

CONSTITUTION OF THE KINGDOM OF THAILAND*

CHAPTER VII THE NATIONAL ASSEMBLY

Part 1 General Provisions

Section 79. The National Assembly consists of the House of Representatives and the Senate.

Joint or separate sittings of the National Assembly shall be in accordance with the provisions of the Constitution.

No person shall concurrently be a Member of the House of Representatives and a Senator.

Section 80. The President of the House of Representatives is President of the National Assembly. The President of the Senate is Vice-President of the National Assembly.

In the case where there is no President of the House of Representatives, or the President of the House of Representatives is not present or is unable to perform his or her duties, the President of the Senate shall act as President of the National Assembly in his or her place.

In the period where the President of the Senate has to act as the President of the National Assembly under paragraph two but there is no President of the Senate, and where such a case occurs when there is no House of Representatives, the Vice-President of the Senate shall act as the President of the National Assembly. If there is no Vice-President of the Senate, the Senator who is the oldest at the time shall act as the President of the National Assembly, and the President of the Senate shall expeditiously be elected.

The President of the National Assembly shall have the duties and powers in accordance with the Constitution and shall conduct the proceedings of the National Assembly at joint sittings in accordance with the rules of procedure.

The President of the National Assembly and the person who acts as President of the National Assembly in his or her place shall be impartial in the performance of duties.

The Vice-President of the National Assembly shall have the duties and powers in accordance with the Constitution and as entrusted by the President of the National Assembly.

Section 81. An organic law bill and a bill may be enacted as law only by and with the advice and consent of the National Assembly.

Subject to section 145, after an organic law bill and a bill have been approved by the National Assembly, the Prime Minister shall present it to the King for signature, and it shall come into force upon publication in the Government Gazette.

Section 82. Members of the House of Representatives or Senators comprising not less than one-tenth of the total number of the existing members of each House have the right to lodge with the President of the House of which they are members a complaint asserting that the membership of any member of such House has terminated under section 101 (3), (5), (6), (7), (8), (9), (10) or (12) or section 111 (3), (4), (5) or (7), as the case may be, and the President of the House with whom the complaint is lodged shall refer it to the Constitutional Court for decision as to whether the membership of such member has terminated.

Upon receipt of the matter for consideration, if it appears that there are reasonable grounds to suspect that the case of the member against whom the complaint is lodged is founded, the Constitutional Court shall order such member to cease the performance of his or her duties until the Constitutional Court makes a decision. When the Constitutional Court has made a decision, it shall notify the President of the House to which the complaint is lodged under paragraph one of such decision. In the case where the Constitutional Court decides that the membership of the member against whom a complaint has been lodged is terminated, such person shall vacate office as from the date of cessation of the performance of duties, but this shall not affect any act done by such person prior to the vacation of his or her office.

A Member of the House of Representatives or a Senator who has ceased the performance of his or her duties under paragraph two shall not be counted as one of the total number of the existing members of the House of Representatives or the Senate.

In the case where the Election Commission is of the opinion that the membership of any Member of the House of Representatives or any Senator has terminated under paragraph one, it may also refer the matter to the Constitutional Court for decision under paragraph one.

Part 2

The House of Representatives

Section 83. The House of Representatives consists of five hundred members, as follows:

- (1) three hundred and fifty members elected on a constituency basis;
- (2) one hundred and fifty members from party lists of political parties.

In the case where the office of a Member of the House of Representatives becomes vacant for any reason, and an election of a Member of the House of Representatives has not been held to fill the vacancy, or no declaration of name of a Member of the House of Representatives has been made to fill the vacancy, the House of Representatives shall consist of the existing members of the House.

In the case where there is any reason for the number of the Members of the House of Representatives by party list basis to be fewer than one hundred and fifty persons, the Members of the House of Representatives by party list basis shall consist of the existing members.

Section 84. In a general election where ninety-five per cent of the total number of Members of the House of Representatives have been elected, if it is necessary to convoke a sitting of the National Assembly, it may be convoked, in which case it shall be deemed that the House of Representatives consists of the existing members. However, actions shall be expeditiously taken to ensure that the number of Members of the House of Representatives under section 83 is met. In this case, such Members of the House of Representatives shall hold office only for the remaining term of the House of Representatives.

Section 85. Members of the House of Representatives who are elected on a constituency basis shall be elected by direct suffrage and secret ballot. Each constituency shall elect one member, and each person having a right to vote has the right to cast one vote in an election, where a vote may be cast in favour of any candidate for election, or no candidate at all.

The candidate for election who receives the highest number of votes and has more votes than votes to elect no candidate shall be the elected member.

The rules, procedures and conditions for the application to stand for election, the casting of votes, the counting of votes, the calculation of total votes, the announcement of the results of the election and other related matters shall be in accordance with the Organic Act on Election of Members of the House of Representatives. Such law may also require a candidate for election to submit evidence of payment of income tax for the application to stand for election.

The Election Commission shall announce the results of the election after a preliminary examination has been made and there are reasonable grounds to believe that the result of the election is honest and just, and amounts to not less than ninety-five per cent of all constituencies. The Election Commission shall make a preliminary examination

and shall announce the result of the election expeditiously; the announcement shall be not later than sixty days from the date of election. Such announcement of the result shall not prejudice the duties and powers of the Election Commission to investigate, deliberate or decide on a case where there are reasonable grounds to believe that wrongdoing has been committed in the election, or that the election was not honestly and justly conducted, whether or not the results of the election have been announced.

Section 86. The prescription of the number of Members of the House of Representatives which each *Changwat* shall have, and the division of constituency shall be in accordance with the following procedure:

(1) the total number of inhabitants throughout the country as evidenced in the census last announced in the year prior to the year of election, averaged by the number of three hundred and fifty Members of the House of Representatives shall be deemed the number of inhabitants per one member;

(2) any *Changwat* with inhabitants below the number of inhabitants per one member under (1) shall have one Member of the House of Representatives, and the area of that *Changwat* shall be regarded as the constituency;

(3) any *Changwat* with more inhabitants than the number of inhabitants per one member shall have one additional Member of the House of Representatives for every such number of inhabitants which represents the number of inhabitants per one member;

(4) upon obtaining the number of Members of the House of Representatives of each *Changwat* under (2) and (3) , if the number of Members of the House of Representatives is still fewer than three hundred and fifty, any *Changwat* which has the largest fraction remaining from the calculation under (3) shall have one additional Member of the House of Representatives, and the addition of the Members of the House of Representatives in accordance with such procedure shall be made to other *Changwats* in descending order of fractions remaining from the calculation under (3) until the number of three hundred and fifty is obtained;

(5) in a *Changwat* where the number of Members of the House of Representatives is more than one, such *Changwat* shall be divided into constituencies in the number equal to the number of Members of the House of Representatives as may be elected therein; in the division of constituencies, the boundary of each constituency shall be adjoining, and the number of inhabitants in each constituency must be closely apportioned.

Section 87. A candidate in an election of a Member of the House of Representatives on a constituency basis, must be a person nominated by a political party of which he or she is a member, and shall not stand for election in more than one constituency.

