

OIL FUEL FUND ACT,
B.E. 2562 (2019)

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOUHUA

Given on the 24th Day of May B.E. 2562;
Being the 4th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to have a law on Oil Fuel Fund.

This Act contains provisions in relation to the limitation of rights and liberties of the people which Section 26 in conjunction with Section 33 of the Constitution of the Kingdom of Thailand so permitted by virtue of law.

Reasons and necessities for the limitation of rights and liberties under this Act are for the Oil Fuel Fund to have sufficient status to effectively fulfil its objectives which will be beneficial to the security of energy and economy of the Country. The promulgation of this Act thus conforms to the conditions set forth in Section 26 of the Constitution of the Kingdom of Thailand.

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

Section 1. This Act is called the "Oil Fuel Fund Act, B.E. 2562 (2019)".

Section 2. This Act shall come into force upon the expiration of one hundred and twenty days from the date of its publication in the Government Gazette¹.

Section 3. In this Act:

"Fund" means the Oil Fuel Fund;

"oil fuel" means benzene, kerosene, diesel, heavy fuel oil, similar oil or similar engine oil, synthetic crude oil which is used or may be used as input in the refinement or

¹ Published in the Government Gazette, Vol. 136, Part 69 A, page 1, dated 27 May B.E. 2562 (2019).

production of the aforementioned product, and shall include liquefied petroleum gas, natural gas for vehicles, or oil fuel derived from any other sources as prescribed by the Minister;

“liquefied petroleum gas” means petroleum gas which is mainly composed of either one or more of propane, propylene, normal butane, isobutane, or butylene;

“natural gas for vehicles” means petroleum gas which mainly composed of methane for use as fuel for vehicles;

“oil fuel crisis” means a situation where oil fuel price increases rapidly or fluctuates and may affect the livelihood of the people, or a situation where oil fuel may be scarce, and insufficient for domestic use, provided that it is prescribed in the oil fuel crisis management plan;

“refinery” means oil fuel refinery, petrochemical and solution industrial plant, premise for production and distribution of oil fuel, and gas separation plant which produces and distribute liquefied petroleum gas;

“National Energy Policy Council” means the National Energy Policy Council under the law on National Energy Policy Council;

“Committee” means the Oil Fuel Fund Committee;

“member” means member of the Oil Fuel Fund Committee;

“Office” means the Oil Fuel Fund Office;

“Director” means the Director of the Oil Fuel Fund Office;

“competent official” means person appointed by the Minister of Energy to perform duties under this Act;

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

Section 4. The Minister of Energy and the Minister of Finance shall have charge and control of the execution of this Act, provided that it is in the part relevant to his or her powers and duties.

The Minister of Energy shall have the power to appoint competent officials, and to issue Notifications for the execution of this Act.

Such Notification shall come into force upon its publication in the Government Gazette.

CHAPTER I
ESTABLISHMENT OF THE FUND

Section 5. There shall be established a fund called the "Oil Fuel Fund" in the Oil Fuel Fund Office, with an objective to stabilise domestic oil fuel prices to be in an appropriate level in case of oil fuel crisis.

The operations under the objective under paragraph one shall be under the Fund management policy framework prescribed by the National Energy Policy Council.

Section 6. The Fund shall consist of the following money and properties:

- (1) money and properties transferred to it under section 48 and section 49;
- (2) subsidy which the Government may provide in urgent and necessary case;
- (3) money and surcharge submitted to the Fund under section 27, section 32, and section 34;
- (4) loan under section 26;
- (5) money or properties donated or given to it;
- (6) money or properties vested in the Fund, or those the Fund acquired under the law;
- (7) interests or benefits arising from money or properties of the Fund;
- (9) remunerations, service fees, or incomes from its operation;
- (9) money derived from disposition of the property of the Fund or from fundraising.

Section 7. The income of the fund is not required to be remitted as income of the State.

