



## The National Assembly of Thailand





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The National Assembly of Thailand or The Parliament of Thailand is the legislative institution, which is a bicameral body, consisting of the House of Representatives and the Senate, as termed in the Constitution of the Kingdom of Thailand 2007 and the additional amendment 2011.

### The House of Representatives

The House of Representatives consists of 500 members sitting in 4-year term, 375 members are directly elected by the persons having the right to vote according to the census and provincial division and the other 125 members are from the election on a party-list, represented by different political parties in accordance with the proportional representation through a popular vote each party receives. The candidate must be at the age of 25 or older on the election day.

### The Senate

The Senate is non-partisan with limited legislative powers, which consists of 150 members. Seventy seven senators are elected, one for each province. They sit in 6-year term from the election day. The other seventy three senators are selected from candidates nominated by the Senators Selective Committee, who serve 3-year term counting from the first day they take office. After the termination of the first period of three years, no provisions concerning the holding of office in the last period of three years shall be applicable to the nominated members in the next selection. They are being not less than 40 years of age on the year of election or selection.



## Powers and duties of the National Assembly of Thailand

The National Assembly of Thailand under the provisions of the Constitution covers 4 areas which include:

### 1. The Power to legislate laws

Legislating power involves the enactment of law and is regarded as the main power of the National Assembly. It also plays a vital role in maintaining freedom, liberty, equality and fairness in society. Any enactment of the law must provide the maximum benefit to the people.

### 2. The Power to control the administration of the State affairs

Power to control the administration of the State affairs is considered the most substantial principle of the parliamentary system. After the cabinet announces its policies to parliament in order to enunciate state policy, the parliament will continue to monitor the administrative work of the government. If members of parliament encounter any faults or ambiguities, they can file questions to the Prime Minister or Ministers over the administration of State affairs. If the government's administration is untrustworthy or poses a serious threat to the people or damages the reputation of the country. Parliament is entitled to hold a general debate.

All members of parliament can participate in a no-confidence debate on the Prime Minister or an individual Minister. Meanwhile, senators also can hold a general debate to request Ministers to give statements of fact or explain important problems in connection with administration of State affair but they cannot participate in votes of confidence.

### 3. The Power to give approval of important issues

The authority is given approval on significant matters such as the appointment of a Regent, the taking of the oath of a Regent before Parliament, approval of the succession to the throne, approval of a declaration of war, approval of the closing of a conference session 120 days prior to its due date and other such matters.

### 4. The Power to appoint and remove individuals as stipulated by the constitution

The authority is given to appoint and remove individuals as stipulated by the constitution, for example the Chairman and members of the Election Commission, the Ombudsman, and the President of the Commission for the Prevention and Suppression of Corruption and so on. There is also the appointment of persons as stipulated in the Constitution, for example the Prime Minister, Members of Parliament.



## Process of Enactment of Act

### Four ways to propose a bill

A bill may be introduced only such ways as follows:

1. the Council of Ministers;
2. a minimum of twenty members of the House of Representatives;
3. the Court or the independent Constitutional organization, only in respect of the law that is concerned with constitutional organization and the law the execution of which the President of such Court and the President of such organ has charge and control;
4. the persons having the right to vote of not less than 10,000 in number, who submit a petition to the President of the National Assembly to consider a bill as prescribed in Chapter 3 (Rights and Liberties of the Thai People) and Chapter 5 (Directive Principles of Fundamental State) of the Constitution of the Kingdom of Thailand 2007.

If the bill is related to financial matters, it shall be only proposed when it has received the approval of the Prime Minister.

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, payment of the State funds, or transfer of expenditure estimates of the State funds or the transfer of national budget funds;
3. the raising of loans, or guarantee or redemption of loans; or any binding of State's properties;
4. currency.

In the case of doubt as to whether a bill is a money bill, which requires the endorsement of the Prime Minister, or not, it shall be the power of a joint sitting of the Speaker of the House of Representatives and Chairpersons of all its standing committees to make a decision thereon, within fifteen days as from the date such case occurs.

## CONSIDERATION OF A BILL BY THE HOUSE OF REPRESENTATIVES

The House of Representatives will consider a bill in three separate readings as follows:

**1<sup>st</sup> Reading:** The House of Representatives will consider the bill and make a motion whether or not the proposed regulation should be accepted. If the proposed bill is defeated, the bill will be considered rejected. If the bill is approved, however, the House of Representatives will consider the draft in its second reading.