Once an application for candidacy has been submitted, a candidate for election or a political party may revoke the application for candidacy or change a candidate for election only in the case where the candidate for election dies or lacks the qualifications or is under the prohibitions. The revocation or change must be made prior to the end of the period for application for candidacy.

Section 88. In a general election, a political party sending a candidate for election shall notify the Election Commission of not more than three names of persons endorsed by resolution of the political party that would be proposed to the House of Representatives for consideration and approval for appointment as Prime Minister prior to the end of the period for application for candidacy. The Election Commission shall announce the names of such persons to the public, and the provisions of section 87 paragraph two shall apply, *mutatis mutandis*.

A political party may decide not to propose a list of names of persons under paragraph one.

Section 89. The proposal of the names of persons under section 88 shall be in accordance with the following rules:

(1) there shall be a letter of consent from the person whose name is proposed, having the details as prescribed by the Election Commission;

(2) the person whose name is proposed shall have the qualifications and not be under any of the prohibitions of being a Minister under section 160, and has never issued a letter of consent under (1) to another political party in that election.

Where a proposal of the name of any person is not in accordance with paragraph one, it shall be deemed that no proposal of the name of that person has been made.

Section 90. Any political party which sends a candidate for election on a constituency basis shall have the right to send a candidate for election on a party list basis.

In sending a candidate for election on a party list basis, each political party shall prepare one list of candidates, in which candidates for election of each political party shall not be the same as others' and not be the same as the names of candidates for election on a constituency basis. Such list of candidates shall be submitted to the Election Commission prior to the end of the period for application for candidacy for election of Members of the House of Representatives on a constituency basis.

In the preparation of a list of candidates under paragraph two, the members of the political party shall be allowed to participate in the deliberations, and regard shall be

had to the candidates for election from different regions and equality between men and women.

Section 91. The calculation of the number of Members of the House of Representatives on a party list basis for each political party shall be made in accordance with the following rules:

(1) the total number of votes received throughout the country by all political parties sending candidates for election on party list basis from the election on a constituency basis shall be divided by the number of five hundred, which is the total number of Members of the House of Representatives;

(2) the result under (1) shall be used to divide the number of votes received throughout the country by each political party from all constituencies in the election on a constituency basis; the quotient shall be deemed the number of Members of the House of Representatives distributed to that political party;

(3) the number of Members of the House of Representatives distributed to the political party under (2) shall be subtracted by the total number of members of House of Representatives attained by such political party on a constituency basis in all constituencies, the result of which shall be the number of Members of the House of Representatives on a party list basis allocated to the political party;

(4) if any political party has Members of the House of Representatives who have been elected on a constituency basis equal to or more than the number of Members of the House of Representatives distributed to that political party under (2), that political party shall have Members of the House of Representatives in accordance with the number of Members of the House of Representatives which have been elected on a constituency basis, and shall not be entitled to allocation of Members of the House of Representatives on a party list basis; the total number of Members of the House of Representatives on a party list basis shall be allocated proportionally among political parties having a number of Members of the House of Representatives on a constituency basis that is lower than the number of Members of the House of Representatives distributed to that political party under (2), provided that this shall not result in any political party having more Members of the House of Representatives than the number distributed to that political party under (2);

(5) when the number of Members of the House of Representatives on a party list basis of each political party is determined, the candidates for election named in the list of candidates in the numerical order specified in the list of candidates of that political party shall be elected as Members of the House of Representatives.

In the case where any candidate for election dies after the date on which the application for election is closed, but prior to the time the poll is closed on the election date, the number of votes received shall also be used in the calculation under (1) and (2).

The counting of votes, the rules and procedures for calculation, the calculation of proportion and the announcement of the results of the election shall be in accordance with the Organic Act on Election of Members of the House of Representatives.

Section 92. In a constituency which does not have any candidate for election who has received more votes than the number of votes cast in favour of no candidate in that constituency, a new election shall be held, and the votes which each candidate for election has received shall not be used in the calculation under section 91. In this case, the Election Commission shall proceed to accept applications for candidacy for the new election, and all former candidates for election shall not have a right to reapply for candidacy in the new election which will be held.

Section 93. In a general election, if a new election on a constituency basis is required to be held for certain constituencies or polling stations prior to the announcement of the results of the election, or the election is not completed or the announcement of the results of the election is not completed in every constituency for any reason, the calculation of the number of Members of the House of Representatives distributed to each political party and the number of Members of the House of Representatives on a party list basis allocated to each political party shall be in accordance with the rules, procedures and conditions prescribed in the Organic Act on Election of Members of the House of Representatives.

In the case where the result of the calculation under paragraph one decreases the number of Members of the House of Representatives on a party list basis of any political party, the Members of the House of Representatives named last on a party list of such political party shall vacate office in ascending order.

Section 94. Within one year after the date of the election that is a general election, if there must be a new election for a Member of the House of Representatives on a constituency basis due to the election in that constituency not having proceeded in an honest and just manner, the provisions of section 93 shall apply *mutatis mutandis*.

The election of a Member of the House of Representatives to fill the vacancy for any reason after one year has lapsed as from the date of the general election shall not prejudice the calculation of the number of the Members of the House of Representatives distributed to each political party under section 91.

Section 95. A person having the following qualifications has the right to vote at an election:

- (1) being of Thai nationality, provided that a person who has acquired Thai nationality by naturalisation must hold the Thai nationality for not less than five years;
- (2) being not less than eighteen years of age on the election day;
- (3) having his or her name listed in the household register in the constituency for not less than ninety days up to the date of the election.

A voter who resides outside the constituency in which his or her name appears in the household register, or whose name appears in the household register in the constituency for a period of less than ninety days up to the date of the election, or who has a residence outside of the Kingdom may register to vote outside the constituency at the place, and according to the date, time, procedures and conditions prescribed by the Organic Act on the Election of the Members of the House of Representatives.

A voter who fails to vote without notification of a reasonable cause under the Organic Act on the Election of Members of the House of Representatives may be subject to a restriction of certain rights as provided by law.

Section 96. A person under any of the following prohibitions on the election day shall be the person who is prohibited from exercising the right to vote:

- (1) being a Buddhist monk, Buddhist novice, ascetic or priest;
- (2) being under revocation of the right to vote, whether or not such case is final;
- (3) being detained by a warrant of the Court or by a lawful order;
- (4) being of unsound mind or of mental infirmity.

Section 97. A person having the following qualifications has the right to stand for election of Members of the House of Representatives:

- (1) being of Thai nationality by birth;
- (2) being not less than twenty-five years of age up to the date of the election;
- (3)) being a member of any and only one political party for a consecutive period of not less than ninety days up to the date of the election; however, in the case where the general election is conducted due to the dissolution of the House of Representatives, the period of ninety days shall be reduced to thirty days;

(4) a candidate in an election on a constituency basis shall also have any one of the following qualifications:

- (a) having his or her name appear in the household register in the *Changwat* where he or she stands for election for a consecutive period of not less than five years up to the date of applying for candidacy;
- (b) being born in the *Changwat* where he or she stands for election;

(c) having studied in an educational institution situated in the *Changwat* where he or she stands for election for a consecutive period of not less than five academic years;

(d) having served in the official service or performed duties in a State agency, or having had his or her name appear in the household register in the *Changwat* where he or she stands for election, as the case may be, for a consecutive period of not less than five years.