Section 8. The Fund money may be spent on the followings:

- (1) expenses for the objective under section 5;
- (2) expenses in the operation of the Fund or management of the Fund, and other undertakings related or relevant to administration of the Fund;

CHAPTER II
OPERATION MANAGEMENT OF THE FUND

Section 9. There shall be a Committee called the "Oil Fuel Fund Committee" consisting of:

(1) Minister of Energy as Chairperson;

(2) Permanent-Secretary of Energy as Vice-Chairperson;

(3) *ex officio* members, namely, Permanent-Secretary of Finance, Permanent-Secretary of Transport, Permanent-Secretary of Industry, Secretary-General of the Council of State; Director-General of Internal Trade, Director-General of Energy Business; Comptroller General, and Director of Energy Policy and Planning Office

(4) four qualified members appointed by the Minister from persons with knowledge, expertise, and experience on finance and oil fuel business, at least one person per field, or other field relevant and beneficial to the operation of the Fund

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

The appointment of qualified member under (4) shall be in accordance with the criteria, procedures, and conditions prescribed by the Committee.

Section 10. A qualified member shall have the following qualifications and not be under prohibitions, as follows:

- (1) being of Thai nationality;
- (2) being not more than seventy years of age;
- (3) not being bankrupted or having been bankrupt due to dishonesty;
- (4) not being an incompetent or quasi-incompetent person;
- (5) not being a person sentenced by a judgement to imprisonment and detained by a warrant of the Court;
- (6) not having been a person sentenced to imprisonment by the final judgement of the Court, except for an offence committed through negligence or a petty offence;

(7) not being a person holding political position, a member of local assembly or local administration, a director or a person holding a position responsible for the administration of a political party, an advisor of a political party, or an official of a political party

(8) not having been ordered by a judgement or an order of the Court for assets to vest in the State on the grounds of unusual wealth or an unusual increase of assets;

(9) not having been expelled, dismissed or discharged from an office on the grounds of dishonest performance of duties or misconduct.

Section 11. A qualified member shall hold office for a term of four years.

In the case of the expiration of the term of office under paragraph one, the process for the appointment of a new qualified member shall be completed not less than thirty days before the expiration of the term. If a new qualified member has not yet been appointed, the qualified member whose term has expired shall remain in office until a new qualified member assumes the duties.

A qualified member who vacates office upon the expiration of the term may be reappointed, but may not hold the office for more than two consecutive terms.

Section 12. In addition to vacating office on the expiration of term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Minister due to negligence in the performance of duty, disgraceful behaviour, or incapacity;
- (4) being disqualified or being under any of the prohibitions under section 10.

Section 13. In the case where the qualified member vacates office before the expiration of the term, the Committee shall comprise of the remaining members, and the appointment process of the qualified member to fill the vacancy shall be completed within ninety days. In addition, the person appointed as a replacement to fill the vacancy shall hold office for the unexpired term of office of the qualified member already appointed, except in the case where the unexpired term is less than ninety days, the replacement may not be appointed.

Sections 14. The Committee shall have the following duties and powers:

(1) to propose oil fuel crisis management plan and oil fuel fund strategy plan to the National Energy Council, for proposing to the Council of Ministers for approval;

(2) to submit performance report and recommendation on measures to overcome obstacles to the operations under the oil fuel crisis management fund and oil fuel fund strategy plan to the National Energy Council;

(3) to prescribe fund management criteria and procedures, and supervise operations to be under the objective and in line with the fund management policies as prescribed by the National Energy Council;

(4) to prescribe criteria and procedures for the remittance of money to the fund or the compensation, and to prescribe the remittance rate under section 27, compensation rate under section 29, rate of reimbursement from the fund under section 31, and compensation rate to the fund under section 32, and may prescribe by type, usage, and source of the oil fuel, provided that it shall submit such performance report to the National Energy Council for acknowledgement;

(5) to approve payment of the Fund to execute the oil fuel crisis management plan to stabilise domestic oil fuel prices to be in an appropriate level under section 5;

(6) to agree to the obtaining of Office loan under section 26;

(7) to prescribe Rules on the criteria of payment and maintenance of fund money with approval from the Ministry of Finance;

(8) to reasonably and efficiently manage assets and debts of the fund;

(9) to approve plans, projects, and annual budget of the Office;

(10) to issue Rules, By-laws, or Notifications for the execution of this Act;

(11) to issue any Rules or By-laws relating to organisation structure, human resource management, budgeting, finance and properties, and other operations of the Fund and the Office, including prescription of remuneration, benefits, or welfares of the Director, officials, and employees, provided that it is in accordance with the criteria and guideline prescribed by the working capital management policy committee under the law on working capital management;

(12) to perform any other acts under this Act or as assigned by the National Energy Policy Council.

In the issuance of notifications under (4), the Chairperson may delegate his or her power to countersign the Notification to the Director.

