Translation

RULES ON LEGISLATIVE DRAFTING AND EVALUATION OF THE OUTCOMES OF LAW ACT B.E. 2562 (2019)

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOYUHUA.
Given on the 24th Day of May B.E. 2562;
Being the 4th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to have a law on rules on legislative drafting and evaluation of the outcomes of law;

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 "Rules on Legislative Drafting and Evaluation of the Outcomes of Law Act, B.E. 2562 (2019)"

Section 2. This Act shall come into force upon the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.[1]

Section 3. In this Act:

"law" means Organic Acts, Acts, and Legal Codes;

"regulation" means the regulation under the law on administrative procedure, the effects of which impose burdens on the people, or a refusal to comply with resulting in punishment or forfeiture of rights, or impact on status of a person;

"legislative drafting" means the drafting and deliberation of a bill in order to enact a new legislation, to repeal, reform, or amend an existing law;

[1] Published in the Government Gazette, Vol. 136, Part 72a, Page 1, dated 31st May B.E. 2562 (2019).

"impact analysis" means the analysis of any impacts that may occur from the law;

"evaluation of the outcomes" means the evaluation of the outcomes which arise from the enforcement of a law and its regulation, whether and to what extent the objective of that legislation has been achieved, whether or not it is worth the additional burdens imposed upon the State and the people, or whether and to what extent it caused other impacts which result in injustice to the people;

"State agency" means an agency that is part of the State, whether it be the government agency, State enterprise, public organisation, or in any other form, and whether it be an agency in the executive, legislative, or judicial branch, or an Independent Organ, or the State Attorney Organ;

"stakeholder" means a person who has or may have rights or duties, or who bear or may bear the impact of a draft law, law, or regulation; and has one of the following characteristics:

(1) a business operator, person, or group of persons, who has or may have rights or duties, or who bears or may bear the impact, including related organisations;

(2) a group of persons or community in the area, which bears or may bear the impact, including related organisations which have the objective to serve the interests of the aforementioned group of persons or community;

(3) a State agency, which has missions relating to or is responsible for the area, which bears or may bear the impact;

(4) a qualified person who has knowledge and expertise in relevant subject;

"entity stakeholder" means an association or foundation that is established according to the Civil and Commercial Code, an assembly or juristic person which is named otherwised and established under a specific law and bears or may bear the impact of the draft law;

"Central System" means the information technology system and its connected network, which are created in order to publicise the information relating to the legislative drafting and the evaluation of the outcomes including the accessibility to the provisions of the law by the people;

"Councillors of State" means the Councillors of State under the law on the Council of State;

"Law Reform Commission" means Law Reform Commission under the law on the Council of State;

"Office" means the Office of the Council of State.

Section 4. The Prime Minister shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations for the execution of this Act.

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

CHAPTER I
GENERAL PROVISIONS

Section 5. A State agency should introduce laws only to the extent of necessity, and repeal or revise laws that are no longer necessary or unsuitable to the circumstances, or are obstacles to livelihoods or engagement in occupations, without delay, so as to abstain from the imposition of burdens upon the public.

A State agency shall undertake to ensure that the public has convenient access to the laws and are able to understand them easily in order to correctly comply with the laws.

Prior to the enactment of every law, the State agency should conduct consultation with stakeholders and analyse any impacts that may occur from the law thoroughly and systematically, and should also disclose the results of the consultation and analysis to the public, and take them into consideration at every stage of the legislative process.

In legislative drafting, a State agency should employ a permit system and a committee system in a law only in cases of necessity, and should prescribe rules for the exercise of discretion by State officials and a period of time for carrying out each step provided by the law in a clear manner, and should prescribe criminal penalties only for serious offences.

The provisions in this section shall be applied to the regulatory drafting as prescribed in the Ministerial Regulation *mutatis mutandis*.

