

**BEASTS OF BURDEN ACT,
B.E. 2482 (1939)**

IN THE NAME OF HIS MAJESTY KING ANANDA MAHIDOL,
The Council of Regency,
(By the Notification of the President of the House of Representatives
Dated 4th Day of August B.E. 2480 (1937))
Prince Aditya Dibabha Abhakara
General Chao Phraya Pichayenthara Yothin
Enacted on the 27th Day of October B.E. 2482 (1939);
Being the 6th Year of the Present Reign.

Whereas the House of Representatives resolves that it is expedient to revise the law on protection of ownership and prevention of theft of beasts of burden.

Be it, therefore, enacted by the King by and with the advice and consent of the House of Representatives, as follows:

Section 1. This Act is called the “Beasts of Burden Act B.E. 2482 (1939)”.

Section 2. This Act shall come into force upon the expiration of sixty days from the date of its publication in the Government Gazette.^o

Section 3. The Beasts of Burden Act R.E.119 and all subsequent amendments, rules and by-laws in so far as they have already been provided herein, or are contrary to the provisions of this Act shall be repealed from the date of this Act comes into force.

Section 4. In this Act:

* Translated by Chandler and Thong'ek Law Office Limited, and reviewed by Prof. Phijaisakdi Horayangkura under contract for the Office of the Council of State of Thailand's Law for ASEAN project. -Initial Version – pending review and approval by the Office of the Council of State.

^o Published in the Government Gazette, Vol. 56, Page 1492, dated 6th November B.E. 2482 (1939)

“beasts of burden” means elephants, horses, cattle, buffalos, mules, donkeys for which a certificate of identification has been or must be prepared as prescribed in this Act.

“Identifying marks” means specific features of each beast of burden which exist on the body or are made to be used as identifying marks.

“Certificate of identification” means a certificate showing identifying marks of a beast of burden.

“registrar” means a district chief or his authorized representative or a person appointed by Minister of Interior in accordance with this Act.

“public officer” means an administrative officer or police as defined in the Criminal Procedure Code, and registrars.

Section 5. This Act shall not apply to beasts of burden belonging to government military agencies unless such beasts are transferred to private parties.

Section 6. Granting power or appointing an agent to take actions in execution of this Act shall be exempted from fees or stamp duties as prescribed in other laws.

Section 7. The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and to issue Ministerial Regulations prescribing fees at the rate not exceeding the rate of fees in the list appended herein, and other actions for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

CHAPTER I

REGISTRATION OF CERTIFICATE OF IDENTIFICATION

Section 8. When the following beasts of burden:

- (1) Elephants that turn eight years old;
- (2) Beasts other than female cattle that turn six years old;
- (3) Beasts that have been used for riding, pulling or pushing loads, or utilized;
- (4) Beasts that turn four years old and will be taken off the Kingdom;

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(5) Female cattle that turn six years old, whose ownership will be transferred except transfer by inheritance,

the owner or his agent together with a village headman or a witness where there is no village headman or in absence of the village headman, shall bring such beasts for registration to obtain a certificate of identification from the local registrar of the area in which the beasts live within the following period, unless it is impossible to do so:

a. Beasts in subsection 1 and subsection 2 as announced by the registrar for each Tambol shall be registered in no less than ninety days.

b. Beasts in subsection 3 shall be registered in ninety days from the date on which the beasts are used for riding, pulling or pushing loads, or utilized.

c. Beasts in subsection 4 and subsection 5 shall be registered to obtain a certificate of identification before taking them off the Kingdom or transfer of ownership.

For beasts that are not subject to the provisions of subsection 1 to subsection 5, the owner may register to obtain a certificate of identification.

When the registrar and the owner or his agent have verified the identifying marks of the beasts and the owner or his agent has paid the fees, the registrar shall register the beasts and issue a certificate of identification.

Section 9. Beast of burden which are brought into the Kingdom are required to be registered to obtain a certificate of identification as prescribed in section 8 *mutatis mutandis*. If a beast of burden is brought in beyond the specified period or within the specified period but the remaining time is less than thirty days as prescribed in section 8, a registration to obtain a certificate of identification shall be made within thirty days, unless such a beast is brought in on a temporary basis.

Section 10. In case of loss of or damage to a certificate of identification, the owner shall bring evidence to report the loss or damage to the local registrar of the area in which the beasts live to obtain a replacement certificate of identification.

