



# Defence Technology Act B.E. 2562 (2019)



Defence Technology Act

B.E. 2562 (2019)

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His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun

Given on the 26<sup>th</sup> Day of April B.E. 2562

Being the 4<sup>th</sup> Year of the Present Reign.

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

Whereas it is expedient to implement a law on defence technology;

It shall, therefore, be enacted by the King and with the advice and consent of the National Legislative Assembly serving as the National Assembly, as follows:

Section 1 This Act is called the “Defence Technology Act B.E. 2562 (2019)”.

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

“Defence Technology” means a field of technology effecting the multidisciplinary knowledge application in order to generate benefits to defence and other military purposes, including benefits for the country as a whole.

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“Defence Industry” means the research, development, design, manufacture, assembly, modification, refurbish, alteration, or transformation of products used in national defence, or the provision of services relating to such products, whether with or without remuneration.

“Institute” means the Defence Technology Institute.

“Board” means the Board of Directors of the Defence Technology Institute.

“Director-General” means the Director-General of the Defence Technology Institute.

“Minister” means the Minister in charge of the execution of this Act.

Section 4 The Minister of Defence shall be the Minister in charge of the execution of this Act and shall have the authority to issue regulations for the execution of this Act.

## Chapter 1

### Defence Technology Policy Committee

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Section 5 There shall be a committee named “the Defence Technology Policy Committee”, comprised of:

(1) the Minister of Defence as the Chairman;

(2) twelve ex-officio committee members, namely the Permanent Secretary for Defence, the Permanent Secretary for Finance, the Permanent Secretary for Foreign Affairs, the Permanent Secretary for Commerce, the Permanent Secretary for Science and Technology, the Permanent Secretary for Industry, the Secretary-General of the National Security Council, the Chief of the Armed Forces, the Commander-in-Chief of the Royal Thai Army, the Commander-in-Chief of the Royal Thai Navy, the Commander-in-Chief of the Royal Thai Air Force, and the Chairman of the Board of Directors of the Defence Technology Institute;

(3) no more than six qualified committee members who are appointed by the Cabinet from persons with knowledge, expertise, and experience in the military, Defence Technology, or Defence Industry, or research, development, and innovation, or other aspects in the interests of the operation of the Defence Technology Policy Committee.

In the case where there is a Deputy Minister of Defence, delegated by the Minister of Defence, shall be the Vice Chairman.

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The Director-General shall serve as the secretary, and no more than two officials of the Institute shall serve as assistants to the secretary.

Section 6 The qualified committee members under Section 5 (3) shall have the qualifications and shall not possess the prohibited characteristics as follows:

- (1) being of Thai nationality;
- (2) being not less than thirty-five years old and not more than seventy years old;
- (3) not having been declared bankrupt or having become dishonestly bankrupt;
- (4) not being an incompetent or quasi-incompetent person;
- (5) not having been sentenced to imprisonment by a final judgement, regardless of whether it is actual imprisonment, except for an offence committed through negligence or a petty offence;
- (6) not being a holder of political office, a member of a local council or a local government administrators, committee member or holder of office responsible for management of a political party, or an advisor or officer of a political party;
- (7) not being an official or employee or advisor or expert under an engagement contract with the Institute;
- (8) not being a person with a stake in activities engaged with the Institute or a activities which are in competition with that of the Institute or contrary to or in conflict with the objectives of the Institute, whether directly or indirectly, with the exception of a person delegated by the Board to be the Chairman, a committee member, or a representative of the Institute with respect to the establishment of a juristic person under Section 23 (7).

Section 7 The qualified committee members under Section 5 (3) shall serve for a term of four years and may be reappointed for another term, but may not be reappointed for more than one term.

A qualified committee member who is due to retire from office upon the expiration of the term shall continue to be in office to perform their duties until a new qualified committee member is appointed.

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In the case where a qualified committee member vacates office prior to the expiration of the term but a new qualified committee member has not yet been appointed to the vacant position, the remaining qualified committee members may continue to perform the duties.