Section 98. A person under any of the following prohibitions shall be prohibited from exercising the right to stand for election in an election of Members of the House of Representatives:

- (1) being addicted to narcotics;
- (2) being bankrupt or having been dishonestly bankrupt;
- (3) being the owner of, or a shareholder in any newspaper or mass media business;
- (4) being a person under the prohibitions from exercising his or her right to vote under section 96 (1), (2) or (4);
- (5) being under temporary suspension of the right to stand for election, or being a person whose right to stand for election has been revoked;
- (6) being sentenced by a judgement to imprisonment and imprisoned by a warrant of the Court;
- (7) having been discharged for a period of less than ten years up to the date of election after being imprisoned except for an offence committed through negligence or a petty offence;
- (8) having been dismissed from official service, a State agency or a State enterprise on the grounds of dishonest performance of duties or being deemed as having committed dishonest acts or wrongful conducts in the official service;
- (9) having been ordered by a final judgement or order of the Court that his or her assets shall vest in the State on the grounds of unusual wealth, or having been sentenced by a final judgement to imprisonment on the grounds of committing an offence under the law on prevention and suppression of corruption;
- (10) having been convicted by a final judgement for committing: a malfeasance in public office or in judicial office; an offence under the law on wrongdoings of officials in a State organisation or agency; an offence against property committed in bad faith under the Penal Code; an offence under the law on the borrowing of money amounting to public fraud; an offence of being a producer, importer, exporter or seller under the law on narcotics; an offence of being a banker or a proprietor under the law on gambling; an offence under the law on the prevention and suppression of human trafficking;

or an offence of money laundering under the law on the prevention and suppression of money laundering;

(11) having been sentenced by a final judgement for committing a dishonest act in an election;

(12) being a government official holding a permanent position or receiving permanent salary except a political official;

(13) being a member of a local assembly or a local administrator;

(14) being a Senator or having been a Senator whose membership has terminated for less than two years;

(15) being an official or an employee of a government agency, State agency, or State enterprise or other State official;

(16) being a judge of the Constitutional Court, or holding a position in an Independent Organ;

(17) being currently under the prohibition from holding a political position;

(18) having been removed from office on the grounds under section 144 or section 235 paragraph three.

Section 99. The term of the House of Representatives is four years from the election day.

During the term of the House of Representatives, there shall be no mergers of political parties having members as Members of the House of Representatives.

Section 100. Membership of the House of Representatives commences on the election day.

Section 101. Membership of the House of Representatives terminates upon:

(1) expiration of term or dissolution of the House of Representatives;

(2) death;

(3) resignation;

(4) vacation of office under section 93;

(5) being disqualified under section 97;

(6) being under any prohibition under section 98;

(7) acting in contravention of any prohibition under section 184 or section 185;

(8) resignation from membership of his or her political party;

(9) having his or her membership of a political party terminated by a resolution of such political party with votes of not less than three-fourths of the joint meeting of the Executive Committee of that political party and Members of the House of Representatives affiliated with such political party; in this case, if such Member of the House

of Representatives does not become a member of another political party within thirty days as from the day the resolution is passed by the political party, it shall be deemed that membership is terminated as from the date on which such period of thirty days has lapsed;

(10) loss of membership of the political party; however, in the case where the loss of membership of a political party is caused by an order to dissolve the political party of which such Member of the House of Representatives is a member, and such Member of the House of Representatives is unable to become a member of another political party within sixty days as from the date the order to dissolve the political party is passed, it shall be deemed that his or her membership is terminated as from the day following the date on which such period of sixty days has lapsed;

(11) being vacated from office on the grounds under section 144 or section 235 paragraph three;

(12) having been absent for more than one-fourth of the number of days in a session lasting not less than one hundred and twenty days without permission of the President of the House of Representatives;

(13) being sentenced by a final judgement to imprisonment notwithstanding the suspension of sentence, except for an offence committed through negligence, a petty offence or a defamation offence.

Section 102. Upon the expiration of the term of the House of Representatives, the King will issue a Royal Decree calling for a general election of the Members of the House of Representatives within forty-five days as from the date of expiration of the term of the House of Representatives.

The election under paragraph one shall be on the same day throughout the Kingdom as specified by notification of the Election Commission in the Government Gazette.

Section 103. The King has the Royal Prerogative to dissolve the House of Representatives for a new general election of Members of the House of Representatives.

The dissolution of the House of Representatives shall be made in the form of a Royal Decree and shall be made only once under the same event.

Within five days from the date the Royal Decree under paragraph one comes into force, the Election Commission shall specify, by notification, the date of a general election in the Government Gazette, which must be no earlier than forty-five days but no later than sixty days from the date such Royal Decree comes into force. Such election date shall be the same throughout the Kingdom.

Section 104. In the case where there is an unavoidable necessity constituting a cause for an inability to hold an election from taking place on the date

specified by notification by the Election Commission under section 102 OR section 103, the Election Commission may specify a new date for election, provided that the election must be held within thirty days as from the date such necessity ends. However, for the purpose of the calculation of the term under section 95 (2) and section 97 (2), the date shall be counted up to the election date prescribed by section 102 or section 103, as the case may be.

Section 105. When an office of a Member of the House of Representatives becomes vacant for any reason other than the expiration of term or the dissolution of the House of Representatives, the following proceedings shall be taken:

(1) in the case where the vacancy is that of an office of a Member of the House of Representatives elected from an election on a constituency basis, a Royal Decree shall be issued for holding an election of a Member of the House of Representatives to fill the vacancy, unless the remainder of the term of the House of Representatives is less than one hundred and eighty days, and the provisions of section 102 shall apply *mutatis mutandis*;

(2) in the case where the vacancy is that of the office of a Member of the House of Representatives on a party list basis, the President of the House of Representatives shall, by publication in the Government Gazette within seven days as from the date of the vacancy, elevate the person whose name in the list of that political party is placed in the next order to become Member of the House of Representatives; if there is no person remaining in the list to be elevated to fill the vacancy, the Members of the House of Representatives on a party list basis shall consist of the existing members.

Membership of the replacing Member of the House of Representatives under (1) shall commence as from the day on which the election to fill the vacancy is held, while membership of the replacing Member of the House of Representatives under (2) shall commence as from the day following the date of the publication of the name of the replacing member in the Government Gazette. The replacing member may serve only the remainder of the term of the House of Representatives.

The calculation of the proportion of votes of a political party for a Member of the House of Representatives on a party list basis when an election to fill a vacancy is held shall be in accordance with section 94.

Section 106. After the Council of Ministers has assumed the administration of State affairs, the King will appoint as the Leader of the Opposition in the House of Representatives the Member of the House of Representatives who is the leader of a political party in the House of Representatives with the largest number of members with no members holding the office of Minister, President of the House of Representatives, or Vice-President of the House of Representatives.

In the case where political parties under paragraph one have an equal number of members, the matter shall be decided by drawing lots.

The President of the House of Representatives shall countersign the Royal Command appointing the Leader of the Opposition in the House of Representatives.

