

EMPOWERMENT OF PERSONS WITH DISABILITIES ACT,
B.E. 2550 (2007)**

BHUMIBOL ADULYADEJ, REX;
Given on the 18th Day of September B.E. 2550;
Being the 62nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is appropriate to revise the law on rehabilitation of Persons with
Disabilities;

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

Section 1. This Act is called the “Empowerment of Persons with Disabilities
Act, B.E. 2550 (2007)”

Section 2. This Act shall come into force as from the day following the date
of its publication in the Government Gazette.¹

Section 3. The Rehabilitation of Persons with Disabilities Act B.E. 2534 (1991)
shall be repealed.

Section 4. In this Act:
“Person with Disabilities” means person who has a limitation to perform their
daily activities or to fully participate in society due to visual, hearing, mobility,

* Translated by Siam City Law Offices Limited and reviewed by Professor 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.

** As amended up to the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556
(2013).

¹ Published in the Government Gazette, Volume 124, Part 61 a, Page 8, dated 27
September B.E. 2550

communication, mental, emotional, behavioral, intellectual, learning or other impairments, in combination with obstacles in various ways, and has special needs to obtain any particular aid in order to perform their daily activities or participate in society like normal persons according to the types and criteria of disabilities prescribed by the Minister of Social Development and Human Security;

“Rehabilitation” means to build or improve the capacity of a Person with Disabilities, or maintain his or her existing ability and capacity through the medical, religious, educational, social, vocational or any other processes so that Persons with Disabilities have the opportunity to work or live his or her lives in the society to the fullest capacity;

“Empowerment” means the Rehabilitation of Persons with Disabilities, provision of social welfare, promotion and protection of rights, support Persons with Disabilities for independent living, human dignity and equality, having full and efficient social participation under accessible and beneficial environment for Persons with Disabilities;

“State Agencies” means ministries, sub-ministries, departments, government agencies otherwise called but have the status of departments, regional governments and local governments, state enterprises established under an act or Royal Decree, or other agencies of state;

“Organisations of Persons with Particular Disability” means the national organisations representing persons with certain type of disabilities that have registered with the Office according to the regulations prescribed by the National Office for Empowerment of Persons with Disabilities;

“Fund” means Fund for Empowerment of Persons with Disabilities;

“Committee” means National Committee on Empowerment of Persons with Disabilities;

“Caregiver” means a father, mother, child, husband, wife, relatives, siblings or any other person who accepts Persons with Disabilities into care or patronage;

“Assistant” means a person who provides personal assistance to Persons with Disabilities so that Persons with Disabilities can perform essential daily activities, under the regulations set up by the Committee;

“Director”² means Director of the National Office for Empowerment of Persons with Disabilities.

“Office” means National Office for Empowerment of Persons with Disabilities;

² Section 4 - the definition of the term “Director” is amended by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

“Competent Official” means a person appointed by the Minister for the execution of this Act;

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

Section 5. There shall be a National Committee on Empowerment of Persons with Disabilities consisting of the Prime Minister as President, Minister of Social Development and Human Security as Vice-President, Permanent Secretary for Finance, Permanent Secretary for Tourism and Sports, Permanent Secretary for Social Development and Human Security, Permanent Secretary for Transport, Permanent Secretary for Information and Communication Technology, Permanent Secretary for Interior, Permanent Secretary for Justice, Permanent Secretary for Labor, Permanent Secretary for Education, Permanent Secretary for Public Health, Director of the Bureau of the Budget, seven representatives from Organisations of Persons with Particular Disability appointed by the Prime Minister proportionate with the number of members of each organisation, and six other qualified persons appointed by the Prime Minister, as members.

The Director shall be a member and Secretary, and the Committee shall appoint officials of the Office as the Assistant Director.

[The term “Director” is amended by section 3 of the Persons with the Disabilities Empowerment Act (No. 2), B.E. 2556]

Section 6. The Committee shall have the following authorities:

(1) to propose policies, master plans and projects related to the Empowerment of Persons with Disabilities to the Cabinet in order to consider the approval and assignment to relevant State Agencies to act according to their powers and duties. Such policies must be in accordance with the international obligations to which Thailand is committed;

(2) to give comment to the Minister in charge of the issuance of the Ministerial Regulations pursuant to section 20 (6), section 33, section 34 paragraph one and section 37 paragraph one;

(3) to provide comment and advice to the Minister in charge concerning government policies and laws that may affect Persons with Disabilities;