When the position of a qualified committee member becomes vacant prior to the expiration of the term, a new qualified committee member shall be appointed to fill the vacant position. In the case that an additional qualified committee member is appointed while the qualified committee member who has been appointed, is still in office, the newly-appointed person shall fill a vacant position or shall act as an additional qualified committee member for the remaining term of the qualified committee member whom he or she replaces or has been appointed. If the remaining term is less than ninety days, a substitute or additional qualified committee member shall not be appointed, and the Defence Technology Policy Committee shall comprise only the existing committee members.

If the holding of office, by a qualified committee member who vacates office prior to the expiration of term, or the holding of office of the person in place of the completion of his or her tenure qualified committee member, or the holding of office of the person who is additionally appointed, is less than one year, it shall not be counted as a term of holding office under the first paragraph.

Section 8 In addition to the vacation of office at the completion of his or her tenure, a qualified committee member shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Cabinet;
- (4) lacking any of the qualifications or having any of the prohibited characteristics

under Section 6.

Section 9 The Defence Technology Policy Committee shall have the following duties and authority:

- (1) to determine the policies and goals in the operation of the Institute with respect to Defence Technology and the Defence Industry, to be in line with state policies,

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national strategies, and the policies of the Ministry of Defence with the approval of the Cabinet;

(2) to determine the guidelines in the promotion and support of the role of the public sector and the private sector in carrying out the activities of Defence Technology and the Defence Industry;

(3) to provide suggestions or recommendations to the Ministry of Defence for proposal to the Cabinet for consideration with respect to matters relating to the promotion and support of Defence Technology and the Defence Industry;

(4) to direct, monitor, audit, and evaluate the performance of the Board and the Institute to ensure that they are in compliance with the policies, goals, and guidelines determined by the Defence Technology Policy Committee;

(5) to issue regulations relating to the characteristics and types of defence equipment and supplies, as well as the criteria, procedures, and conditions for the manufacture and sale of the military equipment and supplies under Section 24;

(6) to issue rules on the prevention of conflicts of interest and on maintaining confidentiality in performing the duties under the law by the members of the Board, the advisors of the Board, the sub-committees, the Director-General, and the officers of the Institute;

(7) to perform other duties as prescribed by law as being the duties and under the authority of the Defence Technology Policy Committee or as delegated by the Cabinet or the Prime Minister.

Section 10 At a meeting of the Defence Technology Policy Committee, the presence of not less than one-half of committee members is required to constitute a quorum.

The provision governing the board with the authority to proceed with administrative considerations under the administrative procedure law shall apply to the meetings of the Defence Technology Policy Committee *mutatis mutandis*.

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Section 11 The Defence Technology Policy Committee shall have the authority to appoint sub-committees and working groups to consider or perform any assignment as delegated by the Defence Technology Policy Committee.

The sub-committees and working groups shall not be persons with a stake in activities engaged with the Institute, or activities which are in competition with that of the Institute, or contrary to or in conflict with the objectives of the Institute, whether directly or indirectly.

The provision of Section 10 shall apply to the meetings of the sub-committees and working groups *mutatis mutandis*.

Section 12 The Chairman and the committee members of the Defence Technology Policy Committee and the sub-committee members appointed by the Defence Technology Policy Committee shall receive meeting allowances and other benefits as specified by the Cabinet.

Section 13 The Institute shall act as the secretariat of the Defence Technology Policy Committee and shall perform any other assignments as delegated by the Defence Technology Policy Committee.

## Chapter 2

### The Board of Directors of the Defence Technology Institute

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Section 14 There shall be a committee named the “Board of Directors of the Defence Technology Institute”, comprised of:

(1) the Chairman, who is appointed by the Cabinet from persons with advanced knowledge, expertise, and experience in Defence Technology and the Defence Industry;

(2) five ex-officio Board members consisting of the Chief of Joint Staff, the Chief of Staff of the Royal Thai Army, the Chief of Staff of the Royal Thai Navy, the Chief of Staff of the Royal Thai Air Force, and the director-general of the Defence Industry and Energy Center;

(3) four qualified Board members, who are appointed by the Cabinet from persons with advanced knowledge, expertise, and experience in Defence Technology, the Defence Industry, or research, development, and innovation, or other aspects in connection with or

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in the interests of the activities of the Institute, provided that such persons shall not be regular, salaried government officials, staffs or employees of government units, government agencies, state enterprises, or local administrative organizations, with the exception of educators in public higher education institutions.