Section 15. At the meeting of the Committee, the presence of not less than half of all members is required to constitute a quorum.

At the meeting of the Committee, If the Chairperson is absent or unable to perform the duties, the Vice-Chairperson shall preside the meeting. If both the Chairperson and the Vice-chair person are absent or unable to perform the duties, the meeting shall be postponed.

The 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 equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 16. The Committee have the power to appoint sub-committee to consider or perform a task as entrusted by the Committee.

Section 17. The Chairperson, Vice-Chairperson, Committee members, and sub-committee members shall receive a meeting allowance or other remuneration pursuant to the criteria and rate as prescribed by the Committee with the approval of the Minister of Finance.

CHAPTER III

OIL FUEL FUND OFFICE

Section 18. There shall be an Oil Fuel Fund Office, with status of a juristic person State agency, which is not a Public Agency under the law on public administration or state enterprise under the law on budget procedures or other law, and it shall be under the supervision of the Minister of Energy.

Undertakings of the Office shall not be subject to the law on labour protection, the law on labour relations the law on social security, and the law on compensation. However, officials and employees of the Office shall receive remuneratory benefit not less than those prescribed in the law on labour protection, the law on social security, and the law on compensation.

Section 19. The Office shall have the duties and powers, as follows:

- (1) to be responsible for administrative work of the Committee;
- (2) to make oil fuel crisis management plans, and oil fuel fund strategy plans, including performance report, and recommendation on measures to overcome obstacles to the operations under such plan to the Committee;
- (3) to obtain loan under section 26;
- (4) to propose monetary and annual budget plans to the Committee;
- (5) to prepare annual report and opinions on issues and obstacles in the operations of the Office, including finance and accounting report for proposing to the Committee;
- (6) to hold ownerships, possessory right, and to have any properties;
- (7) to create rights, or to perform juristic acts in relation to properties;
- (8) to take a civil, criminal, or administrative legal action which relates to the operation of the Fund or management of the Fund or other undertaking relating to or relevant to management of the Fund;
- (9) to act as entrusted by the Council of Ministers, Minister, National Energy Policy Council, or the Committee;
- (10) to perform any other acts which the law prescribed as the duty of the Office.

Section 20. The Office shall have the Director as the person responsible for the operation management of the Office, and report directly to the Committee, and may also have Deputy-Director or Assistant-Director as person assisting in commanding and performing the duties under the Director.

The Committee shall appoint, remove, and prescribe salary rate and other benefits of the Director.

Criteria and procedure for the selection of the Director shall be as prescribed by the Committee.

Section 21. The Director shall have qualifications and not be under prohibitions, as follows:

- (1) being of not less than sixty-five years of age;
- (2) being a person who can work full-time for the Office;

(3) being a person with knowledge, expertise, and experience appropriate to the operations of the Office;

(4) having qualifications and not be under prohibitions under section 10 (1) (3) (4) (5) (6) (7) (8) and (9).

Section 22. The Director shall hold office for a term of four years, and may be reappointed, but may not hold office for more than two consecutive terms.

Section 23. In addition to vacating office upon the expiration of term under section 22, the Director vacates office upon:

(1) death;

(2) resignation;

(3) being dismissed by the Committee due to inability to pass the performance evaluation, negligence in the performance of duty, disgraceful behaviour, or incapacity;

(4) being disqualified or being under any of the prohibitions under section 21.

The resolution of the Committee to dismiss the Director under (3) shall comprises of not less than two-third of the existing members, excluding the Director.

Section 24. The Director shall have the following duties and powers:

(1) to manage the operations of the Office under the Law, objective of the Fund, Rules, By-laws, Notifications, policies, or resolutions of the National Energy Policy Council or the Committee, and to be the commander of officials and employees of the Office;

(2) to issue Rules on the operations of the Office which are not contrary to or inconsistent with the Law, Rules, By-laws, Notifications, policies; or resolutions prescribed by the National Energy Policy Council or the Committee.

(3) to appoint Deputy-Directors and Assistant-Directors with the approval of the Committee;

(4) to place, appoint, promote, demote, cut salary or wage, impose disciplinary punishment on officials and employees, as well as remove officials and employees from the office, provided that it shall be in accordance with the rules or By-laws prescribed by the Committee.