(4) to impose rules and codes of conduct concerning the assistance, support, promotion and Empowerment of Persons with Disabilities to related State Agencies and

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private agencies to ensure fair and well-covered technical support, subvention, facilities or other services to Persons with Disabilities;

(5) to review and order any revocation or prohibition of any act which constitutes unfair discrimination against Persons with Disabilities;

(6) to consider promotion and support of activities of State and private agencies related to the Empowerment of Persons with Disabilities;

(7) to prescribe Rules on the administration, profit-seeking activities and management of the Fund, subject to the approval of the Ministry of Finance, Rules concerning approval of funds disbursement for Empowerment of Persons with Disabilities, Rules on the reports of financial status and administration of the Fund, Rules on the receipt and disbursement of the Fund, keeping of the Fund, writing off debts, subject to the approval of the Ministry of Finance, and other related Rules for the execution of this Act;

(8) to organise main activities at the national level for the Empowerment of Persons with Disabilities;

(9) to approve projects and plans seeking financial support from the Fund which are beyond the authority of the Sub-Committee on the Administration of the Fund;

(10) to set standards, approve or remove the certification of organization for Persons with Disabilities or any other organisation that renders services to Persons with Disabilities, under the Rules prescribed by the Committee;

(11) to conduct other tasks as prescribed by the law.

Section 7. The members appointed by the Prime Minister shall hold office for a term of three years as from the date of appointment.

Upon the expiration of the term of office under paragraph one, there shall be appointment of new members within sixty days. During the time that a new member has not been appointed, the member whose term of office has expired shall be in office to continue to perform his or her duties until the newly appointed member assumes his or her duties.

A member who vacates Office upon the expiration of the term may be reappointed.

Section 8. In addition to vacating office on the expiration of term, a member appointed by the Prime Minister vacates Office upon:

- (1) death;
- (2) resignation;

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- (3) being bankrupt;
- (4) being an incompetent or a quasi-incompetent person;
- (5) being imprisoned due to a final judgement except for an offence committed through negligence or a petty offence;
- (6) being dismissed by the Prime Minister.

Section 9. In the case where a member appointed by the Prime Minister vacates office before the expiration of the term, the Prime Minister shall appoint a member to fill the vacancy. The person appointed to replace the vacated member shall be in office for the unexpired term of office of the replaced member.

In the case where there is an appointment of an additional member while the appointed members remain in Office, the appointee shall be in Office for the unexpired term of office of the members already appointed.

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

If the Chairperson is not present at the meeting or is unable to perform duties, the Vice-chairperson shall preside over the meeting. If the Chairperson and Vice-Chairperson are not present at the meeting or are unable to perform duties, the members present shall elect one among themselves to preside over the meeting.

A decision of a meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

There shall be at least three meetings of the Committee in each year.

Section 11. For the purpose of broad Empowerment of Persons with Disabilities, the Committee shall appoint a Sub-Committee for each type of disabilities, a *Changwat's* Sub-Committee for Empowerment of Persons with Disabilities in each *Changwat*, and other Sub-Committees to consider or act in any manner as assigned by the Committee.

The composition, qualifications, and prohibited characteristics, holding of office and vacation of office of the Sub-Committee members prescribed in paragraph one shall be as prescribed by the Committee.

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Each Sub-Committee prescribed in paragraph one shall consist of at least one Person with Disabilities who holds a disability identification card pursuant to section 19 as a Sub-Committee member.

The provision of section 10 shall apply *mutatis mutandis* to the meetings of the Sub -Committees prescribed in paragraph one.

Section 12.³ The National Office for Empowerment of Persons with Disabilities shall have the Director, who is a regular civil servant, responsible for the operation of the Office.

Section 13. The Office shall have the following authorities:

(1) to coordinate and cooperate with the governmental agencies on the policy and strategic planning of the Government as well as other agencies of state and related private agencies at the domestic and international levels in the operation and the cooperation at policy level, strategies and plans for the Empowerment of Persons with Disabilities;

(2) to survey, study, analyse, collect and keep data related to Persons with Disabilities and the circumstances of quality of life of Persons with Disabilities for the purpose of prevention, treatment and Rehabilitation of Persons with Disabilities, and to make plans for the analysis, research, monitoring and evaluation in order to submit to the Committee;

(3) to develop plans for the Empowerment of Persons with Disabilities to submit to the Committee;

(4) to support the establishment, operation and enhancement of organisations for Persons with Disabilities so that they can protect the rights of Persons with Disabilities, and to support and coordinate with the state agency to provide budget for organisations for Persons with Disabilities in operation of the Empowerment of Persons with Disabilities;

(4/1)⁴ to examine receipt of the rights and benefits of the Person with Disabilities, provide advice and assistance to Persons with Disabilities to enable access and

³ Section 12 is amended by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

⁴ Section 13 (4/1) has been inserted by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

utilisation of the facilities, welfare and other assistances according to special needs of each person under this Act;

(5) to complete other tasks as prescribed in this Act or other laws or as assigned by the Council of Ministers or the Committee.

