

ACT ON TREATMENTS AGAINST AIRCRAFTS COMMITTING WRONGFUL ACTS,  
B.E. 2553 (2010)<sup>1</sup>

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BHUMIBOL ADULYADEJ, REX;  
Given on the 11<sup>th</sup> Day of November B.E. 2553;  
Being the 65<sup>th</sup> Year of the Present Reign.

His Majesty King BhumibolAdulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on treatments against aircraft committing wrongful acts;

This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 32, section 34, section 36, and section 41 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

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

**Section 1.**This Act is called the “Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2553 (2010)”.

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<sup>1</sup> Translated by Ms. Mattanee Kaewpanya under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

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

**Section 3.** The following shall be repealed:

- (1) Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2519 (1976);
- (2) Act on Treatments against Aircrafts Committing Wrongful Acts (No. 2), B.E. 2522 (1979).

**Section 4.** In this Act:

“aircraft” means an aircraft under the law on air navigation;

“civil aircraft” means an aircraft registered under the law on air navigation, and an aircraft registered and having nationality in accordance with a foreign law;

“Kingdom” shall include the Air Defence Identification Zone as jointly designated by the Minister of Defence and the Minister of Transport under section 6;

“flight plan” means a flight plan under the law on air navigation;

“air traffic service unit” means an air traffic service unit under the law on air navigation;

“identification” means enquiry on and identification of type, nationality and registration of aircraft; compliance with flight plan; and details relating to aircraft, by radio communication, electronic means, visual signals, aerial interceptor, or any other means;

“intercept” means identification operations and commanding aircraft to comply with an order of military officer, and shall include destroying aircraft in case of necessity to maintain national security or prevent public danger;

“act likely to endanger national security or public safety” shall include an act by aircraft which may be regarded as likely to endanger national security or public safety as specified by the Minister of Defence under section 11 paragraph three;

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“preliminary investigation” means fact and evidence findings, as well as gathering of witness and evidence or performing any other acts in accordance with provisions of this Act, which are performed by military officers in relation to treatments against aircraft committing wrongful acts, in order to acquire facts and details of the commission or to bring an offender for prosecution;

“aircraft commander” means an aircraft commander under the law on air navigation, and shall include a pilot designated by a government agency, under the law on air navigation, or foreign State, as being in command and charged with the safety of State aircraft or foreign State aircraft, as the case may be;

“military officer” means an air force officer or other military officer having powers and duties set forth in Air Defence Plan.

**Section 5.** The Prime Minister, the Minister of Defence, and the Minister of Transport shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations, Notifications, and Rules for the execution of this Act accordingly in relation to respective powers and duties of each Ministry or State agency.

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

## CHAPTER I

### INSPECTION AND IDENTIFICATION

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**Section 6.** For the execution of this Act, the Minister of Defence and the Minister of Transport shall jointly designate an Air Defence Identification Zone which shall be published in the Government Gazette.

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**Section 7.** Inspection and identification system shall be in accordance with the Air Defence Plan specified by the Royal Thai Armed Forces with an approval from the Minister of Defence and as set forth in this Act.

**Section 8.** Upon granting permission for any aircraft to fly or upon receipt of flight plan, the competent authority permitting flying of aircraft under the law on air navigation and the air traffic service unit receiving the flight plan shall submit the permission or the flight plan, as the case may be, to the military officer in accordance with Rules jointly specified by the Minister of Transport and the Minister of Defence.

**Section 9.** The military officer shall have the duties to inspect and identify all aircrafts flying into or out of, or taking off or landing in, or flying over the Kingdom, by using the methods specified in the Air Defence Plan under section 7.

**Section 10.** For the execution of this Act, the military officer shall have the powers as follows:

- (1) to order an aircraft to fly on air ways as specified in the flight plan; or to fly to the boundary or out of the prohibited, restricted, or danger areas; or to land at an airport or temporary take-off and landing area for aircraft; or to order an aircraft to perform any other act as necessary;
- (2) to intercept an aircraft in accordance with section 11;
- (3) to destroy an aircraft from the ground in accordance with section 13.

**Section 11.** The military officer shall fly an aircraft to intercept any aircraft where there is any one of the following causes:

- (1) being unable to inspect and identify an aircraft from the ground;

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(2) when there are reasonable grounds to suspect that the aircraft violates or fails to comply with the law on air navigation, other laws, or Convention or international agreements, such as:

(a) complying with the flight plan and air traffic rules, i.e. using of the aircraft take-off and landing area; flying on air ways; flying into or over the prohibited, restricted or danger areas;

(b) flying into or out of the Kingdom; or take-off and landing in the Kingdom; or flying over the Kingdom;

(c) commanding or releasing a pilotless aircraft, or discarding a parachute;

(d) carrying war munitions on board the aircraft, or using photograph apparatus or data collection device on board the aircraft;

(3) when the aircraft commits an act which is likely to endanger national security or public safety.

