

**SOCIAL WELFARE PROMOTION ACT,
B.E. 2546 (2003)****

BHUMIBOL ADULYADEJ, REX;
Given on the 24th Day of September B.E. 2546;
Being the 58th 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 social welfare promotion;
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 “Social Welfare Promotion Act, B.E. 2546 (2003)”.

Section 2.¹ This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

Section 3. In this Act:

“Social Welfare” means a social service system relating to the prevention, remedy, development and promotion of social stability to satisfy the fundamental needs of people to enable them to have good quality of life and self-dependency thoroughly, appropriately, fairly and in accordance with standards in terms of education, health and sanitation, accommodation, occupation and income, recreation, judicial process and general social services by taking into account of human dignity, people’s entitlement to rights and participation in social welfare provision at all levels;

“Social Welfare Provision” means the provision of social welfare services in accordance with the standard prescribed by the Commission;

“Recipient of Social Welfare Services” means a person or a group of persons under hardship conditions or in need of assistance, for instance, children, youth, elderly

* Translated by Ms. Vipatboon Klaosontorn, and reviewed by Professor Phijaisakdi Horayangkura under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Initial Version – pending review and approval by the Office of the Council of State.

** As amended up to the Social Welfare Promotion Act (No.2) B.E. 2550 (2007).

¹ Government Gazette No. 120/part 94a/Page 6/1 October B.E. 2546.

persons, indigent persons, handicapped or disabled persons, disadvantaged persons, sexually assaulted persons or other groups of persons as prescribed by the Commission;

“Social Welfare Organisation”² means a state agency which carries out social welfare provision, public benefit organizations and community welfare organisations;

“Public Benefit Organisation” means a private organisation which is certified to carry out social welfare provision under this Act;

“Community Welfare Organisation”³ means a public organisation established with the purposes of providing social welfare to members of the community or performing social welfare provision of the community welfare organisation network and certified to carry out social welfare provision under this Act;

“Community”⁴ means groups of persons which have interrelated ways of life and interactive communication normally and continuously due to living in the same area or having the same occupation or carrying out activities with common objectives or having common cultures, beliefs or interests;

“Community Welfare Organisation network”⁵ means an organisation which is a result of an integration of more than one community welfare organisation for the cooperation, coordination and connection in social welfare provision of community welfare organisations at all levels;

“Fund” means the social welfare promotion fund;

“Office” means the Office of the National Commission on Social Welfare Promotion;

“Social worker” means a person performing work relating to social welfare provision who has graduated with no lower than a bachelor degree in the field of social welfare administration or has attended a social work training in accordance with the standard prescribed by the Commission or has qualifications as prescribed and notified by the Commission in the Government Gazette;

² The definition of “Social Welfare Organisation” under section 3 is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

³ The definition of “Community Welfare Organisation” under section 3 is added by the Social Welfare Promotion Act (No.2) B.E. 2550.

⁴ The definition of “community” under section 3 is added by the Social Welfare Promotion Act (No.2) B.E. 2550.

⁵ The definition of “community welfare organisation network” under section 3 is added by the Social Welfare Promotion Act (No.2) B.E. 2550.

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“Volunteer” means a person who volunteers to assist in performing work relating to social welfare provision in a social welfare organisation;

“Member” means a member of the National Commission on Social Welfare Promotion;

“Commission” means the National Commission on Social Welfare Promotion;

“Evaluation Commission” means commission to monitor and evaluate the performance of the Fund;

“Director” means the Director of the Office of the National Commission on Social Welfare Promotion;

“Competent official” means a person appointed by the Minister for the execution of this Act;

“Minister” means the Minister of the Ministry of Social Development and Human Security.

Section 4. The Prime Minister and Minister of the Ministry of Social Development and Human Security shall have charge and control of the execution of this Act.

The Minister of the Ministry of Social Development and Human Security shall have the powers to appoint competent officials and issue rules for the execution of this Act.

The rules shall come into force after their publication in the Government Gazette.

CHAPTER I

SOCIAL WELFARE PROVISION GUIDELINES

Section 5. Regarding social welfare provision by a Social Welfare Organisation to a recipient, the following matters shall be taken into consideration:

(1) various matters to be executed as necessary and appropriate, for instance, social services, education, health and sanitation, accommodation, occupational trainings, occupation, recreation and judicial process, etc;

(2) natures or forms and procedures of the execution, for instance, promotion of development, assistance, protection, prevention, remedy and rehabilitation, etc.