Section 13/1.⁵ In monitoring receipt of the benefits of Persons with Disabilities as required by law, when the Office finds that any responsible State Agency, private organisation, or person violates or fails to comply with the law, the Office shall notify such State Agency, private organisation, or person to comply with the prescription of the law.

In case any responsible State Agency, private organisation, or person fails to correctly comply within the specified period of time, the Office shall take the following actions:

(1) in case of a State Agency, to report to the Committee for further proceedings prior to proposing the Council of Ministers for further consideration and order.

(2) in case of any private organisation or person, to notify the responsible State Agency to consider and order to exercise mandatory measures under the law. If the notified State Agency neglects to comply with the legally prescribed duty or delayed in performing the duty which may cause trouble or damage to Persons with Disabilities, there shall be a report to the Committee for further legal proceedings against such private organisation or person and take further actions under (1) against the State Agency. The Committee's resolution shall be final.

Section 14. For the purpose of implementation of this Act, the Competent Official shall have the following authorities:

(1) to notify in writing to employer or owner of the establishment to clarify the facts or to give opinions on their business operation, or to send representatives to clarify the facts with or to give statements, or to submit other documents or evidences as part of the consideration;

(2) to notify related parties in writing to give statements or clarify the facts in writing, or submit documents or other evidences as part of the consideration.

⁵ Section 13/1 has been inserted by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

Section 15. Setting of policies, rules, regulations, measures, projects or practices by any State Agency, private organisation or persons that cause unfair discrimination against a Person with Disabilities shall be prohibited.

Unfair discrimination actions against Persons with Disabilities prescribed in paragraph one shall also include action or omission of any action that may have been made without the intent to directly discriminate against a Person with Disabilities but the effect of such action results in the loss of benefits or rights of Persons with Disabilities on the ground of his or her disabilities.

Discriminatory actions with support of academic, traditional reasons or public interests can be performed only when deemed necessary and on a case-by-case basis. Such actions are not considered unfair discrimination as prescribed in paragraph one and paragraph two. However, the persons in charge of such actions must provide measures to aid, remedy, and to protect the rights or interests of Persons with Disabilities as necessary and as much as possible.

Section 16. A Person with Disabilities who has been damaged or may be damaged due to unfair discrimination actions prescribed in section 15 shall be entitled to file a petition to the Committee to remove or prohibit such actions. The order of the Committee shall be final.

The petition prescribed in paragraph one shall not prejudice the right of the petitioner in claiming for damages caused by tort before the court of jurisdiction. The court may grant other damages which are not pecuniary to the Person with Disabilities who has been unfairly discriminated. In case such unfair discrimination action against the Person with Disabilities was deliberate or grossly negligent, the Court may grant punitive damages to the Person with Disabilities in the amount not exceeding four times of the actual damages.

Criteria, procedures and conditions concerning the petition, evidence collection, mediation and decision under paragraph one shall be in accordance with Rules prescribed by the Committee. The Committee may establish the Sub-Committee on elimination of unfair discrimination against a Person with Disabilities to perform duties on its behalf. The composition, qualifications and prohibitive characters, holding of office and vacation of office, authorities and remuneration of the Sub-Committee or mediator shall be as prescribed by the Committee.⁶

⁶ Section 16, paragraph three is amended by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

Section 17. In exercising the right pursuant to section 16, a Person with Disabilities or his or her Caregiver may request relevant organisations for Persons with Disabilities to file a petition or lawsuit on his or her behalf.

The lawsuit pursuant to section 16 paragraph two, whether such lawsuit was filed by Person with Disabilities or by the relevant organization for Persons with Disabilities, shall be exempted from court fees.

Section 18. The Office shall serve as the central registration office for Persons with Disabilities residing in Bangkok, with the Director as the central registrar. For other *Changwats*, the *Changwat* Office of Social Development and Human Security, in addition to their regular duties, shall serve as *Changwat* registration offices for Persons with Disabilities in their *Changwats*, and the Chiefs of *Changwat* Social Development and Human Security Offices shall act as the *Changwat* registrars.