Section 25. In regard to undertakings involving a third party, the Director shall be the representative of the Office, and for this purpose, the Director may entrust any person to perform any specific task. However, it shall be in accordance with the regulations prescribed by the Committee.

CHAPTER IV OPERATIONS OF THE FUND

Section 26. The Fund shall retain sufficient balance for efficient fund management, which, in combination with the loan under paragraph two, shall not exceed forty billion baht.

When the Fund does not have sufficient balance for the operations under its objective under section 5, the Office, with the approval of the Committee, and with permission of the Council of Ministers, shall have the power to obtain loan for an amount of not exceeding twenty billion baht, provided that it shall be in accordance with the criteria prescribed by the Council of Ministers.

The alteration of appropriation under paragraph one and loan under paragraph two to be in line with economic situation shall be made by an enactment of an Emergency Decree.

Section 27. The following persons shall have the duty to remit money to the Fund at the rate prescribed by the Committee:

(1) in case of domestically produced oil fuel, the producer and distributor of the oil fuel who is a refinery shall remit the money to the Excise Department as per the amount of oil fuel produced and distributed, provided that it shall be in accordance with the time limit and procedure prescribed by the Excise Department;

(2) In case of importation into the Kingdom, the importer shall remit the money to the Customs Department as per the amount of oil fuel imported into the Kingdom, provided that it shall be in accordance with the time limit and procedure prescribed by the Customs Department;

(3) In case of liquefied petroleum gas from natural gas separation purchased or acquired from a concessionaire or contractor of benefit sharing under the law on petroleum, the buyer or acquirer of the liquefied petroleum gas remit the money to the Department of Mineral Fuels as per the amount of liquefied petroleum gas purchased or acquired, provided that it shall be in accordance with the time limit and procedure prescribed by the Department of Mineral Fuels.

Section 28. The following cases shall be exempted from remitting money to the Fund:

(1) Bringing of oil fuel produced in the refinery to use as fuel in the production process in the refinery of the producer or as raw material in the refinery of the producer;

(2) Bringing of oil fuel produced in the refinery to sell or distribute to use as raw material in a refinery of another person;

(3) Importation of oil fuel into the Kingdom for usage, sale, or distribution as raw material in the refinery;

(4) Exportation of oil fuel, or send oil fuel into bonded warehouse or duty-free area under the law on customs, or free trade zone under the law on Industrial Estate Authority of Thailand;

(5) Sale or distribution of oil fuel to oil fuel trade business operator for sale or distribution to fishing boats in the contiguous zone of the Kingdom;

(6) Sale or distribution of oil fuel to a ship of more than five hundred tons gross for usage as fuel in a journey to abroad.

Section 29. For operation under the objective under section 5, the following persons shall be entitled to compensation from the Fund at the rate prescribed by the Committee, and the Director shall order the payment of compensation to the compensation-entitled person:

(1) in case of domestically produced oil fuel, the producer and distributor of oil fuel who is a refinery shall be entitled to compensation in accordance with the volume of the oil fuel produced or distributed for domestic use;

(2) in case of oil fuel imported into the Kingdom, the importer shall be entitled to compensation in accordance with the volume of oil fuel imported into the Kingdom;

(3) in case of liquefied petroleum gas from natural gas separation, purchased or acquired from a concessionaire, or contractor of benefit sharing under the law on petroleum, the purchaser or acquirer of the liquefied petroleum gas shall receive compensation in accordance with the volume of liquefied petroleum gas purchased or acquired.

In regard to oil fuel which is exempted from remittance under section 28, there shall not be compensation under this section.

Regarding compensation request, the person entitled to compensation shall submit an account showing type and volume of oil fuel to the Excise Department, Customs Department, or Department of Mineral Fuels, as the case may be, provided that it is within three years as from the date of entitlement, and as per the procedure prescribed by such agency.

Section 30. In regard to oil fuel which has a remittance to the Fund or compensation request from the Fund, if it is re-produced by adding an additive substance making the oil fuel volume increase, the producer and distributor of oil fuel who is a refinery remit money to the Fund or request compensation from the Fund only for the increased volume of the oil fuel.

