

ELDERLY PERSON ACT,

B.E. 2546 (2003)**

BHUMIBOL ADULYADEJ, REX;

Given on the 22nd Day of December B.E. 2546;

Being the 58th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim;

Whereas it is expedient to have a law on elderly person;

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

Section 1. This Act is called the “Elderly Person Act, B.E. 2546 (2003)”.

Section 2¹. This Act shall come into force as from the date of its publication in the Government Gazette.

Section 3. In this Act,
“Elderly Person” means a person who is over sixty years of age and has Thai nationality.

“Funds” means Elderly Person Funds.

“Commission” means National Commission on the Elderly Person.

*Translated by Siam City Law Offices Limited 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 Elderly Person Act (No. 2) B.E. 2553

¹ Published in the Government Gazette, Vol. 120, Part 130 a, Page 1, dated 31 December B.E. 2546.

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“Minister” means the Minister of the unit which has been assigned responsibilities in relation to the protection, promotion and support of Elderly Person pursuant to section 11.

Section 4. The National Commission on the Elderly Person which is abbreviated as “NCEP” consists of:

- (1) the Prime Minister as the President;
- (2) Minister of Social Development and Human Security as the Vice-President, first person;
- (3) President of the Senior Citizen Council of Thailand under the Queen’s Royal Patronage as the Vice-President, second person;
- (4) Secretary of Finance, Secretary of Foreign Affairs, Secretary of Social Development and Human Security, Secretary of Interior, Secretary of Labour, Secretary of Education, Secretary of Public Health, Permanent Secretary for the Bangkok Metropolitan Administration, Bureau of the Budget’s Director, Secretariat of the National Commission on the Economic and Social Development, President of the Council of Social Welfare of Thailand under the Royal Patronage, Secretariat of the Red Cross Council, as members by holding such positions;
- (5) qualified members which the cabinet has appointed from the representatives of private organisations which relate to works in the protection, promotion and support of Elderly Person, of not exceeding five persons;
- (6) qualified members which the cabinet has appointed, of not exceeding five persons.

The Director of the Office of Promotion and Protection of Children, Youth, the Elderly and Vulnerable Groups, Ministry of Social Development and Human Security shall be members and secretaries, the Director of the Office of Promotion and Protection of the Elderly, the Office of Promotion and Protection of Children, Youth, the Elderly and Vulnerable Groups, Ministry of Social Development and Human Security and the Director of Institute of Geriatric Medicine, Department of Medical Services, Public Health Ministry shall be assistant secretaries.

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The appointment of qualified member who is a representative of the private organisation pursuant to (5) shall be appointed from a person who the private organisation has selected. Also, the appointment of qualified member shall be made from a pool of person, who is not a government officer holding a position or having permanent salary, official or employee of the official unit, government unit, state enterprise, local administration, or other government organisation, except for an educator in the Public Higher Education Institution.

The criteria and method in the selection and the removal from position of the representative of private organisations shall comply with the rules prescribed by the Minister. The members under (1) (2) (3) (4) and (5) shall search and consider the selection of the qualified member and shall propose to the cabinet for appointment as member under (6).

Section 5. The qualified members shall serve a term of four years starting from the date of appointment. The members who vacates the office upon expiration of his or her term may be reappointed, but not for more than two consecutive terms.

In case the qualified member has completed his or her term and has ceased to hold office, such qualified member shall continue to perform his or her duty until there is an appointment of a new qualified member.

In case the qualified member has ceased to hold office prior to term completion, or in case there is an appointment of the qualified member during the current qualified member's holding of position, the appointed replacement member shall retain office only for the unexpired period of office of the qualified member he or she replaces.

Section 6. Apart from the completion of the member's term and such member has ceased to hold office pursuant to section 5, the qualified member shall cease to hold office in the following cases:

- (1) death;
- (2) resignation;
- (3) being bankrupt;

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- (4) being an incompetent person or a quasi-incompetent person;
- (5) being dismissed by the Prime Minister due to disgraceful behavior or incapability;
- (6) being imprisoned due to a final judgement.

Section 7. At a meeting of the Commission, the presence of not less than one-half of members is required to constitute a quorum.

If the President is not present at the meeting or is unable to perform the duties, the Vice-President shall preside over the meeting. If both the President and the Vice-President are not present at the meeting or are unable to perform the duties, the members present at the meeting shall elect one among themselves to preside over the meeting.

