



The Act on the Elderly, B.E. 2546 (2003 A.D.)

Department of Older Persons

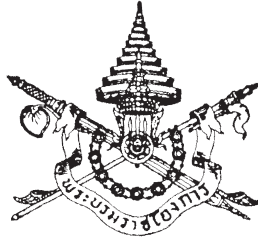
Ministry of Social Development and Human Security



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BHUMIBOL ADULYADEJ REX.

**Given on the 22nd of December B.E. 2546
Being the 58th year of the Present Reign**

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that,

Whereas it is expedient to have a law on the elderly;

BE IT THEREFORE ENACTED BY THE KING, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1. This Act is called the “Act on the Elderly, B.E. 2546 (2003 A.D.)”

Section 2. 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:

“The elderly” mean persons who have attained the age above complete sixty years and are of Thai nationality;

“Fund” means the Elderly Fund;

“Committee” means the National Committee on the Elderly;

“Responsible Minister” mean the Minister exercising control over the agency entrusted with responsibilities for protection, promotion and support of the elderly under Section 11.

Section 4. The National Committee on the Elderly abbreviated as “NCE” shall be established, which consist of:

- (1) the Prime Minister as Chairman;
- (2) the Minister of Social Development and Human Security as First Deputy Chairman;

(3) the President of the Senior Citizens Council of Thailand under the Royal Patronage of Her Royal Highness the Princess Mother as Second Deputy Chairman;

(4) the Permanent Secretary for Finance, the Permanent Secretary for Foreign Affairs, the Permanent Secretary for Social Development and Human Security, the Permanent Secretary for Interior, the Permanent Secretary for Labor, the Permanent Secretary for Education, the Permanent Secretary for Public Health, the Deputy Provincial Governor of Bangkok Metropolitan Administration, the Director of the Bureau of the Budget, the Secretary General of the National Economic and Social Development Board, the President of the National Council on Social Welfare of Thailand under His Majesty's Royal Patronage and the Secretary General of the Thai Red Cross Society, as ex officio members;

(5) not more than five qualified members appointed by the Cabinet from representatives of private entities involved in the work of protection, promotion and support of status, roles and activities of the elderly;

(6) not more than five qualified members appointed by the Cabinet.

The Director of the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups, the Ministry of Social Development and Human Security, shall act as a member cum secretary. The Director of the Bureau of Empowerment for Older Persons under the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups, the Ministry of Social Development and Human Security, and the Director of the Institute of Geriatric Medicine, the Department of Medical Services, the Ministry of Public Health, shall act as assistant secretaries.

The appointment of qualified members who are representatives of private entities pursuant to (5) shall be done by means of selecting persons nominated by those private entities, whereby such appointed persons shall be persons who are not officials holding a full-time position or full-time salary, nor officers or employees of a government agency, state enterprise, local authority or of other government organizations, except for lecturers in the government universities.

The criteria and procedures for selection and retirement of such private entities' representatives shall be in compliance with the regulations set forth by the Minister. The members as stated in (1), (2), (3), (4) and (5) shall recruit and nominate the qualified persons for the Cabinet's appointing as the members mentioned in (6).

Section 5. Qualified members appointed by the Cabinet shall hold their office for a term of four years from the date of their appointment and may be reappointed, but not for more than two consecutive terms.

A qualified member who retires in rotation shall continue to perform duties until a new qualified member has been appointed.

In case where any qualified member retires from his/her office prior to the expiry of term or in case an additional qualified member is appointed during the term of qualified members already appointed, the newly appointed member whether in replacement of a former member or as additional member, shall hold office for the remaining term of the qualified members already appointed.

Section 6. Apart from the retirement from office in rotation pursuant to Section 5, the qualified members shall vacate their office upon:

- (1) death;
- (2) resignation;
- (3) becoming a bankrupt;
- (4) becoming an incompetent or quasi-incompetent person;
- (5) being dismissed by the Cabinet for his/her default or dishonesty in duties, bad behavior or inability;
- (6) being imprisoned by a final judgment.

Section 7. At a meeting of the Committee, the members shall attend the meeting of not less than one half of the total number of members to attain a quorum.

In case the Chairman is absent from the meeting or unable to perform his/her duties, the Deputy Chairman shall preside over the meeting. If the Chairman and the Deputy Chairman are absent or unable to perform their duties, the members attending such meeting shall nominate one of them as the chairman of such meeting.

Any decision of a meeting shall be done by a majority of votes, where each member shall have one vote. In case of a tie vote, the chairman of the meeting shall have the casting vote.

The meetings of the Committee shall be held twice a year.

Section 8. The Committee has authority to appoint a subcommittee to consider or perform any act assigned by the Committee.

Section 7 shall be applicable to the subcommittee's meetings *mutatis mutandis*.

Section 9. The Committee shall have following authority and responsibility:

(1) To set up policies and principal plans on protection, promotion and support of status, roles and activities of the elderly under the Cabinet's approval. To this end, family shall be promoted and supported to take part in the elderly care-giving.