Section 6. In the application of a provision of law to any case where the law contains criminal penalties, administrative penalties, or other kind of enforcement that results in a detrimental impact upon the person who has contravened or failed to comply with the law, if the Court of Justice by itself is of an opinion that, or a party to the case raises an objection with reasons and the court is of the opinion that such reasons are appropriate for the determination that such provision of law is inconsistent with section 5 paragraph one, provided that such provision is not contrary to or inconsistent with the Constitution which

would fall under the jurisdiction of the Constitutional Court, and there has not yet been a decision of the plenary meeting of the Supreme Court pertaining to such provision, the court shall submit such opinion to the Chief Justice of the Supreme Court to propose to the plenary meeting of the Supreme Court for a decision. During that time, the court shall proceed with the trial, but shall temporarily stay its decision until a decision is made by the plenary meeting of the Supreme Court. In the case where the plenary meeting of the Supreme Court decides that the said provision of law is inconsistent with section 5 paragraph one, the court may either decide against imposing the penalty or impose a lesser penalty than prescribed in the law or an enforcement that results in a detrimental impact other than prescribed in the law, as the case may be. The decision of the plenary meeting of the Supreme Court that the provision is inconsistent with section 5 paragraph one shall apply to all cases that the Court of Justice have the jurisdiction to adjudicate. In this regard, the person who has charge and control of the execution of the law shall undertake necessary steps to make the provision consistent with section 5 paragraph one without delay.

The provision of paragraph one shall also apply to cases where the Administrative Court is an opinion that a provision of law which contains administrative penalty to be applied in any case, is inconsistent with section 5 paragraph one, *mutatis mutandis*. The power of the Chief Justice of the Supreme Court and the plenary meeting of the Supreme Court under paragraph one shall be vested in either the Chief Justice of the Administrative Court or the plenary meeting of Judges of the Supreme Administrative Court as the case may be.

The provision of paragraph one shall also apply to the judicial proceeding of the Military Court *mutatis mutandis*. The power of the Chief Justice of the Supreme Court and the plenary meeting of the Supreme Court under paragraph one shall be vested in either the Chief of Military Judicial Office or the plenary meeting of the Supreme Military Court as the case may be.

The implementation of provisions in paragraph one, paragraph two and paragraph three shall be in accordance with the rules of the plenary meeting of the Supreme Court, the rules of the plenary meeting of Judges of the Supreme Administrative Court, or the rules of the plenary meeting of the Supreme Military Court, as the case may be.

In this section, the term “law” shall include notifications or orders which have force as law.

Section 7. When it is appropriate to do so, the Law Reform Commission may recommend or give advice to the Council of Ministers regarding the enactment of ministerial regulations, the prescription of guidelines, or any other actions in compliance with this Act, including giving advice to State agencies regarding the compliance with this Act.

In the interests of the undertaking according to section 13, section 14, and section 16, the Law Reform Commission may prescribe guidelines for State agencies to follow.

Where there are reasonable grounds, the Law Reform Commission shall prepare a report on the implementation of this Act and present it to the Council of Ministers for consideration.

Section 8. If the Legislative drafting of a State agency is carried out in accordance with the provisions of this Act in its essential parts, despite its incompletion under this Act, it does not constitute invalidity.

In the case where the Law Reform Commission is of an opinion that an action of a State agency is not in compliance with or not in accordance with this Act, it may propose a guideline regarding such matter for that State agency to follow. When the State agency has followed the guideline, it shall be considered as having complied with this Act.

Section 9. In the case where a law specifically prescribes its own rules and procedure regarding the consultation of the legislative drafting or the evaluation of the outcomes, the State agency in charge shall follow the relevant provisions of that law.

Section 10. In the case where this Act does not prescribe specific rules regarding any public notification or publication pertaining to this Act, the notification or publication through the information technology system of a State agency or other systems or means which are conveniently accessible to the public shall be deemed an action in compliance with this Act.

Section 11. The Digital Government Development Agency (Public Organisation) shall be responsible for providing, maintaining, and developing the Central System according to the Office's request for the following undertakings:

(1) conduct consultation in support of legislative drafting and evaluation of the outcomes;

(2) disclose information on consultation, impact analysis, and draft law, carried out by a State agency, including the draft laws that the Council of Ministers proposed to the National Assembly;

(3) register stakeholders, whose interest should be taken into account in accordance with (1);

(4) publish the list of laws and State agencies responsible for the evaluation of the outcomes, and disclose the results of evaluation of the outcomes conducted by State agencies;

(5) compile and publish the information on laws and regulations for the purpose of creating the database in support of the undertakings in accordance with Chapter V Evaluation of the Outcomes and Chapter VI Accessibility to Law;

(6) offer a channel for receiving petitions or recommendations from related organisations or the public on whether or not to repeal, reform, or amend any law;

(7) undertake other actions as prescribed by the Law Reform Commission.