[The term “Director” is amended by section 3 of the Persons with Disabilities Empowerment Act (No. 2), B.E. 2556]

Section 19. For the purpose of rights’ entitlement pursuant to section 20, a Person with Disabilities may submit an application for a disability identification card to the central registrar at the central registration office or to the *Changwat* registrar at the *Changwat* registration office or other place subject to the Rules prescribed by the Committee.

In case the Person with Disabilities is a minor, a quasi-incompetent or incompetent person, or severely disabled to the extent that to submit an application for registration by himself or herself is not possible, his or her guardian, defender, custodian or Caregiver, as the case may be, may submit the application for registration on his or her behalf. However, the persons acting on behalf of Person with Disabilities shall provide the evidence verifying disabilities to the central registrar or *Changwat* registrar, as the case may be.

Regarding the application for disability identification card of a Person with Disabilities, the card issuance, the designation of authorised officers to issue the disability identification card of Person with Disabilities, the rights determination or amendment, renunciation of rights of Person with Disabilities and duration of validity of the disability

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identification card of Person with Disabilities shall be in accordance with the rules, procedures and conditions as prescribed by the Committee.⁷

In case the national identification card can completely store information of Persons with Disabilities under this Act, the national identification card shall be used instead.⁸

Section 19/1.⁹ A Person with Disabilities who has no civil registration status under the law governing the civil registration may be granted suitable assistance from the State under the human dignity principle in accordance with the criteria, procedures and conditions as prescribed by the Committee in the Rules.

Section 20. A Person with Disabilities has the right to access and utilise public facilities including welfare services and other supports from the State as follows:

(1) rehabilitation services using medical procedure and expenses for medical treatments, equipment cost, assistive devices and media materials to facilitate development for adjustment in physique, mentality, emotion, social, behaviour, intellect and learning, or to enhance their capacity, as prescribed by the Minister of Public Health;

(2) education in accordance with the law on national education or national plan on education, as the case may require, in special educational institutes or general educational institutes or alternative education or non-formal education. as provided by agencies in relation to the facilities, media, services and any other educational assistance for Persons with Disabilities, as appropriate;

(3) vocational Rehabilitation including up to standard services, labor protection, measures for employment opportunity, promotion of independence occupation, media services, technology facilities and any other assistance to support work and occupation of Persons with Disabilities according to the rules, procedures and conditions prescribed by the Minister of Labor;

⁷ Section 19, paragraph three is amended by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

⁸ Section 19, paragraph four has been inserted by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

⁹ Section 19/1 has been inserted by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

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(4) acceptance and participation in social, economic and political activities in a full and efficient manner on an equal basis with general persons as well as the receiving various facilities and services according to the needs of Persons with Disabilities;

(5) assistance for the access of policies, plans, projects, activities, development and public services, necessity products necessary for livelihood, legal assistance and provision of lawyers to represent in legal cases, which shall be in accordance with the Rules prescribed by the Committee;

(6) information, communication, telecommunication services, information and communication technology and communication access technology for all types of Persons with Disabilities as well as public media of the State Agency or related private sector that receive financial budget support from the State according the rules, procedures and conditions prescribed by the Minister of Information and Communication Technology in the Ministerial Regulations;

(7) access to a sign language interpreter in accordance with the Rules prescribed by the Committee;

(8) right to bring any guiding animal, guiding tools or equipment or assistive devices with him or her on any vehicles or in public places, and right to access public facilities, with the exemption from additional payment for service charges, fees and rent for such guiding animals, tools, equipment or assistive devices;

(9) welfare allowances for Persons with Disabilities according to the criteria and procedures prescribed in the Rules of the Committee;

(10) modification of housing environment, provision of Assistants or any other welfare service according to the criteria and procedures prescribed in the Rules of the Committee.

Assistants are entitled to the deduction or exemption on service charges and fees according to the Rules prescribed by the Committee.

A Person with Disabilities who does not have a Caregiver is entitled to welfare provision on housing and care provided by State Agencies. In case a Person with Disabilities receives provision on housing and welfare from private organisation, the State shall subsidise such private organisation, according to the criteria and procedures prescribed by the Committee in the Rules.

Caregivers are entitled to counseling, advisory, trainings on care giving skills, provision of education, career development and employment opportunity, and any other assistance for self-reliance, according to the criteria and procedures prescribed by the Committee in the Rules.

