

CONSTITUTION OF THE KINGDOM OF THAILAND
(INTERIM),
B.E. 2557
AMENDMENT (NO. 1),
B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX.
Given on the 15th Day of July B.E. 2558;
Being the 70th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to amend the Constitution of the Kingdom of Thailand
(Interim), B.E. 2557;

Be it, therefore, enacted by the King the Constitution of the Kingdom of
Thailand (Interim), B.E. 2557 Amendment, as follows:

Section 1. This Constitution is called the “Constitution of the Kingdom of
Thailand (Interim), B.E. 2557 Amendment (No. 1), B.E. 2558 (2015)”.

Section 2. This Constitution shall come into force as from the day following
the date of its publication in the Government Gazette.¹

Section 3. The provision of (4) of section 8 of the Constitution of the Kingdom
of Thailand (Interim), B.E. 2557 shall be repealed and replaced by the following:

“(4) not being under suspension of the right to vote;”

Section 4. The following provision shall be added as paragraph six of section
19 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557:

¹ Published in the Government Gazette, Vol.132, Part 64 Kor, Page 1, dated 15th July
B.E. 2558.

“The King may so permit that a solemn declaration of loyalty to the King in accordance with the Constitution or law be made to a Royal Heir who is *sui juris* or a Royal Representative.”

Section 5. The provision of section 37 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 shall be repealed and replaced by the following:

“Section 37. The Constitution Drafting Commission shall complete the consideration of the motions for amendment within sixty days as from the date on which the time limit for submitting a motion for amendment under section 36 paragraph two is expired. In this regard, the Constitution Drafting Commission may amend the Draft Constitution as it deems appropriate. In the case where such motions for amendment contain a number of issues for consideration, or may affect the structure of the Draft Constitution and the Constitution Drafting Commission is of the view that it cannot complete its consideration within such prescribed time, the Constitution Drafting Commission shall pass a resolution to extend the time period for consideration of such motions for amendment for one time, which shall not exceed thirty days as from the date that the prescribed time for consideration of a motion for amendment has lapsed. The resolution to extend such prescribed period shall be notified, with reasons, to the National Reform Council prior to the expiration of such prescribed time.

When the Constitution Drafting Commission has amended the Draft Constitution under paragraph one, it shall submit the Draft Constitution to the National Reform Council; the Draft Constitution shall be deferred by the National Reform Council for fifteen days as from the date of receipt of the Draft Constitution from the Constitution Drafting Commission. When such time has lapsed, the National Reform Council shall convene a meeting to pass a resolution whether to approve or disapprove the entire Draft Constitution within three days as from the date that such time is lapsed. In this regard, no amendment shall be made to the Draft Constitution, except otherwise specifically made by the Constitution Drafting Commission in the case of mistakes that are non-substantive in nature, and it is necessary to correct the Draft Constitution.

When the National Reform Council has passed a resolution approving the Draft Constitution under paragraph two, it shall notify the Council of Ministers and the Council of Ministers shall expeditiously notify the Election Commission. It shall be the duty of the Election Commission to proceed to hold a referendum in accordance with the rules, procedures and period of time prescribed by notification of the Election Commission, with the approval of the National Legislative Assembly, and to publish in the Government Gazette. The Organic Act on Referendum B.E. 2552, in the part relating to offences and penalties, shall apply to the process of referendum under this Constitution.

In the arrangement for a referendum under this Constitution, voting shall determine whether to approve or disapprove the entire Draft Constitution, whereby votes shall be cast on the same day throughout the Kingdom. In this regard, the National Reform Council or the National Legislative Assembly may pass a resolution to present any other matters, as appropriate, to the Election Commission in order to hold an additional referendum on the same occasion. Each may present not more than one issue. In such case, the President of the National Reform Council or the President of the National Legislative Assembly shall submit the issue to the Council of Ministers for consideration. If the Council of Ministers approves of any issue presented, it shall notify the Election Commission within fifteen days as from the date of receipt of such resolution of the National Reform Council or the National Legislative Assembly. The Election Commission shall proceed to hold the referendum on that issue on the same occasion as the referendum on the Draft Constitution. In such case, the result of the referendum shall be determined by a majority of votes.

