

<b>THEMATIC TITLE</b>	LEGAL ISSUES REGARDING PERMISSION FOR SAND SUCTION OPERATIONS
<b>KEYWORDS</b>	REQUESTING PERMISSION FOR BUSINESS / SAND SUCTION BUSINESS
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### **ABSTRACT**

Sand suction operation relates to many laws, namely the Land Code, the General Provisions of the Ministry of Interior on the Sand Suction Operation Permits, B.E. 2546, the Navigation in Thai Waters Act B.E. 2456, the Regulations of the Marine Department on the Dredging Permits Rules and Procedures for the Sand Suction Permits under Section 9 of the Land Code, B.E. 2556, the Factory Act, B.E. 2535, and the Forest Act, B.E. 2484. According to the above-mentioned facts, there have been difficulties for sand suction operators to apply for many licenses, namely the permit license under the provisions of Section 9 of the Land Code (Sand Suction License), dredge license for navigation lane, factory operation license, and utilization of forest area license.

In accordance with the study, it was found that Section 9 (2) of the Land Code prohibits any person without right to possession or without permission from any competent authority, by any mean, to destroy or cause deterioration in the condition of land, rock, gravel and sand within the areas promulgated by the responsible Minister in the Government Gazette. In addition, Section 120 of the Navigation in Thai Waters Act, B.E. 2456, as amended by the Navigation in Thai Waters, B.E. 2535 (No. 14), stipulates that the Harbor Masters have duties to look after, maintain and dredge the water course, navigation lane, river, canal, lake and sea within Thai waters. No person shall thus be able to dredge, modify or perform in any way that causes change

to the water course, navigation lane, river, canal, lake and sea within Thai waters, unless obtained permission from the Harbor Masters. Accordingly, it can be seen that there is an overlapping in fixing restricted areas by authorities concerned. Moreover, sand suction business is classified as a factory operation in Category 3 which is required to apply for a factory operation license under the Factory Act, B.E. 2535, as amended by the Factory Act, (No.2) B.E. 2562. Sand suction operations must also be granted permission in utilizing forest areas conforming to Section 54 of the Forest Act, B.E. 2484. These result in the redundancy of problems to apply for permissions from various government agencies causing unreasonable burdens on applicants and unnecessary expenses.

From the foregoing, the author hereby proposes a number of legal measures to solve these existing problems by allowing sand suction operators to request permission for dredging navigation lane to the Marine Department only, cancelling sand suction request pursuant to the General Provisions of the Ministry of Interior on the Sand Suction Operation Permits, B.E. 2546, issued under the provisions of Section 9 of the Land Code, and cancelling the request for factory operations. Moreover, the definition of the “Forest”, under Section 4 (1) of the Forest Act, B.E. 2484 is to be amended to have a meaning that is consistent with current facts and conditions.