In flying an aircraft for interception under paragraph one, the military officer shall use radio communication or electronic means. If not possible to use these means, visual signals shall be used in accordance with Rules jointly specified by the Minister of Defence and the Minister of Transport to be published in the Government Gazette.

The Minister of Defence may make determination on any act committed by aircraft to be the act likely to endanger national security or public safety, which shall be published in the Government Gazette.

**Section 12.** For the purpose of enforcing section 11 or in a case which is to believe that any aircraft commits an act that is likely to endanger national security or public safety, the military officer shall have the following powers:

(1) to use, in accordance with criteria and methods specified in Rules of the Ministry of Defence, aircraft weapons or other weapons to take control of the aircraft not complying with the order of a military officer or committing acts likely to cause such dangers;

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(2) to destroy, with an approval from the Minister of Defence, the aircraft; except for the case of unavoidable necessity, in which case the military officer shall destroy the aircraft and immediately report to the Minister of Defence with reasons.

**Section 13.** In case the military officer flying an aircraft for interception but cannot intercept that aircraft or cannot fly the aircraft for interception in time, if the aircraft commits an act likely to endanger national security or public safety, the military officer shall have the power to fire weapons from the ground to destroy that aircraft. The provisions of section 12 (2) shall apply.

**Section 14.** Subject to section 12, in case of civil aircrafts, flying an aircraft to intercept for identification shall be the last resource. After being identified, communication or visual signals shall be used to take the intercepted civil aircraft to fly on the designated air ways specified in the flight plan, or to boundary, or out of the prohibited, restricted, or danger areas; or to land on an airport or the specified temporary take-off or landing area for aircraft; or to order the civil aircraft to perform any other act as necessary, as the case may be.

## CHAPTER II

### DETENTION AND SEIZURE OF AIRCRAFT, AND ARREST, CONTROL AND PRELIMINARY INVESTIGATION

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**Section 15.** The military officer shall have the powers relating to aircrafts and aircraft commanders as well as other persons in aircrafts committing or being suspicious of committing wrongful acts, as follows:

- (1) to inspect, screen, or detain aircrafts;
- (2) to seize aircrafts or illegal objects in possession, or objects to be used or used in committing wrongful acts;

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(3) to arrest, control, or preliminary investigate the aircraft commanders and other related person;

(4) to order the aircraft commanders or other related person to move aircrafts, or to perform any act for the benefit of the performance of military officer.

The exercise of powers by military officer under paragraph one shall be in accordance with Rules jointly specified with the Minister of Defence and the Commissioner-General.

**Section 16.** If it appears during the inspection and screening of aircraft or preliminary investigation that the air commander does not intend to use the aircraft wrongfully or violate the flight plan and does not commit other illegal acts, including having no illegal objects in possession or objects to be used or used in committing wrongful acts in the aircraft, the military officer shall have the power to release that aircraft or coordinate with a competent authority in civil aviation to release that aircraft, as the case may be. The forgoing shall be done in accordance with Rules jointly specified by the Minister of Defence and the Minister of Transport.

**Section 17.** Subject to section 20, after carrying out the preliminary investigation as necessary, the military officer shall deliver the alleged offender, together with the aircraft, evidence, seized objects, including all memorandums relevant to the case prepared by him or her to a local inquiry official without delay.

**Section 18.** In case of delivering the alleged offender to the inquiry official for further action, the detention period of the alleged offender prior to the receipt of him or her by the inquiry official shall not be counted as the detention period of alleged offenders under the Criminal Procedure Code, but that period must not exceed twelve days. Where it is necessary to use more than twelve days, the military officer shall seek approval from the

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Chief of Defence Forces to extend the period as may be necessary, but not exceeding twelve days.

The normal travel time in taking the alleged offender to an office of the military officer duly authorized to undertake the preliminary investigation shall not be included in the delivery period to the inquiry official under paragraph one.

**Section 19.** In performing duties under this Act, the military officer shall have the same powers and duties as the superior administrative or police official and the inquiry official under the Criminal Procedure Code.

**Section 20.** The retention of aircraft, as well as relevant objects and evidence, shall be in accordance with Rules jointly specified by the Minister of Defence and the Commissioner-General. In case where an investigation report is already submitted to the inquiry official under section 17 and if the Rules designate any person other than the inquiry official to be depository of the report, such retention shall be deemed as being done on behalf of the inquiry official.

In case the relevant objects or evidence are perishable or not suitable to retain or the retention will be an unnecessary burden upon the civil service, they may be promptly disposed of by public sale or other appropriate methods.

A lengthy retention of aircraft or objects or evidence may be done by designating any one agency as a depository. That depository agency shall have the power to grant permission to utilize those properties for the benefit of official uses.

### CHAPTER III

#### COSTS

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**Section 21.** In case the military officer flies an aircraft to intercept or performs an operations to destroy aircraft from the ground in accordance with this Act, if it appears that the aircraft violates provisions of law, or Convention or international agreement, or commits acts likely to endanger national security or public safety, the aircraft owner or commander shall be responsible for the costs under this chapter.