Regarding the social welfare provision under paragraph one, the participation of individuals, families, communities, local administrative organisations, professional organisations, religious institutions and other organisations shall be promoted and supported.

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Section 6. The social welfare provision shall be in accordance with the standard of social welfare provision prescribed by the Commission.

CHAPTER II
NATIONAL COMMISSION ON SOCIAL WELFARE PROMOTION

Section 7.⁶ There shall be a commission called the “National Commission on Social Welfare Promotion” or “NCSWP”, in brief, consisting of:

- (1) the Prime Minister as Chairperson;
- (2) the Minister of the Ministry of Social Development and Human Security as the first Vice-Chairperson;
- (3) a representative of a Public Benefit Organisation or representative of a Community Welfare Organisation, appointed by the Prime Minister from persons under (5) as the second Vice-Chairperson;
- (4) ex officio members, namely, the Permanent Secretary of the Office of the Prime Minister, the Permanent Secretary of the Ministry of Finance, the Permanent Secretary of the Ministry of Tourism and Sports, the Permanent Secretary of the Ministry of Social Development and Human Security, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Justice, the Permanent Secretary of the Ministry of Labour, the Permanent Secretary of the Ministry of Culture, the Permanent Secretary of the Ministry of Education, the Permanent Secretary of the Ministry of Public Health, the Director of the Bureau of the Budget, the Secretary General of the Office of the National Economic and Social Development Board and the Director General of the Department of Social Development and Welfare;
- (5) members appointed by the Council of Ministers, namely, eight representatives of Public Benefit Organisations and eight representatives of Community Welfare Organisations;
- (6) eight qualified members appointed by the Council of Ministers.

The Director shall be member and secretary and shall appoint an official of the Office as assistant secretary.

⁶ Section 7 is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

The members who are representatives of Public Benefit Organisations and representatives of Community Welfare Organisations shall be appointed from persons selected by the Public Benefit Organisations and Community Welfare Organisations among themselves, as the case may be, and the qualified members shall be appointed from persons who are not government officials holding a permanent position or receiving salary, officers or employees of any governmental agency, state agency, state enterprise or local administrative organisation, except for lecturers in any public institution of higher education. The qualified members shall be the persons having knowledge, expertise, achievement and experience in work relating to social welfare provision, health and sanitation, education and law, with at least one member from each field.

The rules, procedures and conditions for selection and vacation from office of the representatives of Public Benefit Organisations and representatives of Community Welfare Organisations shall be in accordance with the rules prescribed by the Minister.

Section 8. A member appointed by the Council of Ministers shall hold office for a term of two years. A member who vacates office upon the expiration of the term may be re-appointed but not more than two consecutive terms.

Section 9. In addition to vacating office on the expiration of term under section 8, a member appointed by the Council of Minister vacates office upon:

- (1) death;
- (2) resignation;
- (3) being bankrupt;
- (4) being incompetent or quasi-incompetent person;
- (5) being dismissed by the Council of Ministers;
- (6) being imprisoned due to a final judgement to a term of imprisonment.

Section 10. In the case where a member appointed by the Council of Ministers vacates office before the expiration of the term, the Council of Ministers shall appoint a new member from persons in the same category under section 7. The new member appointed to replace the vacated member shall be in office for the unexpired term of office of such vacated member.

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Section 11. Upon the expiration of the term of office, a member appointed by the Council of Ministers whose term of office has expired shall continue to perform his or her duties until a new member has been appointed.

Section 12. At a meeting of the Commission, 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 Chairperson is not present at the meeting or is unable to perform the duties, the first Vice-Chairperson shall preside over the meeting. If the Chairperson and first Vice-Chairperson is not present at the meeting or is unable to perform the duties, the second Vice-Chairperson shall preside over the meeting. If the Chairperson and both Vice-Chairpersons are not present at the meeting or are unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 13. The Commission shall have the following powers and duties:

(1) to provide recommendations and opinions to the Council of Ministers regarding policies on social welfare provision and promotion of the systematic, thorough and continuing social welfare provision;

(2) to provide recommendations to the Council of Ministers to enact or amend laws, rules, regulations or resolutions of the Council of Ministers regarding social welfare provision;

(3) to propose the social welfare development plan to the Council of Ministers for approval as a master plan;

