

COMMUNITY ORGANISATION COUNCIL ACT,
B.E. 2551 (2008)

BHUMIBOL ADULYADEJ, REX.

Given on the 31st Day of January B.E. 2551;
Being the 63rd 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 community organisation council;
This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 64 and section 65 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

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

Section 1. This Act is called the “Community Organisation Council Act, B.E. 2551 (2008)”.

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

Section 3. In this Act:
“community” means a group of people joining together and having common benefits and objectives to help or support each other or collaborate in lawful and moral activities or perform other activities that are mutually beneficial to the members, whereby its operation is on a continuous basis and under administration and management systems, and intentions can be expressed on behalf of the group;

* Translated by Ms. Arriya Phasee under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

“local community” means a community living together in a village or sub-district area;

“indigenous community” means a local community existing prior to the promulgation of the Constitution of the Kingdom of Thailand, B.E. 2540 (1997);

“community organisation” means the organisation formed by the gathering of communities, local communities or indigenous communities, which has been recorded in the entry of establishment under this Act, whether it is established by the people or by the recommendation or support of State agencies, private agencies or non-governmental organisations;

“community leader” means a chairperson of local communities, indigenous communities or other communities or a head of groups or a person holding position called otherwise who has the similar status of a leader in local communities, indigenous communities or other communities;

“member” means a member of sub-district community organisation councils;

“village” means a village under the law on local administration, and shall include a community formed under official announcements;

“sub-district (*Tambon*)” means an area under the responsibility of municipalities, sub-district administrative organisations, Bangkok districts or an area called otherwise under laws;

“province (*Changwat*)” includes Bangkok;

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

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

CHAPTER I

SUB-DISTRICT COMMUNITY ORGANISATION COUNCIL

Section 5. Representatives from the local communities or indigenous communities, which have been recorded in the entry of formation with a village headman, in each village and representatives from other communities, which have been recorded in the entry of formation with a sub-district headman (*Kamnan*), in the sub-district may meet and discuss the establishment of a sub-district community organisation council to carry out

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the mission under this Act, provided that such entry of formation has been recorded prior to the date of the meeting.

The selection of representatives from local communities or indigenous communities in each village and the selection of representatives from other communities in the sub-district shall be as discussed between the local community leaders or indigenous community leaders in each village or the community leaders in other communities in the sub-district, as the case may be, whereby in each village, there shall be four representatives from local communities or indigenous communities and in each of the other communities in the sub-district, there shall be two representatives.

At a meeting under paragraph one, the presence of the representatives of local communities or indigenous communities in each village and the representatives of other communities in the sub-district of not less than sixty percent of the aggregate number of all types of the community representatives under paragraph two is required to constitute the quorum, and not less than sixty percent of the number of all types of the community representatives under paragraph two shall agree to establish a sub-district community organisation council.

When a sub-district headman has recorded the establishment of a sub-district community organisation council, he or she shall issue a receipt of entry as evidence and submit the entry list to the Community Organisations Development Institute (Public Organisation) for acknowledgement.

If there is no sub-district headman or village headman in any sub-district or village, the formation of a community or the establishment of a sub-district community organisation council, as the case may be, shall be recorded with a chief executive officer of local administrative organisation or in the case of Bangkok area, a district director, and the chief executive officer of local administrative organisation or the district director, as the case may be, shall issue a receipt of entry as evidence and inform the Community Organisations Development Institute (Public Organisation) for acknowledgement.

Rules, procedures and form for the record of the formation of communities, local communities and indigenous communities under paragraph one and the record of the establishment of sub-district community organisation councils under paragraphs four and five shall be as announced by the Community Organisations Development Institute (Public Organisation).

Section 6. A sub-district community organisation council consists of:

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(1) members who are the representatives of local communities or indigenous communities in each village and the representatives of other communities in the sub-district, selected in the number as designated by the meeting under section 5;

(2) qualified members in the number of not more than one-fifth of the number of the members under (1).