**Section 22.** Costs arising out of the interception or operations to destroy aircraft from the ground are:

- (1) inspection and identification;
- (2) interception;
- (3) transportation of aircraft;
- (4) retention of aircraft, objects, and evidence;
- (5) uses of weapons to destroy aircraft;
- (6) other relevant expenses set forth in Ministerial Regulation.

Calculation of the costs under paragraph one shall be in accordance with criteria and methods set forth in Ministerial Regulation.

**Section 23.** There shall be the Cost Determination Committee, consisting of the Commander-in-Chief of the Royal Thai Air Force as Chairperson, representatives of the Ministry of Defence, the Office of the Attorney General, the Department of Civil Aviation, the Comptroller General's Department, the Department of Treaties and Legal Affairs, as members; the Commander of the Directorate of Air Operation Control shall be member and secretary.

The Committee under paragraph one shall have the powers to determine costs arising out of the interception under this Act.

**Section 24.** After the Committee under section 23 determines the costs, it shall inform the Royal Thai Air Force, who shall then summon the aircraft owner or

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commander to pay for the expenses without delay, in accordance with Rules specified by the Minister of Defence.

In case there is seizure of aircraft and objects onboard the aircraft for legal proceedings, the Royal Thai Air Force shall have the powers to continue seizing that aircraft and objects even after conclusion of the legal proceedings, until the payment is fully completed. The provisions of section 20 shall apply *mutatis mutandis*.

In case the aircraft owner or commander does not complete the payment within the specified period of time, the Royal Thai Air Force shall dispose of the aircraft and objects onboard the aircraft by public sale or other methods.

Money gained from the public sale or other methods under paragraph three shall be used as payment for the determined costs under paragraph one. The remaining sum shall be returned to the aircraft owner or commander by calling on him or her to claim it within one year. If the aircraft owner or commander does not claim it back within the specified period of time, that money shall become the State possessions. In case the money is insufficient for the payment, the Royal Thai Air Force shall have the powers to initiate a civil case before the Court for damages.

**Section 25.** Costs arising out of the interception and operations to destroy aircraft from the ground for aircraft of foreign State shall be done in accordance with the principle of reciprocity.

## CHAPTER IV

### PENALTIES

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**Section 26.** Any person who does not comply with an order of military officer to move aircraft or commit any act for the benefit of the performance under section

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15 (5) without reasonable cause shall be liable for imprisonment for a term of not exceeding six months or to a fine not exceeding twenty thousand baht, or both.

If the offender under paragraph one is an air commander, he or she shall be liable for imprisonment for a term of not exceeding one year or to a fine of not exceeding forty thousand baht, or both.

## TRANSITORY PROVISIONS

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**Section 27.** The air force officer under the Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2519 (1976) shall be the military officer under this Act, until there is designation of other air force officer or military officer having powers and duties in accordance with the Air Defence Plan.

**Section 28.** All Ministerial Regulations, Notifications, or Rules, issued under the Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2519 (1976) and being in force prior to the entry into force of this Act, shall continue to be in force in so far as they are not contrary to or inconsistent with the provisions of this Act, until Ministerial Regulations, Notifications, or Rules issued under this Act come into effect.

**Section 29.** The Air Defence Plan and the Air Defence Identification Zone, which are in force on the day this Act comes into force, shall continue being the Air Defence Plan and the Air Defence Identification Zone under this Act for another ninety days as from the day this Act comes into force, in so far as they are not contrary to or inconsistent with this Act.

**Section 30.** All pending investigations done under the Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2519 (1976) on the date of entry into force of

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this Act shall be continued under this Act. The completed investigations done under the Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2519 (1976) shall be deemed as the investigation under this Act.

The seizure of aircraft and illegal objects in possession, or objects to be used or used in committing wrongful acts under the Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2519 (1976) shall be deemed as the seizure under this Act.

**Section 31.** The payment of costs on the identification or commanding aircraft to land as well as charges and expenses arising out of the aircraft retention initiated under the Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2519 (1976) but still not completed prior to the entry into force of this Act, shall be deemed as payment of the costs under this Act.

In case there is an appeal to the Minister of Defence, he or she shall submit the matter to the Cost Determination Committee under section 23 for consideration within thirty days as from the day of entry into force of this Act.

In case the responsible person is notified of the order of the Royal Thai Air Force determining expenses and charges, but still being within the period of appeal under the Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2519 (1976), that person shall have the right to appeal to the Cost Determination Committee under this Act.

**Section 32.** During the period where there is no Ministerial Regulation on the Air Defence Plan under the law on air navigation, the provisions of section 5 of the Act on Treatments against Aircrafts Committing Wrongful Acts, B.E. 2519 (1976) shall continue to be in force until such Ministerial Regulation is issued.

Countersigned by  
AbhisitVejjajiva

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Prime Minister

Office of the Council of State

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