Section 31. In regard to oil fuel which has a remittance to the Fund under section 27, if there is a case of section 28 after the remittance, the following person shall be entitled to reimbursement from the Fund at the rate prescribed by the Committee, whether such person is the person remitted the money to the Fund or not:

(1) the person having the duty to remit money to the Fund under section 27 (1), if make use of such oil fuel under section 28 (1);

(2) the person with oil trade permit under the law on oil fuel trade who sell or distribute such oil fuel to use as raw material in the refinery under section 28 (2) or (3), but shall not include the part which is used as fuel;

(3) the exporter of such oil fuel, or the sender of such oil fuel to bonded warehouse or duty-free zone under the law on customs, or free trade zone under the law on Industrial Estate Authority of Thailand in the case of section 28 (4);

(4) the oil fuel trade business operator who sell or distribute such oil fuel to fishing boats in the contiguous zone of the Kingdom in case of section 28 (5);

(5) the seller or distributor of such oil fuel to a ship of more than five hundred tons gross for usage as fuel in a journey to abroad in case of section 28 (6).

The person under paragraph one shall submit a reimbursement application from the Fund to the Excise Department or Customs Department, as the case may be, provided that it is within three years as from the date of the entitlement to reimbursement from the Fund, and in accordance with the procedures prescribed by such agency.

Section 32. In regard to oil fuel which has a compensation from the fund under section 29, if there is a case of section 28 after the compensation from the Fund is received, the following person shall refund the compensation to the Fund at the rate prescribed by the Committee, whether such person is the person who received the compensation or not:

(1) The person entitled to the compensation under section 29, if make use of such oil fuel under section 28 (1);

(2) The person with oil trade permit under the law on oil fuel who sell or distribute such oil fuel to use as raw material in the refinery under section 28 (2) or (3), but shall not include the part which is used as fuel

(3) the exporter of such oil fuel, or the sender of such oil fuel to bonded warehouse or duty-free zone under the law on customs, or free trade zone under the law on Industrial Estate Authority of Thailand in the case of section 28 (4);

(4) the oil fuel trade business operator who sell or distribute such oil fuel to fishing boats in the contiguous zone of the Kingdom in case of section 28 (5);

(5) the seller or distributor of such oil fuel to a ship of more than five hundred tons gross for usage as fuel in a journey to abroad in case of section 28 (6).

The person under paragraph one shall refund the compensation to the Fund to the Excise Department or Customs Department, as the case may be, provided that it is within fifteen days as from the date of duty to refund the compensation to the Fund, and in accordance with the procedures prescribed by such agency.

Section 33. Any person who remits money to the Fund without the duty to remit the money to the Fund, or remit the money to the Fund more than the remittable amount shall be entitled to a refund as per the rules prescribed by the Office.

Section 34. In the case where the person having the duty to remit money to the Fund fails to remit money to the fund, remits an incomplete amount of money to the Fund, fails to refund the compensation to the Fund, or refunds an incomplete amount of compensation to the Fund within the time limit, there shall be a proceeding under section 41, except in the following case:

(1) If the person having the duty to remit money to the Fund see by himself or herself that he or she has is in such case, such person shall remit the complete remittable amount or the missing amount as well as surcharge at the rate of one point five percent per month of such amount as from the date the remittance is due until the completion of remittance, provided that the surcharge must not exceed the remittable amount;

(2) if the Excise Department, Customs Department, or Department of Mineral Fuels detects such case, the Excise Department, Customs Department, or Department of Mineral Fuels, as the case may be, notify the person having the duty to remit the money to the Fund in writing to remit money at the remittable amount or missing amount with a surcharge at the rate of three percent per month of such amount as from the date the remittance is due until the completion of remittance, provided that the surcharge must not exceed the remittable amount.

The surcharge under paragraph one is money remittable to the Fund or compensation remittable to the Fund, as the case may be.

In calculating the period of time under paragraph one, a fraction of a month shall be counted as one month.

The Committee shall have the power to reduce or exempt surcharge under paragraph one, provided that it is in accordance with the criteria prescribed by the Committee.

CHAPTER V COMPETENT OFFICIAL

Section 35. For the execution of this Act, a competent official shall have the following powers:

(1) to enter into operation establishments, refineries, storages, and oil fuel distribution stations during the period from sunrise to sunset or during office hours of such

places, to examine relevant documents or evidence, including any act that may be a violation or failure to comply with this Act;

(2) to inquire or summon, in writing, relevant persons to give statements or submit any list of documents or evidence, or any object in support of consideration to verify the violation or failure to comply with this Act.

Section 36. In the performance of duties of a competent official, the concerned person shall facilitate as appropriate.