At the initial term, the meeting under section 5 shall determine the number of, and elect qualified members under (2) for the next term. The determination of number and the election shall be in accordance with the result of discussion between the members under (1). Qualified members shall be selected from the persons respected or accepted by the communities in such sub-district.

Section 7. A member of a sub-district community organisation council under section 6 (1) and (2) shall have qualifications and possess no prohibited characteristics as follows:

(1) having domicile or permanent residence or having been listed in the household register under the law on civil registration in a village in such sub-district for at least one consecutive year up to the election date;

(2) not being or not having been a person holding political position, a member of local administrative organisation council, a chief executive officer of local administrative organisation, a person holding any position of a political party or an official of a political party for a period of one year prior to the election date;

(3) not having been registered as a candidate for a member of the House of Representatives, a member of the Senate, a member of local administrative organisation council or a chief executive officer of local administrative organisation or not having participated in the senator selection process for a period of one year prior to the election date;

(4) not having been subject to an imprisonment penalty by a final judgement to imprisonment, except for an offence committed through negligence or a petty offence.

Section 8. A member of a sub-district community organisation council shall hold office for a term of four years from the election date.

If a member vacates his or her office prior to the expiration of the term, a new member shall be elected to replace the vacated position within sixty days from the date on which such position is vacant, unless the remaining term of the member is less than one hundred and eighty days, in which case, the election of a replacement member may be

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omitted. In the case where there is an election for a member to replace the vacated position, such member shall be in office for the remaining term of office of the member whom he or she replaces. The provisions of section 5 and section 6 shall apply, *mutatis mutandis*.

Upon the expiration of the term under paragraph one, a new member shall be elected within sixty days from the date of the expiration of the term. The member whose term of office has expired shall remain in office to continue to perform his or her duties during the period when a new member has not yet been elected.

Section 9. In addition to vacating office on the expiration of term, a member of a sub-district community organisation council may vacate office for any of the following reasons:

- (1) death;
- (2) resignation by tendering a resignation letter to a chairperson of the sub-district community organisation council;
- (3) being dismissed by the sub-district community organisation council's resolution with the vote of not less than two-thirds of the total number of the members of the sub-district community organisation council based on the view that the member's behavior would be detrimental to the communities;
- (4) being disqualified or possessing any prohibited characteristics under section 7;
- (5) having acted in violation of the prohibitions under section 12;
- (6) the sub-district community organisation council is dissolved.

A decision-making on the dismissal of office under this section shall be the power of the sub-district community organisation council which shall be exercised by the vote of not less than two-thirds of the total number of the members.

Section 10. If there is a cause for any sub-district community organisation council to be dissolved, the chairperson of the sub-district community organisation council holding the office during the dissolution of the sub-district community organisation council shall inform such dissolution to the sub-district headman, and upon receipt of the notice of dissolution, the sub-district headman shall issue a receipt of notification of dissolution as evidence and inform the Community Organisations Development Institute (Public Organisation) for acknowledgement.

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In the case where there is no sub-district headman in the sub-district, if there is a cause for the sub-district community organisation council to be dissolved, the chairperson of the sub-district community organisation council holding the office during the dissolution of the sub-district community organisation council shall inform such dissolution to the chief executive officer of local administrative organisation or in the case of Bangkok area, the district director, and the chief executive officer of local administrative organisation or the district director, as the case may be, shall issue a receipt of notification of dissolution as evidence and inform the Community Organisations Development Institute (Public Organisation) for acknowledgement.

Rules, procedures and form for the record of the dissolution of sub-district community organisation councils shall be as announced by the Community Organisations Development Institute (Public Organisation).

Section 11. In the case of dissolution of any sub-district community organisation council, all of its remaining properties shall be transferred to the State agencies or public organisations as the meeting of the sub-district community organisation council deems appropriate.

If the transfer of the properties has not been conducted as prescribed in paragraph one, the Community Organisations Development Institute (Public Organisation) shall proceed and complete such transfer and inform the meeting at a provincial level of sub-district community organisation councils for acknowledgement.