(4) to grant approval to work plans and other projects on social welfare provision submitted to the Commission under this Act;

(5) to specify target persons or target groups of persons, fields, natures or forms and procedures of social welfare provision;

(6) to specify standards of social welfare provision;

(7) to lay down rules on the certification of performance standards concerning social welfare provision of Social Welfare Organisations, social workers and volunteers;

(8) to lay down rules on the work coordination concerning social welfare provision;

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(9) to lay down rules on the promotion and support of social welfare provision;
 (10) to lay down rules on the control and supervision of expenditures of the Fund to comply with this Act;

(11) to lay down rules on the management of the Fund with the approval of the Ministry of Finance under section 29(1);

(12) to lay down rules on the approval of making financial contribution to support Social Welfare Organisations to provide social welfare or to perform work relating to social welfare provision under section 29(2);

(13) to lay down rules on the preparation of a report on the financial status and management of the Fund under section 29(3);

(14) to lay down rules on the receipt of money, payment of money, keeping of money, procurement of benefits and management of the Fund with the approval of the Ministry of Finance under section 30;

(15)⁷ to specify rules, procedures and conditions on the submission of an application and certification of Public Benefit Organisations and Community Welfare Organisations under section 34 and section 40/1;

(16)⁸ to lay down rules on the supervision and inspection of the operation of Public Benefit Organisations and Community Welfare Organisations to comply with this Act;

(17)⁹ to specify standards of social work trainings as well as qualifications of persons carrying out work relating social welfare provision who would become social workers under this Act;

(18)¹⁰ to lay down rules on the promotion and support on technical knowledge and personnel development for social workers and volunteers under section 35(2);

(19)¹¹ to lay down rules on the refund of financial subsidy received by Public Benefit Organisations and Community Welfare Organisations under section 40 and 40/3;

(20) to lay down other relevant rules for the execution of this Act, including the execution of any other affair as prescribed under this Act or other laws as the powers and duties of the Commission, or as assigned by the Council of Ministers.

In performing the duties of the Commission under (3) (5) (6) and (9), principles and guidelines on the participation or roles of individuals, families, communities, local

⁷ Section 13(15) is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

⁸ Section 13(16) is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

⁹ Section 13(17) is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

¹⁰ Section 13(18) is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

¹¹ Section 13(19) is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

administrative organisations, professional organisations, religious institutions and other organisations including public and private agencies shall be taken in to consideration.

The social welfare development plan under (3) approved by the Council of Ministers as a master plan, regulations under (5) (6) (15) (17) and rules laid down under section (7) (8) (9) (10) (12) (13) (14) (16) (18) (19) (20), including rules on the management of the Fund under section (11) approved by the Ministry of Finance, shall come into force after their publication in the Government Gazette.

Section 14. The Commission shall have the power to appoint a sub-commission to perform the duties on behalf of the Commission or to carry out any affair as assigned by the Commission.

Section 12 shall apply mutatis mutandis to any meeting of the sub-commission.

Section 15. The Office of the National Commission on Social Welfare Promotion or the NCSWP Office, in brief, shall be established in the Office of the Permanent Secretary of the Ministry of Social Development and Human Security and shall have the following powers and duties:

(1) to prepare and propose the social welfare development plan to the Commission;

(2) to gather data, study and carry out research and development on the promotion of social welfare provision;

(3) to be centre for coordination, dissemination and public relations of any work or activity relating to social welfare provision;

(4) to cooperate and coordinate with the central administration, provincial administration, local administration, state enterprises and Social Welfare Organisations as well as other organisations on social welfare provision under this Act or other relevant laws;

(5) to follow up and evaluate the performance of work under the social welfare development plan of Social Welfare Organisations and report to the Commission;

(6) to carry out and support the execution of social welfare provision of Social Welfare Organisations, social workers and volunteers to comply with the standard prescribed by the Commission, as well as to carry out any work to develop such standard to be suitable to social changes;

(7) to certify performance standards concerning social welfare provision of Social Welfare Organisations, social workers and volunteers in accordance with the rules prescribed by the Commission;

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(8)¹² to supervise and inspect the operation of Public Benefit Organisations and Community Welfare Organisations to comply with this Act and the rules prescribed the Commission;

(9) to prepare a central register of Social Welfare Organisations, social workers, volunteers and recipients of social welfare services;

(10) to organise trainings for social workers and volunteers;

(11) to be responsible for any secretarial work of the Commission, Fund Management Commission, Evaluation Commission and sub-commission appointed by the Commission;

(12) to perform other duties as assigned by the Commission.

