

**NOTIFICATION OF THE MINISTRY OF PUBLIC HEALTH**  
**RE: THE EXERCISE OF POWER, OPERATIONS, PERFORMANCE OF DUTIES AND QUALIFICATIONS OF**  
**COMPETENT OFFICIALS, B.E. 2560 (2017)**

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Whereas it is expedient to stipulate criteria for the appointment of competent officials, and also the performance criteria of the competent officials in supervising the compliance with the Pathogens and Animal Toxins Act, B.E. 2558 (2015).

By the virtue of the provisions of Section 5 paragraph one, in conjunction with Section 6 (17) and Section 41 paragraph two of the Pathogens and Animal Toxins Act, B.E. 2558 (2015) the Minister of Public Health, with the advice of Pathogens and Animal Toxins Committee, hereby issues the notification as follows:

Clause 1 This notification is called “The Notification of the Ministry of Public Health entitled The Exercise of Power, Operations, Performance of Duties and Qualifications of Competent Officials, B.E. 2560 (2017)”

Clause 2 This notification shall come into force after the expiration of one hundred and twenty days from the date of its publication in the Government Gazette.

**CHAPTER I**  
**QUALIFICATIONS AND THE APPOINTMENT OF COMPETENT OFFICIALS**

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Clause 3 There shall be appointed competent officials to perform duties as specified in the Pathogens and Animal Toxins Act, B.E. 2558 (2015) as follows.

- (1) Level 1 competent officials;
- (2) Level 2 competent officials;
- (3) Specific competent officials.

Clause 4 The level 1 competent officials shall be appointed from government officials at the operational level and above under the Department of Medical Sciences, Department of Disease Control or the Provincial Public Health Office, Office of the Permanent Secretary Ministry of Public Health. They must have the following qualifications.

The level 1 competent officials must have the following qualifications:

- (1) Completed at least a bachelor's degree in Medicine, Veterinary medicine, Dentistry, Pharmacy, Medical Technology, Veterinary Technician, Nursing, Medical Science, Science or any other related fields;
- (2) Passed the competency assessment or the examination in accordance with the curriculum and criteria prescribed by the Director-General.

Clause 5 The level 2 competent officials shall be appointed from persons holding positions or having the following qualifications:

The following level 2 competent officials shall perform their duties in the Kingdom of Thailand.

- (1) Permanent Secretary of the Ministry of Public Health;
- (2) Deputy Permanent Secretary of the Ministry of Public Health;
- (3) Director-General of Department of Medical Sciences;
- (4) Deputy Director-General of Department of Medical Sciences;
- (5) Director of the Division or equivalent and Legal Officer at the central office of the Department of Medical Sciences, Ministry of Public Health;

(Unofficial Translation)

(6) Government officials under the Department of Medical Sciences holding the professional level positions and above and also pass the competency assessment or the examination in accordance with the curriculum and criteria prescribed by the Director-General.

The following level 2 competent officials shall perform their duties in the area of responsibility.

- (1) Director of the Regional Medical Sciences Center, Department of Medical Sciences;
- (2) Government officials under the Regional Medical Sciences Center, Department of Medical Sciences holding the professional level positions and above and also pass the competency assessment or the examination in accordance with the curriculum and criteria prescribed by the Director-General;
- (3) Provincial Public Health Physician;
- (4) Legal Officer of Provincial Public Health Office.

To perform duties under paragraph three, the competent officials shall also comply with the scope of powers and duties, as well as responsibilities for serving official duties.

Level 2 competent officials affiliated with other government agencies shall be appointed from persons holding following positions:

- (1) Director of the Bureau of Veterinary Biologics, Department of Livestock Development;
- (2) Director of National Institute of Animal Health, Department of Livestock Development;
- (3) Director of Bureau of Quality Control of Livestock Products, Department of Livestock Development;
- (4) Director of Aquatic Animal Health Research and Development Division, Department of Fisheries.

