

Minerals Act B.E. 2510

BHUMIBOL ADULYADEJ. REX.

Given on the 26th day of December, B.E. 2510

Being the 22nd year of the Present Reign

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

whereas it is deemed expedient to revise the law on minerals, be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly in its capacity as the parliament as follows:

Section 1. This Act shall be called the “Minerals Act B.E. 2510”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.¹

Section 3. The following are hereby repealed:

- (1) Mining Act B.E. 2461
- (2) Royal Proclamation extending the enforcement of the Mining Act B.E. 2461 to include precious stones dated 13th September, B.E. 2464
- (3) Mining (Amendment) Act, B.E. 2474
- (4) Mining Act (No. 3), B.E. 2479
- (5) Mining Act (No. 4), B.E. 2479
- (6) Mining Act (No. 5), B.E. 2483
- (7) Mining Act (No. 6), B.E. 2483
- (8) Mining Act (No. 7), B.E. 2484
- (9) Mining Act (No. 8), B.E. 2485
- (10) Act on Procedure for Collecting Mineral Royalties, B.E. 2486
- (11) Mining Act (No. 9), B.E. 2506
- (12) Mining Act (No. 10), B.E. 2509

¹ Government Gazettes (special issue) Vol. 84, Part 129, Page 1, Dated 31st. December B.E. 2510.

All other laws, rules and regulations in so far as they are stipulated herein or are contrary to or inconsistent with the provisions hereof shall be superseded by this Act.

Section 4. In this Act:

“Minerals” mean resources which are inorganic matters, having permanent or slightly varied chemical components and physical properties, whether or not they require smelting or refining before being put to use, and include coal, oil shale, marble, metals and slags obtained from metallurgical processes, underground brine, rock which is prescribed by a Ministerial Regulation as dimensional stone or industrial rock, and clay or sand which is prescribed by a Ministerial Regulation as industrial clay or industrial sand, but does not include water, salt efflorescence, lateritic soil, rock, clay or sand;

(As amended by Section 3. of the Minerals Act No.4. B.E. 2534)

“Underground Brine” means salt solution that occurs naturally underground and contains salt concentration with the content higher than the amount prescribed in a Ministerial Regulation;

(As amended by Section 4. of the Minerals Act No.4. B.E. 2534)

“Prospecting” means drilling or pitting or any distinct method or combined methods to appraise the quantity, if any, of minerals within an area;

“Mining” means the operation undertaken on land or underwater to obtain minerals from an area by any other method or combined methods, but does not include underground brine drilling in accordance with Chapter 5 bis, and artisanal mining or ore panning for minerals as prescribed by a Ministerial Regulation;

(As amended by Section 4. of the Minerals Act No.4. B.E. 2534)

“Underground Mining” means the mining operation undertaken by shaft sinking or tunnelling to the depth below ground surface to obtain minerals from underground;

(As amended by Section 3. of the Minerals Act No.5. B.E. 2545)

“Drilling for Underground Brine” means the operation undertaken on land or underwater to obtain underground brine from an area, but does not include mining of rock salt by means of solution method;

(As amended by Section 4. of the Minerals Act No.4. B.E. 2534)

“Artisanal Mining” means the operation undertaken on land or underwater to obtain minerals from an area by using individual labourer, in accordance with the kind of minerals within the area and by means of digging methods prescribed by a Ministerial Regulation;

(As amended by Section 4. of the Minerals Act No.4. B.E. 2534)

“Ore Panning” means the operation undertaken on land or underwater to obtain minerals from an area by using individual labourer, in accordance with the kind of mineral, within the area, and by means of panning methods prescribed by a Ministerial Regulation;

“Mineral Processing” means any operation to upgrade a mineral or to separate from each other two or more minerals in mixed ore, which includes crushing, comminuting, and sizing of minerals;

“Purchase Minerals” means to accept the transfer of minerals by any means from another person except by way of legal succession;

“Sell Minerals” means to transfer minerals by any means to another person;

“Possession of Minerals” means any purchase, ownership, hold, or receipt of minerals by any means, whether or not for himself or others;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2528)

“Mining Boat” means a boat or raft equipped with equipment, tools, or appliances for mining or mineral processing, to be used in that boat or raft;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2528)

“Mineral Restricted Area” means the area where the Minister announced that it is a Mineral Restricted Area;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2528)

“Director” means the director of a Mineral Restricted Area;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2528)

“Metallurgy” means smelting or extracting metals from minerals by any method and includes purification of metals, alloying of metals, and manufacturing of finished or semi-finished

metallic products of various kinds by melting, casting, rolling or any other processes;

“Mining Area” means the area specified in a Provisional Prathanabat or Prathanabat;

“Mineral Processing Area” means the area specified in a Mineral Processing Licence;

“Metallurgy Area” means the area specified in a Metallurgical Processing Licence;