The Director-General shall serve as a Board member and the secretary, and officials of the Institute shall be appointed to serve as the assistant to the secretary as it is deemed necessary.

The recruitment criteria and procedures of the Chairman and qualified Board members, as well as the recruitment of the Chairman and qualified Board members to hold office in place of those who are due to retire from office prior to the expiration of the term shall be in compliance with the regulations specified by the Minister.

Section 15 The Chairman and qualified Board members under Section 14 (1) and (3) shall serve for a term of four years and may be reappointed but must not hold office for more than two consecutive terms.

The Chairman and the qualified Board members who are due to retire from office upon the expiration of the term shall continue to be in office to perform their duties until the new Chairman or qualified Board members are appointed.

Section 16 In the case that the Chairman or any qualified Board member retires from office prior to the expiration of their term, the newly-appointed person shall hold office for the remaining term of the Chairman or the qualified Board member whom he or she replaces. If the remaining term is less than ninety days, a substitute Chairman or qualified Board member is not required to be appointed.

In the case that the Chairman or any qualified Board member vacates office prior to the expiration of the term, the Board shall comprise only the existing Board members until the new Chairman or qualified Board member under the first paragraph is appointed. In the case that the Chairman vacates office prior to the expiration of the term, the remaining Board members shall elect one Board member to serve as the Chairman on a temporary basis.

Section 17 The provisions of Section 6, Section 8, and Section 10 shall apply to the qualifications and prohibited characteristics, and the vacation of office of the Chairman

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and the qualified Board members under Section 14 (1) and (3), and the meeting of the Board *mutatis mutandis*.

Section 18 The Board has the duties and authority to oversee the general administration of the Institute to ensure that it is in compliance with the objectives specified in Section 22, as well as the policies, goals, and guidelines determined by the Defence Technology Policy Committee, whereby the duties and authority shall include the following:

(1) to determine policies on management and acquisition of funds and to approve the action plan of the Institute;

(2) to approve the annual investment plan, financial plan, and budget of the Institute;

(3) to evaluate the performance of the Director-General and the officers of the Institute in accordance with the criteria and procedures specified by the Board;

(4) to oversee the operation and general administration of, as well as to issue regulations, rules, requirements and notifications relating to the Institute in the following matters:

(a) the general administration of the Institute, the organizational structure, the determination of positions and remuneration, and personnel management;

(b) the financial administration and management, the procurement of properties of the Institute, including accounting for and the writing-off of assets;

(c) the recruitment, appointment, and removal of the Director-General, the performance of the Director-General, and the delegation of other persons to act on his or her behalf;

(d) the design of the uniforms of the Director-General, officials, and employees, as well as the emblem and mark of the Institute;

(e) the provision of welfare and other benefits to the officers of the Institute under Sections 43 (1) and (3);

(f) the appointment and the specification of the scope of duties and authority and the performance of duties of the audit committee and the internal auditor;

(g) the criteria and procedures for granting research and education subsidies for Defence Technology;

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(h) the criteria for the collection and rates of fees, maintenance fees, remuneration, product fees, rental fees, royalty fees, and service charges from the activities carried out by the Institute;

(i) any other specifications which are relevant and necessary for the operation of the Institute;

(5) to approve the annual report and propose the annual report to the Minister for the execution of this Act;

(6) to perform any other related duties for the attainment of the objectives of the Institute or as delegated by the Defence Technology Policy Committee.

The regulations relating to the writing-off of assets under (4) (b) shall be in compliance with the criteria specified by the Cabinet.

In overseeing the operations under the first paragraph, the Board shall determine operational guidelines in compliance with the criteria and procedures on Good Governance.

Section 19 The Board has the authority to appoint experts to act as advisors of the Board and has the authority to appoint sub-committees to consider any matters or to perform any tasks as delegated by the Board as it deems necessary.

The advisors of the Board and the sub-committee members shall not be persons with a stake in activities engaged with the Institute or activities which are in competition with that of the Institute or contrary to or in conflict with the objectives of the Institute, whether directly or indirectly, with the exception of a person delegated by the Board to be the chairman, a board member, or a representative of the Institute with respect to the establishment of a juristic person under Section 23 (7).