Section 37. In the performance of duties under this Act, a competent official shall produce his or her identification card to the persons concerned.

The Identification card of a competent official shall be in accordance with the form prescribed in the Notification by the Minister of Energy.

Section 38. In the performance of duties under this Act, the competent officials shall be officials under the Criminal Code.

CHAPTER VI ACCOUNTING, AUDIT, AND EVALUATION

Section 39. In regard to accounting, audit, and evaluation, the law on working capital management shall apply.

Section 40. The Committee shall make an annual report of the Fund to propose to the Council of Ministers, the House of Representatives, and the Senate for acknowledgement within sixty days as from the date it receives audit report from the auditor. This report shall mention the achievements of the Fund in the past year, as well as the financial report, and the report of the auditor.

CHAPTER VII

PENALTIES

Section 41. Any person having the duty to remit money to the Fund who fail to remit money to the Fund or fail to remit money to the Fund at the amount remittable under section 32 shall be liable to a fine not exceeding two hundred thousand baht or not exceeding five times of the remittable amount or the remaining amount, whichever is higher.

Section 42. Any person who obstructs the performance of duties of a competent official under section 35 (1) shall be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding twenty thousand baht, or both.

Section 43. Any person who fails to give statement, or submit account, document or evidence, or any object to the competent official in performing duties under section 35 (2) shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding six thousand baht, or to both.

Section 44. Any person who fails to facilitate as appropriate under section 36 shall be liable to a fine not exceeding six thousand baht.

Section 45. Any person who reports false statement, provide false statement, answer a question with false statement, or produce fake evidence to a competent official for the compensation or reimbursement to himself or herself or other person due to such false statement or evidence shall be liable to imprisonment to a term not exceeding five years or to a fine not exceeding one hundred thousand baht, or not exceeding ten times of the compensation or reimbursement requested, whichever is higher, or both.

Section 46. The settlement committee appointed by the Minister of Energy shall have the power to settle offences under section 41, section 42, Section 43, and section 44, as per the criteria imposed by the committee.

The settlement committee appointed by the Minister of Energy under paragraph one shall comprise three persons, one of which must be an investigation officer under the Criminal Procedure Code.

In the case where an investigation officer or a competent official found the offender under paragraph one, and such person agrees to the settlement, the investigation officer or the competent official, as the case may be, shall submit the case to the settlement committee within seven days as from the date such person agreed to the settlement.

When the accused has paid the fine as settled within thirty days as from the date of settlement, the case shall be deemed settled under the Criminal Procedure Code.

If the accused does not agree as settled, or fails to pay the fine as settled within the time limit, the proceedings shall proceed.

Section 47. In the case where the offender is a juristic person, if the offence of such juristic person is commanded or acted by a director, manager, or any person responsible for the operations of such juristic person, or in the case where such person has a duty to command or act, and omit to command or act causing such juristic person to commit the offence, such person shall also be liable for the penalties prescribed for such offence.

TRANSITORY PROVISIONS

Section 48. All money, properties, rights, and debts of the Oil Fuel Fund under the Order of the Prime Minister No. 4/2547 on the Prescription of Measure to Solve and Prevent Oil Fuel Scarcity Crisis, dated 23 December B.E. 2547, issued under the Solving and Prevention of Oil Fuel Scarcity Crisis Royal Decree, B.E. 2516 shall be transferred to the Fund under this Act.

Section 49. Upon the enforcement of the Royal Decree on the Dissolution of the Energy Fund Administration Institute (Public Organisation), all money, properties, rights, debts, as well as budget of the Energy Fund Administration Institute (Public Organisation) shall be transferred to the Fund so as to spend as expenditure in the operation or management of the Fund.

Section 50. The Director of the Energy Fund Administration Institute under the Royal Decree Establishing the Energy Fund Administration Institute (Public Organisation), B.E. 2546, who held the office on the day prior to the date the Royal Decree on the Dissolution of the Energy Fund Administration Institute (Public Organisation) came into force, shall perform the duties of the Director under this Act until vacation of office as per the previous contract or vacation of office due to the grounds under section 23, and shall receive salary and other benefits at the salary and other benefits scale as previously prescribed.