The providing of the Central System under paragraph one shall be conducted in such manner as to provide stakeholders and the public at least with the opportunity to access the information and to express opinions conveniently, but shall not have a feature that results in unnecessary disclosure of personal information.

The Office shall be responsible for the management of the said Central System.

State agency shall publish the necessary information regarding the consultation and impact analysis, including the evaluation of the outcomes, in the Central System and also publish the results of such undertaking in the Central System in accordance with the rules, procedure, and format jointly prescribed by the Digital Government Development Agency (Public Organisation) and the Office.

CHAPTER II
THE NECESSITY CHECK, CONSULTATION, AND IMPACT ANALYSIS

Section 12. When it is necessary for the enactment of a law, a State agency shall demonstrate rationale and necessity of the enactment of the law and shall conduct an analysis by taking into account information and evidence clearly indicating that it will not impose unnecessary burden upon the people; that it will be worth the burden imposed upon the State and the people; and that no other measure or method than the legislative measure could be deployed.

Section 13. A State agency shall conduct consultation through the Central System and, in addition, may also use one or more of the following means:

(1) consultation through the information technology system of such State agency;

(2) consultation meeting;

(3) interview or focus group meeting;

(4) questionnaire;

(5) other means as the State agency deems appropriate.

Section 14. A State agency shall convey important principles and issues of the draft law in the consultation. In addition, it must publish the means used for the consultation, the time period open for consultation and its closing date, as well as the relevant information which shall include at least the followings:

(1) problem, cause of the problem, and the necessity of the draft law in order to solve such problem or to accomplish the related mission, including its purposes as well as the expected outcomes;

(2) explanations of important principles, and issues of the draft law presented in a simple, easily comprehensible language;

(3) persons who are or may be affected by the impacts and potential impacts of the law on livelihood, occupation, or economic, social, environmental impacts or other important aspects;

(4) rationale and necessity for introducing a permit system, a committee system, or criminal penalties, including the rules for the exercise of discretion by State officials.

In the case where the State agency knows of the residence or contact address of the stakeholders, it shall inform them of the actions taken according to paragraph one or may inform them of the publication in accordance with paragraph one via the Central System or by direct notification as it deems appropriate.

Section 15. In the interests of public consultation, the Office shall take the registration of stakeholders via the Central System. It may also add a list of stakeholders whose interests should be regarded or a list of stakeholders received from the a State agency under paragraph two to the Central System.

The State agency responsible for the operation or implementation of any law or the State agency which is planning to propose a draft law shall compile a list of stakeholders of such law with electronic contact addresses and inform the Office accordingly.

The registration and notification under paragraph one and paragraph two shall be carried out according to the guideline as prescribed by the Law Reform Commission.

Section 16. After conducting consultation, the State agency shall incorporate the result of the consultation into the impact analysis and legislative drafting, and prepare a summary of the consultation which shall include at least issues discussed and the summary of opinions from all sides on those issues, as well as the decisions together with the reason of those decisions whether or not to amend important principles or issues of the draft law according to such opinions.

Section 17. Regarding the impact analysis, the State agency shall do so in a comprehensive and systematic manner, taking the result of the consultation into account, and produce an impact analysis report.

The impact analysis report under paragraph one shall be produced according to the guideline prescribed by the Law Reform Commission upon approval of the Council of Ministers which shall include at least the following components:

(1) rationale and necessity of the draft law with regard to the mission;

(2) overlaps with other laws;

(3) individual rights and liberty to be restricted;

(4) burdens or hindrances to the people's livelihood or occupation as a result of such law;

(5) impacts on the budget, economy, society, environment, and other important impacts;

(6) reasons and necessity to employ the permit system, committee system, or prescribe criminal penalties, including the rules on the exercise of discretion by State officials;

(7) responsible agency, the number of State officials, equipment, and budget required for the implementation of the law;

(8) remedial measures for the affected, if any.

Section 18. The State agency shall disclose the summary report of the consultation in accordance with section 16 and the impact analysis report in accordance with section 17 via the Central System and may also use other means of disclosure.