The Leader of the Opposition in the House of Representatives shall vacate office upon being disqualified under paragraph one, or where a case under section 118 (1), (2), (3) or (4) arises. In such case, the King will appoint a new Leader of the Opposition in the House of Representatives to fill the vacancy.

Part 3 The Senate

Section 107. The Senate consists of two hundred members installed from a selection by and among persons having the knowledge, expertise, experience, profession, characteristics or common interests or working or having worked in varied areas of the society. The division of groups shall be made in a way which enables every person having the right to apply for selection to belong to any one group.

The division of groups, number of groups, and qualifications of a person in each group, the application and acceptance of application, the rules and procedures for selection among themselves, the acceptance of the selection, the number of Senators selected from each group, the listing of reserve candidates, the elevation of persons from the reserve list to fill the vacancy, and any other measures necessary to enable the selection among themselves to proceed honestly and justly, shall be in accordance with the Organic Act on Installation of Senators. For the purpose of enabling such selection to proceed honestly and justly, it may be prescribed that a candidate from each group shall be prohibited from selecting another candidate from the same group, or that candidates for selection are screened by any other means in which the candidates may participate.

The undertakings under paragraph two shall be carried out from the level of an *Amphoe*, and the level of a *Changwat*, to the national level, so that a Senator is a representative of the Thai people at the national level.

In the case where the number of Senators under paragraph one is not met, whether this results from a vacancy of office or any other cause other than the expiration of term of the Senate, and where no list of reserves remains, the Senate shall consist of the remaining Senators. However, in the case where the number of Senators remaining is less than one-half of the total number of Senators and the remaining term of the Senate is more than one year, a selection of Senators to fill the vacancy shall be carried out within sixty

days as from the date the number of Senators remaining is less than one-half. In this case, such selected person shall hold office only for the remaining term of the Senate.

The selection of Senators shall be made in the form of a Royal Decree, and within five days from the date the Royal Decree comes into force, the Election Commission shall prescribe the date of commencement of the selection which shall be no later than thirty days as from the date such Royal Decree comes into force. Such prescription shall be published in the Government Gazette, and the provisions of section 104 shall apply *mutatis mutandis*.

Section 108. A Senator shall have the qualifications and not be under any of the prohibitions as follows:

a. qualifications:

- (1) being of Thai nationality by birth;
- (2) being not less than forty years of age on the date of application for selection;
- (3) having knowledge, expertise and experience, or having worked for not less than ten years in the field for which he or she applies, or having the qualifications under the rules and conditions prescribed in the Organic Act on Installation of Senators;
- (4) being born, having his or her name listed in the household register, having worked or having a connection to the area in which he or she applies for selection in accordance with the rules and conditions prescribed in the Organic Act on Installation of Senators;

b. prohibitions:

- (1) being a person prohibited from exercising the right to stand for election under section 98 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (15), (16), (17) or (18);
- (2) being a government official;
- (3) being or having been a Member of the House of Representatives, except for a person who has vacated office as a Member of the House of Representatives for a period of not less than five years up to the date of application for selection;
- (4) being a member of a political party;
- (5) being or having been a person holding any position in a political party, except for a person who has vacated the position in a political party for a period of not less than five years up to the date of application for selection;
- (6) being or having been a Minister, except for a person who has vacated office for a period of not less than five years up to the date of application for selection;
- (7) being or having been a member of a local assembly or a local administrator, except for a person who has vacated office as a member of a local assembly

or a local administrator for a period of not less than five years up to the date of application for selection;

(8) being an ascendant, spouse or child of a Member of the House of Representatives, a Senator, a political official, a member of a local assembly or a local administrator, a candidate for selection to become a Senator for the same session, or a person holding office in the Constitutional Court or in an Independent Organ;

(9) having held office as a Senator under this Constitution.

Section 109. The term of the Senate is five years from the date the result of the selection is announced.

Membership of the Senate commences on the date on which the Election Commission announces the result of the selection.

Upon expiration of the term of the Senate, the Senators shall remain in office to perform duties until there are new Senators.

Section 110. Upon expiration of the term of the Senate, there shall be a selection of new Senators under section 107 paragraph five.

Section 111. Membership of the Senate terminates upon:

(1) expiration of the term of the Senate;

(2) death;

(3) resignation;

(4) being disqualified or being under any of the prohibitions under section 108;

(5) having been absent for more than one-fourth of the number of days in a session the length of which is not less than one hundred and twenty days without permission of the President of the Senate;

(6) being sentenced by a final judgment to imprisonment, notwithstanding the suspension of the sentence, except for an offence committed through negligence, a petty offence or a defamation offence;

(7) committing an act which is in contravention with section 113, or an act which is prohibited under section 184 or section 185;

(8) vacating office on the grounds under section 144 or section 235 paragraph three.

Section 112. A person who has held office as a Senator and whose membership has terminated for a period of not more than two years shall not be a Minister or a person holding a political position, except for being a member of a local assembly or a local administrator.

Section 113. A Senator shall not align with or yield to the mandate of any political party.

Part 4

Provisions Applicable to Both Houses

Section 114. Members of the House of Representatives and Senators are representatives of the Thai people and free from any mandate, commitment, or control. They shall perform duties honestly for the common interest of the Nation and the happiness of Thai people as a whole, without conflict of interest.

Section 115. Before taking office, a Member of the House of Representatives and a Senator shall make a solemn declaration at a sitting of the House of which he or she is a member in the following words:

“I, (name of the declarer), do solemnly declare that I will perform my duties in accordance with the honest dictates of my conscience for the common interest of the country and the people. I will also uphold and observe the Constitution of the Kingdom of Thailand in every respect.”

Section 116. The House of Representatives and the Senate shall each have one President and one or two Vice-Presidents who are appointed by the King from members of such House in accordance with its resolution.

While in office, the President and the Vice-Presidents of the House of Representatives shall not concurrently be members of the executive committee of a political party or hold any position in a political party.

Section 117. The President and the Vice-Presidents of the House of Representatives hold office until the expiration of their term or the dissolution of the House of Representatives.

The President and the Vice-Presidents of the Senate hold office until the date of expiration of the term of the Senate, except for the period under section 109 paragraph three where the President and the Vice-Presidents of the Senate shall remain in office to perform duties.

Section 118. The President and the Vice-Presidents of the House of Representatives and the President and the Vice-Presidents of the Senate vacate office before the expiration of the term of office under section 117 upon:

- (1) loss of membership of the House of which he or she is a member;
- (2) resignation;
- (3) holding the position of Prime Minister, Minister or other political official;
- (4) being sentenced by a judgment to imprisonment, notwithstanding the non-finality of the case or the suspension of sentence, except for an offence committed through negligence, a petty offence or a defamation offence.

Section 119. The President of the House of Representatives and the President of the Senate have the duties and powers to carry out the business of each House in accordance with its rules of procedure. The Vice-Presidents have the duties and powers as entrusted by the President, and perform duties on behalf of the President when the President is not present or unable to perform his or her duties.

The President of the House of Representatives, the President of the Senate and the persons who act on behalf of the President shall be impartial in the performance of duties.