Clause 6 In the event of an emergency or necessity, the Minister may appoint a person with knowledge and expertise, success works and particular experience in pathogens or animal toxins to perform duties as a competent official in the specific case.

## CHAPTER II

### CRITERIA, PROCEDURES AND CONDITIONS FOR THE EXERCISE OF POWER, OPERATIONS, PERFORMANCE OF DUTIES

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Clause 7 The competent officials shall have the following powers:

- (1) Level 1 competent officials have the power under Section 41 (1) (2) (3) and (4) of the Pathogens and Animal Toxicity Act B.E. 2558 (2015) to supervise only Group 1 Pathogens, Group 2 Pathogens and toxins from all animals;
- (2) Level 2 competent officials have the power under Section 41 (1) (2) (3) and (4) of the Pathogen and Animal Toxicity Act B.E. 2558 (2015) to supervise all groups of pathogens and animal toxins;
- (3) Specific competent officials have the power under Section 41 (1) and (2) of the Pathogens and Animal Toxins Act B.E. 2558 (2015) to supervise all groups of pathogens and animal toxins.

Clause 8 In case of a reasonable cause and necessity, or for proving the commission of an offence under the Pathogen and Animal Toxicity Act, the competent official may send a letter to summon any person to give a statement or to send explanations, documents, information, evidence or any necessary materials for conducting an examination or taking into consideration or using as evidence by submitting a report for seeking an approval from Director-General according to the attachments to the notification.

To submit a letter to summon any person to give a statement or to send explanations, documents, information, evidence or any necessary materials for conducting an examination or taking into consideration or using as evidence under paragraph one, details must be in accordance with the attachments to the notification.

This translation is provided by Department of Medical Sciences as the competent authority for information purposes only. Whilst Department of Medical Sciences has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

(Unofficial Translation)

To give a statement, the competent official shall prepare a written record of provided statement in accordance with the attachments to the notification. In addition, the person giving a statement or the explainer shall sign the said record as evidence. If the person giving a statement or the explainer does not consent to sign the said document, the competent official shall record the said incident in the memo of statements and also affix his/her signature in the said document.

While giving a statement, the competent official may also record video or sound.

Clause 9 In the event that the competent official sends any person a written request to submit documents, information, evidence or any necessary materials for taking into consideration or using as evidence in the proof of the commission of an offence. Upon receipt of those items, the competent official shall prepare the acceptance record for all items received with the details in accordance with the attachments to the notification.

Clause 10 Upon completing the consideration process, if the items provided for taking into consideration or using as evidence in the proof of the commission of an offence under the Pathogen and Animal Toxin Act have not been brought to the inquiry official or the court, the competent official shall return the items received to the owner, the person with the right of possession or the sender within thirty days by appropriate means.

In the event that the competent official wishes to copy or keep photographs of the said items received for further consideration or any other relevant legal proceedings, he/she is eligible to do so. In case of a reasonable cause and necessity, the competent official shall keep the original documents or such materials by notifying the owner, the person with the right of possession or the sender within thirty days.

Clause 11 In case of a reasonable cause and necessity or reasonable doubt to enter the premises of the persons receiving the certificate of notification or the licensees or any person to investigate the facts regarding the commission of the offence, inspect the material used for committing an offence, the materials considered an offence or the materials to be used for committing an offence, including any action that may violate the Pathogen and Animal Toxin laws or fail to comply with the conditions prescribed in the procedures of receiving a certificate of notification or license for production, import, export, sale, transit or possession of pathogens or animal toxins, the competent official shall submit a report for seeking approval from the Director-General in accordance with the Form PorNorJor. 5 attached to this notification.

Upon obtaining the approval of the Director-General, in the event that a search of such premise is required, the competent official shall submit an application for the court to issue a search warrant and request for the police to join while carrying out a premise search as well.

Clause 12 In the execution of a search warrant, the competent official and the police officer shall proceed in accordance with the provisions of the Criminal Procedure Code.

Clause 13 After completing the search, the competent official acting the head of the searching operation shall submit a report to the Director-General within the next business day and report to the court within the period specified by the court.