Section 19. Legislative drafting that concerns the maintenance of national safety and security; that does not generally apply to the public; that is urgently needed for the essential benefits of national interests regarding public safety, national economic security, or averting public calamity; or that does not affect the public, when State agency has already conducted a consultation with other concerned State agencies as it deemed necessary, it shall be regarded as if the consultation had dully been conducted in accordance with this Chapter. And for these purposes, the State agency may or may not disclose the summary of the consultation or the impact analysis report as it deems appropriate.

Section 20. The House of Representatives, the Senate, or a joint sitting of the National Assembly may pass a resolution or enact by-laws prescribing consultation or impact analysis that may occur from the law to be conducted prior to or during the parliamentary deliberation of such draft law, as it deems appropriate.

CHAPTER III
THE SUBSTANTIVE CHECK OF DRAFT LAW

Section 21. A State agency shall check and consider draft law according to the following criteria:

(1) must be in accordance with and not contrary to or inconsistent with the Constitution; and in the case of a bill or a draft Legal Code, it must be in accordance with, and not be contrary to or inconsistent with the Organic Acts;

(2) must be in accordance with and not contrary to or inconsistent with the national strategy plan and the national reform plan;

(3) must be in accordance with the principles of good governance;

(4) repeal or revise laws that are no longer necessary or unsuitable to the circumstances, or are obstacles to livelihoods or engagement in occupations, so as to abstain from the imposition of burdens upon the public;

(5) refrain from employing a permit system, except for when it is necessary to maintain the national or public interests, or for when there is an unavoidable necessity. Provided that, in the case where it is necessary to employ a permit system, the principles and rationale of the provisions of the law on government permit application facilitation shall be taken into account when prescribing time period or procedure for considering the permit applications;

(6) refrain from employing a committee system, except for policy setting, supervision, regulation, or for other necessary situations. Provided that, in the case where a committee system is employed, it shall be stated unequivocally that any resolution reached by the committee shall bind the respective agencies of the *ex officio* committee members;

(7) any legislative provision empowering State officials to exercise discretion by issuing an administrative order or carrying out an administrative action shall be used only to the extent of necessity. Provided that, in the case where such a provision is included, rules for the exercise of discretion and a period of time for carrying out each step shall be included in the draft law in a clear manner;

(8) the following criteria shall be considered before setting criminal penalties for a wrongful act:

(a) the said act must affect the security or safety of the country, gravely affect public order or good moral, or have a public impact;

(b) there is no other measure that can be used to enforce the law efficiently and effectively to ensure compliance with the law;

(9) other criteria as prescribed by the Council of Ministers.

Section 22. Any draft law that may contain a criminal penalty, an administrative penalty, or other kind of enforcement that results in a negative impact upon the person who has contravened or failed to comply with the law, or contains a provision specifying that the permit application, permit granting, or the compliance of that law must be in accordance with the rules, procedures, or conditions, which will be subsequently prescribed in a regulation, the said draft law must contain a provision prohibiting the enforcement of the aforementioned provisions in the way that cause a negative impact upon individuals until the State official is ready to execute the law or until the said regulation is enacted.

When a law, except for an Organic Act, specifically requires the enactment of a regulation or any action to be taken by the State in order that people can comply with or benefit from the said law, and there has been no enactment of such regulation or no action taken by the State within two years from the date on which such law comes into force, and the said provision of law imposes a burden or causes a negative impact upon the people, such provision shall cease to be in effect. But if the said provision benefits the people, it shall continue having effect despite the absence of such regulation or action. Provided that, the Council of Ministers may pass a resolution extending the aforementioned period of two years for a period of not more than one year and the resolution must be passed before the expiration of the period of two years.

In the case where the Court of Justice or the Administrative Court intends to apply a provision of the law under paragraph two to any case, if the Court by itself is of an opinion that, or a party to the case raises an objection with reasons and the Court deems that there is reasonable justification, the Court shall submit the opinion to the Chief Justice of the Supreme Court for further submitting to the plenary meeting of the Supreme Court or to the Chief Justice of the Supreme Administrative Court for submitting to the plenary meeting of Judges of the Supreme Administrative Court for decision, as the case may be. During that time, the Court shall proceed with the trial, but shall temporarily stay its decision until a decision is made by the plenary meeting of the Supreme Court Justices or the plenary meeting of Judges of the Supreme Administrative Court, as the case may be.