When the President and Vice-Presidents of the House of Representatives or the President and the Vice-Presidents of the Senate are not present at any sitting, the members of each House shall elect one among themselves to preside over such sitting.

Section 120. At a sitting of the House of Representatives or the Senate, the presence of not less than one-half of the total number of existing members of each House is required to constitute a quorum, except in cases of considering the agenda on interpellation, where the House of Representatives or the Senate may otherwise prescribe a quorum in the rules of procedure.

A resolution on any consultation issue shall be made by a majority of votes, unless it is otherwise provided in the Constitution.

In casting a vote, each member has one vote. In case of an equality of votes, the presiding member shall have an additional vote as a casting vote.

The minutes of sittings and records of each member's voting shall be disclosed to the general public, except for the case of a sitting *in camera* or voting by secret ballot.

The casting of votes to elect or give approval to a person for holding any office shall be made by secret ballot, unless it is otherwise provided in the Constitution.

Section 121. Within fifteen days as from the announcement date of the result of the election of Members of the House of Representatives which is a general election, the National Assembly shall be convoked for the first sitting of its members.

Each year, there shall be two ordinary sessions of the National Assembly. Each of them shall last one hundred and twenty days but the King may prolong this time period.

An ordinary session may be prorogued before the end of one hundred and twenty days only with the approval of the National Assembly.

The day on which the first sitting under paragraph one is held shall be considered as the commencement date of the first annual ordinary session, and the commencement date of the second annual ordinary session shall be fixed by the House of Representatives. However, in the case where the period of time from the first sitting under paragraph one to the end of the calendar year is insufficient to hold the second annual ordinary session, the second annual ordinary session may be omitted in that year.

Section 122. The King convokes the National Assembly, opens and prorogues its session.

The King may be present to perform the State Opening of the first annual ordinary session or may command the Heir to the Throne who is *sui juris* or any person to perform the ceremony as His Representative.

When it is necessary for the interests of the State, the King may convoke an extraordinary session of the National Assembly.

Subject to section 123 and section 126, the convocation, the prolongation and the prorogation of the session of the National Assembly shall be made by a Royal Decree.

Section 123. Members of both Houses or Members of the House of Representatives comprising not less than one-third of the total number of existing members of both Houses have the right to lodge with the President of the National Assembly their petition to report to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly.

The President of the National Assembly shall report to the King and countersign the Royal Command.

Section 124. At a sitting of the House of Representatives or the Senate or at a joint sitting of the National Assembly, words expressed in giving statements of fact or opinions or in casting the votes by any member are absolutely privileged. No charge or action in any manner whatsoever shall be brought against such member.

The privilege under paragraph one does not extend to a member who expresses words at a sitting which is broadcast through radio or television or any other means if such words appear out of the precinct of the National Assembly and the

expression of such words constitutes a criminal offence or a wrongful act against any other person who is not a Minister or member of that House.

In the case of paragraph two, if the words expressed by the member cause damage to another person who is not a Minister or member of that House, the President of that House shall cause explanations to be published as requested by that person in accordance with procedures and within such period of time prescribed in the rules of procedure of that House, without prejudice to the right of such person to bring the case before the Court.

The privilege provided in this section extends to printers and publishers of the minutes of sittings in accordance with the rules of procedure of the House of Representatives, the Senate or the National Assembly, as the case may be, and to persons permitted by the presiding member to give statements of fact or opinions at such sitting as well as to persons who broadcasts the sitting through radio or television or any other means with the permission of the President of the such House *mutatis mutandis*.

Section 125. During a session, no Member of the House of Representatives or Senator shall be arrested, detained or summoned by a warrant for inquiry as a suspect in a criminal case unless permission of the House of which he or she is a member is obtained or he or she is arrested in *flagrante delicto*.

In the case where a Member of the House of Representatives or a Senator has been arrested in *flagrante delicto*, a report shall forthwith be submitted to the President of the House of which he or she is a member, and, for the benefit of a sitting, such President may order the release of the person so arrested in order to attend the sitting.

If a Member of the House of Representatives or a Senator is detained during inquiry or trial before the beginning of a session, when the session begins, the inquiry officer or the Court, as the case may be, must order his or her release as soon as the President of the House of which he or she is a member has so requested. In this regard, the Court may order their release on bail or on bail and bond.

In the case where a criminal charge is brought against a Member of the House or Representatives or a Senator, whether the House is in session or not, the Court may try the case during the session, provided that the trial shall not hinder such member from attending the sitting of the House.

Section 126. In the absence of the House of Representatives whether due to the expiration of its term, its dissolution, or on any other grounds, the Senate shall not hold its sitting except in the following cases:

(1) where the National Assembly shall act under section 17, section 19, section 20, section 21, or section 177;

(2) where the Senate shall hold a sitting to consider the appointment of a person to hold any office under the provisions of the Constitution.

Where a case under paragraph one occurs, the Senate is permitted to hold a sitting. The President of the Senate shall report to the King for the issuance of a Royal Command convoking an extraordinary session of the National Assembly, and the President of the Senate shall countersign the Royal Command.

In the case of (1), the Senate shall act as the National Assembly, provided that the votes for the approval under section 177 shall be of not less than two-thirds of the total number of existing Senators.

Section 127. A sitting of the House of Representatives and of the Senate and a joint sitting of the National Assembly shall be public as prescribed by the rules of procedure of each House. However, the Council of Ministers or members comprising not less than one-fourth of the total number of existing members of each House or of both houses, as the case may be, may request for a meeting *in camera*.

Section 128. The House of Representatives and the Senate have the power to enact rules of procedure governing the election and performance of duties of the President, Vice-Presidents, matters or activities which are within the duties and powers of each standing committee, performance and quorum of committees, sittings, submission and consideration of organic law bills and bills, submission of motions, consultation, debate, passing of a resolution, recording and disclosure of the passing of a resolution, interpellation, general debate, observation of the rules and orders and other relevant matters, as well as the power to enact rules of procedure regarding the code of ethics of members and committee members and other matters for the implementation of the Constitution.

The rules of procedure under paragraph one in the part concerning the appointment of an *ad hoc* committee for the consideration of bills the substance of which is decided by the President of the House of Representatives to concern with children, youths, women, the elderly, the disabled or handicapped, shall stipulate that such *ad hoc* committee consists of the said types of persons or representatives from private organisations concerned directly with the respective types of persons, of at least one-third of the total number of the *ad hoc* committee members, and in the part concerning the consideration of bills introduced by a petition of persons having the right to vote, shall stipulate that such *ad hoc* committee consists of representatives of the persons having the right to vote who sign a joint petition to introduce such bill, of at least one-third of the total number of the *ad hoc* committee members.

Section 129. The House of Representatives and the Senate have the power to select and appoint members of each House to constitute a standing committee and have the power to select and appoint persons, being or not being its members, to constitute an *ad hoc* committee or a joint committee under section 137 in order to perform any act, inquire into facts or study any matter and report its findings to the House in the period of time as prescribed by the House.