The final 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 presiding member shall have an additional vote as the casting vote.

There shall be a Commission meeting at least twice a year.

Section 8. The Commission has the power to appoint a Sub-Commission to consider or perform any act according to the Commission's assignment.

Section 7 shall apply on the Sub-Commission's meeting, *mutatis mutandis*.

Section 9. The Commission has the following powers and duties:

- (1) set the main policy and plan in relation to the protection, promotion and support of the status, roles and activities of the Elderly Person with approval of the cabinet, however, there shall be promotion and support for family institution in order to be involved in assisting Elderly Person;
- (2) set practice guideline according the main policy and plan in (1) as well as coordinate, follow-up and assess the performance pursuant to such policy and plan;
- (3) consider supporting and assisting the activities of the government unit and private sector in relation to the welfare and development of the Elderly Person;

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(4) set the regulations concerning the management of the Funds, procurement of benefits and administration of the Funds with the approval of the Ministry of Finance under section 20(1);

(5)² set the regulations concerning the consideration of approving payment for protection, promotion, support and welfare of the Elderly Person under section 20(2);

(6) set the regulations concerning the procurement of the report on the financial status and management of the Funds under section 20(3);

(7) set the regulations concerning the monetary receipt, the monetary payment, and the monetary maintenance of Funds with the approval of the Ministry of Finance under section 21;

(8) set other related regulations for execution of this Act;

(9) propose the opinion and observation comment to the cabinet for creation of or amendment of the laws relating to the protection, promotion and support of the status, roles and activities of the Elderly Person;

(10) propose the situational report in relation to the Elderly Person of the nation to the cabinet at least once a year;

(11) consider any other matter in relation to the Elderly Person under this Act or other laws which prescribe that the Commission shall have the powers and duties, or as assigned by the cabinet.

Section 10. The Office of Promotion and Protection of the Elderly, the Office of Promotion and Protection of Children, Youth, the Elderly and Vulnerable Groups, Ministry of Social Development and Human Security shall have the powers and duties in conducting various acts in relation to the protection, promotion and support of the Elderly Person, and be responsible for the administrative and academic works of the Commission, with the following powers and duties:

² Section 9 (5) has been amended by the Elderly Person Act (No. 2), B.E. 2553 (2010).

(1) set the main policy and plan in relation to the protection, promotion and support of the status, roles and activities of the Elderly Person to Commission and propose the matter to the Commission;

(2) gather the information, studies, research and development in relation to the protection, promotion and support of the Elderly Person;

(3) act as a center in the coordination, dissemination and public relations work or activities concerning the Elderly Person;

(4) create a system in caring for local Elderly Person;

(5) cooperate and coordinate with the centralised administration unit, the regional administration unit, and state enterprise, as well as the other organisations which enables the protection, promotion and support of Elderly Person under this Act and related laws;

(6) follow-up and assess the results of the performance of the key plan of related units and report to the Commission;

(7) consider proposing an opinion to Commission to have or to amend the laws on the protection, promotion and support of the status, roles and activities of the Elderly Person;

(8) perform other acts assigned by Commission.

Section 11. The Elderly Person shall receive the protection, promotion and support as follows:

(1) medical and public health services which provide convenience and expediency for Elderly Person as a special case;

(2) education, religion, and information which are beneficial to living;

(3) performing a profession or training for an appropriate profession;

(4) self-development and participation in social activities, grouping as a network or community;

(5) provide convenience and safety directly to the Elderly Person in the building, place, vehicle, or other public services;

(6) assistance in the transportation fee as appropriate;

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- (7) exemption of entrance fees for government places;
- (8) assistance for Elderly Person who has been harmed by torture or has been unlawfully taken advantage of or has been neglected;
- (9) provide suggestion, consultation or other act in relation to case or a measure to resolve family problems;
- (10) provide sufficient accommodation, food and clothing as necessary;
- (11)³ payment of the living allowance on monthly basis which is sufficient and fair;
- (12) assist in the funeral ceremony in accordance with the customs;
- (13) other act which the Commission declares.

For the performance of the first paragraph, the Commission shall propose to the Prime Minister for consideration and declaration. One unit or any unit of the Ministry or Bureau in the centralised administration unit, the regional administration unit, and state enterprise, shall have the powers and duties regarding such performance, by taking into account the expertise, in relation to the main mission and the responsible work volume, and including the public participation as the key.