Should the plenary meeting of the Supreme Court or the plenary meeting of Judges of the Supreme Administrative Court decide that any legal provision shall cease to be in effect according to paragraph two, it shall publish its decision in the Government Gazette.

A decision that a provision should cease to be in effect according to paragraph four shall not affect final judgments of the Court, except in a criminal case where it shall be deemed that a person who has been convicted of a crime under a provision of law which ceases to be in effect has never been convicted of such offence, or where such person is still serving the sentence, the remaining punishment shall cease. However, this does not entitle such a person to claim for any compensation or damages.

In the case where the Court of Justice or the Administrative Court intends to apply a provision of any Organic Act, if the Court by itself is of the opinion that, or a party to the case raises an objection with reasons and the Court deems that there is reasonable justification, that such provision of the Organic Act is of the characteristic under paragraph two, the Court shall proceed according to paragraph three. Should the plenary meeting of the Supreme Court or the plenary meeting of Judges of the Supreme Administrative Court decide that the provision of the Organic Act in question is of the characteristic under paragraph two, the Court may refrain from applying the said provision and shall notify the National Anti-corruption Commission or the President of the National Assembly, as the case may be, to act according to their respective duties and powers concerning intentional performance of duties which is contrary to the laws.

The provisions of paragraph three, paragraph four, paragraph five and paragraph six shall apply to the cases within the jurisdiction of the Military Court *mutatis mutandis*. The Chief of Military Judicial Office shall submit the matter to the Chief Justice of the Supreme Court for further proceedings.

When a law prescribes a period of time before it shall come into force counting from the date of its publication in the Government Gazette, the State agency responsible for the enforcement of the said law shall have the duty to prepare the draft regulation without delay. In the case where a draft regulation must be submitted to the Council of Ministers, it may be submitted to the Council of Ministers before the law comes into force. In that case, the Council of Ministers shall have the power to approve the principle despite the fact that the law has not yet come into force.

The undertakings under paragraph three, paragraph four, paragraph six and paragraph seven shall be in accordance with the rules prescribed by the plenary meeting of the Supreme Court, the plenary meeting of Judges of the Supreme Administrative Court or the plenary meeting of Judges of the Supreme Military Court, as the case may be.

Section 23. In the case where a draft law requires for an enactment of a regulation prescribing the criteria for the exercise of discretion by State officials, such regulation shall prescribe that the exercise of discretion be in accordance with the following criteria:

(1) not contrary to or inconsistent with the important principles recognised in the Constitution;

(2) consistent with the principle of good governance;

(3) consistent and complying with the law on administrative procedure;

(4) adhering to the principles of reasonableness and proportionality between the public interests on the one hand and the restriction of the right, liberty, and individual interests on the other hand;

(5) adhering to the principle of equality and refraining from unjust discrimination against a person.

Section 24. In order for the transparency and accountability of the exercise of discretion by State officials, a State agency shall produce a guideline on the exercise of discretion by State officials according to the criteria prescribed in section 23, keep it up to date and make it publicly available.

The guideline on the exercise of discretion under paragraph one shall not be applied in the way that causes a negative impact on individuals until it has been made publicly available.

The provisions in paragraph one and paragraph two shall not apply to the exercise of discretion in the administration of justice or the court procedure, the proceeding conducted by public prosecutor, and the works of officials in the process of inquiry, investigation, enforcement, and deposit of property.

CHAPTER IV
THE REVIEW OF THE RESULT OF PUBLIC CONSULTATION AND IMPACT ANALYSIS

Section 25. In proposing a draft law or the principle of draft law to the Council of Ministers, the State agency shall present the following documents to the Secretariat of the Cabinet:

(1) draft law or the principle and substance of the draft law;

(2) summary of the public consultation;

(3) the impact analysis report.