(2) To set up framework for implementing the policies and principal plans subject to (1), including to coordinate, monitor and evaluate performance results under such policies and principal plans.

(3) To consider to provide support and assistance for activities of the State and private agencies involved in the elderly support and development.

(4) To set up the regulations involving administration of the Fund, seeking interests and management of the Fund under the Ministry of Finance's approval pursuant to Section 20 (1).

*(5) To set up the regulations of approval of payments for the purposes of protection, promotion, support and provision of welfare for the elderly pursuant to Section 20 (2).

(6) To set up the regulations involving preparation of reports on financial status and administration of the Fund pursuant to Section 20 (3).

(7) To set up the regulations involving receipt of monies and payments, safe keeping of the Fund under the Ministry of Finance's approval pursuant to Section 21.

(8) To set up other related regulations for observance and compliance with this Act.

* Section 9 (5) revised by Section 3 of the Act on the Elderly (Issue 2), B.E. 2553 (2010 A.D.) (the Government Gazette Issue 127, Part 56 Kor. Page 1 dated 15th September B.E. 2553 (2010)).

(9) To propose to the Cabinet the recommendations and observations on promulgation or revision of legislation on protection, promotion and support of status, roles and activities of the elderly.

(10) To present to the Cabinet the Situation of the Thai Elderly at least once a year.

(11) To consider any other matters concerning the elderly pursuant to this Act or other laws which stipulate such matters as the authority and responsibility of the Committee or as designated by the Cabinet.

Section 10. The Bureau of Empowerment for Older Persons, the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups, the Ministry of Social Development and Human Security, shall have authority to undertake the tasks involving protection, promotion and support of the elderly and responsibility for secretarial and technical tasks of the Committee and shall have the following authority and responsibility:

(1) To formulate the framework of implementation of the policies and principal plans involving protection, promotion and support of status, roles and activities of the elderly to be proposed to the Committee.

(2) To collate data, information, studies, researches and to develop undertakings involving the protection, promotion and support of the elderly.

(3) To serve as the center for coordinating, disseminating and publicizing of works or activities concerning the elderly.

(4) To establish the community-based care system for the elderly.

(5) To cooperate and coordinate with the central authorities, the provincial authorities, the local authorities and the state enterprises as well as other organizations in facilitating the elderly to access the protection, promotion and support entitled to them under this Act and any other relevant laws.

(6) To monitor and evaluate the actions done under the principal plans of the agencies involved and report to the Committee.

(7) To propose recommendations to the Committee on enactment or amendment of laws concerning protection, promotion and support of status, roles and activities of the elderly.

(8) To perform other duties designated by the Committee.

Section 11. The elderly shall have right to access the following protection, promotion and support:

(1) Medical and public health services particularly provided by taking account of convenience and rapidness for the elderly.

(2) Education, religions and useful information and news for their living.

(3) Appropriate occupations or occupational training.

(4) Self-development and participation in social activities, grouping together as a network or community.

(5) Facilities and safety directly rendered to the elderly in buildings, places, vehicles or other public services.

(6) Appropriate support for transport fares.

(7) Exemption from entry fees to government places.

(8) Assistance for any elderly person facing danger of torture or unlawful exploitation or abandonment.

(9) Provision of advice and consultation on other proceedings in connection with a case or the remedy of family problems.

(10) Extensive provision of housing, food and clothing where necessary.

*(11) Extensive and fair provision of monthly old-age pension.

* Section 11 (11) revised by Section 4 of the Act on the Elderly (Issue 2), B.E. 2553 (2010 A.D.) (the Government Gazette Issue 127, Part 56 Kor. Page 2 dated 15th September B.E. 2553 (2010)).

(12) Assistance in holding their traditional funerals.

(13) Other matters stipulated by the Committee in an announcement.

In undertaking pursuant to paragraph one, the Committee shall submit recommendations to the Prime Minister for consideration and determination by an announcement that any agency of a Ministry or Department in the central administration, provincial administration, local administration and state enterprise shall have the authority and responsibility for such tasks. In that connection, it shall be taken account of the exclusive expertise, the relationship to primary functions and the quantity of work within the responsibility of each agency as well as the participation of people.

The protection, promotion and support pursuant to paragraph one shall be undertaken by the agencies stated in paragraph two free of charge or with discounts as a special case, as the case may be, and in accordance with the criteria, procedures and conditions set forth by the responsible Minister under an announcement.

Section 12. Any claim for right or access to right or benefit by the elderly under this Act shall not depriving of their right or benefit entitled to them under other laws.

Section 13. It hereby stipulates to establish a fund in the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups called the “Elderly Fund” to serve as capital for use in protection, promotion and support of the elderly under this Act.

Section 14. The Fund shall consist of:

- (1) the initial fund allocated by the government;
- (2) money received from annual expenditure budgets;
- (3) money or property given by any donors;
- (4) sponsorships from foreign countries or international organizations;
- (5) money or property which falls into the possession of the Fund or is received by the Fund under the law or other legal acts.
- (6) interests accruing from the money and property of the Fund.

