

**OFFICE OF THE CONSTITUTIONAL COURT ACT,
B.E. 2542 (1999)**

BHUMIBOL ADULYADEJ, REX;
Given on the 5th Day of April B.E. 2542;
Being the 54th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have the law on the Office of the Constitutional Court;
Be it, therefore, enacted by the King, by and with the advice and consent of the
National Assembly, as follows.

Section 1. This Act is called the “Office of the Constitutional Court Act, B.E. 2542.”

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

Section 3. There shall be the Office of the Constitutional Court as an independent
agency under the Constitution, which shall be ascribed the status of a Department under
the law on organization of State administration.

Section 4. The Office of the Constitutional Court shall have the powers and duties as
follows:

- (1) to be responsible for secretarial works of the Constitutional Court;
- (2) to study and compile data, order, and decisions in connection with the works of
the Justices of the Constitutional Court collectively and individually;
- (3) to encourage the studies and research in, and disseminate knowledge about, the
affairs of the Constitutional Court;
- (4) to perform other acts as entrusted by the Justices of the Constitutional Court
collectively.

* Published in the Government Gazette, Vol. 116, Part 25a, dated 8th April B.E. 2542 (1999).

Section 5. An official of the Office of the Constitutional Court is the person recruited and appointed as the official under this Act.

Section 6. The Justices of the Constitutional Court collectively shall have the power to issue regulations or notifications with respect to general administration, personnel administration, budget, finance and property and other businesses of the Office of the Constitutional Court and, in particular, with respect to the following matters:

(1) internal organization of the Office of the Constitutional Court and powers and duties of such agencies;

(2) the prescription of qualifications, selection, recruitment, appointment, trial performance of official duties, transfer, promotion, vacation of office, increment of salaries, resignation from official service, suspension from official service, temporary dismissal from official service, disciplines, inquiry and imposition of disciplinary penalty, complaint and appeal against the imposition of penalty, in respect of officials of the Office of the Constitutional Court;

(3) the acting for and acting as the holders of positions of officials of the Office of the Constitutional Court;

(4) the prescription of the uniform and dress of officials of the Office of the Constitutional Court;

(5) the employment and appointment of a person as an expert or specialist in specific fields beneficial to the performance of duties of the Constitutional Court as well as the rate of remuneration for the employment;

(6) the appointment of a person or a group of persons for carrying out any act as entrusted;

(7) the budget and procurement administration and management of the Office of the Constitutional Court;

(8) the provision of welfare or other assistance to officials of the Office of the Constitutional Court;

(9) the keeping of the personnel records and the control of retirement of officials of the Office of the Constitutional Court;

(10) the prescription of procedures and conditions for the employment of employees of the Office of the Constitutional Court including the prescription of the uniform and dress and the provision of welfare or other assistance to employees of the Office of the Constitutional Court;

(11) the prescription of other acts within the powers and duties of the Justices of the Constitutional Court collectively.

The regulations or notifications under paragraph one shall be signed by the President of the Constitutional Court and shall come into force upon their publication in the Government Gazette.

Section 7. The law on civil service insofar as it concerns ordinary Government officials shall apply *mutatis mutandis* to the prescription of positions and salary scales as well as emoluments of officials of the Office of the Constitutional Court and, for this purpose, the expression “C.S.C” shall mean the Justices of the Constitutional Court collectively and the expression “Government agency ascribed the status of a Department the head of which has responsibility in the performance of Official duties with direct answerability to the Prime Minister” shall mean the Office of the Constitutional Court.

Section 8. The law on salaries and emoluments shall apply *mutatis mutandis* to the salary scales, rates of emoluments and the entitlement to emoluments of officials of the Office of the Constitutional Court.

The payment of salaries and emoluments to officials of the Office of the Constitutional Court shall be in accordance with the law on that particular matter.

Section 9. The Office of the Constitutional Court shall have Secretary-General of the Office of the Constitutional Court who shall be responsible for the work performance of the Office of the Constitutional Court directly answerable to the President of the Constitutional Court and shall be the superior of officials and employees of the Office of the Constitutional Court. There may also be Deputy Secretaries-General of the Office of the Constitutional Court to assist in directing and performing official duties.¹

The Secretary-General of the Office of the Constitutional Court shall represent the Office of the Constitutional Court in its affairs *vis-à-vis* third persons. For this purpose, the Secretary-General of the Office of the Constitutional Court may delegate powers to any person to perform any particular act, in accordance with the regulations prescribed by the Justices of the Constitutional Court collectively as published in the Government Gazette.

Section 10. The recruitment of persons to be officials of the Office of the Constitutional Court and their appointment to any position shall be made by the following competent person:

¹ Section 9 paragraph one is amended by the Office of the Constitutional Court Act (No. 2), B.E. 2562.