The performance of any act, the inquiry into facts or study of any matter under paragraph one shall be within the duties and powers of the House. The duties and powers specified upon the appointment of the committees and the acts of the committees shall not be in repetition or duplication. In the case where the performance of acts, inquiries into facts or studies of any matter are connected, it shall be the duty of the President of the House to direct all relevant committees to perform such tasks together.

No committee may authorise or entrust a person or a group of persons to inquire into facts on its behalf.

The committee under paragraph one has the power to demand documents from any person or summon any person to give statements of fact or opinions on the act or the matter under its inquiry or study. Such demand or summons is not applicable to a judge performing duties or exercising powers in the trial of a case or to the personnel management of each Court or to a person holding an office in an Independent Organ in the direct performance of duties and powers for each organ under the Constitution or the organic acts, as the case may be.

The Minister who is responsible for the matter of inquiry or study of the committee shall have duty to instruct a State official under his or her supervision or control to provide facts, submit documents or give opinions as summoned by the committee.

The House of Representatives and the Senate shall disclose to the public its minutes of sittings, or committees' reports on the act, findings or study, as the case may be, except in the case where the House of Representatives or the Senate, as the case may be, passes a resolution prohibiting disclosure.

The privileges provided in section 124 shall also extend to persons performing duties and complying with the summons under this section.

The number of members of a standing committee appointed solely from Members of the House of Representatives shall be in proportion to or in close proportion to the number of Members of the House of Representatives of each existing political party in the House of Representatives.

In the absence of the rules of procedure of the House of Representatives under section 128, the President of the House of Representatives shall determine the proportion under paragraph eight.

Section 130. There shall be the following organic acts:

- (1) Organic Act on Election of Members of the House of Representatives;
- (2) Organic Act on Installation of Senators;
- (3) Organic Act on Election Commission;
- (4) Organic Act on Political Parties;
- (5) Organic Act on Ombudsmen;
- (6) Organic Act on Prevention and Suppression of Corruption;
- (7) Organic Act on State Audit;
- (8) Organic Act on Procedures of the Constitutional Court;
- (9) Organic Act on Criminal Procedure for Persons Holding Political Positions;
- (10) Organic Act on Human Rights Commission.

Section 131. An organic law bill may be introduced only by:

- (1) the Council of Ministers upon the recommendation of the Supreme Court, the Constitutional Court or a relevant Independent Organ;
- (2) Members of the House of Representatives comprising not less than one-tenth of the total number of existing Members of the House of Representatives.

Section 132. Unless stipulated as follows, an organic law bill shall be enacted in the same manner as an Act:

(1) An organic law bill shall be introduced to the National Assembly, and the National Assembly shall hold a joint sitting for consideration of such organic law bill, which shall be completed within one hundred and eighty days. In voting in the third reading, votes for approval of the organic law bill shall be more than one-half of the total number of existing Members of the National Assembly. If the joint sitting of the National Assembly has not completed its consideration within the prescribed period of time, it shall be deemed that the National Assembly approves the organic law bill as introduced under section 131;

(2) Within fifteen days as from the date of its approval of the organic law bill, the National Assembly shall refer such organic law bill to the Supreme Court, the Constitutional Court, or relevant Independent Organ for opinions. In the case where the Supreme Court, the Constitutional Court, or the relevant Independent Organ has no objection within ten days as from the date of receipt of such bill, the National Assembly shall take further proceedings;

(3) In the case where the Supreme Court, the Constitutional Court or the relevant Independent Organ is of the opinion that provisions of the organic law bill approved by the National Assembly are contrary to or inconsistent with the Constitution or result in an inability to duly comply with the provisions of the Constitution, such opinion shall be referred to the National Assembly, and a joint sitting of the National Assembly shall

be held for consideration of such opinion, which shall be completed within thirty days as from the date of receipt of such opinion. In this regard, the National Assembly shall have the power to amend the said organic law bill according to the recommendation of the Supreme Court, the Constitutional Court or the relevant Independent Organ as it deems appropriate. Upon completion, the National Assembly shall take further proceedings.

Section 133. A bill shall be first submitted to the House of Representatives and may be introduced only by the followings:

- (1) Council of Ministers;
- (2) Members of the House of Representatives of not fewer than twenty in number;
- (3) persons having the right to vote of not less than ten thousand in number who submit a petition to introduce a bill under Chapter III Rights and Liberties of the Thai People or Chapter V Duties of the State and in accordance with the law on the public submission of a bill.

If a bill introduced by persons under (2) or (3) is a money bill, it may be introduced only with the endorsement of the Prime Minister.

Section 134. A money bill means a bill with provisions dealing with any of the following matters:

- (1) the imposition, repeal, reduction, alteration, modification, remission, or regulation of taxes or duties;
- (2) the allocation, receipt, custody, or payment of State funds, or transfer of expenditure estimates of the State;
- (3) the raising of loans, guarantee, redemption of loans, or any act binding State properties;
- (4) currency.

In case of doubt as to whether a bill is a money bill, it shall be the power of a joint sitting of the President of the House of Representatives and Presidents of all its standing committees to make a decision thereon.

The President of the House of Representatives shall hold a joint sitting to consider the case under paragraph two within fifteen days as from the date such case occurs.

The resolution of the joint sitting under paragraph two shall be decided by a majority of votes. In cases of an equality of votes, the President of the House of Representatives shall have an additional vote as a casting vote.

Section 135. For any bill introduced by Members of the House of Representatives or persons having the right to vote which, at the stage of the adoption of its principle, was not a money bill but was then amended by the House of Representatives and, in the opinion of the President of the House of Representatives or at the objection of the Members of the House of Representatives made to him or her, such amendment has rendered it to exhibit the characteristic of a money bill, the President of the House of Representatives shall order the suspension of its consideration for further proceedings under section 134 paragraph two, paragraph three and paragraph four.

If the joint sitting under paragraph one decides that the amendment resulted in such bill exhibiting the characteristic of a money bill, the President of the House of Representatives shall refer it to the Prime Minister for endorsement. In the case where the Prime Minister does not endorse it, the House of Representatives shall amend it so as to prevent it from being a money bill.

Section 136. When the House of Representatives has considered a bill and resolved to approve it, the House of Representatives shall submit such bill to the Senate. The Senate must complete the consideration of such bill within sixty days. If it is a money bill, the consideration thereof must be completed within thirty days, provided that the Senate may, as a special case, resolve to extend the period for not more than thirty days. The said period shall mean the period during a session and shall be counted as from the day on which such bill reaches the Senate.

The time period referred to in paragraph one shall not include the time period during which the bill is under the consideration of the Constitutional Court under section 139.

If the Senate has not completed its consideration of the bill within the time period referred to in paragraph one, it shall be deemed that the Senate has approved it.

In the case where the House of Representatives submits a money bill to the Senate, the President of the House of Representatives shall also advise the Senate that the bill so submitted is a money bill. The advice of the President of the House of Representatives shall be deemed final. In the case where the President of the House of Representatives does not advise the Senate that the bill is a money bill, such bill shall not be deemed a money bill.