Section 12. A member of a sub-district community organisation council shall:

- (1) not provide assistance or support for the election campaign of candidates for a political position, a member of local administrative organisation council or a chief executive officer of local administrative organisation;
- (2) not act in violation of laws and good morals;
- (3) not be registered as a candidate for a member of the House of Representatives, a member of the Senate, a member of local administrative organisation council or a chief executive officer of local administrative organisation, or not participate in the senator selection process.

Section 13. If a member of a sub-district community organisation council who has vacated his or her office for less than one year was registered as a candidate for a member of the House of Representatives, a member of the Senate, a member of local

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administrative organisation council or a chief executive officer of local administrative organisation or participated in the senator selection process, such person may not be a member of a sub-district community organisation council for a period of one year from the date of registration for such candidate or participation in the selection process, but in respect of which he or she was not elected or selected, as the case may be.

Section 14. When a village is dissolved or villages are combined under the law on local administration, a member of the sub-district community organisation council who is the representative of community organisations in the dissolved village or the village being combined shall remain to be a member of the sub-district community organisation council until his or her membership comes to an end upon the expiration of the term or vacating from office for other reasons.

When some of the area of any village is separated to form a new village, a member of the community organisation council who is the representative of community organisations in the existing village shall remain to be a member of the sub-district community organisation council. In this regard, a member of the sub-district community organisation council having domicile in any village shall be a member of the sub-district community organisation council who is the representative of community organisations of such village until his or her membership comes to an end upon the expiration of the term, and there shall be held an election of members of the sub-district community organisation council who are the representatives of community organisations in full in accordance with a specified number in both the existing and newly established villages.

Section 15. At the first meeting of a sub-district community organisation council, members of the sub-district community organisation council shall elect one among themselves to be a chairperson of the council and another two to be vice-chairpersons of the council, namely the first vice-chairperson and the second vice-chairperson.

Section 16. Chairperson of a council shall have the power and duties as follows:

- (1) to convene and conduct the meetings of the sub-district community organisation council;
- (2) to control and carry out affairs of the sub-district community organisation council to ensure compliance with the rules and resolutions of the sub-district community organisation council;

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(3) to issue any rules and orders to ensure the peace and order of the meetings;

(4) to be representative of the sub-district community organisation council for affairs dealing with third persons;

(5) to appoint a secretary of the council with approval of the members of the sub-district community organisation council;

(6) to have other power and duties as prescribed by the law.

Section 17. Vice-chairperson of a council shall have the power and duties to assist a chairperson of the council for the affairs under the power and duties of the chairperson or perform the duties assigned by the chairperson.

Section 18. A secretary of a council shall have the duty and responsibility for general affairs, meeting arrangement and any other works as assigned by the sub-district community organisation council.

Section 19. A sub-district community organisation council shall arrange to hold a meeting at least four times a year to carry out the mission of such sub-district community organisation council.

In addition to the meetings under paragraph one, when at least one quarter of the total number of members of the sub-district community organisation council subscribe their names to a request for holding a meeting, a chairperson of the sub-district community organisation council shall arrange to hold the meeting within seven days from the date of receipt of the request.

Section 20. At a meeting of a sub-district community organisation council, the presence of not less than one-half of the total number of the members is required to constitute a quorum. A resolution of the meeting shall be made by a majority of votes. In casting a vote, each member of a sub-district community organisation council 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 21. A sub-district community organisation council shall have the following mission:

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(1) to encourage and support community organisation members to conserve or restore the customs, local wisdom, arts or good culture of their community and the nation;

(2) to encourage and support community organisation members to collaborate with local administrative organisations and State agencies in the management, maintenance and exploitation of natural resources which will be beneficial to their community and the nation on a sustainable basis;

(3) to disseminate and provide knowledge and understanding to community organisation members including that of the collaboration for the protection of environmental quality in a balanced and sustainable fashion;