Section 26. In reviewing a draft law of the Councillors of State or the Office, shall take into consideration the documents under section 25 and proceed as follows:

(1) examine the necessity of the legislative enactment. In the case where the draft law is considered unnecessary, the Office shall submit the matter together with the opinion or advice to the Secretariat of the Cabinet in order to present the matter to the Council of Ministers for a review or consideration as it deems appropriate;

(2) the review of a draft law shall be conducted in compliance with the rules under section 5 and as specified in Chapter III The Substantive Check of Draft Law;

(3) in the case where it is deemed appropriate to conduct an additional consultation with the stakeholders or further carry out the impact analysis, the Office may do so by itself or inform the relevant State agency to do so.

Section 27. In proposing a draft law to the National Assembly, the Council of Ministers shall submit the documents under section 25 (2) and (3) and the documents under section 26 (3) to the National Assembly for consideration and shall also publish such documents in the Central System.

CHAPTER V
THE EVALUATION OF THE OUTCOMES

Section 28. In this Chapter, the term "law" shall include the Emergency Decree and notifications or orders which have force as law.

Section 29. The provisions in this Chapter shall not apply to the following laws:

(1) the law that had been in effect for a specific period of time and that period already passed;

(2) the law that prescribes a certain course of action and such action has already been carried out, for instance, the law promulgating a Legal Code, the law on expropriation of immovable property, the law on the transfer of title in an asset, the law on establishing a court of law, the law on establishing a province, the law relating to coinage, the issuing of bank notes, or royal decorations, the law on assigning ranks, the law on assigning academic qualification;

(3) the laws on the restructure of ministry, sub-ministry, and department, or on the establishment or the organisation of a State agency which do not have an impact on the people;

(4) the law that prescribes the features of the academic qualification badge, sign, or uniform; for instance, the law prescribing an academic robe, the law prescribing a government sign, and the law prescribing a uniform;

(5) Legal Codes

(6) other laws as prescribed in the Ministerial Regulation.

Section 30. The evaluation of the outcomes shall be carried out by evaluating the results which arise from the enforcement of a law and the regulation issued according to that law simultaneously, in order to achieve the following goals:

(1) having the law to the extent of necessity, by repealing or revising laws that are no longer necessary, anachronistic, or unsuitable to the circumstances, or are obstacles to livelihoods or engagement in occupations, so as to abstain from the imposition of burdens upon the public;

(2) developing the law in compliance with the international principles and obligations;

(3) reducing redundancy and conflict of laws;

(4) reducing disparity and ensuring fairness in the social;

(5) increasing competitiveness of the country.

In the case where a State agency in charge of enforcing a regulation is of the opinion that such regulation causes a burden for the people or the non-compliance with the regulation will result in a penalty or the loss of right or an impact on the status of a person in a significant manner, there shall be a separate evaluation of the outcomes of that particular regulation.

In the case where the Law Reform Commission finds a regulation as identified under paragraph two, it may inform the responsible State agency to carry out a separate evaluation of the outcomes for such regulation within the prescribed period of time.

Section 31. The evaluation of the outcomes shall be carried out by consulting with the stakeholders and in accordance with the principles under Chapter I General Provisions and Chapter III The Substantive Check of Draft Law and shall also take into account the following matters:

(1) the proportionality between the benefits obtained from the achievement of the purposes of the law and the burden incurred by the people and resources expended on the implementation of the law;

(2) the statistics regarding legal proceedings and criminal prosecutions;

(3) the consistency with or implementation of international obligations which Thailand has to comply with under the international law;

(4) other matters as prescribed by the Council of Ministers.

Section 32. The State agency that is responsible for enforcing a law shall be responsible for carrying out the evaluation of the outcomes of that law. In the case where a law has more than one responsible State agency, the person who has charge and control of that law shall assign one or more State agencies to be responsible for the evaluation of the outcomes of such law.

In the case where a law has more than one person in charge and control, the assignment of a State agency responsible for the evaluation of the outcomes shall be done by consultation.

In the case where a law has no person who has charge and control, the Prime Minister shall assign a State agency to be responsible for the evaluation of the outcomes under paragraph one.

The person who has charge and control of a law or the Prime Minister has a duty to supervise and monitor the evaluation of the outcomes by the State agency.

Section 33. The person who has charge and control of a law or the Prime Minister shall publish a list of the laws and the State agencies responsible for the evaluation of the outcomes under section 32 in the Central System within ninety days from the date that law comes into effect.