When the registrar has inquired the owner and opined that such loss or damage is true, the registrar will collect a fee and issue a replacement certificate of identification.

Section 11. A person who finds a certificate of identification shall return it to the owner or a public officer within fifteen days from the date on which the certificate was found.

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Section 12. Subject to section 11, 18, and section 24, a person who possesses a certificate of identification without having the beast of burden for such certificate shall return the certificate of identification to the local registrar or the Tambol headman for delivery to the local registrar.

Section 13. When it appears that identifying marks of a beast of burden of any person is different from the description in the certificate of identification due to any reason, the owner or the possessor shall bring the beast of burden and the certificate of identification to the registrar for inspection and correction of the identifying marks within thirty days from the date on which the difference was found.

In case of correction to identifying marks in relation to hair crest of the beasts, marks made by a public officer or changed naturally or correction in compliance with the law, the fee shall be exempted.

CHAPTER II OWNERSHIP TRANSFER AND MORTGAGE

Section 14. To transfer ownership in a beast of burden, the transferor and the transferee or their agent shall bring the beast of burden and the certificate of identification to the registrar for registration of the ownership transfer. When the registrar has verified the identifying marks of the beasts and the registration fee has been paid, the registrar shall register and endorse the ownership transfer on the certificate of identification. In case of a beast of burden from other area, the registrar shall register such beast before registering the transfer of ownership.

In case a public officer confiscates a beast of burden to put up for an auction in order to settle taxes and duties or in case the registrar puts a beast of burden up for an auction as prescribed in section 25, or in case the change of owner of any beast of burden has not been registered by the registrar, upon completion of the thirty-day period following the registrar's call for the last person whose name is entered on the reverse side of the certificate of identification to attend to the registration of the ownership transfer but such person fails to appear within the specified period, the registrar shall have the power to transfer the ownership in the beast of burden although only the transferee or his agent attends to the registration.

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Section 15. Any person who has received a beast of burden by inheritance or his agent shall bring a witness and the certificate of identification to the registrar of the area in which the beast lives. When the registrar has completed the investigation, a notification of inheritance shall be posted for thirty days. If no person makes objection within the specified period in the notification, the registrar shall collect the fee and then amend the registration and the certificate of identification of the beast for the inheritor.

If a person makes objection within the specified period, the registrar shall instruct the party whose right is inferior to file a lawsuit with a court within sixty days. Otherwise, the registrar shall collect the fee and then amend the register and the certificate of identification of the beast for the person who shall receive the inheritance.

Section 16. In relation to a mortgage of a beast of burden, the mortgagor and the mortgagee or their agent shall bring the certificate of identification of the beast to be mortgaged to the registrar of the area in which such beast lives to mortgage. When the registrar has verified the identifying marks of the beasts and the registration fee has been paid, the registrar shall register and endorse the mortgage on the certificate of identification.

CHAPTER III RELOCATION AND DISPOSAL OF REGISTRATION

Section 17. To relocate a beast of burden to other districts other than by lease, hire purchase, borrowing, deposit, pledge, hired care, or temporary bringing to, the owner or his agent shall bring the certificate of identification to make a report to the local registrar of the new district within thirty days from the date on which the beast arrives the destination. The local registrar of the new district shall then collect the fee and notify the local registrar of the old district of acknowledgement of relocation.

Section 18. In case of death of a beast of burden, the owner or his agent shall make a report and return the certificate of identification to the local register or the Tambol headman for delivery to the local registrar within fifteen days from the date on which the death is known.

In case the beast is in temporary possession of other person, such person shall report the death to the local registrar within fifteen days from the date on which the death is known unless the owner or his agent has already taken action as prescribed in the previous paragraph.

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Section 19. A person who wishes to take a beast of burden off the Kingdom shall bring such beast and the certificate of identification to the registrar for amendment to the registration and endorsement on the certificate of identification that the beast has been taken off the kingdom.

When the beast of burden in the previous paragraph is brought into the Kingdom again, the provision of section 17 shall apply *mutatis mutandis*.

CHAPTER IV MISCELLANEOUS

Section 20. Where there is reasonable doubt that a person may have breached a provision of this Act, a public officer shall have power to inspect the beast of burden and demand that the person bring the certificate of identification or evidence for verification against the beast of burden.