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Persons with Disabilities and Caregivers are entitled to tax deduction or tax exemption as prescribed by the law.

Private organisation that supports Persons with Disabilities to acquire and access the rights and interests prescribed in this section shall be entitled to tax deduction or tax exemption at a certain percentage of the incurred expenses as prescribed by the law.

Section 20/1.¹⁰ For purpose of exercising rights under this Act, a Person with Disabilities may take the following actions:

(1) recommend the Committee, government office or State Agency to determine a measure enabling Persons with Disabilities to acquire rights as prescribed by the law;

(2) request to related State Agency or private agency to provide, support, facilitate or conduct any act to enable Persons with Disabilities to exercise his or her rights under the law;

(3) request the State Agency or private agency to consider resolving issues relating to unfair discrimination against Persons with Disabilities;

(4) request the State Agency or private agency which receive a supporting budget from the State to clarify details and facilitate Persons with Disabilities so that Persons with Disabilities can access and utilise information or exercise their benefits;

(5) to request the State Agency or private agency to proceed with amendment of rules or regulations, work plans, projects or activities, as the case may be, to enable Persons with Disabilities to acquire rights as prescribed by law.

In case the Person with Disabilities cannot act by himself or herself, the Caregiver or relevant organisation for Persons with Disabilities may act on his or her behalf.

In case the relevant State Agency or private agency fails to act within a reasonable period of time after being requested, the Person with Disabilities, the Caregiver or the organisations for Persons with Disabilities shall have right to request the Office to take action under section 13/1.

Section 20/2.¹¹ Organisations for Persons with Disabilities or other organisations rendering services to Persons with Disabilities whose standards have been

¹⁰ Section 20/1 has been inserted by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

¹¹ Section 20/2 has been inserted by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

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certified by the Committee under Article 6 (10) shall be entitled to take the following actions:

- (1) recommend to the Committee or Office to improve, enhance the rights and benefits of Persons with Disabilities;
- (2) recommend to the State Agency with authorities and responsibilities to promote or provide services to Persons with Disabilities to fully acquire rights;
- (3) make a claim on behalf of Persons with Disabilities for acquiring rights of Persons with Disabilities under this Act;
- (4) provide assistance to Persons with Disabilities enabling their access and utilisation under this Act;
- (5) provide employment services and promote employment opportunity to Persons with Disabilities which may receive subsidies from the Fund;
- (6) provide services or organise activities to promote sports or recreational activities for Persons with Disabilities which may receive support from the State;
- (7) coordinate in relation to the copyrighted works of other persons for the benefits of Persons with Disabilities in accordance with the law on copyright;
- (8) apply for usage of the State Land or other properties of the State for purpose of Empowerment of Persons with Disabilities and may be exempt from fees and charges in accordance with the law on such issue;
- (9) to take actions as assigned by the Office in order to comply with this Act.

Actions under paragraph one (3) to (9) shall be taken in accordance with the criteria, procedures and conditions as prescribed by the Committee in the Rules.

Section 20/3.¹² Service centers for Persons with Disabilities shall be established for purpose of Empowerment of Persons with Disabilities under this Act.

Local administrations may set up the service centers for Persons with Disabilities under paragraph one by expending their own budget.

The establishment and termination, determination of the type of organisation, standards of operation and qualifications of the operators of the service centers for Persons with Disabilities shall be in accordance with the criteria, procedures and conditions as prescribed by the Committee. The service centers for Persons with Disabilities shall be granted financial or other supports pursuant to the Rules as prescribed by the Minister of

¹² Section 20/3 has been inserted by the Empowerment of Personss with Disabilities Act (No. 2), B.E. 2556.

Social Development and Human Security or receive financial support from the Fund in accordance with the criteria defined by the Committee.

Section 20/4.¹³ The service centers for Persons with Disabilities shall have the following authorities:

(1) survey, monitor of the problems of Persons with Disabilities and establish the information system of services rendered in their responsible areas;

(2) provide information services about the rights, benefits, welfares and assistance as requested by the Person with Disabilities and as prescribed by the State Agency, including counselling or assisting in taking action pertaining to the request for exercising benefits of Persons with Disabilities;

(3) claim on behalf of Persons with Disabilities the benefits for Persons with Disabilities under this Act;

(4) provide assistance in the basic living, vocational Rehabilitation, vocational training and employment recruitment for Persons with Disabilities;

(5) provide assistance to Persons with Disabilities for acquiring the tools and equipment according to special needs of each person;

(6) coordinate, screen, refer and provide assistance to Persons with Disabilities or people with likelihood of being disabled to receive appropriate medical care;

(7) coordinate assistance with the State Agencies having authorities and responsibilities to assist Persons with Disabilities in accordance with the types of disability;

(8) monitor and evaluate and report on the receipt of benefits under this Act and the livelihood of the Person with Disabilities;

(9) perform other duties as required by this Act or any other law or as assigned by the Committee or Office.