Section 34. The evaluation of the outcomes shall be carried out at least every five years from the date the law comes into force or in other recurring period of time as prescribed in a Ministerial Regulation or when one of the following cases applies:

(1) having received a petition letter or recommendation from relevant organisations or from the people and the State agency responsible for the evaluation of the outcomes is of the opinion that such petition or recommendation has a reasonable justification;

(2) having received a recommendation from the Law Reform Commission;

(3) other cases as prescribed in the Ministerial Regulation.

The evaluation of the outcomes of an Emergency Decree which is enacted after this Act has come into force for the first time shall be carried out within two years from the date such Emergency Decree comes into force. Further evaluations after the first time shall be carried out according to paragraph one.

Section 35. In conducting the evaluation of the outcomes, a State agency shall do so in accordance with the guideline prescribed by the Law Reform Commission upon approval by the Council of Ministers and shall notify the result of the evaluation of the outcomes in the Central System.

When the result of the evaluation of the outcomes indicates that a law does not produce the outcomes according to the objectives of that law, or is not worth the burdens imposed upon the State or the people, or caused other impacts which result in grave injustice to the people, the responsible State agency shall undertake to repeal, revise, or amend such law promptly.

CHAPTER VI
ACCESSIBILITY TO LAW

Section 36. For the benefits of the people to have access to the provisions of law thoroughly, the State agency responsible for the evaluation of the outcomes under section 32 shall provide the following information publicly available in the Central System:

(1) the statute and regulation, within the scope of responsibility, that are complete and up to date;

(2) the translation of the law in the ASEAN working language;

(3) the explanation which summarises the substance of the law in the way that the people can understand

(4) the goal, objective, and extent of the enforcement of the law;

The regulation under (1) shall include Royal Decrees, Ministerial Regulations, rules, by-laws, prescriptions, notifications, circulars, instruction letters, orders, judgments, decisions of a court or commission, interpretations of law, legal advices and opinions, or guidelines, and shall include documents or orders which are named otherwise that have effects on the enforcement of or the compliance with the law by State agencies or the people as prescribed by the Law Reform Commission.

The publication of the information about judgments or court decisions relating to a law shall be the duty of the State agency responsible for the enforcement of such law.

In the case where the publication of the information under paragraph one may endanger or harm the national security and safety or national interest, or endanger the life or safety of a person, the State agency may decide not to publish some part or all of the details in accordance with rules and conditions as prescribed by the Ministerial Regulation.

A law that does not have a directly responsible State agency shall fall within the scope of responsibility of the Office to act under paragraph one.

The actions under this section shall be in accordance with the rules, procedure, and format jointly prescribed by the Digital Government Development Agency (Public Organisation) and the Office.

TRANSITORY PROVISIONS

Section 37. The Royal Decree on the Review of Law B.E. 2558 (2015) shall continue to be in force so long as it is not contrary to or inconsistent with this Act. When the guideline on the evaluation of the outcomes in Chapter V The Evaluation of The Outcomes comes into force, such Royal Decree shall cease to be in force.

Section 38. In the case where this Act prescribes an action that must be done via the Central System, if the establishment of the Central System has not been accomplished, the action done via the information technology system of the State agency shall be considered as the action done via the Central System under this Act.

Section 39. In the initial phase:

(1) the two-year time period under section 22 paragraph two for the laws as in force on the day prior to the date on which this Act comes into force, shall start counting upon the expiration of two years from the date this Act comes into force;

(2) the ninety-day period under section 33 for the laws as in force on the day prior to the date on which this Act comes into force, shall start counting from the date this Act comes into force.

Section 40. All regulations, rules or resolutions of the Council of Ministers relating to consultation with stakeholders and impact analysis for the purpose of the legislative drafting as well as those relating to the legislative drafting, which are in effect on the day prior to the date on which this Act comes into force, shall continue to be in force so long as they are not contrary to or inconsistent with this Act, and until there are Ministerial Regulations, rules, procedures or guidelines issued under this Act.

Countersigned by
General Prayuth Chan-Ocha
Prime Minister

Certified Translation

(Mrs. Kanchanapohn Inthapanti Lertloy)
Director of Foreign Law Division
Acting for the Secretary-General of the Council of State