Section 16. In performing the duties under this Act, a member, member of the Changwat Commission on Social Welfare Promotion, member of the Bangkok Metropolitan Commission on Social Welfare Promotion, member of the Evaluation Commission, member of the Fund Management Commission and member of the sub-commission, shall be entitled to receive a meeting allowance, travel allowance, daily allowance, accommodation allowance and other expenses in accordance with the rules prescribed by the Minister with the approval of the Ministry of Finance.

CHAPTER III

CHANGWAT COMMISSION ON SOCIAL WELFARE PROMOTION

Section 17.¹³ There shall be a “Changwat Commission on Social Welfare Promotion” or “Changwat CSWP”, in brief, consisting of:

(1) the Governor as Chairperson;

(2) the Vice Governor assigned by the Governor as the first Vice-Chairperson;

(3) a representative of Public Benefit Organisations or representative of Community Welfare Organisation, appointed by the Governor from persons under (5) as the second Vice-Chairperson;

(4) ex officio members, namely, the Deputy Governor (Palad Changwat), the Changwat Labour Official, the Changwat Culture Official, the Director of the Technical

¹² Section 15(8) is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

¹³ Section 17 is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

Promotion and Support Office, the Director of the Changwat Special Education Centre, the Changwat Public Health Medical Physician and a representative of the Ministry of Education in the area of such Changwat;

(5) members appointed by the Governor, namely, three representatives of local administrative organisations located in the area of such Changwat, three representatives of Public Benefit Organisations located in the area of such Changwat and three representatives of Community Welfare Organisations located in the area of such Changwat;

(6) three qualified members appointed by the Governor.

The Changwat Social Development and Human Security Official shall be member and secretary and shall appoint an official of the Changwat Office of Social Development and Human Security as assistant secretary.

The members who are representatives of local administrative organisations, representatives of Public Benefit organisations and representatives of Community Welfare organisations shall be appointed from persons selected by the local administrative organisations, Public Benefit Organisations and Community Welfare Organisations among themselves, as the case may be, and the qualified members shall be appointed from persons who are not government officials holding a permanent position or receiving salary, officers or employees of any governmental agency, state agency, state enterprise or local administrative organisation, except for lecturers in any public institution of higher education. At least one of the qualified members shall be the person having knowledge, expertise, achievement and experience in work relating to social welfare.

The rules, procedures and conditions for selection and vacation from office of the representatives of local administrative organisations, representatives of Public Benefit Organisations and representatives of Community Welfare Organisations shall be in accordance with the rules prescribed by the Minister.

Section 18. Section 8, section 9, section 10, section 11, section 12 and section 14 shall apply mutatis mutandis to the holding of office, vacation from office, meetings and appointment of a sub-commission of the Changwat CSWP.

Section 19. The Changwat CSWP shall have the following powers and duties:

(1) to propose policies, measures and social welfare provision plans of Changwat to the Commission;

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(2) to promote and support the participation of a state agency and private sector in social welfare provision of Changwat;

(3) to lay down rules on the coordination of work between state agencies and private sector with regard to data, resources and work on social welfare provision of Changwat;

(4) to lay down rules on social welfare provision of Changwat in accordance with the rules prescribed by the Commission;

(5) to supervise or promote and grant approval to plans and projects concerning social welfare provision in the area of Changwat to comply with the social welfare provision plan;

(6) to perform other duties as assigned by the Commission.

Section 20.¹⁴ The Changwat Office of Social Development and Human Security shall be responsible for secretarial works of the Changwat CSWP and shall have the following powers and duties within the area of Changwat:

(1) to prepare and propose to prepare and submit the social welfare provision plan to the Changwat CSWP;

(2) to gather data, statistics, plans, projects regarding social welfare provision;

(3) to be centre for coordination, dissemination and public relations of any work or activity relating to social welfare provision;

(4) to cooperate and coordinate with the central administration, provincial administration, local administration, state enterprises and Social Welfare Organisations as well as other organisations on social welfare provision under this Act or other relevant laws;

(5) to follow up and evaluate the performance of work under the social welfare development plan of Social Welfare Organisations and report to the Changwat CSWP;

(6) to promote and support the participation of Social Welfare Organisations, local administrative organisations, communities, and other organisations in social welfare provision;

(7) to supervise and inspect the operation of Public Benefit Organisations and Community Welfare Organisations under this Act;

(8) to prepare a register of Social Welfare Organisations, social workers, volunteers and recipients of social welfare services;

¹⁴ Section 20 is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

(9) to perform other duties as assigned by the Changwat CSWP.