Section 137. After the Senate has completed the consideration of a bill,
(1) if it agrees with the House of Representatives, further proceedings under section 81 shall be taken;
(2) if it disagrees with the House of Representatives, such bill shall be withheld and returned to the House of Representatives;

(3) if there is an amendment, the amended bill shall be returned to the House of Representatives. If the House of Representatives approves such amendment, further proceedings under section 81 shall be taken. In other cases, each House shall appoint persons, being or not being its members, in such an equal number as may be fixed by the House of Representatives, to constitute a joint committee for considering the bill, and the joint committee shall prepare a report thereon and submit that bill which it has already considered to both Houses. If both Houses approve the bill already considered by the joint committee, further proceedings under section 81 shall be taken. If either House disapproves it, whether or not the other House has considered it, the bill shall be withheld.

At a meeting of the joint committee, the presence of the Members of the joint committee appointed by both Houses of not less than one-half of the total number of its members is required to constitute a quorum, and the provisions of section 157 shall apply *mutatis mutandis*.

If the Senate does not return the bill to the House of Representatives within the period under section 136, it shall be deemed that the Senate approves such bill and further proceedings under section 81 shall be taken.

Section 138. A bill withheld under section 137 may be reconsidered by the House of Representatives only after the lapse of one hundred and eighty days as from the following dates:

(1) the date the bill is returned to the House of Representatives by the Senate in case of withholding under section 137 (2);

(2) the date either House disapproves the bill in case of withholding under section 137 (3).

In cases under paragraph one, if the House of Representatives resolves to reaffirm the bill considered by the House of Representatives or the bill considered by the joint committee by the votes of more than one-half of the total number of the existing Members of the House of Representatives, such bill shall be deemed to have been approved by the National Assembly and further proceedings under section 81 shall be taken.

Subject to section 143 paragraph four, if the bill withheld is a money bill, the period of one hundred and eighty days under paragraph one shall be decreased to ten days.

Section 139. While a bill is being withheld under section 137, the Council of Ministers or Members of the House of Representatives may not introduce a bill having the same or similar principle as that of the bill so withheld.

In the case where the House of Representatives or the Senate is of the opinion that the bill so introduced or referred to for consideration has the same or similar principle as that of the bill being withheld, the President of the House of Representatives or the President of the Senate shall refer such bill to the Constitutional Court for decision. If the Constitutional Court decides that it is a bill having the same or similar principle as that of the bill so withheld, such bill shall lapse.

Section 140. The payment of State funds shall be made only by the authority of the law on appropriations, the law on budgetary procedure, the law on transfer of appropriations, the law on treasury reserves or the law on financial and fiscal discipline of the State, except that it may be advanced in the case of urgent necessity under the rules and procedure prescribed by law. In such case, the expenditure estimates for reimbursement must be set aside in the Transfer of Appropriations Act, the Supplementary Appropriations Act, or the Annual Appropriations Act for the following fiscal year.

Section 141. The expenditure estimates of the State shall be made in the form of an Act. If the Annual Appropriations Act for the following fiscal year is not enacted in time, the law on annual appropriations for the preceding fiscal year shall apply for the time being.

The State shall allocate adequate budgets for the independent performance of duties of the National Assembly, the Courts, the Independent Organs and the State Attorney Organ in accordance with the rules prescribed by the law on financial and fiscal discipline of the State. In the case where the National Assembly, the Court, the Independent Organ or the State Attorney Organ is of the opinion that the allocated budgets may not be adequate for the performance of its duties, it may directly submit a motion to the committee.

Section 142. The introduction of an annual appropriations bill must show the sources of revenues and estimated revenues, expected outcome or output from payments, and conformity with the National Strategy and development plans, in accordance with rules prescribed in the law on financial and fiscal discipline of the State.

Section 143. The House of Representatives must complete the consideration of an annual appropriations bill, supplementary appropriations bill and transfer of appropriations bill within one hundred and five days as from the date the bill reaches the House of Representatives.

If the House of Representatives does not complete the consideration of the bill within the time period referred to in paragraph one, such bill shall be deemed to have

been approved by the House of Representatives and shall be submitted to the Senate for consideration.

In the consideration by the Senate, the Senate must approve or disapprove it without any amendment within twenty days as from the date the bill reaches the Senate. Upon the lapse of such time period, such bill shall be deemed to have been approved by the Senate; in such case and in the case where the Senate approves it, further proceedings under section 81 shall be taken.

If the Senate disapproves the bill, the provisions of section 138 paragraph two shall apply *mutatis mutandis*. In this regard, the House of Representatives shall forthwith reconsider the bill.

The time period referred to in paragraph one and paragraph three shall not include the time period for consideration by the Constitutional Court under section 144 paragraph three.

Section 144. In the consideration of an annual appropriations bill, supplementary appropriations bill, and transfer of appropriations bill, a Member of the House of Representatives shall not submit a motion altering or adding any item or amount in an item to the bill, but may submit a motion reducing or abridging the expenditures which are not expenditures according to any of the following obligations:

- (1) money for payment of the principal of a loan;
- (2) interest on a loan;
- (3) money payable in accordance with the law.

In consideration by the House of Representatives, the Senate or a committee, any proposal, submission of a motion or commission of any act, which results in direct or indirect involvement by Members of the House of Representatives, Senators or members of a committee in the use of the appropriations, shall not be permitted.

In the case where Members of the House of Representatives or Senators comprising not less than one-tenth of the total number of existing members of each House are of the opinion that a violation of the provisions of paragraph two has occurred, they shall refer the opinion to the Constitutional Court for decision, and the Constitutional Court shall complete the decision within fifteen days as from the date of receipt of such opinion. In the case where the Constitutional Court decides that a violation of the provisions of paragraph two has occurred, such proposal, submission of motion, or commission of the act shall be ineffective. If the person who commits such violation is a Member of the House of Representatives or a Senator, his or her membership shall be terminated as from the date the Constitutional Court renders the decision. The right of such person to stand for election shall also be revoked. In the case where the Council of Ministers commits or approves the commission of such action, or is aware of the action but fails to order its cessation, the

Council of Ministers shall vacate office *en masse* as from the date the Constitutional Court renders the decision, and the right to stand for election of the ministers whose offices are vacated shall also be revoked unless he or she can prove that he or she was not present in the meeting at the time of passing the resolution. The person who commits the violation shall be liable for restitution with interest.

In regard to any State official who operates a project or authorises or allocates budget with the knowledge that a violation of the provisions of paragraph one or paragraph two is committed, if he or she has recorded his or her objection in writing or has informed the National Anti-Corruption Commission in writing, he or she shall be exempted from any liability.

A claim for restitution under paragraph three and paragraph four may be made within twenty years as from the date the budget is allocated.

In the case where the National Anti-Corruption Commission is informed according to paragraph four, it shall forthwith conduct a secret investigation. If it is of the opinion that there is a *prima facie* case, an opinion shall be submitted to the Constitutional Court for further proceedings under paragraph three. In any case whatsoever, the National Anti-Corruption Commission, the Constitutional Court or any other person shall not disclose information about the informant.

Section 145. The Prime Minister shall hold a bill already approved by the National Assembly for five days as from the date of its receipt from the National Assembly. If there is no need for proceedings under section 148, the Prime Minister shall present the bill to the King within twenty days as from the date such period lapses.