Section 51. Officials and employees of the Energy Fund Administration Institute (Public Organisation) under the Royal Decree Establishing the Energy Fund Administration Institute (Public Organisation), B.E. 2546 who held office on the day prior to the date the Royal Decree on the Dissolution of the Energy Fund Administration Institute (Public Organisation) came into force shall be transferred to be Officials and employees of the Office.

Officials and employees under paragraph one shall temporarily receive salaries or wages, as well as benefits as previously received until the placements and appointments to the positions at the Office.

The transference to be officials or employees of the Office under paragraph one is not deemed a resignation on the grounds of termination, and it shall be deemed that the working period as official or employee of the Energy Fund Administration Institute (Public Organisation) is the working period of the Office.

Section 52. A Government official, staff member, or employee of the Office of the Permanent-Secretary of Energy, Department of Mineral Fuels, Department of Energy Business, Department of Alternative Energy Development and Efficiency, or Energy Policy and Planning Office who wish to change to be an official or employee of the Office shall express their intention in writing to the supervisor within one hundred and eighty days as from the date this Act comes into force.

Section 53. During the initial period, the Committee shall consist of members under section 9 (1), (2), and (3), and the Director under section 50 shall be member and secretary to perform the duties of the Committee under this Act temporarily, and the Council of Minister shall appoint qualified members under section 9 (4) within one hundred and twenty days as from the date this act comes into force.

The Director under paragraph one shall appoint an official of the Office as an assistant secretary.

Section 54. The provisions of the Order of the Prime Minister No. 4/2547 on the Prescription of Measure to Solve and Prevent Oil Fuel Scarcity Crisis, dated 23 December B.E. 2547 which relates to oil fuel fund only shall be repealed, and the Notifications and Rules issued under the Order of the Prime Minister on the Prescription of Measure to Solve and Prevent Oil Fuel Scarcity Crisis, dated 23 December B.E. 2547 which relates to oil fuel fund only, and which is in force on the day prior to the date this Act comes into force shall apply *mutatis mutandis* as not contrary or inconsistent with this Act until there are Notifications and Rules under this Act in force.

The person having the duty to remit or reimburse money to the oil fuel fund under the Order of the Prime Minister under paragraph one shall retain the duty to remit or reimburse to the Fund.

In regard to the request for compensation or reimbursement from the fund terminated under the Order of the Prime Minister under paragraph one, if not requested within ninety days as from the date this Act comes into force, one shall be deprived of the right to compensation or reimbursement from the Fund, and in the case of requested compensation or reimbursement prior to the date this Act comes into force, but the compensation or reimbursement from the Fund is not yet received, such person shall retain the right to compensation or reimbursement from the Fund under this Act.

Section 55. In the case where there is a compensation to oil fuel which is composed of biofuel before this Act comes into force, The Fund shall continue to pay for such operation for three years as from the date this Act comes into force, provided that the relevant provisions of Chapter IV Operations of the Fund, and Chapter 7 Penalties shall apply to this undertaking.

In the undertaking under paragraph one, the Committee shall issue a Notification imposing criteria, procedures, conditions, and measures to reduce payment of compensation annually, provided that such Notification shall be proposed to the National Energy Policy Council for proposing to the Council of Minister for approval.

In the case where there is a necessity to continue the undertaking under paragraph one, the Council of Minister with the advice of the National Energy Policy Council shall have the power to extend the undertaking period under paragraph one twice, each time not exceeding two years.

Section 56. Rules, By-laws, Requirements, and Notifications issued under the Royal Decree establishing the Energy Fund Administration Institute (Public Organisation), B.E. 2546 which are in force on the date prior to the effective date of the dissolution of Energy Fund Administration Institute (Public Organisation) Royal Decree shall be in force *mutatis mutandis* as are not contrary to or inconsistent with this Act until there are Rules, By-laws, and Notifications under this Act in force.

Section 57. The issuance of Rules, By-laws, and Notifications under this Act shall be completed within one hundred and twenty days as from the date this Act comes into force, In case of inability to comply, the Minister shall submit the grounds for the inability to comply to the Council of Minister for acknowledgement.

Section 58. Any provisions of the Law, Regulation, Rule, By-law, or Order which refers to the oil fuel fund under the Order of the Prime Minister on the Prescription of Measure to Solve and Prevent Oil Fuel Scarcity Crisis, dated 23 December B.E. 2547 shall be deemed to refer to the Fund under this Act.