(4) to provide suggestions about the problems and solution guidelines and the development to local administrative organisations for consideration in the preparation of local administrative organisation development plans;

(5) to provide suggestions about the problems and solution guidelines or the public needs in relation to the provision of public services by State agencies or local administrative organisations;

(6) to establish a public consultative forum in order to encourage public participation in expressing their opinions on the implementation by local administrative organisations or State or private agencies of the projects or activities that have or may have impact on the environmental quality or natural resources, health and hygiene or quality of life of the people in the community, provided that the local administrative organisations or State agencies implementing or allowing the private sector to implement such projects or activities shall take such opinions into their consideration;

(7) to promote and support the strength of the community organisations in the sub-district and self-reliance for the community organisation members and general people in the sub-district on a sustainable basis;

(8) to coordinate and cooperate with other sub-district community organisation councils;

(9) to report the problems and impacts from any work carried out by local administrative organisations or State agencies, which occur in the sub-district, to the relevant local administrative organisations or State agencies;

(10) to establish rules on the business operation of the sub-district community organisation council;

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(11) to prepare an annual report of the sub-district community organisation council including reports on other situations happening in the sub-district for dissemination and publication to the general public;

(12) to nominate two representatives of the sub-district community organisation council who will participate in the meeting at a provincial level of sub-district community organisation councils.

Section 22. A local administrative organisation and State agency shall promote, support and provide cooperation and clarification and understanding to sub-district community organisation councils including communities of all types, as requested.

The local administrative organisation having a sub-district community organisation council under its area of responsibility may subsidise the operating expenses of the sub-district community organisation council in the form of a general subsidy as determined by the Department of Local Administration.

In the determination under paragraph two, the Department of Local Administration shall consult with the Community Organisations Development Institute (Public Organisation).

Section 23. In carrying out the mission under section 21, the sub-district community organisation council may establish a committee to carry out the mission on its behalf as necessary and appropriate.

CHAPTER II

MEETING AT PROVINCIAL LEVEL OF SUB-DISTRICT COMMUNITY ORGANISATION COUNCILS

Section 24. The meeting at a provincial level of sub-district community organisation councils shall be held at least once a year to carry out the activities under section 27.

When at least one quarter of the total number of the sub-district community organisation councils in the province subscribe their names to a request for holding a meeting to consider and suggest any matter under the mission of the sub-district community organisation councils, the Provincial Governor shall arrange to hold the meeting at a provincial level of sub-district community organisation councils.

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Section 25. Upon the occurrence of the following events, a Provincial Governor may arrange to hold the meeting at a provincial level of sub-district community organisation councils:

- (1) when the provincial development plan is to be prepared or amended;
- (2) when it is deemed appropriate to listen to opinions of the sub-district community organisation councils.

Section 26. In the meeting at a provincial level of sub-district community organisation councils, the following persons are entitled to attend the meeting, express their opinions and vote:

- (1) the representatives of sub-district community organisation councils nominated under section 21 (12);
- (2) qualified persons having domicile in the province, who have been invited by the representatives of sub-district community organisation councils under (1) to attend the meeting in the number of not more than one-fifth of the number of the representatives of sub-district community organisation councils under (1).

Nomination criteria of the qualified persons under (2) shall be in accordance with the rules of the meeting of the representatives under (1).

The Provincial Governor or the entrusted person may attend the meeting to provide clarifications or express his or her opinions to the meeting.

Section 27. The meeting at a provincial level of sub-district community organisation councils shall carry out the following activities:

- (1) to propose the provincial development guidelines to the Provincial Governor and the provincial administrative organisation for their consideration in the preparation of the provincial development plan;
- (2) to make suggestions to the Provincial Governor, local administrative organisations or relevant State agencies about the problems and solution guidelines or the public needs in relation to the provision of public services and the development of economy, society, quality of life and environment;
- (3) to promote and support collaboration among sub-district community organisation councils to ensure self-reliance for the people on a sustainable basis;
- (4) to provide suggestions on the matters consulted by the Provincial Governor or the provincial administrative organisation;

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(5) to nominate two representatives at a provincial level of sub-district community organisation councils who will participate in the meeting at a national level of sub-district community organisation councils.

