officers or employees.

The portion of the budget and other property of the Department of Civil Aviation, other than that described in paragraph one, that is related to the performance of tasks transferred to the Authority under this Emergency Decree shall be transferred to the Authority, as determined by the Minister of Transport.

Countersigned by  
General Prayut Chan-o-cha  
Prime Minister

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