

**Notification of the N.C.C. Commission Concerning the provisions of the acceptance of property or any other benefit on ethical basis by State officials
B.E. 2543 (2000)**

By virtue of the provisions of Section 103 of the Organic Act on Counter Corruption B.E. 2542 (1999), the N.C.C. Commission here prescribes rules and amount of property or any other benefit which a State official can receive on ethical basis as follows:

Section 1. This Notification shall be called "The Notification of the N.C.C. Commission concerning the provisions of the acceptance of property or any other benefit on ethical basis by State officials B.E. 2543 (2000)."

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

Section 3. In this notification:

"To receive property or any other benefit on ethical basis" means to receive property or any other benefit from any relative or from any person on a traditional, customary, or cultural occasion or on an occasion that the manners practised in the society require that giving.

"relative" means ascendant, descendant, brother or sister of full or half blood, uncle, aunt, spouse, ascendant or descendant of spouse, adopted child, or adopter

"other benefit" means anything which has value, including discount, acceptance of entertainment, service, training, or any other thing in the same quality.

Section 4. Any State officials shall not receive property or any other benefit from any person other than legitimate property or benefit derived under the law, rules or regulations issued by virtue of the provisions of law, with the exception of the acceptance of the property or any other benefit on the ethical basis in accordance with this Notification.

Section 5. Any State official shall receive property or any other benefit on ethical basis only as follows:

- (1) to receive property or any other benefit from relative as a gift and the amount of the gift is proper to the station in life;
- (2) to receive property or any other benefit from any person other than relative and the price or value of the thing received from each person and on each occasion does not exceed 3,000 baht;
- (3) to receive property or any other benefit on the occasion that the giving is meant for general people.

Section 6. When any State official has received property or any other benefit from abroad and the giver does not say that it is for personal use, or the price or value of the thing given exceeds 3,000 baht no matter if the giver says it is for personal use or not, and the State official is obliged to accept it in order to keep a good relationship or friendship between them,

that State official shall report the particulars and facts about the acceptance of property or benefit to the superior without delay. If the superior deems there is no reasonable ground to allow the State official to take the property or benefit for personal use, the State official shall turn over the property to the State agency to which such State official is attached.

Section 7. When any State official has received property or any other benefit which does not conform to the provisions or the value is more than the amount prescribed under Section 5, and the State official is obliged to accept it in order to keep a good relationship or friendship, that State official shall report the particulars and facts about the acceptance of property or benefit to the superior who is the head of the Government agency, or the top executive of the State enterprise, or the top executive of the agency, institution or organization to which such State officials is attached as soon as possible, so that it can be adjudged if there is any reasonable ground, necessity, or propriety that the State official should take the property or benefit in his own right.

In the case where the superior or the top executive of the State enterprise, agency, institution, or organization to which such State official is attached deems the property or benefit should not be taken, that property or benefit shall be returned to the giver instantly. In the case that it cannot be returned, the State official shall turn over the property or benefit to the State agency to which such State official is attached without delay.

Upon the completion of the proceeding under paragraph two, it shall be deemed that such State official has never received such property or benefit.

In the case where the State official who receives the property or benefit as prescribed under paragraph one holds the position of such superior as head of a Government agency at the level of a Ministry, or as member of the Board or the top executive of a State enterprise, or as member of the Board or the top executive of an administrative agency, the receiver shall report the particulars and facts about the acceptance of such property or benefit to the person who has the power of appointment and removal. In the case that the receiver is a president or member of a committee in an independent organization under the Constitution or the receiver is a position holder under no superior who has the power of appointment and removal, the receiver shall report the particulars and facts about the acceptance of property or benefit to the N.C.C. Commission, so that the proceeding under paragraph one and two shall be carried out.

In the case where the State official who receives the property or benefit under paragraph one is a member of the House of Representatives, a senator, or a member of a local assembly, such State official shall report the particulars and facts about the acceptance of property or benefit to the Speaker of the House, the President of the Senate, or the president of a local assembly, of which the State official is a member, so that the proceeding under paragraph one and two shall be carried out.

Section 8. The provisions of this notification shall apply to the acceptance of property or any other benefit by the person who has ceased to be a State official for less than two years.

Ophars Arunin President of the N.C.C. Commission