Section 146. If the King refuses His assent to a bill and either returns it to the National Assembly or does not return it within ninety days, the National Assembly must re-deliberate such bill. If the National Assembly resolves to reaffirm the bill with the votes of not less than two-thirds of the total number of existing members of both Houses, the Prime Minister shall present such bill to the King for signature once again. If the King does not sign and return the bill within thirty days, the Prime Minister shall cause the bill to be promulgated as an Act in the Government Gazette as if the King had signed it.

Section 147. In the case where the term of the House of Representatives expires or the House of Representatives is dissolved, the draft Constitution Amendments or bills which have not yet been approved by the National Assembly or which have been approved by the National Assembly but the King has refused His assent or have not returned within ninety days, shall lapse.

With regard to all draft Constitution Amendments or bills which have not yet been approved by the National Assembly and lapsed under paragraph one, if the Council of Ministers which is newly appointed after the general election makes a request to the National Assembly for the National Assembly, the House of Representatives or the Senate, as the case may be, to further consider such amendments or bills, and the National Assembly so agrees, the National Assembly, the House of Representatives or the Senate, as the case may be, shall further consider such amendments or bills, provided that the Council of Ministers makes such requests within sixty days as from the date of convocation of the first sitting of the National Assembly after the general election.

Section 148. Before the Prime Minister presents any bill to the King for signature under section 81,

(1) if Members of the House of Representatives, Senators or members of both Houses comprising not less than one-tenth of the total number of the existing members of both Houses are of the opinion that the provisions of the said bill are contrary to or inconsistent with the Constitution or it is enacted contrary to the provisions of the Constitution, they shall submit their opinion to the President of the House of Representatives, the President of the Senate or the President of the National Assembly, as the case may be, and the President of the House receiving such opinion shall then refer it to the Constitutional Court for decision and inform the Prime Minister thereof without delay;

(2) if the Prime Minister is of the opinion that the provisions of the said bill are contrary to or inconsistent with the Constitution or it is enacted contrary to the provisions of the Constitution, the Prime Minister shall refer such opinion to the Constitutional Court for decision and inform the President of the House of Representatives and the President of the Senate thereof without delay.

During the consideration of the Constitutional Court, the Prime Minister shall not present the bill to the King for signature.

If the Constitutional Court decides that the provisions of such bill are contrary to or inconsistent with the Constitution or it is enacted contrary to the provisions of the Constitution and that such provisions of the bill form the essential element thereof, such bill shall lapse.

If the Constitutional Court decides that the provisions of such bill are contrary to or inconsistent with the Constitution otherwise than in the case specified in paragraph three, such conflicting or inconsistent provisions shall lapse and the Prime Minister shall take further proceedings under section 81.

Section 149. The provisions of section 148 shall apply *mutatis mutandis* to draft rules of procedure of the House of Representatives, draft rules of procedure of the

Senate and draft rules of procedure of the National Assembly which have already been approved by the House of Representatives, the Senate or the National Assembly, as the case may be, before their publication in the Government Gazette.

Section 150. Every Member of the House of Representatives or Senator has the right to interpellate verbally or in writing a Minister on any matter within the scope of his or her authority in accordance with the rules of procedure of that House which shall at least stipulate to allow verbal interpellation without prior notice.

The Minister has the right to refuse to answer an interpellation if the Council of Ministers is of the opinion that the matter should not yet be disclosed on the ground of safety or vital interest of the State.

Section 151. Members of the House of Representatives comprising not less than one-fifth of the total number of the existing Members of the House of Representatives have the right to submit a motion for a general debate for the purpose of passing a vote of no-confidence in an individual Minister or the Council of Ministers *en masse*.

When the motion under paragraph one has been submitted, the dissolution of the House of Representatives shall not be permitted, except where the motion is withdrawn or the resolution is passed without being supported by votes in accordance with paragraph four.

If the general debate is concluded with a resolution not to pass over the agenda of the general debate, the House of Representatives shall pass a vote of confidence or no-confidence. Voting in such case shall not take place on the same date as of the conclusion of the debate.

The vote of no-confidence must be adopted by more than one-half of the total number of the existing Members of the House of Representatives.

The Minister who has vacated the previous office but remains in other office after the date the Members of the House of Representatives submit the motion under paragraph one or who has vacated the previous office for not more than ninety days prior to the date of such submission of the motion but remains in other office, shall still be subject to the debate for the purpose of passing a vote of no-confidence.

Section 152. Members of the House of Representatives comprising not less than one-tenth of the total number of the existing Members of the House of Representatives have the right to submit a motion for a general debate to inquire about facts or recommend issues without a resolution to be passed.

Section 153. Senators comprising not less than one-third of the total number of the existing Members of the Senate have the right to submit a motion for a general debate in the Senate for the purpose of requesting the Council of Ministers to give statements of fact or explain important problems in connection with the administration of the State affairs without a resolution to be passed.

Section 154. The submission of a motion for a general debate under section 151, section 152 OR section 153, as the case may be, may be made once a year.

The provision of paragraph one shall not apply to the general debate under section 151 which is concluded with a resolution to pass over the agenda of the general debate.

Section 155. In the case where there is an important issue concerned with the security, safety or economy of the country in regards to which there should be a joint consultation between the National Assembly and the Council of Ministers, the Leader of the Opposition in the House of Representatives may give a notice to the President of the National Assembly requesting that a general debate be held at a sitting of the National Assembly. In such case, the President of the National Assembly must hold the sitting within fifteen days as from the date the notice is received but no resolution shall be passed by the National Assembly on the issue put in the debate.

The sitting under paragraph one shall be *in camera* and it shall be the duty of the Council of Ministers to attend such sitting.

Part 5

Joint Sittings of the National Assembly

Section 156. The National Assembly shall hold a joint sitting in the following cases:

- (1) the approval of the appointment of the Regent under section 17;
- (2) the making of a solemn declaration by the Regent before the National Assembly under section 19;
- (3) the acknowledgement of an amendment to the Palace Law on Succession, B.E. 2467 (1924) under section 20;
- (4) the acknowledgement or approval of the succession to the Throne under section 21;
- (5) the approval of the prorogation of a session under section 121;
- (6) the opening of the session of the National Assembly under section 122;

- (7) the consideration of an organic law bill under section 132;
- (8) the reconsideration of an organic law bill or a bill under section 146;
- (9) the consideration for approval under section 147;
- (10) the holding of a general debate under section 155 and section 165;
- (11) the making of the rules of procedure of the National Assembly under section 157;
- (12) the announcement of policies under section 162;
- (13) the approval of the declaration of war under section 177;
- (14) the hearing and approval of a treaty under section 178;
- (15) the amendment to the Constitution under section 256;
- (16) other cases as provided in the Constitution.

Section 157. At a joint sitting of the National Assembly, the rules of procedure of the National Assembly shall apply. While the rules of procedure of the National Assembly have not yet been issued, the rules of procedure of the House of Representatives shall apply *mutatis mutandis* for the time being.

The provisions applicable to both Houses shall apply *mutatis mutandis* to the joint sitting of the National Assembly, except that, for the appointment of a committee, the number of committee members appointed from the members of each House must be in proportion to or in close proportion to the number of members of each House.