Countersigned by

General Prayut Chan-o-cha

Prime Minister

Remark: The rationale for the promulgation of this Act is that whereas the oil fuel price in the global market continues to change, and may affect domestic oil fuel resale price, or may cause a situation where oil fuel is scarce and insufficient for domestic use. Therefore, to stabilise oil fuel price level to be in an appropriate level and to prevent scarcity that affect the economy, and for the purpose of energy and economy security of the country, it is expedient to establish an Oil Fuel Fund by escalating the oil fuel fund under the Order of the Prime Minister No. 4/2547 on the prescription of measures to solve and prevent oil fuel scarcity dated 23 December B.E. 2547 in order to be a mechanism to solve such problem. It has the Oil Fuel Fund Committee to perform the duty of operation management of the Fund to be efficient and in accordance with the objective of the Fund establishment. It also includes criminal penalties for some actions so as to provide sanction to the law which will result in fair and efficient collection of money to the Fund. Therefore, it is necessary to promulgate this Act.

เรื่องเดิม



บันทึกข้อความ

สำนักงานกองทุนน้ำมันเชื้อเพลิง
เลขที่..... 72
วันที่..... 13 ม.ค. 2566
เวลา.....

ส่วนราชการ สำนักงานกองทุนน้ำมันเชื้อเพลิง สำนักผู้อำนวยการ โทร ๐ ๒๗๙๔ ๖๐๕๑

ที่ สกนช. (สนอ.) ๒/๒๕๖๖ วันที่ ๑๒ มกราคม ๒๕๖๖

เรื่อง การดำเนินการตามพระราชบัญญัติหลักเกณฑ์การจัดทำร่างกฎหมายและการประเมินผลสัมฤทธิ์
ของกฎหมาย พ.ศ. ๒๕๖๒

เรียน ผู้อำนวยการสำนักงานกองทุนน้ำมันเชื้อเพลิง

ตามที่ สำนักผู้อำนวยการ ขออนุมัติดำเนินการจัดทำคำแปลของกฎหมายที่อยู่ในความรับผิดชอบ
ของสำนักงานกองทุนน้ำมันเชื้อเพลิง คือ พระราชบัญญัติกองทุนน้ำมันเชื้อเพลิง พ.ศ. ๒๕๖๒ และได้ดำเนินการ
เสร็จเรียบร้อยแล้ว (ตามเอกสารแนบ) นั้น

เพื่อให้การดำเนินการเป็นไปตามพระราชบัญญัติหลักเกณฑ์การจัดทำร่างกฎหมายและ
การประเมินผลสัมฤทธิ์ของกฎหมาย พ.ศ. ๒๕๖๒ ที่กำหนดให้หน่วยงานของรัฐ จัดให้มีและเผยแพร่ข้อมูล
คำแปลของกฎหมายไว้ในระบบกลาง (ระบบเทคโนโลยีสารสนเทศและเครือข่ายเชื่อมโยงที่จัดทำขึ้น
เพื่อเผยแพร่ข้อมูลเกี่ยวกับการจัดทำร่างกฎหมายและการประเมินผลสัมฤทธิ์ รวมทั้งการเข้าถึงบทบัญญัติของ
กฎหมายของประชาชน) และเผยแพร่บนเว็บไซต์ของหน่วยงาน เพื่อประโยชน์ในการให้ประชาชนเข้าถึง
กฎหมายได้อย่างทั่วถึง สำนักผู้อำนวยการจึงขออนุมัติเผยแพร่พระราชบัญญัติกองทุนน้ำมันเชื้อเพลิง
พ.ศ. ๒๕๖๒ (ฉบับภาษาอังกฤษ) ในระบบกลางและเผยแพร่บนเว็บไซต์ สกนช. (www.offo.or.th) เพื่อให้
ประชาชนทราบและเข้าถึงกฎหมายของสำนักงานดังกล่าวต่อไป

จึงเรียนมาเพื่อโปรดพิจารณาอนุมัติ

(นางศศิธร สมิตเวช)

ผู้อำนวยการสำนักผู้อำนวยการ

อนุมัติ

๑๐ ม.ค.
13 ม.ค. ๒๕๖๖

(นายวิศักดิ์ วัฒนศัพท์)

ผู้อำนวยการสำนักงานกองทุนน้ำมันเชื้อเพลิง

กนกนาลัย

เพื่อดำเนินการต่อไป

13 มกราคม ๒๕๖๖