The criteria and procedures for appointment, the qualifications and prohibited characteristics, the composition, meetings, the procedures in performing duties, the term of office, and the retiring from office of the sub-committees shall be in compliance with the regulations specified by the Board.

Section 20 The Chairman, the Board members, the advisors of the Board, and the sub-committees appointed by the Board shall receive meeting allowances and other benefits in accordance with the regulations determined by the Cabinet.

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### Chapter 3

#### Defence Technology Institute

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Section 21 There shall be a Defence Technology Institute, with the abbreviated name of “SorTorPor”, which is written in English as the “Defence Technology Institute”, with the abbreviated name of “DTI”.

The Institute shall be the government agency with the status of a juristic person, but shall not be a government unit under state administration law or be considered a state enterprise under budgetary procedure law or other laws.

The activities of the Institute shall not be subject to labour protection law, labour relations law, state enterprise labour relations law, social security law, or workmen’s compensation law, provided that the benefits received by the Director-General, the officials, and the employees of the Institute shall not be less than those specified under labour protection law, social security law, and workmen’s compensation law.

Section 22 The Institute shall have the following objectives:

(1) to study, research, and develop Defence Technology and innovations and undertake other acts which are relevant or incidental thereto in the interests of the Defence Industry;

(2) to promote and support the Ministry of Defence, other government agencies, and private sector’s activities of the Defence Industry;

(3) to promote and support training, research, dissemination of academic knowledge, and personnel development pertaining to Defence Technology and the Defence Industry;

(4) to liaise and collaborate in Defence Technology and the Defence Industry with government agencies, educational institutions, and the private sector, both in Thailand and abroad;

(5) to act as the center of information and knowledge of Defence Technology and the Defence Industry for the Ministry of Defence and government agencies, so as to be used in determining policies and plans in the development of science and technology for national defence.

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Section 23 The Institute shall have the duties and authority to undertake any act within the scope of the objectives under Section 22. The duties and authority shall include the following:

- (1) to hold ownership or to have possessory rights and real rights;
- (2) to create any right or enter into any juristic act in and outside the Kingdom of Thailand;
- (3) to engage in activities in the Defence Industry;
- (4) to take out a loan in accordance with the criteria specified by the Cabinet;
- (5) to make available and provide funding to support studies, research, and developments in science and Defence Technology;
- (6) to enter into any agreement and cooperate with other organizations or agencies in the public sector and the private sector, both in Thailand and abroad, in activities carried out by the Institute in compliance with its objectives;
- (7) to establish or jointly establish organizations which are juristic persons, as well as invest in, hold shares in or become a partner with any person or juristic person in order to operate the activities of the Defence Industry in accordance with the criteria and procedures, specified by the Defence Technology Policy Committee, with the approval of the Cabinet;
- (8) to request and collect fees, maintenance fees, remuneration, product fees, rental fees, royalty fees and service charges in the engagement of activities in accordance with the objectives of the Institute as well as to enter into any agreement and specify any related conditions in accordance with the criteria and rates specified by the Board;
- (9) to delegate any other person to act as a representative to engage in activities under the objectives of the Institute and under (2), where it shall also be in accordance with the relevant laws and the international agreements under which Thailand is obligated;
- (10) to transfer officers to perform duties in the activities in which the Institute has invested, holds shares in, or become partners with other persons, or in activities of the private sector under the objectives of the Institute;
- (11) to provide services relating to testing and certifying the testing results with respect to equipment, prototypes, or products in the Defence Industry tested by the Institute;

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(12) to undertake any other act that is necessary or incidental in the attainment of the objectives of the Institute.

Section 24 In the case where the Defence Technology Policy Committee *views* that it is necessary to have defence equipment and supplies researched or jointly researched by the Institute manufactured for use in government service, or that it is worthwhile to support the manufacture of those equipment and supplies in the Defence Industry, the Defence Technology Policy Committee may delegate the Institute to undertake the following acts:

(1) to assign an agency of the Ministry of Defence or government agency which has the capability to manufacture those equipment and supplies for use in the activities of the government;

(2) in the manufacture and distribution of defence equipment and supplies used in warfare, the Institute may establish a juristic person, jointly with a private party or other juristic person, to manufacture and distribute those defence equipment and supplies, and shall do so by cooperating with an agency from the Ministry of Defence or other government agencies.