Section 21. Where it appears that a person possesses a beast of burden without a certificate of identification or a certificate of identification in possession does not match the beast of burden, a public officer shall have power to confiscate such beast of burden and deliver it to an inquiry official for prosecution as prescribed in the Criminal Procedure Code. Such person shall have a duty to prove his innocence that he owns or acquired such beast in good faith.

Where no owner appears to claim the beasts of burden that have been confiscated as stated in the previous paragraph, an inquiry official or the court, as the case may be, shall order that a public officer take care of such beasts and advertise to find the owner.

Section 22. Any person who has caught a beast of burden that has been parted or abandoned but cannot return the beast to the owner or the person who has the right to receive such beast within thirty days from the date on which the beast is caught, shall deliver the beast to a public officer and make a report of such.

The public officer who receives the beast in the previous paragraph shall deliver the beast to an inquiry official to advertise to find the owner or to take action in accordance with the Criminal Procedure Code as the case may be.

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Section 23. If any person claims that he owns the beasts of burden that have been advertised to find the owner as prescribed in section 21 or section 22, such person shall bring evidence to the inquiry official or the court, as the case may be. When the inquiry official or the court deems appropriate to return the beast to the person, the beast shall then be returned but such person shall pay expenses in relation to the care of such beast as appropriate, if any, before taking back the beast.

Section 24. In case of loss of a beast of burden for any reason, the owner or his agent shall make a report with a public officer within seven days from the date on which he becomes aware of the loss. Upon return of the beast, he shall also make a report to a public officer within seven days from the date of return.

If the beast is not returned, the certificate of identification shall be delivered to the local registrar or the Tambol headman for delivery to the local registrar within ninety days.

Section 25. In case no one claims the beast of burden that has been taken care of by a public officer in section 21 or section 22 within ninety days from the date of advertisement, the public officer shall have power to put such beast up for an auction. The proceeds from the auction shall then be set off for expenses and the care cost of the beast and other expenses, if any, and hold the net proceeds.

The beast of burden or the net proceeds in the previous paragraph shall become vested in the State or the person who caught such beast in section 22 if the person who has the right in the beast fails to collect it within one year from the date on which the beast is in custody of the public officer.

In case a beast is held for advertisement to find the owner pursuant to the court order, the one-year period shall start on the date on which the judgment is final. If a person who has the right in the beast is not known, the period shall be extended to five years.

Section 26. Upon return of all beasts of burden confiscated by a public officer as a result of any offence, if expenses in relation to care have incurred, an appropriate amount may be collected. In case of advertisement to find the owner, the provision of section 23 or section 25 shall apply *mutatis mutandis*.

CHAPTER 5

Penalty

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Section 27. Any person who acts in breach of the provision of sections 13, 18 or section 24 shall be an offender and liable to a fine not exceeding twelve Baht.

Section 28. Any person who acts in breach of the provision of sections 11, 12, 14 first paragraph, 17, or section 19 shall be an offender and liable to a fine not exceeding fifty Baht.

Section 29. Any person who acts in breach of the provision of section 8 or section 9 shall be an offender and liable to a fine not exceeding fifteen Baht or to imprisonment for a term of not exceeding ten days or both.

Section 30. Any person who possesses a beast of burden but fails to prove his innocence as prescribed in section 21 shall be an offender and liable to a fine not exceeding one hundred Baht or to imprisonment for a term of not exceeding one month or both.

Countersigned by:

Field Marshal Plaek Pibulsongkram

Prime minister

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RATE OF FEES

Type	Baht	Satang	Remark
<u>A. Fee for registration for issuance of a certificate of identification</u>			
(1) Elephants	5	-	
(2) Horses, cattle, buffalos, mules, donkeys	-	50	
<u>B. Fee for endorsement of a certificate of identification for transfer of ownership or mortgage</u>			
(1) Elephants	1	-	
(2) Horses, cattle, buffalos, mules, donkeys	-	25	
<u>C. Fee for registration of relocation</u>			
(1) Elephants	1	-	
(2) Horses, cattle, buffalos, mules, donkeys	-	25	
<u>D. Fee for issuance of a replacement of certificate of identification</u>			
(1) Elephants	1	-	
(2) Horses, cattle, buffalos, mules, donkeys	-	50	
<u>E. Fee for amendment of identifying marks in a certificate of identification</u>			
(1) Elephants	1	-	
(2) Horses, cattle, buffalos, mules, donkeys	-	25	
Witness fee (each)	-	25	

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