Section 21.¹⁵ There shall be a “Bangkok Metropolitan Commission on Social Welfare Promotion” or “BCSWP”, in brief, consisting of:

- (1) the Governor of Bangkok Metropolitan Administration as Chairperson;
- (2) the Permanent Secretary for the Bangkok Metropolitan Administration as the first Vice-Chairperson;
- (3) a representative of a Social Benefit Organisation or representative of a Community Welfare Organisation, appointed by the Governor of Bangkok Metropolitan Administration from persons under (5) as the second Vice-Chairperson;
- (4) ex officio members, namely, a representative of the Ministry of Social Development and Human Security, a representative of the Ministry of Interior, a representative of the Ministry of Labour, a representative of the Ministry of Culture, a representative of the Ministry of Education, a representative of the Ministry of Public Health, a representative of the Department of Social Development and Welfare and a representative of the Central Special Education Centre;
- (5) members appointed by the Governor of Bangkok Metropolitan Administration, namely, six representatives of Public Benefit Organisations located in the area of Bangkok Metropolitan and six representatives of Community Welfare Organisations located in the area of Bangkok Metropolitan;
- (6) six qualified members appointed by the Governor of Bangkok Metropolitan Administration.

The Director of Bangkok Metropolitan Social Development Office shall be member and secretary and shall appoint an official of the Bangkok Metropolitan Social Development Office as assistant secretary.

The members who are representatives of Public Benefit Organisations and representatives of Community Welfare Organisations shall be appointed from persons selected by the Public Benefit Organisations and Community Welfare Organisations among themselves, as the case may be, and the qualified members shall be appointed from persons who are not government officials holding a permanent position or receiving salary, officers or employees of any governmental agency, state agency, state enterprise or local administrative organisations, except for lecturers in any public institution of higher education. At least one of the qualified members shall be the person having knowledge, expertise,

¹⁵ Section 21 is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

achievement and experience in work relating to social welfare provision, health and sanitation, education and law.

The rules, procedures and conditions for selection and vacation from office of the representatives of Public Benefit Organisations and representatives of Community Welfare Organisations shall be in accordance with the rules prescribed by the Minister.

Section 22. Section 8, section 9, section 10, section 11, section 12 and section 14 shall apply mutatis mutandis to the holding of office, vacation from office, meetings and appointment of a sub-commission of the BCSWP.

Section 23.¹⁶ The BCSWP shall have the powers and duties under section 19 and the Bangkok Metropolitan Social Development Office shall be responsible for the secretarial works of the BCSWP and shall have the powers and duties under section 20 within the area of Bangkok Metropolitan.

CHAPTER IV SOCIAL WELFARE PROMOTION FUND

Section 24. There shall be established, in the Office of the Permanent Secretary of Ministry of Social Development and Human Security, a fund called the “Social Welfare Promotion Fund” as capital for expenses for the promotion of social welfare provision under this Act.

Section 25. The Fund shall consist of:

- (1) initial funds allocated by the government;
- (2) money received from annual budgetary appropriations;
- (3) money or properties donated or given by individuals;
- (4) subsidies from foreign countries or international organisations;
- (5) money or properties devolved on the Fund or received by the Fund under the law or through other juristic acts;
- (6) profits accruing from money or properties of the Fund.

¹⁶ Section 23 is amended by the Social Welfare Promotion Act (No.2) B.E. 2550.

Section 26. Money and profits under section 25 shall not be remitted to the Ministry of Finance as public revenues.

Section 27. There shall be a commission called the “Fund Management Commission”, consisting of:

(1) the Permanent Secretary of the Ministry of Social Development and Human Security as Chairperson;

(2) the Director General of the Department of Social Development and Welfare as Vice-Chairperson;

(3) a representative of the Bureau of the Budget, a representative of the Comptroller General’s Department and a representative of Bangkok Metropolitan Administration;

(4) five qualified members appointed by the Commission, provided that at least two of the five qualified members shall be representatives of Public Benefit Organisations and at least one of the five qualified members shall be a representative of a local administrative organisation;

The Director shall be member and secretary.