With respect to the case in (2), those defence equipment and supplies may be sold to government agencies only and any remaining defence equipment and supplies shall be sold for the purposes of military exercises in which Thailand participates, or sold on a government-to-government basis, or sold by other methods as approved by the Defence Technology Policy Committee.

The manufacture and sale under this Section shall be in accordance with the characteristics and types of the defence equipment and supplies, as well as in compliance with the criteria, procedures, and conditions specified by the Defence Technology Policy Committee under Section 9 (5), which shall be in compliance with the international agreements under which Thailand is obligated.

Section 25 The activities established by the Institute or jointly established by the Institute as a juristic person under Section 23 (7) shall be exempted from the law governing private arms factories, but must be in accordance with the criteria, procedures, and conditions

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specified by the Board and there must be in place supervisory or controlling measures prescribed by such law.

Section 26 The capital and property of the Institute comprise the following:

- (1) funds and property transferred to the Institute under Section 49;
- (2) subsidies for general purposes, allocated as appropriate by the government on an annual basis;
- (3) subsidies from the private sector or other organizations, including subsidies from foreign and international organizations, and money or property received from or donated by donors;
- (4) fees, maintenance fees, remuneration, product fees, rental fees, royalty fees, and service charges from the activities carried out by the Institute;
- (5) interests and benefits or other income from the activities carried out by the Institute.

Section 27 All revenues of the Institute are not the type of revenues to be remitted to the national treasury as public revenues.

Where it is necessary or appropriate, the Institute may, with the approval of the Board, remit a reasonable amount of its revenues to the national treasury as public revenues.

Section 28 The real property which the Institute acquires from using its revenues shall be the property of the Institute.

The Institute shall have the authority to control, oversee, maintain, use, dispose of, and manage benefits from the property of the Institute.

Section 29 The property of the Institute is not subject to the liability of legal execution.

Section 30 The expenditure of the Institute shall specifically be for the interest of the activities of the Institute. The keeping or disbursement of funds of the Institute shall be in accordance with the regulations specified by the Board.

Section 31 The Institute shall have one Director-General who manages its activities under the supervision of the Board.

The Board has the authority to recruit, appoint, and remove the Director-General.

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The recruitment of the Director-General shall be in compliance with the regulations of the Board, which shall be consistent with the criteria specified by the Cabinet.

Section 32 The appointment of the Director-General shall be completed within ninety days from the date on which there is a reason to do so. In the case that it is necessary, the Board shall extend the appointment period for no longer than sixty days. If the appointment of the Director-General is not completed within the specified period, the Board shall report the results to the Minister for its subsequent report to the Cabinet for consideration.

Section 33 In the case that the position of Director-General is vacant, or the Director-General is unable to perform his or her duties, the Deputy Director-General with subsequent seniority shall act on his or her behalf. If the position of Deputy Director-General is vacant, or the Deputy Director-General has been appointed but is unable to perform his or her duties, the Board shall elect one Board member to act in this role.

The acting person under the first paragraph shall have the same duties and authority as the Director-General.

In the case that other laws, rules, regulations, or orders appoint the Director-General to be a Board member or to have any duties or authority, the acting person shall also be a Board member or have the same duties or authority as the Director-General, as the case may be.

Section 34 The Director-General shall have the following qualifications and shall not possess the prohibited characteristics as follows:

- (1) being of Thai nationality;
- (2) being not less than thirty-five years old and not more than sixty-five years old;
- (3) being able to work for the Institute on a full-time basis;
- (4) being a qualified person with knowledge, capability, and experience appropriate for the activities of the Institute as specified in the objectives, duties, and authority under Section 22 and Section 23;
- (5) not having been declared bankrupt or have been dishonestly bankrupt;

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(6) not having been expelled, discharged, or dismissed from government service, government agencies, or state enterprises due to dishonest performance of duties, or committing a fraudulent act or misconduct in government circles;

(7) not being an executive member of a government agency;

(8) not being a regular salaried government official, a staff member or employee of a government unit, state enterprise, local administrative organization, or government agency;

(9) not having the prohibited characteristics under Section 6 (4) (5) (6) (7) or (8).