Regarding the protection, promotion and support of the first paragraph, the unit under the second paragraph shall act without charging a value or provide discount as a special basis, as the case may be, however, such matter shall comply with the criteria, method and conditions prescribed by the Minister.

Section 12. In demanding the rights or the acquisition of rights or benefits of the Elderly Person under this Act, it shall not constitute a waiver of rights or benefits which the Elderly Person may be entitled to in other legal provisions.

Section 13. There shall be an establishment of Funds for the Office of Promotion and Protection of Children, Youth, the Elderly and Vulnerable Groups which shall

³ Section 11 (11) has been amended by the Elderly Person Act (No. 2), B.E. 2553 (2010).

be called “Elderly Funds” to be used for payment of expenses in relation to the protection, promotion and support of Elderly Persons under this Act.

Section 14. The Funds shall consist of:

- (1) inauguration funding from the government’s appropriation;
- (2) money received from the annual budget payment;
- (3) money or asset which the donator donates or gives;
- (4) subsidy from foreign country or international institution;
- (5) money or assets belonging to the Funds or the Funds have received under the law or other transaction;
- (6) returns arising from such Funds’ money or assets.

Section 15. Money and returns under section 14 do not have to be remitted to the Ministry of Finance as revenue of the State.

Section 16. The donator of money or asset to the Funds has the right to reduce the tax computation or receive tax exemption for the donated asset, as the case may be, such matter shall comply with the criteria, method and conditions prescribed in the Revenue Code.

Section 17. The caretaker of the parent who is an Elderly Person without sufficient income for sustaining a living is entitled to tax reduction, such matter shall comply with the criteria, method and conditions prescribed in the Revenue Code.

Section 18. There shall be a Funds Management Committee consisting of the Secretary of Social Development and Human Security Ministry as the President, Director of the Office of Promotion and Protection of Children, Youth, the Elderly and Vulnerable Groups, as the Vice-President, representative of Public Health Ministry, representative of Bureau of the Budget, representative of the Comptroller General’s Department and qualified members who the Commission will appoint of five persons. Among these five persons, there

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shall be one representative of the Elderly organisation, one representative of related private organisation to the protection, promotion and support of the status, roles and activities of the Elderly Person, one expert in fund raising, as members, and the Director of the Office of Promotion and Protection of the Elderly Person shall be a member and secretariat.

Section 19. Section 5, section 6, section 7 and section 8 shall apply on the matters of holding a position, removal from a position, additional appointment of member, meeting, and the appointment of a sub-committee of the Funds Management Committee, *mutatis mutandis*.

Section 20. The Funds Management Committee shall have the following powers and duties:

(1) Funds management, including all actions in relation to the procurement of benefits and administration of the Funds in accordance with the Commission's prescription;

(2)⁴ consideration on approving the payment of funds for protection, promotion, support and welfare of the Elderly Person in accordance with the rules prescribed by the Commission;

(3) report on the financial status and management of the Funds to the Commission.

Section 21. Receipt, payment and maintenance of the Funds' money shall be in accordance with the rules prescribed by the Commission.

Section 22. The Funds Management Committee shall create a balance sheet and account to deliver to an auditor within one hundred and twenty days from the end of each accounting period.

⁴ Section 20 (2) has been amended by the Elderly Person Act (No. 2), B.E. 2553 (2010).

The Office of the Auditor-General of Thailand shall be the auditor of the Funds in each year and provide a report on the account of the Funds and propose such report to the Commission.

Section 23. The Commission on the Promotion and Coordination of Elderly Persons of Thailand under the Office of the Prime Minister Regulations on the Promotion and Coordination of Elderly Persons of Thailand B.E. 2542 (1999) shall perform its duties until there is appointment of the qualified members as a Commission under this Act.

Section 24. The Prime Minister and Minister of Social Development and Human Security shall have charge and control of the execution of this Act and shall have the power to issue notifications or regulations for the execution of this Act which are relevant to the official matter of such Ministry.

The notifications or regulations shall come into force as from the date of its publication in the Government Gazette.

Countersigned by

Police Lieutenant Colonel Thaksin Shinawatra

Prime Minister

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