In respect of the resolution to submit an additional issue under paragraph four, the National Reform Council shall act on the same day as the resolution to approve or disapprove the Draft Constitution is passed, and the National Legislative Assembly shall pass the resolution within three days as from the date the National Reform Council passes the resolution to approve the Draft Constitution.

The Election Commission shall prescribe by notification the date for a referendum under paragraph four, which shall not be sooner than thirty days, but no later than forty five days as from the date the Election Commission submits the Draft Constitution to eligible voters in the referendum, at a number of not less than eighty per cent of all households in which eligible voters in the referendum have their names listed in the housing register.

In the referendum, an eligible voter must possess the same qualifications and must not be under any of the same prohibitions as the eligible voter in the latest general election prior to the entry into force of this Constitution. Subject to section 37/1, if the majority of votes in the referendum approves the Draft Constitution, the Prime Minister shall respectfully present the Draft Constitution to the King within thirty days as from the date the result of the referendum is announced and when the King has put the Royal Signature thereto, it shall be published in the Government Gazette for promulgation. The Prime Minister shall countersign the Royal Command.

In the case where the King withholds His Royal Assent to the Draft Constitution and either returns it or does not return it within ninety days, the Draft Constitution shall lapse.”

Section 6. The following provision shall be added as section 37/1 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557:

“Section 37/1. In the case where the Council of Ministers approves a referendum on the additional issue under section 37 paragraph four, and the majority of votes in the referendum approves such issue and this therefore renders the provisions of the Draft Constitution inconsistent with the result of the referendum, the Constitution Drafting Commission shall proceed to complete the amendment to the relevant parts of the Draft Constitution in order to be consistent with the result of the referendum, within thirty days as from the date the result of the referendum is announced, and then submit the Draft Constitution to the Constitutional Court to determine whether it is consistent with the result of the referendum. In doing so, the Constitutional Court shall complete its determination within thirty days as from the date of the receipt of the Draft Constitution. If the Constitutional Court determines that amendments have been made so that there is consistency with the result of the referendum, or in the case where the Constitutional Court determines that a provision is yet to be consistent with the result of the referendum and returns the Draft Constitution to the Constitution Drafting Commission, and the Constitution Drafting Commission proceeds with amendment in accordance with the determination of the Constitutional Court, which must be completed within fifteen days as from the date the Constitutional Court makes the determination. The Prime Minister shall respectfully present the Draft Constitution to the King in accordance with section 37 paragraph seven as from the date the Prime Minister receives the Draft Constitution which has been completely amended.”

Section 7. The provisions of section 38 and section 39 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 shall be repealed and replaced by the following:

“Section 38. The National Reform Council shall be dissolved in the following cases:

- (1) the National Reform Council does not complete the consideration of the Draft Constitution within the prescribed period of time;
- (2) the National Reform Council has completed the consideration of the Draft Constitution in accordance with section 37, whether there be a resolution to approve or disapprove the Draft Constitution.

Where the Constitution Drafting Commission does not complete the drafting of the Constitution within the period of time under section 34, or where a case under (1) occurs, or where the National Reform Council has a resolution to disapprove the Draft Constitution, the Constitution Drafting Commission shall also be dissolved, but section 33 paragraph two shall not apply to the Constitution Drafting Commissioners who vacate office on such grounds.

Section 39. In the case where the National Reform Council is dissolved and whereupon the Constitution Drafting Commission is not dissolved, the Constitution Drafting Commission shall continue to perform its duties, unless the result of the referendum is a disapproval of the Draft Constitution. In such case, the Constitution Drafting Commission shall be dissolved as from the date the result of the referendum is announced, but in the case where the result of the referendum is an approval of the Draft Constitution, the Constitution Drafting Commission shall remain in office to prepare draft organic laws or other necessary laws for submission to the National Legislative Assembly. When the Constitution has been promulgated, the performance of duties of the Constitution Drafting Commission shall be in accordance with that promulgated Constitution.

