

(Unofficial Translation)

**The Former Members of Parliament Fund Act,
B.E. 2556 (2013)**

BHUMIBOL ADULYADEJ, REX.

Given on the 15th Day of May B.E. 2556;
Being the 68th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have the law on the Former Members of Parliament Fund;

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

Section 1. This Act is called “the Former Members of Parliament Fund Act B.E. 2556 (2013)”.

Section 2¹. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. In this Act;

“Former Members of Parliament” means former Members of the House of Representatives or the Senate;

“Fund” means the Former Members of Parliament Fund;

“Commission” means the Former Members of Parliament Fund Commission;

“Commissioner” means a member of the Former Members of Parliament Fund Commission.

Section 4. The President of the National Assembly shall have charge of the execution of this Act.

CHAPTER I

The Former Members of Parliament Fund

¹ Government Gazette, Vol. 130, Part 44 kor, Page 1 dated 22nd May B.E. 2556 (2013).

Section 5. There shall be a fund in the Secretariat of the House of Representatives called “the Former Members of Parliament Fund”. The objectives of the fund are to serve as working capital and expenses for helping the Former Members of Parliament in the following cases:

- (1) subsidy for living;
- (2) subsidy for medical expense;
- (3) subsidy in case of disability;
- (4) subsidy in case of death;
- (5) subsidy for their children’s education;
- (6) welfare and other benefits in accordance with the rules prescribed by the

Commission.

Section 6. The Fund shall consist of the following money and properties:

- (1) seed funding as allocated by the Government;
- (2) subsidy that the government allocated from annual expenditure budget;
- (3) contributions that Members of Parliament make to the Fund at the rate specified by the Commission;
- (4) the money as transferred from the Former Members of Parliament Welfare Fund in accordance with the Rules of the National Assembly on the Former Members of Parliament Welfare Fund, B.E. 2543 (2000);
- (5) money and properties devolved on to the fund;
- (6) money or properties received from donation;
- (7) fruits of the money of the Fund.

Section 7. Revenues of the Fund shall not be remitted to the Ministry of Finance as State revenues.

CHAPTER II

The Former Members of Parliament Fund Commission

Section 8. There shall be a commission called “The Former Members of Parliament Fund Commission” consisting of:

- (1) President of the National Assembly as the Chairperson of the Commission;
- (2) Vice-President of the National Assembly as the Vice-Chairperson of the Commission;
- (3) *ex officio* commissioners such as Chairpersons of the Committee in charge of

the House of Representatives' affairs, Chairpersons of the Committee in charge of the Senate's affairs, Permanent Secretary of the Ministry of Finance, and Director of the Budget Bureau;

(4) thirteen members appointed by the President of the National Assembly in accordance with the resolution of each House consisting of five members of the House of Representatives by the number or proportion of each political party, three senators, three former members of the House of Representatives, and two former senators;

In the case where the Vice-President of the National Assembly under (2) is also the Chairperson of the Committee on Senate's Affairs and under (3), the President of the Senate shall assign one of the Vice-Chairpersons of the Committees in charge of the Senate's affairs as an *ex officio* member under (3).

The Secretary-General of the House of Representatives shall be a commissioner and secretary, and the Secretary-General of the Senate shall be commissioner and assistant secretary.

During the expiration of term of the House of Representatives, dissolution of the House of Representatives, or the expiration of term of the Senate, whatever the case may be; the commission consisting of the existing number of the members shall continue duties until the new President of the National Assembly and the Vice-Presidents of the National Assembly assume their duties.

Section 9. A member who has been appointed pursuant to Section 8 (4) shall remain in office for each term of two years and be eligible for reappointment but shall not hold such office exceeding two consecutive terms.

In the case where any member who has been appointed pursuant to Section 8 (4) vacates the office before the term ends, there shall be a member appointed to fill such vacancy, except for the case where the term of such member is less than ninety days. The replacing member shall remain in the office for the term left for such replaced member.

In case where a member vacates the office by the term under paragraph one and a new member has not been appointed, the vacating member shall remain in office to continue his/her duties until a new member assumes his/her duties.

Section 10. In addition to vacating an office upon the expiration of term, a member who has been appointed in accordance with Section 8 (4), shall vacate the office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by two-thirds vote of the Commission;
- (4) cessation of membership of the House to where he or she is a member;
- (5) being an bankrupt;

(6) being an incompetent or quasi-incompetent;

(7) being sentenced by a final judgement of the Court to a term of imprisonment except for an offence committed through negligence or a petty offence.

Section 11. At a sitting of the Commission, the presence of not less than one-half of the total number of Commissioners is required to constitute a quorum.

In a meeting of the Commission, if the Chairperson is absent or unable to perform duties, Vice-Chairperson shall preside over the meeting. If the Chairperson and Vice-Chairperson are absent or unable to perform duties, the commissioners who are present at the meeting shall elect one among themselves to preside over that meeting.

All decisions of the meeting shall be made by a majority vote. Each commissioner shall have one vote. In the case of an equality of votes, the person who preside over the meeting shall cast an additional vote as a casting vote.

Section 12. The Commission shall have the power and duties as follows:

(1) to determine operational policies of the fund;

(2) to determine guideline for management and payment of the fund;

(3) to raise funds;

(4) to set up the rule of receipt, payment, deposit saving, payment approval and cancellation, administration, acquisition of benefits and the expenses for operation of the fund management;

(5) to make a final decision on the execution according to this Act;

(6) to perform any other functions prescribed as power and duties of the Commission under this Act.

Section 13. The Commission shall be empowered to appoint a sub-commission to consider or perform any functions as assigned by the Commission.

The provision of section 11 shall apply *mutatis mutandis* to the meetings of the sub-commissions.