Section 35 The Director-General shall serve for a term of four years and may be reappointed for another term but must not hold office for more than two consecutive terms.

The competency and performance of the Director-General shall be evaluated at least once a year in accordance with the criteria and procedures specified by the Board.

Section 36 In addition to the vacation of office at the completion of his or her tenure, the Director-General shall vacate office upon:

(1) death;

(2) resignation;

(3) being found to be lacking any of the qualification or having any of the prohibited characteristic under Section 34;

(4) discharge in the cases specified as agreed between the Board and the Director-General;

(5) removal by the Board due to unsatisfactory results in the evaluation of performance, negligence of duty, misconduct, or incompetence, or because the Board is of the view that if the Director-General continues to be in office, the Director-General shall cause damage to the Institute.

The resolution of the Board to remove the Director-General from office under (4) and (5) shall require the votes of no less than two-thirds of the existing Board members, excluding the vote of the Director-General.

Disqualification due to being more than sixty-five years old shall be deemed the vacation of office in accordance with the term specified in the engagement contract.

Section 37 The Director-General shall have the following duties and authority:

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(1) to manage the activities of the Institute in compliance with the law, objectives of the Institute, regulations, rules, requirements, notifications, and resolutions of the Board;

(2) to be responsible to oversee the operation and acting as the commander of every position of the officials and employees;

(3) to propose the goals, investment plan, financial plan, business plan, action plan, and projects to the Board for the operation of the Institute to achieve its objectives;

(4) to present an annual report on the results of operations and the performance of the Institute in various aspects, including an accounting and financial report, as well as the financial plan and budget of the following year for consideration by the Board;

(5) to propose opinions with respect to the business operation, the improvement and the performance of the Institute in order to improve effectiveness and achieve the objectives of the Board;

(6) to assign, appoint, promote, demote, reduce salaries or wages, impose disciplinary acts on officials and employees, as well as discharge officials and employees from their positions in accordance with the rules specified by the Board;

(7) to formulate regulations with respect to the operation of the Institute which are not contrary to or inconsistent with the rules, requirements, notifications or resolutions of the Board;

(8) to appoint the Deputy Director-General or Assistant Director-General, with the approval of the Board, in order that such person shall assist the Director-General in performing duties as delegated by the Director-General;

(9) to remove the Deputy Director-General or Assistant Director-General with the approval of the Board.

Section 38 With respect to any activities related to third persons, the Director-General shall act as the representative of the Institute, and in this regard, the Director-General may authorize any person to perform any specific assignment, provided that it shall be in compliance with the rules specified by the Board.

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Any juristic act undertaken by the Director-General or his or her authorized person in violation of the regulations or rules specified by the Board shall not be binding on the Institute, unless such act is ratified by the Board.

Section 39 The Board shall determine the rates of salaries and other benefits of the Director-General in accordance with the criteria specified by the Cabinet.

Section 40 The accounting report of the Institute shall be prepared in accordance with international standards and in accordance with the form and criteria specified by the Board, which shall be in compliance with established accounting principles. The Institute shall arrange for an internal audit with respect to finance, accounting, and procurement of the Institute, as well as to report the results of the audit to the Board at least once a year.

In the internal audit, an officer of the Institute shall specifically act as the internal auditor. The officer shall directly report to the audit committee and the Board in accordance with the regulations specified by the Board.

In appointing, transferring, increasing the salary of, promoting, or imposing any disciplinary act on the internal auditor, the Director-General and the Board shall jointly consider the matter and propose the same for approval before undertaking any such act.

Section 41 The Institute shall prepare and present the annual report to the Board and the Defence Technology Policy Committee for further submission to the Minister at the end of every budget year. The annual report shall present the balance sheet, working account, and profit and loss statement certified by the auditor, as well as the auditor's report, including the performance of the Institute for the previous year.

The Minister shall present the annual report under the first paragraph to the Cabinet and the Minister for further presentation to the Parliament for acknowledgement.