**2<sup>nd</sup> Reading:** The second reading looks at the bill in more details. This task is usually performed by a committee appointed by the House of Representatives to consider such bill. If any members of the committee find that a word or phrase should be altered, such suggestions should be made to the chairperson of the committee. When the committee has completed its study of the draft, the draft is passed on to the House of Representatives for consideration.

**3<sup>rd</sup> Reading:** When the committee has completed its task of voting the new bill, the House of Representatives will accept the bill for its third reading, and make a motion to accept or defeat the bill. There will be no debate during the third reading. If the bill is defeated, it will be dropped. However, if it wins the approval of the House of Representatives, the Speaker of the House of Representatives will present the draft for scrutiny by the Senate.

If the bill has been specified by the Council of Ministers, in its policies stated to the National Assembly, as necessary for the administration of the State affairs is not approved by a resolution of the House of Representatives, and the votes disapproving it are less than one-half of the total number of the existing members of the House, the Council of Ministers may request the National Assembly to hold a joint sitting for passing a resolution on another occasion. If it is approved, the National Assembly shall appoint the persons, being or not being its members, in such an equal numbers as proposed by the Council of Ministers, to constitute a joint committee of the National Assembly for considering such bill, and the joint committee of the National Assembly shall prepare a report thereon and submit the bill which it has already considered to the National Assembly. If such bill is approved by the National Assembly, the Prime Minister shall present it to the King for signature. If the bill is not approved by the National Assembly, it shall lapse.

### CONSIDERATION OF A BILL BY THE SENATE

The Senate must finish the consideration of such bill within sixty days, but if it is a money bill, the consideration thereof must be finished within thirty days; provided that the Senate may, as an exceptional 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 and they will also consider the bill in three readings.

### IN THE CASE OF THE SENATE APPROVAL IS GIVEN

If the Senate accepts the bill on its third reading, and there is no additional change, the bill will be considered and passed by the National Assembly. The Prime Minister will present the bill to His Majesty the King for approval then causes it to be published in the Government Gazette. Once published, the act will be enacted.

## IN THE CASE OF THE SENATE APPROVAL IS REFUSED

If the Senate rejects the bill during the first or third reading, the bill will be returned to the House of Representatives, where it can be reconsidered only after 180 days have passed from the time the bill was rejected by the Senate. If the draft rejected by the Senate is related to financial matters, the House of Representatives may reconsider the bill immediately, and if the bill is accepted by more than one-half of the total number of existing members of the House of Representatives, then the bill will be considered and approved by the National Assembly. The Prime Minister will present the bill to His Majesty the King for approval and publication in the Government Gazette and subsequent enactment.

## IN THE CASE OF THE SENATE AMENDS THE DRAFT LEGISLATION

If the Senate wishes to change the bill approved by the House of Representatives, the amended bill must be returned to the House of Representatives. If the House of Representatives approves and agrees with the changes made by the Senate, then the Prime Minister will transfer the bill to His Majesty the King for approval and publication in the Government Gazette and subsequent enactment.

If the House of Representatives does not accept the changes made by the Senate, both Houses should appoint the equal number of representatives from their respective Houses, as stipulated by the House of Representatives, to a joint committee to study the bill.

This joint committee will study and make recommendations and proposals regarding changes to the bill to both Houses. If both Houses agree on the changes and recommendations, then the bill will be approved. The prime Minister will present the bill to His Majesty the King for approval and publication in the Government Gazette and subsequent enactment.