“Mineral Store” means the place specified in a Mineral Storage Licence;

“Mineral Depository” means the place prescribed by the Minister to be a Mineral Depository in accordance with Section 103 ter;

(Added by Section 3. of the Emergency Decree amending the Minerals Act, B.E. 2526)

“Mineral Transit Store” means the place specified in a Mineral Transport Licence where minerals may be stored in transit;

“Prospecting Atchayabat” means a permit issued for prospecting within the locality specified therein;

“Exclusive Prospecting Atchayabat” means a permit issued for exclusive prospecting and exploration within the area specified therein;

“Special Atchayabat” means a permit issued in a special case for exclusive prospecting and exploration within the area specified therein;

“Provisional Prathanabat” means a licence issued for mining before receiving Prathanabat within the area specified therein;

“Prathanabat” means a licence issued for mining within the area specified therein;

“Vacant Land” means a land that is not thus far owned or possessed by any person under the Land Code, is not public domain for the common use of the people or land in the legally protected or reserved area;

“Tailings” includes overburden, sand, gravel or rocks derived from mining operations;

“Slag” means any compound or by-product derived from metallurgical processing; “Local Mineral Industry Official” means an Amphoe Mineral Industry Official or Provincial Mineral

Industry Official, as the case may be, and in the absence of Provincial Mineral Industry official in any province, means the Director-General or the person entrusted by him;

“Competent Official” means a Local Mineral Industry Official and an official appointed by the Minister for the execution of this Act;

“Director-General” means the Director-General of the Department of Primary Industries and Mines;

“Minister” means the Minister taking charge and control of the execution of this Act.

Section 5.² The establishment of Provincial Mineral Resources Offices or Amphoe Mineral Resources Offices to exercise jurisdiction over any area shall be prescribed in a Ministerial Regulation.

In defining the authority of a Provincial Mineral Resources Office over an area, any Tambon or Amphoe may be included in such an area regardless whether the said Tambon or Amphoe is in the same Province or not.

Each Provincial Mineral Resources Office in any area shall be under control of a Provincial Mineral Resources Official.

In the event that a Provincial Mineral Resources Office has the authority over an area including another Province, the Mineral Resources Official in charge of the said office shall also be regarded as an official attached to that Provincial Administrative Board.

In defining the authority of an Amphoe Mineral Resources Office over an area, the territories of one or more Amphoes or of any Tambon in another Amphoe may be included under authority of the Amphoe Mineral Resources Office aforementioned.

The Amphoe Mineral Resources Office in any area shall be under control of one Amphoe Mineral Resources Official. Such an official shall be under the authority of the relevant Provincial Mineral Resources Official or may be directly responsible to the Director-General.

² Now the Mineral Resources Office becomes a part of the Industry Office, and the Mineral Resources Official is changed to the Mineral Industry Official.

*Section 6. Applications under this Act shall be in the printed forms provided by the Department of Primary Industries and Mines.

The qualifications of applicants, rules, procedures and conditions in the applications for an Exclusive Prospecting Atchayabat, Special Atchayabat, Provisional Prathanabat, Prathanabat, and licences including the applications for renewal of a Special Atchayabat, Prathanabat, Mineral Processing Licence and Metallurgical Processing Licence under this Act, shall be as prescribed in a Ministerial Regulation.

An applicant must pay application fees and deposit fees in advance along with the application and must also pay for expenses or deposit in advance for processing and issuance or renewal of an Atchayabat, Provisional Prathanabat, Prathanabat or licences, as the case may be, to the Local Mineral Industry Official. If the application is rejected or the Atchayabat, Provisional Prathanabat, Prathanabat or licence is not received for any reason, the expenses not yet incurred for processing shall be reimbursed to the applicant; if the processing has been made in part, then only the expenses not incurred shall be reimbursed.

As for the fees deposited in advance by the applicant, if the application has been rejected or withdrawn, the applicant must pay the fees which are not yet due at the rate of one quarter of the deposit unless the application is rejected without the fault of the applicant or the applicant dies.

*(As amended by Section 4. of the Minerals Act No.2. B.E. 2516)

*Section 6 bis. For the purpose of prospecting, testing, studying or researching in connection with minerals, the Minister of Natural Resources and Environment shall, with the approval of the cabinet, have the power to issue a notification in the Government Gazette specifying any area to be the area for prospecting, testing, studying or researching in connection with minerals.

Within the area specified under paragraph one, a person may not apply for an Atchayabat or a Prathanabat unless there is no further requirement to use such an area and the Minister of Natural Resources and Environment repeals the aforesaid notification in the Government Gazette.

*(As amended by Section 3. of the Minerals Act No.3. B.E. 2522)

Section 6 ter. This Act shall not apply to the Department of Mineral Fuels, Department of Mineral Resources, and Department of Primary Industries and Mines in its works for the purpose of prospecting, testing and studying or researching in connection with minerals.

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