In the case where the National Reform Council is dissolved and whereupon the Constitution Drafting Commission is not dissolved, if a Constitution Drafting Commissioner vacates office during such time for any reason, the remaining Constitution Drafting Commissioners shall continue to perform the duties whereby it shall be deemed to consist of the remaining Constitution Drafting Commissioners. The Head of the National Council for Peace and Order shall expeditiously appoint a Constitution Drafting Commissioner to fill the vacancy, to which section 32 paragraph one, paragraph two and paragraph three shall not apply.”

Section 8. The following provisions shall be added as section 39/1, section 39/2 and section 39/3 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557:

“Section 39/1. Within thirty days as from the date the National Reform Council and the Constitution Drafting Commission are dissolved, or as from the date the Constitution Drafting Commission is dissolved under section 39, or as from the date on which the Draft Constitution lapses under section 37 paragraph eight, as the case may be, the National Council for Peace and Order shall appoint a Constitution Drafting Committee, consisting of one Chairperson and not more than twenty members to complete the preparation of a Draft Constitution within one hundred and eighty days as from the date of appointment. Section 33 and section 35 shall apply *mutatis mutandis*.

During the preparation of the Draft Constitution, the Constitution Drafting Committee shall take the opinions of the National Council for Peace and Order, the Council of Ministers, the National Legislative Assembly and the public into consideration, in accordance with the rules and procedures, and within the period of time prescribed by the Constitution Drafting Committee.

Where the Constitution Drafting Committee has completed the preparation of the Draft Constitution, notification shall be made to the Council of Ministers, and the Council of Ministers shall expeditiously notify the Election Commission. The Election Commission shall

have the duty to proceed to hold a referendum in accordance with the rules, procedures and period of time prescribed by notification of the Election Commission with the approval of the National Legislative Assembly, and published in the Government Gazette. Section 37 paragraph four, paragraph five, paragraph six, paragraph seven and paragraph eight, section 37/1 and section 39 paragraph one shall apply *mutatis mutandis*, and the powers and duties of the Constitution Drafting Commission shall be the powers and duties of the Constitution Drafting Committee.

Section 39/2. When the National Reform Council is dissolved under section 38, no further establishment shall be made of a National Reform Council under this Constitution, and a National Reform Steering Assembly shall be established in place of the National Reform Council to proceed to instigate reforms in various fields in accordance with section 27 in continuance of work by the National Reform Council. Herewith, consideration shall be given to expediency and achievement of reform in the remaining period of time, and section 31 paragraph one (1) and paragraph two shall apply *mutatis mutandis*.

The National Reform Steering Assembly shall consist of not more than two hundred members appointed by the Prime Minister from persons of Thai nationality by birth and being of not less than thirty five years of age. Appointment shall be completed within thirty days as from the date the National Reform Council is dissolved.

The Prime Minister shall appoint one member of the National Reform Steering Assembly as Chairperson, and not more than two members of National Reform Steering Assembly as Deputy Chairperson, herewith, in accordance with the resolution of the National Reform Steering Assembly.

Section 13, section 18 and section 29 shall apply to the National Reform Steering Assembly and to the members of the National Reform Steering Assembly *mutatis mutandis*, but the decision under section 9 paragraph two shall be the power of the National Reform Steering Assembly.

Section 39/3. Section 40 and section 41 shall apply to the Chairperson, Deputy Chairperson and members of the National Reform Steering Assembly, and the Chairperson and members of the Constitution Drafting Committee *mutatis mutandis*.”

Section 9. The provisions of paragraph five of section 46 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 shall be repealed and replaced by the following:

“When the National Legislative Assembly approves the Draft Constitution Amendment, the Prime Minister shall respectfully present the Draft Constitution Amendment to the King for His Royal Signature within fifteen days as from the date on which the National

Legislative Assembly passes the resolution. The Constitution Amendment shall come into force upon its publication in the Government Gazette. The Prime Minister shall countersign the Royal Command. Section 37 paragraph eight shall apply *mutatis mutandis*.”

Countersigned by

General Prayut Chan-o-cha

Prime Minister

Office of the Council of State