In providing services to Persons with Disabilities, the service centers for Persons with Disabilities shall comply with the criteria imposed by the Committee.

Upon receiving a request from the service centers for Persons with Disabilities, the State Agency with authorities and responsibilities shall consider and proceed in accordance with authorities with regard to protection of Persons with Disabilities. In case of having any operational problem, the service centers for Persons with Disabilities shall report

¹³ Section 20/4 has been inserted by the Empowerment of Personss with Disabilities Act (No. 2), B.E. 2556.

to the Office for presenting to the Committee for consideration and decision or take any other action pursuant to authorities.

Prescription of authorities of the service centers for each type of Persons with Disabilities, operations and services rendered to Persons with Disabilities shall be in accordance with the criteria that prescribed by Committee in the Rules.

Section 21. For the purpose of Empowering Persons with Disabilities, local administrations shall issue their ordinances, municipal ordinances, regulations, rules or notifications, as the case may be, in compliance with this Act.

In the implementation of the paragraph one, the local administrations may allocate their budget to set up a local fund for Empowerment of Persons with Disabilities. In administering the fund, managing the fund and approving disbursement, the local administration may apply the Rules prescribed by the Committee *mutatis mutandis*.¹⁴

Section 22. State Agencies in charge of particular tasks shall fulfill these tasks for the Empowerment of Persons with Disabilities under the scope of their authority.

Section 23. There shall be a fund established by the Office called, “Fund for Empowerment of Persons with Disabilities” to serve as the fund for expenditure on the protection and Empowerment of Persons with Disabilities and the promotion and operation of welfare services for Persons with Disabilities, Rehabilitation, education and occupation for Persons with Disabilities, as well as the promotion and support for the work of organisations related to Persons with Disabilities. The Fund shall be fairly and broadly allocated.

Section 24. The Fund shall consist of:

(1) properties, rights, obligations, budgets and income collected in the Rehabilitation Fund for Persons with Disabilities under the Rehabilitation of Persons with Disabilities Act, B.E. 2534 (1991) which have been transferred under section 42;

(2) subsidy from the government in the amount which the government shall sufficiently allocate for the Empowerment of Persons with Disabilities;

(3) money or properties donated to support the objectives of the Fund;

¹⁴ Section 21, second paragraph has been inserted by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

- (4) income from lottery issuance or other income generating activities;
- (5) levy collected from employers or owners of the establishment and sent to the Fund subject to section 34;
- (6) interests accruing from the money or properties of the Fund;
- (7) income from sales, investments or other profit-making activities from the property of the Fund;
- (8) money or property that legally belongs to the Fund or which the Fund receives under the laws or juristic acts;
- (9) partial income tax from the product and service which cause disabilities as prescribed by law;
- (10) other income.

Money and properties under the Fund in paragraph one shall be exempted from being sent to the State Finance as public revenue.

Donation of money or properties to the Fund shall be eligible for tax deduction or exemption as prescribed by the law.

Section 25. There shall be a Sub-Committee on the Administration of the Fund, which consists of the following members: Permanent Secretary for Social Development and Human Security as President, a representative of the Ministry of Interior, a representative of the Ministry of Labor, a representative of the Ministry of Education, a representative of the Ministry of Public Health, a representative of the Budget Bureau, a representative of the Comptroller General's Department, nine qualified persons, at least seven of which must be representatives of organisations for Persons with Disabilities, appointed by the Committee as members, and the Director as a member and a secretary of this Sub-Committee.

[The term "Director" is amended by section 3 of the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556]

Section 26. The Sub-Committee on the Administration of the Fund shall have the following authorities:

- (1) administer the Fund, which includes the investment, profit-seeking activities and management of the Fund in accordance with the Rules prescribed by the Committee and with approval of the Ministry of Finance;
- (2) consider and approve disbursement, approval of projects, determine the financial amount and list of expenses for supporting work plans and projects of

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Empowerment of Persons with Disabilities as proposed by the Sub-Committee for each type of disabilities, *Changwat* Sub-Committee on the Empowerment of Persons with Disabilities or other Sub-Committees, in accordance with the Rules prescribed by the Committee;

(3) report financial status and the administration of the Fund to the Committee in accordance with the Rules prescribed by the Committee.

