

Unofficial Translation

NATIONAL ENERGY POLICY COUNCIL ACT,
B.E. 2535 (1992)¹

BHUMIBOL ADULYADEJ REX.;

Given on the 3rd Day of February B.E. 2535;
Being the 47th Year of the Present Reign.

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

Whereas it is expedient to have the law on The National Energy Policy Council;

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

Section 1. This Act is called The "National Energy Policy Council Act, B.E. 2535".

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

Section 3. All other laws, by-laws and regulations in so far as they have already been provided in this Act or are contrary to or inconsistent with the provisions of this Act shall be replaced by this Act.

Section 4. In this Act:

"energy" means an ability to perform the work inherent in the sources capable of generating powers, which are renewable energy and non-renewable energy, and shall include the sources which may generate powers such as fuel, heat, and electricity;

¹ As amended up to THE NATIONAL ENERGY POLICY COUNCIL ACT (No.3), B.E. 2551 (2008)

² Published in the Government Gazette Vo1. 109, Part 9, dated 12th February B.E. 2535 (1992).

"renewable energy" includes energy obtained from wood, firewood, paddy husk, bagasse, biomass, hydropower, solar power, geothermal power, wind power, and waves and tides;

"non-renewable energy" includes energy obtained from coal, oil shale, tar sands, crude oil, oil, natural gas and nuclear power;

"fuel" includes coal, oil shale, tar sand, oil, natural gas, fuel gas, synfuel, wood, firewood, paddy husk, bagasse, garbage and other sources as prescribed by The National Energy Policy Council and published in the Government Gazette.

Section 5.³ There shall be The National Energy Policy Council consisting of the Prime Minister as Chairman, a Deputy Prime Minister designated by the Prime Minister as Vice-Chairman, a Minister Attached to the Office of the Prime Minister designated by the Prime Minister, the Minister of Defence, the Minister of Finance, the Minister of Foreign Affairs, the Minister of Agriculture and Cooperatives, the Minister of Transport, the Minister of Natural Resources and Environment, the Minister of Energy, the Minister of Commerce, the Minister of Interior, the Minister of Science and Technology, the Minister of Industry, the Permanent Secretary of Energy, the Secretary-General of the Council of State, the Secretary-General of the National Economic and Social Development Board, and the Director of the Bureau of the Budget, as members.

The Director General of the Energy Policy and Planning Office shall be member and secretary.

Section 5/1.⁴ A Member of The National Energy Policy Council shall:

(1) not hold shares or take part in or consent to the spouse's holding shares in a juristic entity operating a business related to the generation, transmission or distribution of non-renewable energy or electricity; or

³ Section 5. has been amended by The NATIONAL ENERGY POLICY COUNCIL ACT (No.2), B.E. 2550 (2007)

⁴ Section 5/1. has been added by The NATIONAL ENERGY POLICY COUNCIL ACT (No.3), B.E. 2551 (2008)

(2) not hold any post in a juristic entity operating a business related to the generation, transmission or distribution of non-renewable energy or electricity, except for the case that the Member of The National Energy Policy Council is a civil servant, who has been assigned by the government or by the Board of a given state-owned enterprise to assume a post of Board Member or any other post in that state-owned enterprise operating an energy-related business or in a juristic entity of which the state-owned enterprise is a shareholder.

A person who assumes office of Member of The National Energy Policy Council shall have to take action to comply with Clause one hereof within sixty (60) days as from the day he assumes office.

Section 6. The National Energy Policy Council shall have the following powers and duties:

(1) to submit the National Energy Policy and the National Energy Management and Development Plan to the Council of Ministers;

(2) to lay down rules and conditions for prescribing the price of energy in accordance with the National Energy Policy and the National Energy Management and Development Plan;

(3) to monitor, supervise, coordinate, support and expedite the operations of all committees with the powers and duties related to energy, Government agencies, State enterprises and the private sector related to energy in order that their operations shall be in accordance with the National Energy Policy and the National Management and Development Plan;

(4) to evaluate the results of the implementation of the National Energy Policy and the National Management and Development Plan;

(5) to perform other functions as entrusted by the Prime Minister or the Council of Ministers.

Section 7. At a meeting of The National Energy Policy Council, 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 Chairman does not attend or is not present, the Vice-Chairman shall preside over the meeting. If the Chairman and the Vice-Chairman do not attend or are not present at the meeting, the members present shall elect one among themselves to preside over the meeting.

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Section 8. The decision of the meeting shall be made by a majority of votes. Each member shall have one vote; in case of an equality of votes, the person presiding over the meeting shall have an additional vote as casting vote.

Section 9. The National Energy Policy Council may appoint one or more committees to consider any matter or to carry out any act as entrusted by The National Energy Policy Council.

The committees under paragraph one may appoint one or more sub-committees to consider any matter or to carry out any act as entrusted by the committees.

Section 7 and section 8 shall apply mutatis mutandis to the meetings of the committees under paragraph one and the sub-committees under paragraph two.

Section 10. There shall be established The Energy Policy and Planning Office having the following powers and duties:

(1) to study and analyses The National Energy Policy and National Management and Development Plan for submission to the National Energy Policy Council;

(2) to monitor and evaluate, and to act as a coordinating and support centre for the implementation of the National Energy Policy and the National Management and Development Plan;

(3) to collect data, to monitor the changing situation of energy, to analyse the trend and evaluate the anticipatory impact for the purpose of preparing the proposals in respect of the National Energy Policy and the National Management and Development Plan, and to disseminate, statistics related to energy;

(4) to perform other functions as entrusted by the Prime Minister or The National Energy Policy Council.

Section 11. In the performance of the functions of The Energy Policy and Planning Office under section 10, The Energy Policy and Planning Office may request a Ministry, Sub-Ministry, Department, local administration, State enterprise or any person to submit particulars on technical, financial or statistical matters and other matters as necessary in relation to the National Energy Policy and the National Management and Development Plan.

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Section 12. The National Energy Policy Council or The Energy Policy and Planning Office may invite any person to give statements of fact or explanations, opinions or recommendations as it thinks fit.

Section 13.⁵ The Director General of The Energy Policy and Planning Office shall be entrusted with the powers and duties to generally supervise the performance of official affairs of The Energy Policy and Planning Office and shall be the commanding officer of the government officials and employees under The Energy Policy and Planning Office. There shall be Deputy Directors General of The Energy Policy and Planning Office to assist with the charge and execution of the duties.

Section 14. The Prime Minister shall have charge and control of the execution of this Act.

Countersigned by:
Anand Panyarachun
Prime Minister

⁵ Section 13. has been amended by The NATIONAL ENERGY POLICY COUNCIL ACT (No.2), B.E. 2550 (2007)