Section 15. Money and interests under Section 14 shall not be remitted to the Ministry of Finance as revenues of the State.

Section 16. Donors of money or property to the Fund shall be entitled to apply such donations as a deduction in the assessment of income tax or be exempt from tax on such donated property, as the case may be, in accordance with the criteria, procedures and conditions set forth under the revenue code.

Section 17. Any child taking care of his/her elderly parents who do not have sufficient income to support their own living, shall be entitled to tax deductions in accordance with the criteria, procedures and conditions set forth under the revenue code.

Section 18. A Fund Executive Board shall be formed consisting of the Permanent Secretary for Social Development and Human Security as Chairman, the Director-General of the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups as Deputy Chairman, a representative of the Ministry of Public Health, a representative of the Bureau of the Budget, a representative of the Comptroller-General's Department, five qualified members appointed by the Committee, among these qualified members one shall be a representative of an organization of the elderly, one shall be a representative of a private entity involving the protection, promotion and support of status, roles and activities of the elderly,

and one shall be expert at capitalization, and the Director of the Bureau of Empowerment for Older Persons shall act as member cum secretary.

Section 19. The provisions in Section 5, Section 6, Section 7 and Section 8 shall apply to the holding of office, retirement from office, additional appointment of members, meetings, and appointment of subcommittees by the Fund Executive Board, mutatis mutandis.

Section 20. The Fund Executive Board shall have the following authority and responsibility:

(1) To administer the Fund as well as carry out matters involving seeking interests and management of the Fund in accordance with the regulations set forth by the Committee.

*(2) To consider in order to approve payments for the protection, promotion, support and provision of welfare for the elderly in accordance with the regulations set forth by the Committee.

* Section 20 (2) revised by Section 5 of the Act on the Elderly (Issue 2), B.E. 2553 (2010 A.D.) (the Government Gazette Issue 127, Part 56 Kor. Page 2 dated 15th September B.E. 2553 (2010)).

(3) To report the financial status and management of the Fund to the Committee in accordance with the regulations set forth by the Committee.

Section 21. The receipt of money, payment of money and safe keeping of money in the Fund shall be in accordance with the regulations set forth by the Committee.

Section 22. The Fund Executive Board shall prepare balance sheets and bookkeeping which shall be submitted to an auditor for auditing within one hundred and twenty days as from the ending date of each financial year.

The Office of the Auditor-General of Thailand shall act as the Fund's auditor in each financial year and shall prepare an auditor's report on the Fund to submit to the Committee.

Section 23. The National Committee on the Elderly Promotion and Coordination Work stated under the regulations of the Office of the Prime Minister concerning the National Promotion and Coordination Work Involving the Elderly, B.E. 2552 (2009) shall perform duties for the time being until the qualified members have been appointed as the Committee under this Act.

Section 24. The Prime Minister and the Minister of Social Development and Human Security shall take charge of execution of this Act and shall have authority to issue announcements or regulations for execution of this Act in relation to the matters within the respective Ministries.

Those announcements or regulations shall come into force upon their publication in the Government Gazette.

Rationality:- Whereas Section 54 of the Constitution of the Kingdom of Thailand contains provisions on the rights of the elderly that they have right to receive aids from the State; in order to comply with the provisions of law and enact the law which encompasses every arenas for the elderly; therefore, to carry out work in relation to the protection, promotion and support of rights and benefits of the elderly in a manner that is efficient and consistent with provisions of the Constitution of the Kingdom of Thailand, it is necessary to enact this Act.

Publication in the Government Gazette, Juridical Issue

Issue 120, Part 130 Kor. dated 31st December B.E. 2546 (2003 A.D.)

The Act on the Elderly (Issue 2), B.E. 2553 (2010 A.D.)

Rationality:- The reasons for enactment of this Act are: As Section 53 of the Constitution of the Kingdom of Thailand stipulates that any persons who have attained the age above complete sixty years and do not have sufficient income to support their own living, shall deservedly access welfare and public facilities and appropriate support provided by the State; in order to comply with such provisions of the Constitution, it is expedient to revise the provisions concerning the authority and responsibility of the National Committee on the Elderly, the right relating to old-age pension, the authority and responsibility of the Executive Board of the Elderly Fund, ensuring the elderly receive monthly old-age pension extensively and fairly provided by the State, it is necessary to enact this Act.

Publication in the Government Gazette, Issue 127, Part 56 Kor., Page 3, dated 15th September B.E. 2553 (2010 A.D.) to come into force as from the day following the date of its publication in the Government Gazette.

Older Person Act, B.E.2546

By

Department of Older Persons

The Ministry of Social Development and human Security

Address

Gypsum Metropolitan Tower, 20th Floor Zone B

539/2 Sri-Ayudhya Rd., Ratchathewi,

Bangkok, 10400

Tel. 0 2642 4353

Fax. 0 2642 4307

website : www.dop.go.th