Section 14. The Chairperson, Vice-Chairperson, Sub-commission Chairperson, Commissioner, Sub-commissioner, Secretary and Assistant Secretary shall receive meeting allowance as prescribed by the Rules of the Parliament on Meeting Allowances, under the Law on the Parliamentary Administration Act.

CHAPTER III

The Secretariat of the House of Representatives

Section 15. The Secretariat of the House of Representatives shall have the power and duties as follows:

- (1) to manage the Fund in accordance with the regulation and decisions of the Commission;
- (2) to be responsible for general administration of the Commission;
- (3) to prepare reports and accounts of the Fund;
- (4) to prepare and submit the Annual Performance Report to the Commission;
- (5) to perform any other tasks as assigned by the Commission.

CHAPTER IV

Management of the Fund

Section 16. Members of Parliament who have made contributions to the Fund are entitled to living allowance upon the cessation of membership of the House in accordance with the rules prescribed by the Commission. The criteria and amount of the living allowance shall be based on the duration of his or her service, among others.

Members of Parliament who shall be entitled to receive the payment of the provident fund under paragraph one must not be under the prohibition from holding a political position or having been removed from office by the resolution of the Senate in accordance with the provisions of the Constitution.

Section 17. Former Members of Parliament are entitled to receive the payment out of the Fund for medical treatment in accordance with the rules prescribed by the Commission.

Section 18. Upon a former Member of Parliament's death, his or her beneficiaries shall be entitled to receive the payment out of the Fund in the following priorities;

- (1) a beneficiary whom a former Member of Parliament has expressed his or her intention in writing to be entitled to receive the payment out of the fund.
- (2) spouse;
- (3) child;
- (4) parents.

To receive money under paragraph one, an eligible person shall submit a request to the Secretariat of the House of Representatives within one year after the death of a Former Member of Parliament in accordance with the rules prescribed by the Commission.

Section 19. Payment of the Fund on the ground of disability shall be made to a former Member with disability whom an officially certified physician has examined and is of the opinion that such person is no longer able to serve in his/her incumbent office. The criteria and payment rate shall follow the rules prescribed by the Commission.

Section 20. A former Member of Parliament is entitled to receive the payment out of the Fund, in case of providing only the first and the second legitimate child's education from primary education until Bachelor Degree or equivalent, thus excluding adopted children or his or her child who is adopted by others.

In case where both father and mother are former Members of Parliament, only one of them shall have the rights to receive the payment out of the fund for their child's education except for having divorce registration or separation and the dependent child is under any Former Member of Parliament. The former Member of Parliament shall have the rights to receive the payment.

The criteria, procedures and conditions of payment of Fund on account of child's education shall follow the rules prescribed by the Committee.

Section 21. Any payment of the Fund with respect to welfares and other benefits shall follow the rules prescribed by the Commission.

CHAPTER V Accounting and Audit

Section 22. The Secretariat of the House of Representatives shall submit the fund accounts to the Office of the Auditor General of Thailand for audit certification within one hundred and twenty days after the end of each fiscal year.

After the Office of the Auditor General of Thailand has completed the audit under paragraph one, the Secretariat of the House of Representatives shall submit the audit report to the Commission, the House of Representatives and the Senate for acknowledgement.

CHAPTER VI
Penalties

Section 23. Any person dishonestly commits an act in order to procure, for the themselves' or the other person, any advantage under Section 16, Section 17, Section 18, Section 19, Section 20 and Section 21 shall be punished with imprisonment of not exceeding six months or fined of not exceeding ten thousand baht, or both.

Transitory Provisions

Section 24. Business, money, rights and debts of the Former Members of Parliament Welfare Fund in accordance with the Rules of Parliament on the Former Members of Parliament Welfare Fund B.E. 2543 (2000) shall be transferred to the Former Members of Parliament Fund under this Act.

Section 25. The Chairperson, the Vice-Chairperson and members of the Former Members of Parliament Fund who hold office on the publication date of this Act in the Government Gazette shall continue to perform duties as the Former Members of Parliament Fund Commission under this Act until the appointment of the Chairperson, the Vice-Chairperson and the members under Section 8 (4), provided that this does not exceed sixty days from the date on which this Act comes into force.

Section 26. A former Member of Parliament, who is entitled to receive the Former Members of Parliament Welfare Fund under the Rules of Parliament on the Former Members of Parliament Welfare Fund, B.E. 2543 (2000) prior to the effective date of this Act, shall be entitled to receive the subsidy from the Fund in accordance with the provisions under this Act.

Section 27. A former Member of Parliament, who was a member before the date on which the Rules of Parliament on the Former Members of Parliament Welfare Fund, B.E. 2543 (2000) came into force, is entitled to receive the subsidy from the Fund in accordance with the provisions under this Act.

Section 28. All the rules and announcements of the Fund that were issued by virtue of the Rules of Parliament on the Former Members of Parliament Welfare Fund, B.E. 2543 (2000) and are still effective on the date of this Act coming into force, shall remain effective as long as they are not contrary to or inconsistent with this Act and until new Rules under this Act become in force.

Countersigned by
Yingluck Shinawatra
Prime Minister

Notes: The reason for promulgation of this Act is that the Constitution of the Kingdom of Thailand states that the National Assembly, which consists of the House of Representatives and the Senate with the Members of the House of Representatives and Senators who are the representatives of the Thai people, has the legislative power to make laws, oversee the state administration, approve matters, provide assistance and solve problems of the people, as well as to strengthen the international relations which is a significant mission that benefits the nation. Thus, to express the gratitude for all former Members of the House of Representatives and the Senate's contributions and services, the Former Members of Parliament Fund is established with the purpose of providing working capital and expenses for helping the Former Members of Parliament. It is, therefore, necessary to enact this Act.