The rules and procedures for recruitment and selection of the qualified members shall be in accordance with the Notification of the Minister.

Section 28. Section 8, section 9, section 10, section 11, section 12 and section 14 shall apply mutatis mutandis to the holding of office, vacation from office, meetings and appointment of a sub-commission of the Fund Management Commission.

Section 29. The Fund Management Commission shall have the following powers and duties:

(1) to manage the Fund in accordance with the rules prescribed by the Commission;

(2) to consider and grant approval to the financial contribution to support Social Welfare Organisations to provide social welfare or to perform work relating to social welfare provision in accordance with the rules prescribed by the Commission;

(3) to report the financial status and the management of the Fund to the Commission in accordance with the rules prescribed by the Commission.

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Section 30. The receipt of money, disbursement of money, keeping of money, procurement of benefits and management of the Fund shall be in accordance with the rules prescribed by the Commission.

Section 31. There shall be a commission called the “Following-up and Evaluation Commission on the Performance of the Fund”, consisting of seven members, namely, a Chairperson and five qualified members appointed by the Commission, with the advice of the Minister, from the persons having knowledge, competence and experience in the field of finance, social welfare provision and performance evaluation, provided that two of the five qualified members shall be the persons having expertise in performance evaluation, and the Director shall be member and secretary.

Section 8, section 9, section 10, section 11 and section 12 shall apply mutatis mutandis to the members of the Evaluation Commission and meetings of the Evaluation Commission.

Section 32. The Evaluation Commission shall have the following powers and duties:

- (1) to follow-up, inspect and evaluate the performance of the Fund;
- (2) to report the results of the performance together with recommendations to the Commission;

The Evaluation Commission shall have the power to summon documents or other evidences relating the Fund from any person or summon any person to give a statement of facts for consideration and evaluation.

Section 33. The Fund Management Commission shall prepare a balance sheet and accounts and submit them to an auditor for auditing within one hundred and twenty days from the expiry date of each accounting year .

The Office of the Auditor General of Thailand shall be the auditor of the Fund for every annual period, and prepare a report on auditing and certification of every type of accounts and finance of the Fund and submit it to the Commission within one hundred and fifty days from the end of each accounting year. The Commission shall submit such report to the Council of Ministers for acknowledgement.

The Minister shall submit the auditing report under paragraph two to the Prime Minister for further submission to the House of Representatives and the Senate for acknowledgement and shall publish it in the Government Gazette.

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CHAPTER V
PUBLIC BENEFIT ORGANISATIONS

Section 34. A foundation or association having its objectives in social welfare provision, or a private organisation having its achievement relating to Social Welfare Organisation in accordance with the standard prescribed by the Commission, may submit an application to the Commission to certify it as a Public Benefit Organisation.

The submission of an application and certification of a Public Benefit Organisation under paragraph one shall be in accordance with the rules, procedures and conditions prescribed by the Commission.

In certifying a Public Benefit Organisation, the Commission may specify any conditions to be complied with by the Public Benefit Organisation.

After the certification of any organisation as a Public Benefit Organisation, the certification of such Public Benefit Organisation shall be registered in the register of Public Benefit Organisations, and the Office shall publish such certification in the Government Gazette by specifying the name of such Public Benefit Organisation.

Section 35. A Public Benefit Organisation may receive the following support for the purpose of social welfare provision:

- (1) subsidies from the Fund in accordance with the rules prescribed by the Commission;
- (2) technical assistance and personnel development assistance from the Office as necessary and appropriate in accordance with the rules prescribed by the Commission;
- (3) other assistances as prescribed by the Commission.

Section 36. A project which may receive a subsidy from the Fund shall have the following qualifications:

- (1) being a project relating to social welfare provision having impact upon the prevention and remedy of social problems and upon the social development;
- (2) being a project which is not contrary to the governmental policies and social welfare development plan;

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(3) being a project which has already been carried out with partial funding or being a new project.

Section 37. A Public Benefit Organisation having received a subsidy from the Fund under section 35(1) shall prepare a report on its expenditure in accordance with the rules and procedures prescribed by the Commission.