Section 42 The Minister shall have the authority to supervise the operation of the Institute's activities to ensure that it is in compliance with the law and consistent with the objectives of the establishment of the Institute, national strategies, government policies, the relevant resolutions of the Cabinet, and the relevant plans with respect to the Institute. In this regard, the Minister shall have the authority to instruct the Institute to give clarification, express opinions or prepare a report or give an order to suspend any act in order to be in

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compliance with the objectives of the establishment of the Institute, national strategies, government policies, the relevant resolutions of the Cabinet, and the relevant plans with respect to the Institute, as well as to give an order to conduct investigations of facts with respect to the operation of the Institute.

#### Chapter 4 Officers of the Institute

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Section 43 The officers of the Institute are divided into three categories as follows:

(1) officials or employees who perform duties and receive salaries from the budget of the Institute, other than the position of the Director-General;

(2) advisors or experts engaged by the Institute to perform the duties under engagement contracts;

(3) government officials who perform duties at the Institute on a temporary basis under Section 46.

Section 44 The officials and employees shall have the qualifications and shall not possess the prohibited characteristics as follows:

(1) being of Thai nationality;

(2) being not less than eighteen years old and not more than sixty years old;

(3) being able to work for the Institute on a full-time basis;

(4) having academic qualifications or experience appropriate for the objectives, duties, and authority of the Institute;

(5) not having been declared bankrupt or been found guilty of fraud;

(6) not being an incompetent or quasi-incompetent person;

(7) not having been sentenced to imprisonment by a final judgement, except for an offence committed through negligence or a petty offence;

(8) not having been expelled, discharged, or dismissed from government, government agencies, or state enterprises due to dishonest performance of duties, or committing a fraudulent act and misconduct in government circles;

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- (9) not being an advisor or expert under an engagement contract with the Institute;
- (10) not being a regular, salaried government official, a staff member or employee of a government unit, state enterprise, local administrative organization, or government agency, or an officer of any other public organization;
- (11) not being an executive member of a state enterprise, a government agency, or other public organization;
- (12) not having the prohibited characteristics under Section 6 (6) or (8).

The provision in (1) shall not apply to officials or employees from other nationalities whom the Institute is obliged to employ or appoint under the commitments or the nature of the activities of the Institute.

Section 45 The officials and employees shall vacate from office upon:

- (1) death;
- (2) resignation;
- (3) being found to be lacking any of the qualification or having any of the prohibited characteristics under Section 44;
- (4) removal due to unsatisfactory results in the evaluation of performance in accordance with the criteria and procedures specified by the Board;
- (5) discharged or dismissal due to disciplinary breaches in accordance with the criteria and procedures specified by the Board;

Disqualification due to being more than sixty years old shall be deemed vacation of office in accordance with the term specified in the engagement contract.

Section 46 In the interests of the administration of the Institute, the Minister may request that government officers, employees, officials or other officers of other ministries, sub-ministries, departments, local administrative organizations, state enterprises, public organizations or other government agencies work as officials or employees of the Institute on a temporary basis, provided that the approval from the commander or employer is obtained and an agreement is entered into for the granting of approval.

In the case that a government official is approved to work as an official or employee of the Institute on a temporary basis under the first paragraph, it shall be deemed that such

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person has been granted permission to leave the government services or leave the office to perform any work and the period of his or her performance at the Institute shall be included in the calculation of pension or other similar benefits as if such person were in the government service or worked on a full time basis, as the case may be.

Upon the expiration of the period approved for the work at the Institute, the government officials under the first paragraph shall be entitled to be assigned and appointed to a position and receive a salary from the previous government unit or agency at a position which is not lower than the previous position and salary rate in accordance with the agreement entered into for the granting of approval.

Section 47 In the case that it is necessary for an officer of the Institute to work on a temporary basis in one of the activities invested by the Institute, hold shares in, or is a partner in with other persons, or at a private sector business, and if the Director-General considers that such secondment shall be in the interests of and consistent with the objectives of the Institute, the Director-General may assign an officer of the Institute in accordance with the criteria, procedures, and conditions specified by the Board.

### Transitory Provisions

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Section 48 Initially, the Defence Technology Policy Committee shall comprise of the committee members under Sections 5 (1) and (2) and the second paragraph, to perform the necessary duties on a temporary basis; however, such initial period shall not exceed ninety days from the date on which this Act comes into effect.