(1) with respect to the recruitment and appointment to the position of Secretary-General of the Office of the Constitutional Court and Deputy Secretaries-General of the Office of the Constitutional Court, the President of the Constitutional Court shall make the recruitment with the approval of the Justices of the Constitutional Court collectively;

(2) with respect to the recruitment and appointment to any position other than (1), the Secretary-General of the Office of the Constitutional Court shall make the recruitment and appointment.

Section 11. A transfer of a Government official under the other laws for recruitment as an official of the Office of the Constitutional Court may be made on the basis of that person's consent. For this purpose, the person having the power to make the recruitment shall make an agreement with the original agency and refer it to the Justices of the Constitutional Court collectively for consideration and approval. The Justices of the Constitutional Court collectively shall consider and prescribe the position to which the appointment is to be made and the salary scale therefor, provided that the salary granted must not be higher than that of the official of the Office of the Constitutional Court who possesses the same qualifications, ability and expertise.

For the propose of the computation of the duration of the Government service, the time of service or working time of the person transferred under paragraph one while being the official or Government official shall also be regarded as the time of service of the official of the Office of the Constitutional Court under this Act.

A transfer of a political official and an official who is under a trail performance of official duties to be an official of the Office of the Constitutional Court shall not be made.

Section 12. Officials of the Office of the Constitutional Court are entitled to the same pensions and benefits in accordance with the laws on such matters as those to which ordinary Government officials are entitled.

Section 13. The Office of the Constitutional Court shall submit to the Council of Ministers its estimate of budget in accordance with the resolution of the Justices of the Constitutional Court collectively for the purpose of incorporating it in the annual appropriations bill or the supplementary appropriations bill, as the case may be, in order to set it aside as subsidies of the Justices of the Constitutional Court collectively and the Office of the Constitutional Court. In this instance, the Council of Ministers may also prepare the opinion with regard to the allocation of budget of the Justices of the Constitutional Court collectively and the Office of the Constitutional Court to be included in the memorandum

accompanying the introduction of the annual appropriations bill or the supplementary appropriations bill and in the consideration of the annual appropriations bill or the supplementary appropriations bill, the House of Representatives or the Senate may allow the Secretary-General of the Office of the Constitutional Court to give explanations.

Section 14. When the Office of the State Audit has audited and certified all types of accounts and financial matters of the Justices of the Constitutional Court collectively and the Office of the Constitutional Court, it shall submit the audit report to the House of Representatives, the Senate and the Council of Ministers without delay.

Section 15. In the initial period prior to the appropriation of the annual budget to the Office of the Constitutional Court, the Justices of the Constitutional Court collectively shall prepare the work plan for the operation of the Constitutional Court and the work plan for the establishment and the administration of the Office of the Constitutional Court to be submitted to the Council of Ministers in order to obtain subsidies for funding the operation and administration in accordance with such plans.

The Council of Ministers shall consider and allocate the budget as subsidies for funding the operation under the plans submitted by the Justices of the Constitutional Court collectively as necessary.

Section 16. The President of the Constitutional Court shall have charge and control of the execution of the Act.

Countersigned by
Chuan Leekpai
Prime Minister

Remark: The reason for the promulgation of this Act is that the Constitution of the Kingdom of Thailand provides that the Constitutional Court shall have the Office of the Constitutional Court as a secretariat which shall enjoy autonomy in the personnel administration, budget management and other activities as provided by law. It is, therefore, necessary that this Act be enacted.

The Office of the Constitutional Court Act (No. 2), B.E. 2562.

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

Remark: The reason for the promulgation of this Act is that the Constitution of the Kingdom of Thailand provides that the Constitutional Court shall have more duties and powers, and provides that the Constitutional Court shall have an agency as a secretariat which shall enjoy autonomy in the personnel administration, budget management and other activities as provided by law, which is the Office of the Constitutional Court in accordance with the Office of the Constitutional Court Act B.E. 2542. As prescribed in section 9 paragraph one of the Act, there may be not more than two Deputy Secretaries-General of the Office of the Constitutional Court to assist in directing and performing official duties of the Secretary-General of the Office of the constitutional Court. This is inconsistent with duties of the Office of the Constitutional Court as a secretariat of the Constitutional Court, which have more duties and powers in accordance with the Constitution. It is expedient to prescribe the Office of the Constitutional Court to have Deputy Secretaries-General of the Office of the Constitutional Court to assist in directing and performing official duties as suitable in order to support such increased duties of the Constitutional Court. It is, therefore, necessary that this Act be enacted.

⁺ Published in the Government Gazette, Vol. 136, Part 34a, dated 20th March B.E. 2562 (2019).