Section 28. Members of the meeting at a provincial level of sub-district community organisation councils shall elect one among themselves to be a chairperson of the meeting and another one to be a vice-chairperson of the meeting.

The provision of section 20 shall apply, *mutatis mutandis* to the meetings at a provincial level of sub-district community organisation councils.

Section 29. A provincial administrative organisation may subsidise the expenses for convening the meeting at a provincial level of sub-district community organisation councils in the form of a general subsidy as determined by the Department of Local Administration.

CHAPTER III

MEETING AT NATIONAL LEVEL OF SUB-DISTRICT COMMUNITY ORGANISATION COUNCILS

Section 30. The Community Organisations Development Institute (Public Organisation) shall arrange to hold the meeting at a national level of sub-district community organisation councils at least once a year.

Section 31. In the meeting at a national level of sub-district community organisation councils, the following persons are entitled to attend the meeting, express their opinions and vote:

- (1) the representatives at a provincial level of sub-district community organisation councils nominated under section 27;
- (2) qualified persons who have been invited by the representatives at a provincial level of sub-district community organisation councils under (1) to attend the meeting in the number of not more than one-fifth of the number of the representatives under (1).

Nomination criteria of the qualified persons under (2) shall be in accordance with the rules of the meeting of the representatives under (1).

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Section 32. The meeting at a national level of sub-district community organisation councils shall carry out the following activities:

(1) to establish measures to promote and support the establishment and development of community organisation councils at a sub-district level in order to ensure their strength and self-reliance for proposing to the Community Organisations Development Institute (Public Organisation) for adherence as per its guidelines;

(2) to provide opinions and suggestions in relation to the establishment of policy and plans on the development of economy, society and laws including the provision of public services by State agencies or local administrative organisations that affect more than one province in terms of economy, society, quality of life or environment;

(3) to summarise the difficulties undergone by people in various provinces and the solution guidelines for proposing to the Council of Ministers for consideration and order.

Section 33. In the meeting at a national level of sub-district community organisation councils, members of the meeting shall elect one among themselves to be a chairperson of the meeting and another one to be a vice-chairperson of the meeting.

The provision of section 20 shall apply, *mutatis mutandis* to the meetings at a national level of sub-district community organisation councils.

CHAPTER IV

PROMOTION OF SUB-DISTRICT COMMUNITY ORGANISATION COUNCIL'S BUSINESS

Section 34. The Community Organisations Development Institute (Public Organisation) shall establish regulations on the subsidies of the expenses for convening the meetings at national, provincial and sub-district levels of sub-district community organisation councils in the form of a general subsidy as appropriate.

Section 35. The Community Organisations Development Institute (Public Organisation) shall have the power and duties to promote and support the establishment and development of sub-district community organisation councils' businesses and shall have the following power and duties:

(1) to coordinate and cause to establish and operate sub-district community organisation councils, and to disseminate and publicise the businesses of sub-district

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community organisation councils and the results of the meetings at provincial and national levels of sub-district community organisation councils;

(2) to collect data, study, research and develop the works of sub-district community organisation councils;

(3) to coordinate and collaborate with central official agencies, regional official agencies, local administrative organisations or relevant State agencies, private sector organisations and civil society organisations in the execution of this Act;

(4) to prepare a central register of sub-district community organisation councils;

(5) to monitor and evaluate the performance of the establishment and operation of community organisation councils and the results of the meetings at every level and report the same to the meeting at a national level of sub-district community organisation councils and the Minister for further proposing to the Council of Ministers at least once a year;

(6) to perform any other duties as assigned by the meetings at a national level of sub-district community organisation councils or the Minister.

Countersigned by:

General Surayud Chulanont
Prime Minister

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