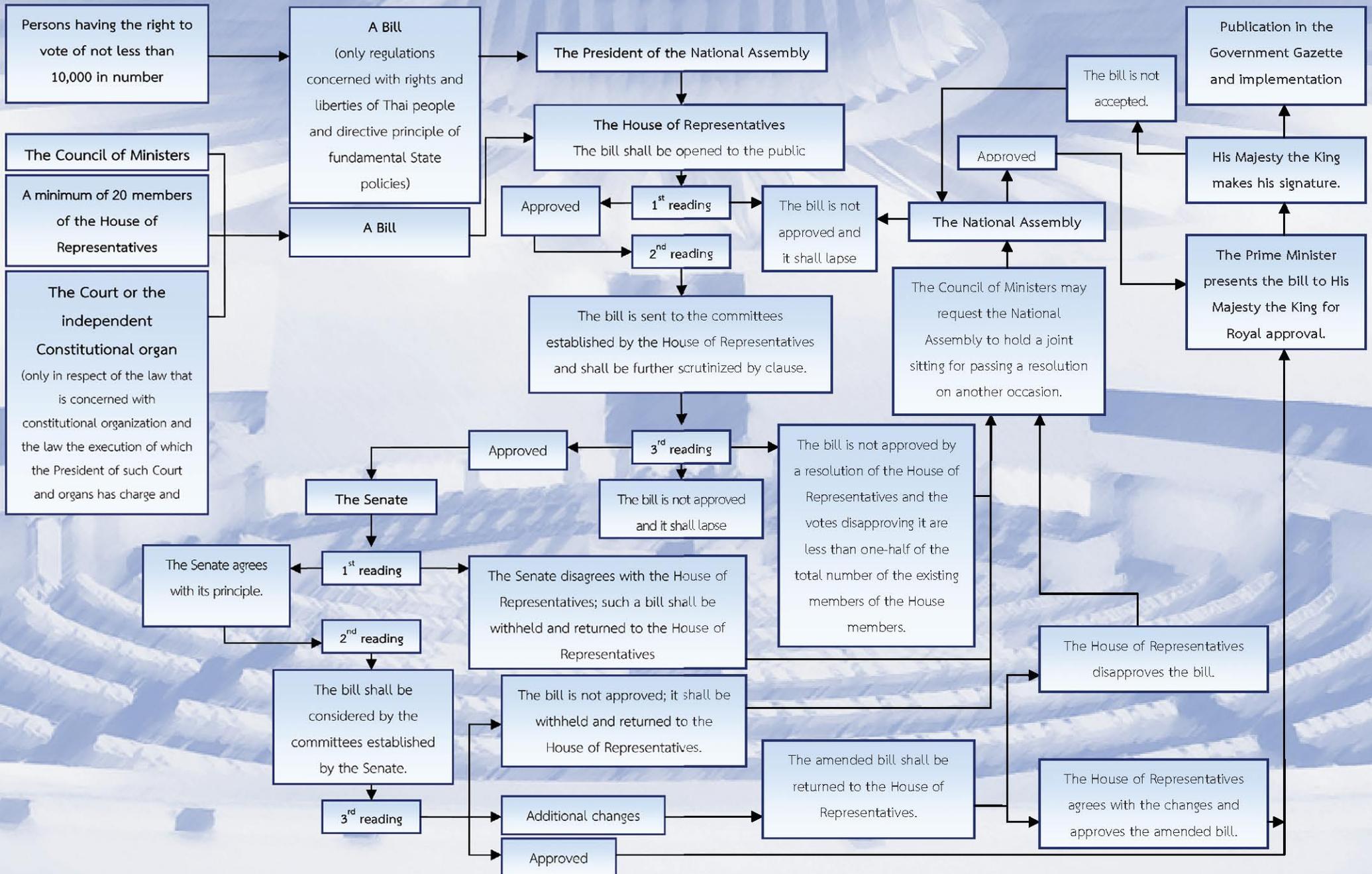
If either of the two Houses opposes the new changes or proposals made by the joint committee, the bill will be held up for the minimum of 180 days after rejected by either House. If the bill rejected by either of the two Houses is related to financial matters, the House of representatives may reconsider the bill immediately, and if it approves the original draft or the draft amended by the joint committee with the support of more than one-half of the total number of members of the House of Representatives, the bill is considered approved. The Prime Minister will present the draft to His Majesty the King for approval and publication in the Government Gazette and subsequent enactment.

#### IN THE CASE OF ROYAL DISAGREEMENT WITH A BILL

Any bill that is not approved by the King and returned to the National Assembly, or not returned to the National Assembly within 90 days after presentation must be reconsidered by the National Assembly. If the National Assembly votes to accept the original bill with the minimum votes of two-thirds of the total number of existing members of both House of Representatives and Senate, the Prime Minister will recall the bill to be reconsidered and approved by His Majesty the King. If the bill is not given the approval or is returned to the National Assembly within 30 days of the second presentation, the Prime Minister can take the bill for publication in the Government Gazette and enactment, as though Royal approval has been given.



# PROCESS OF ENACTMENT OF ACT





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