Clause 14 In case of finding documents or evidence used for committing the offence or considered an offence or the materials to be used for committing an offence, the competent official shall exercise the power under Section 41 (4) of the Pathogen and Animal Toxicity Act B.E. 2558 (2015) to request the person possessing the said document or evidence to deliver them to the competent official promptly.

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(Unofficial Translation)

In the event that the holder of such document or evidence fails to comply with the order under Section 41 (4) of the Pathogen and Animal Toxicity Act B.E. 2558 (2015), the competent official shall prepare a memorandum of such document or evidence by clearly specifying the location, condition and the owner or possessor or custodian of such document or evidence to be further used in conjunction with the execution under Section 57 of the Pathogen and Animal Toxicity Act B.E. 2558 (2015).

Notified on the 28<sup>th</sup> day of August 2560 (2017)

Piyasakol Sakolsatayadorn

Minister of Public Health

**Approval Request Form for Summon a Person to Give a Statement or Submit an Explanation**

Written at.....  
.....

Date.....Month.....Year.....

Subject: Report of approval request for summoning a person to give a statement of submit an explanation  
Attention: Director-General of Department of Medical Sciences

I, ....., Holding position of.....,Having investigated  
the premise of.....Name of Establishment.....  
Nature of Business....., Residing at..... Village No. ...., Road.....  
Sub-district..... District..... Province..... Phone no. ....

(Facts / Offences)

.....  
.....  
.....

(Reasons and Necessity)

.....  
.....  
.....

(Substance of Letter)

.....  
.....  
.....

Please kindly consider the request.

Signature.....

( )

Competent inspector / Reporter

<Official Emblem>

Letter no. ....

Written at.....

Date.....Month.....Year.....

Subject: (Please visit us to give a statement of submit an explanation.)

Attention:

(Facts / Offences) .....

(Reasons to issue a letter calling the recipient to give a statement or submit an explanation) .....

We request (Recipient's name) .....  
to visit the competent official at .....  
from today until Date ..... Month ..... Year .....on official days before 15.00 hrs.  
or submit an explanation to .....  
within Date .....Month ..... Year ..... . If you do not visit the competent official or not  
send an explanation within the date and time specified above, we shall forward the matter to the inquiry  
official for further prosecution under the law on pathogens and animal toxins.

Please be informed to visit us to give a statement or send an explanation on the specified date,  
time, and place.

Sincerely yours,

Signature .....

( )

Competent Official the Pathogen and  
Animal Toxicity Act B.E. 2558 (2015).



Memo of Acceptance

Written at.....  
.....

Date.....Month.....Year.....

Sender .....  
House no. .... Village no. .... Lane/Alley .....Road .....  
Sub-district ..... District ..... Province .....  
Phone no. ....

The sender agrees to provide documents, information, evidence or any necessary materials for taking into consideration or using as evidence for proving the commission of an offense as the official deems appropriate as following details:

No.	Item(s)	Amount/Quantity	The condition of item(s) received	Storage method

Signature \_\_\_\_\_ Sender  
( )

Signature \_\_\_\_\_Competent Official  
( )

Signature \_\_\_\_\_ Witness  
( )

Signature \_\_\_\_\_ Witness  
( )

Approval Request Form of Premise Inspection

Written at.....  
.....

Date.....Month.....Year.....

Subject: Report of approval request for entering the premise to investigate the offence.

Attention: Director-General of Department of Medical Sciences

I, ....., Holding position of ....., Having investigated the premise of .....Name of Establishment .....  
Nature of Business ....., Residing at .....Village No. .... Road .....  
Sub-district ..... District ..... Province ..... Phone no. ....

(Facts or Offences, Reasons and Necessity for entering into the premise.)

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.....  
.....

(Details of the location and the owner of the premise to be inspected.)

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.....

(Facts to be investigated)

.....  
.....  
.....

Please kindly consider the request.

Signature .....  
( ..... )  
Competent inspector / Reporter