In implementation of (2), the Sub-Committee on the Administration of the Fund may assign the *Changwat* Sub-Committee on Empowerment of Persons with Disabilities to perform duties under paragraph one instead.¹⁵

Section 27.¹⁶ Disabilities Thailand and Organisations of Persons with Particular Disability shall receive the financial support for the costs in administering and managing the Fund in accordance with the criteria and procedures as prescribed by the Committee in the Rules.

Section 27/1.¹⁷ Private organisations are eligible for tax exemption for subsidies received from the Fund as prescribed by the Revenue Code.

Section 28. Receiving, disbursing and keeping the Fund's money as well as writing off bad debts shall be in accordance with the Rules prescribed by the Committee and with approval of the Ministry of Finance.

Section 29. The Sub-Committee on the Administration of the Fund shall prepare and have the financial statements of the Fund sent to the auditor within one hundred and twenty days as from the last date of each fiscal year.

The Office of the Auditor General of Thailand shall audit statements of the Fund annually and propose the audit report of the Fund to the Committee.

Section 30. There shall be a Sub-Committee on the Monitor and Evaluation on the Operation of the Fund which consisting of seven members, one of which shall act as

¹⁵ Section 26, second paragraph has been inserted by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

¹⁶ Section 27 is amended by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

¹⁷ Section 27/1 has been inserted by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

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the President and five qualified persons appointed by the Committee shall act as members. These members shall be recruited from experts who have knowledge and experiences in finance, evaluation and Empowerment of Persons with Disabilities. Two members of the Sub-Committee shall be experts in the evaluation and at least one member shall be a Person with Disabilities who holds a disability identification card pursuant to section 19. The Deputy Permanent Secretary of Social Development and Human Security, assigned by Permanent Secretary of Social Development and Human Security, shall act as a member and secretary.

The holder of committee position under paragraph one shall not be a representative of any organisation that receives financial support from the Fund.

Section 31. The Sub-Committee on the Monitor and Evaluation on the Operation of the Fund shall have the following authorities:

- (1) monitor, review and evaluate the operation of the Fund;
- (2) report the result of the operation, along with suggestions, to the Committee.

The Sub-Committee on the Monitor and Evaluation on the Operation of the Fund shall have power to request for any document or evidence relating to the Fund from any person or to summon any person to explain or give information for the consideration and evaluation.

Section 32. The provisions of section 7, section 8, section 9, section 10 and section 11 paragraph three shall apply to the membership, the termination of membership and the meetings of the Sub-Committee on the Administration of the Fund pursuant to section 25 and the Sub-Committee on the Monitor and Evaluation on the Operation of the Fund pursuant to section 30, *mutatis mutandis*.

Section 33. For the purpose of the Empowerment of Persons with Disabilities, employers or owners of the establishments and State Agencies shall employ Persons with Disabilities to work in suitable positions in proper proportions to the entire number of the employees in the establishments or State Agencies. The Minister of Labor shall issue Ministerial Regulations to specify numbers of employees with disabilities that the employers, owners of the establishments and State Agencies shall employ.

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Section 34. Employers or owners of the establishments who do not employ Persons with Disabilities at the proper proportions as prescribed in section 33 shall send money to the Fund pursuant to section 24(5). The Minister of Labor shall issue Ministerial Regulations to specify the amount of money that the employers or owners of the establishments shall send to the Fund.

Employers or owners of the establishment who are obliged to send money to the Fund as prescribed in paragraph one but failed to do so, or delayed in making payment or made an insufficient payment, shall pay interests at the rate of seven and a half percent per annum of the outstanding amount to the Fund.

Employers or owners of the establishments who employ Persons with Disabilities or send money to the Fund as prescribed in paragraph one shall be eligible for tax exemption at certain percent of the amount they pay as wages or salaries to employees with disabilities or of the amount they send to the Fund, as the case may be, as prescribed by the law.

Section 35.¹⁸ In the event that any State Agency does not wish to employ Persons with Disabilities for work under section 33 or any employer or owner of the establishment does not employ Persons with Disabilities for work under section 33 and does not wish to send money to the Fund under section 34, the said State Agency, employer or owner of the establishment may grant concessions, arrange places for distributing products or services, hire subcontract employees or hire employment services by special means, provide apprenticeship or equipment or facilities and sign language interpreter or other assistance to Persons with Disabilities or caregiver of Persons with Disabilities based on the criteria, procedures and conditions as prescribed by the Committee in the Rules.