Section 49 When this Act comes into effect, the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008) shall be repealed

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and all activities, monies, properties, rights, debts, as well as the budget of the Defence Technology Institute (Public Organization) existing prior to the date on which this Act is in effect, shall be the property of the Defence Technology Institute.

Section 50 The Board of Directors of the Defence Technology Institute under the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008) which is in office prior to the date on which this Act comes into effect shall be the Board of Directors of the Defence Technology Institute under this Act, and the Chairman, ex-officio Board members, and the qualified Board members shall continue remain in office until the term of office expires under the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008).

The term of office of the Chairman and the qualified Board members of the Board of Directors of the Defence Technology Institute under this Act shall include the term of office of the Chairman and the qualified Board members of the Board of Directors of the Defence Technology Institute under the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008).

Section 51 The Director-General of the Defence Technology Institute (Public Organization) under the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008), who is in office prior to the date on which this Act comes into effect shall be the Director-General of the Defence Technology Institute under this Act until the term of office expires under the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008).

The term of office of the Director-General under this Act under the first paragraph shall include the term of office under the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008).

Section 52 The officials and employees of the Defence Technology Institute (Public Organization) under the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008) who perform their duties prior to the date on which this Act comes into effect shall be transferred to be officials or employees of the Defence Technology Institute under this Act on a temporary basis.

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Within a period of one hundred and eighty days from the date on which this Act comes into effect, the Defence Technology Institute shall proceed with the selection of the officials or employees under the first paragraph for further placement as officials or employees of the Defence Technology Institute.

For those officials or employees who have been selected for placement under the second paragraph, the calculation of pensions and other benefits shall combine their years of service at the Defence Technology Institute (Public Organization) with the years of service at the Defence Technology Institute.

In the case that any official or employee under the first paragraph does not wish to continue working for the Defence Technology Institute or does not pass the selection and placement under the second paragraph, it shall be deemed that the employment of the official or employee is terminated and the official or employee shall be entitled to receive payment for termination of employment in accordance with the regulations, rules, requirements or notifications of the Defence Technology Institute with respect to termination of employment and entitlement to payment for termination, provided that such payment shall not be less than that specified under labour protection law, social security law, and workmen's compensation law. In the case that an official or employee does not wish to work at the Defence Technology Institute, he or she shall state his or her intention within thirty days from the date on which this Act comes into effect.

Other officers of the Defence Technology Institute (Public Organization) under the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008) shall be officers of the Defence Technology Institute under this Act in accordance with the existing terms and conditions with the Defence Technology Institute (Public Organization) for the time being until the Defence Technology Institute specifies the details for selection of those officers under this Act.

Section 53 All provisions of laws, rules, regulations, by-laws, requirements, notifications, orders, or resolutions of the Cabinet, which refer to the Defence Technology Institute (Public Organization) under the Royal Decree on the Establishment of the Defence

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Technology Institute (Public Organization) B.E. 2551 (2008), shall be deemed to refer to the Defence Technology Institute under this Act.

Section 54 All regulations, by-laws, requirements or notifications issued under the Royal Decree on the Establishment of the Defence Technology Institute (Public Organization) B.E. 2551 (2008) which are in full force and effect prior to the date on which this Act comes into effect shall continue to be in full force and effect to the extent that they do not conflict and are not contrary to this Act until the regulations, rules, requirements or notifications are issued under this Act.

Section 55 The regulations, by-laws, requirements, and notifications under this Act shall be issued within a period of one year from the date on which this Act comes into effect. Should the regulations, by-laws, requirements, and notifications under this Act not be issued within the specified period, the Minister shall report the reason therefor to the Cabinet.

Countersigned by

General Prayut Chan-o-cha (Ret.)

Prime Minister

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Remark : The rationale for the promulgation of this Act is that the development of Defence Technology is important and relevant to national security, and is required to be conducted systematically, from research and development to manufacture and application, with the cooperation of other agencies of the Ministry of Defence and the private sector. However, since the current form of the government agency is not suitable for the said mission, it is reasonable to establish a new government agency with specific characteristics for undertaking such mission. Therefore, it has become necessary to promulgate this Act.

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