

Regulation of the Attorney General
on Having in Possession and Use of Guns and Armaments
under the Anti-Participation in Transnational Organized Crime Act B.E. 2556,
Section 16,
B.E. 2556

Whereas the law on the anti-participation in transnational organized crime authorizes the Attorney General to issue Regulations to allow a public prosecutor, an investigator and an officer to have in possession and use guns, bullets, armaments and other related equipment for safety as deemed necessary and for the benefit of an investigation into an offence of participating in transnational organized crime, it is deemed expedient to issue this Regulation.

By virtue of the power conferred by Section 16 of the Anti-Participation in Transnational Organized Crime Act B.E. 2556, which contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29 in conjunction with Sections 32, 33, 36, 41 and 45 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Attorney General hereby issues the Regulation as follows:

Article 1. This Regulation is called the “Regulation of the Attorney General on Having in Possession and Use of Guns and Armaments under the Anti-Participation in Transnational Organized Crime Act B.E. 2556, Section 16, B.E. 2556”.

Article 2. This Regulation shall come into force after the date of its publication in the Government Gazette.

Article 3. In this Regulation:

“Registrar” means a person whom the Attorney General, the Commissioner General of the Royal Thai Police or the person designated by the Attorney General or the Commissioner General of the Royal Thai Police, as the case may be, has appointed to control and manage the distribution, storage and preparation of a list of having in possession and use of guns, bullets, armaments and other related equipment.

“Applying officer” means a public prosecutor, an investigator or an officer;

“Authorizing officer” means the Attorney General, the Commissioner General of the Royal Thai Police or the person designated by the Attorney General or the Commissioner General of the Royal Thai Police, as the case may be.

Article 4. The Attorney General shall be in charge of this Regulation and have authority to interpret and adjudge issues concerning the execution of this Regulation.

Chapter 1

Having in possession and use of guns, bullets, armaments and other related equipment

Article 5. To apply for the use of guns, bullets, armaments and other related equipment, owned by the Office of the Attorney General or the Royal Thai Police, authorizing officer shall grant permission to distribute only for the use in investigation into an offence of participating in transnational organized crime, taking into account appropriateness and safety as deemed necessary.

Upon completing mission and being back to one's performing organization, return and keep them immediately, except permitted to carry them permanently.

The guns, bullets, armaments and other related equipment which are owned by the applying officer and allowed to be in possession and used under the law pertaining to guns, bullets, explosives, fireworks and gun replica and law pertaining to armament control as well as needed for use in an investigation into an offence of participating in transnational organized crime, shall be registered to compile a list with the registrar.

Article 6. Having in possession and use of guns, bullets, armaments and other related equipment shall be in line with one's assigned duty and the use of guns, bullets, armaments and other related equipment shall be for safety as necessary.

Article 7. The applying officer shall be responsible for the guns, bullets, armaments and other related equipment as follows:

- (1) take care of the property as the person of ordinary prudence would do;
- (2) report in writing to the registrar as soon as they are found damaged, broken, destroyed or lost;
- (3) compensate for damage, except the damage caused by force majeure or normal use.

Article 8. Carrying a gun as stated in Article 5 to be used in performing one's duties in this Regulation must be permitted by the authorizing officer.

The said permission shall be made in writing in the form as specified by the Attorney General or the Commissioner General of the Royal Thai Police, and such permit document shall be given to the applying officer for keeping with him.

Article 9. To carry a gun, the applying officer shall proceed as follows:

- (1) Carry with him an official identification card of a state official, an official or an officer under the law, or an identification card of the applying officer;

(2) Carry a gun in a covered manner, except the condition and size of the gun or circumstances does not allow as such;

(3) Do not carry a gun in a dreadful or hazardous manner to other persons;

(4) Do not consume liquor or intoxicant while carrying a gun.

Article 10. Do not carry a gun without permission as stated in Article 8, except for the reason of necessity or urgency in line with to the circumstances.

Article 11. To use guns, bullets, armaments and other related equipment in a drill or practice, one shall report to the authorizing officer the type, quantity and number of the guns, bullets, armaments and other related equipment as well as the drill site to obtain permission. After the drill, a report of practice and an application for the disposition of the guns, bullets, armaments and other related equipment consumed in the drill shall be submitted to the authorizing officer. As such, one can ask for replacement.

Article 12. The registrar shall prepare a list to update the balance of quantity of the guns, bullets, armaments and other related equipment to report to the authorizing officer for inspection on a monthly basis.

Chapter 2

Keeping and maintaining

Article 13. Keeping and maintenance of the guns, bullets, armaments and other related equipment shall be in accordance with the criteria and procedures as specified by the Office of the Attorney General or the Royal Thai Police.

Article 14. Where guns, bullets, armaments and other related equipment under one's responsibility are found damaged, depreciated due to long use or other causes, the registrar shall prepare a list featuring their types and quantities to be submitted to hierarchical supervisors. The authorizing officer shall then order a disposition procedure according to the Regulations of the Office of the Attorney General on Procurement or the Regulations of the Office of the Prime Minister on Procurement.

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