Section 36. The Director shall have the power to issue a written order to enforce the garnishment of property of any employer or owner of the establishment who does not send money to the Fund under section 34.

The order to garnish the property prescribed in paragraph one shall be done only after a written notice has been sent by registered mail, with the acknowledgement receipt, to the employer or owner of the establishment notifying him or her to send money to the Fund or remit the outstanding amount within the specified period of time but not

¹⁸ Section 35 is amended by the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556.

less than thirty days counting from the day he or she receives the notice and fails to send money within the specified period of time.

Criteria and procedures of the forfeiture of property prescribed in paragraph one shall be in accordance with the Rules prescribed by the Minister of Social Development and Human Security. Criteria and procedures of the Civil Procedure Codes shall apply *mutatis mutandis*.

[The term “Director” is amended by section 3 of the Empowerment of Persons with Disabilities Act (No. 2), B.E. 2556]

Section 37. Minister of Social Development and Human Security, Minister of Transport and Minister of Interior shall issue Ministerial Regulations to prescribe aspects, specifications or the provision of equipment, facilities or services in the buildings, places, vehicles, transportation services and other public services to ascertain that they can be accessed and utilised by Persons with Disabilities.

Owners of buildings, establishments, vehicles, transportation services or other public service providers who provide equipment, facilities or services as prescribed in paragraph one shall be eligible for tax deduction or exemption at certain percent of the amount incurred from such expenditure, as prescribed by law.

Section 38. Employers or owners of the establishments who employ Persons with Disabilities more than sixty percent of the entire employees in the period of more than one hundred and eighty days in any tax year shall be eligible for tax exemption in that tax year as prescribed by law.

Section 39. The Office shall have the power to announce the employer’s and owner of the establishment’s compliance or violation of section 33, section 34 and section 35 to the public at least once a year.

When the State or any State Agency considers granting concessions or investment promotions, honours, credits, awards, royal decorations or any other benefits to any employer or establishment, the information prescribed in paragraph one shall be taken into account.

Section 40. Any person who fails to comply with the orders of the Competent Official as prescribed in Section 14 shall be liable to a fine not exceeding five thousand baht.

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Section 41. Disability identification cards under the Rehabilitation of Persons with Disabilities Act B.E. 2534 shall be deemed as disability identification cards under section 19 of this Act.

Section 42. There shall be transfer of properties, rights, obligations, budgets and income forming the Fund for Rehabilitation of Persons with Disabilities under Rehabilitation of Persons with Disabilities Act B.E. 2534 to the Fund for Empowerment of Persons with Disabilities under this Act.

There shall be transfer of budgets and personnel of the Bureau of Disable Person Promotion and Protection, under the Office of Welfare Promotion and Protection of Children, Youths, Disadvantaged and Disable Persons according to the notification made by the Minister of Social Development and Human Security in the Government Gazette, to the National Office for Empowerment of Persons with Disabilities.

Section 43. During the time that the National Committee on Empowerment of Persons with Disabilities as prescribed under this Act has not yet been appointed, the Committee on Rehabilitation of Persons with Disabilities pursuant to the Rehabilitation of Persons with Disabilities Act B.E. 2534 (1991), which holds its position on the day this Act comes into force, shall perform duties of the National Committee on Empowerment of Persons with Disabilities until the day the new Committee is appointed and assume their duties; provided that it shall not be exceeding one hundred and eighty days as from the day this Act comes into force.

Section 44. All Ministerial Regulations, Rules, notifications and orders issued under the Rehabilitation of Persons with Disabilities Act B.E. 2534 shall continue to be in force as far as they are not contrary to or inconsistent with the provisions of this Act, until the new Ministerial Regulations, Rules, notifications or orders are issued under this Act to supersede.

Section 45. The Minister of Social Development and Human Security, the Minister of Transport, the Minister of Information and Communication Technology, the Minister of Interior, the Minister of Labor and the Minister of Public Health, shall have charge and control of the execution of this Act. Also, the Minister of each Ministry shall have power to designate Competent Official and issue the Ministerial Regulations, Rules or notifications for the execution of this Act in relation to the official matter of such Ministry.

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Such Ministerial Regulations, Rules or notifications pursuant to this Act shall come into force upon their publication in the Government Gazette.

Countersigned by
General Surayud Chulanont
Prime Minister

Office of the Council of State

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