Section 38. In the case where it appears that there is a circumstance where any Public Benefit Organisation acts dishonestly in providing social welfare or fails to comply with the rules prescribed by the Commission or does not have any achievement which meets the standard prescribed by the Commission, the competent official shall have the following powers and duties:

(1) to notify such Public Benefit Organisation in writing, summoning it to give a statement of facts or opinion on its performance, or to send documents or other evidences for consideration;

(2) to notify any relevant person in writing to give a statement or to send a written statement of facts or objects, documents or other evidences for consideration.

Section 39. The Commission shall have the power to revoke the certification of a Public Benefit Organisation after receiving a report from the competent official in any of the following cases:

(1) there is any of the circumstances under section 38 and after the investigation by the competent official, it appears that such Public Benefit Organisation acts dishonestly in providing social welfare or intentionally fails to comply with the rules prescribed by the Commission or does not have any achievement which meets the standard prescribed by the Commission;

(2) any Public Benefit Organisation has received a notification from the competent official under section 38(1) and fails to comply with such notification without any reasonable excuse.

Section 40. Upon the revocation of the certification of any Public Benefit Organisation, the Office shall publish the name of such Public Benefit Organisation in the Government Gazette and the Public Benefit Organisation whose certification has been revoked shall remit the subsidy previously received to the Office in accordance with the rules prescribed by the Commission.

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CHAPTER VI
COMMUNITY WELFARE ORGANISATIONS¹⁷

Section 40/1.¹⁸ A private organisation which has its objectives in providing social welfare for the members of the community or which has been formed as the Community Welfare Organisation network in accordance with the standard prescribed by the Commission, by taking into consideration of the diversity of the geosocial of each local community, may submit an application to the Commission to certify it as a Community Welfare Organisation.

The submission of an application and certification of a Community Welfare Organisation under paragraph one shall be in accordance with the rules, procedures and conditions prescribed by the Commission.

In certifying a Community Welfare Organisation, the Commission may specify any condition to be complied with by the Community Welfare Organisation.

After the certification of any organisation as a Community Welfare Organisation, the certification of such public organisation shall be registered in the register of Community Welfare Organisations, and the Office shall publish such certification in the Government Gazette by specifying the name of such Community Welfare Organisation.

Section 40/2.¹⁹ A Community Welfare Organisation may receive support for the social welfare provision or its performance on social welfare provision:

Section 35, section 36 and section 37 shall apply mutatis mutandis to the support under paragraph one.

Section 40/3.²⁰ In the case where it appears that there is a circumstance where any Community Welfare Organisation acts dishonestly in providing social welfare or fails to comply with the rules prescribed by the Commission or does not have any achievement which meets the standard prescribed by the Commission, the certification of such Community Welfare Organisation may be revoked, and section 38, section 38 and section 40 shall apply mutatis mutandis.

¹⁷ Chapter VI is added by the Social Welfare Promotion Act (No.2) B.E. 2550.

¹⁸ Section 40/1 is added by the Social Welfare Promotion Act (No.2) B.E. 2550.

¹⁹ Section 40/2 is added by the Social Welfare Promotion Act (No.2) B.E. 2550.

²⁰ Section 40/3 is added by the Social Welfare Promotion Act (No.2) B.E. 2550.

Section 40/4.²¹ A state agency, local administrative organisation or public organisation may collaborate with a Community Welfare Organisation and support the operation of such Community Welfare Organisation as appropriate, as the case may be.

TRANSITORY PROVISIONS

Section 41. At the outset prior to the appointment of members under section 7(3) and (5), the Commission shall consist of members under section 7(1) (2) (4) and (6) to perform the duties until the members under section 7(3) and (5) has been appointed.

The members under paragraph one shall prescribe the rules, procedures and conditions for the submission of an application and certification of a Public Benefit Organisation under section 34 within the period not exceeding 60 days from the date of appointment of members under section 7(6) by the Council of Ministers.

Section 42. At the outset, section 41 paragraph one shall apply mutatis mutandis to the Changwat Commission on Social Welfare Promotion under section 17, the Bangkok Metropolitan Commission on Social Welfare Promotion under section 21 and the Fund Management Commission under section 27.

Section 43. While the Office has not yet been established, the Office of the Permanent Secretary of the Ministry of Social Development and Human Security shall have the powers and duties under section 15.

Countersigned by:

Police Lieutenant Colonel Thaksin Shinawatra
Prime Minister

²¹ Section 40/4 is added by the Social Welfare Promotion Act (No.2) B.E. 2550.