

Unofficial Translation

Rules of Parliamentary Officials Act,
B.E. 2554 (2011)

BHUMIBOL ADULYADEJ, REX.

Given on the 3rd Day of May B.E. 2554 (2011);
Being the 66th Year of the Present Reign.

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

Whereas it is expedient to revise the law on rules of parliamentary officials;

This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29, in conjunction with section 31, section 33, section 43 and section 64 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

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 “Rules of Parliamentary Officials Act, B.E. 2554 (2011)”.

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

Section 3 The following shall be repealed:

- (1) Rules of Parliamentary Officials Act, B.E. 2518 (1975);
- (2) Rules of Parliamentary Officials Act (No. 2), B.E. 2521 (1978);
- (3) Rules of Parliamentary Officials Act (No. 3), B.E. 2531 (1988);
- (4) Rules of Parliamentary Officials Act (No. 4), B.E. 2535 (1992);

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**Edited by Ms. Arriya Phasee under contract with the Office of the Secretariat of the House of Representatives.

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(5) Rules of Parliamentary Officials Act (No. 5), B.E. 2538 (1995);

(6) Rules of Parliamentary Officials Act (No. 6), B.E. 2551 (2008).

Section 4 In this Act:

“parliamentary official” means a person instated and appointed as a government official under this Act;

“President of the National Assembly” means the President of the National Assembly as stipulated in the Constitution;

“Vice-President of the National Assembly” means the Vice-President of the National Assembly as stipulated in the Constitution;

“POC” means the Parliamentary Officials Commission;

“National Assembly” means the House of Representatives and the Senate as stipulated in the Constitution.

Section 5. The President of the National Assembly shall have charge and control over the execution of this Act.

CHAPTER I
GENERAL PROVISIONS

Section 6. The organisation of parliamentary officials shall be undertaken with a view to the achievement of official tasks, efficiency and worthiness, and to ensure government officials perform official services with quality and ethics and have a good quality of life.

Section 7. There shall be 2 categories of parliamentary officials, being:

(1) Ordinary parliamentary officials, namely parliamentary officials who are in the government service by instatement and appointment under the provisions of Chapter III;

(2) Political parliamentary officials, namely parliamentary officials who are in the government service in political positions of the National Assembly under the provisions of Chapter IV.

Section 8 Working days and hours, traditional public holidays, annual public holidays and official leave for parliamentary officials shall be as prescribed by the POC.

Section 9 Uniforms of parliamentary officials and rules on wearing parliamentary officials' uniforms shall be governed by the law on parliamentary official uniforms.

Section 10 Request for royal decoration for parliamentary officials shall be governed by the rules pertaining thereto.

Section 11 Gratuities and pensions for parliamentary officials shall be governed by the laws pertaining thereto.

Section 12 Ethical standards for parliamentary officials shall be governed by the Code of Ethics prescribed by the POC.

Ethical standards as set out in paragraph one shall include implementation mechanism and system to ensure effective enforcement, as well as punishment procedures for different degrees of severity of actions.

Violation or non-compliance with the ethical standards as set out in paragraph one shall be deemed as a disciplinary breach.

CHAPTER II PARLIAMENTARY OFFICIALS COMMISSION

Section 13 There shall be a commission called the "Parliamentary Officials Commission", abbreviated as the "POC", comprising of the President of the National Assembly as Chairperson; the Vice-President of the National Assembly as Vice-Chairperson; the Secretary-General of the Civil Service Commission, the Secretary-General of the House of Representatives, the Secretary-General of the Senate, eight qualified commissioners, four of which selected by the House of Representatives and the other four selected by the Senate, and four representatives of ordinary parliamentary officials, two of which selected by the ordinary parliamentary officials of the Secretariat of the House of Representatives and the other two selected by the ordinary parliamentary officials of the Secretariat of the Senate as commissioners.

The President of the National Assembly shall appoint either the Secretary-General of the House of Representatives or the Secretary-General of the Senate as a secretary to the POC.

Section 14 A qualified commissioner under section 13 must have qualifications and possess no prohibited characteristics, as follows:

(1) having been in government service in a position not lower than a director-general or its equivalent, or having been a commissioner of any government commission;

(2) not being a government official holding a permanent position or receiving salary, a political official, a political parliamentary official, a member of the National Assembly, a committee member in a political party nor an official of a political party.

Section 15 A qualified commissioner and a commissioner representing ordinary parliamentary officials shall hold office for a term of four years.

A qualified commissioner or a commissioner representing ordinary parliamentary officials who vacates office upon the expiration of term shall continue to perform his or her duties until a newly appointed qualified commissioner or commissioner representing ordinary parliamentary officials assumes his or her duties.

Section 16 When a qualified commissioner vacates his or her office upon the expiration of term under section 15 or vacates his or her office under section 19, the House of Representatives or the Senate, as the case may be, shall appoint a qualified person who has qualifications and possesses no prohibited characteristics under section 14 to replace such position within forty-five days from the date of the office becoming vacant or from the first parliamentary session date, as the case may be.

The provision of paragraph one shall not apply to the case where the office becomes vacant under section 19 and the remaining term of such commissioner is less than one hundred and eighty days, or where the House of Representatives becomes expired or dissolved.

The qualified commissioner appointed to replace the commissioner who vacates his or her office under section 19 shall hold the office for the remaining term of office of the qualified commissioner whom he or she replaces.

The National Assembly may re-elect a qualified commissioner who previously vacated office as a new qualified commissioner, but the commissioner shall not hold office for more than two consecutive terms.

Section 17 When a commissioner representing ordinary parliamentary officials vacates his or her office upon the expiration of term under section 15 or vacates his or her office under section 20, the ordinary parliamentary officials of the Secretariat of the House of Representatives or the ordinary parliamentary officials of the Secretariat of the Senate, as the case may be, shall select a commissioner representing ordinary parliamentary officials to replace the vacated position within forty-five days from the date of the office becoming vacant.

The commissioner representing ordinary parliamentary officials appointed to replace the commissioner who vacates his or her office under section 20 shall hold the office for the remaining term of office of the commissioner representing ordinary parliamentary officials whom he or she replaces.

A commissioner representing ordinary parliamentary officials shall not hold office for more than one consecutive term.

Section 18 The selection of qualified persons and representatives of ordinary parliamentary officials for commissioner positions shall be in accordance with the rules and procedures prescribed by the President of the National Assembly.

Section 19 Apart from vacating office upon the expiration of term under section 15, a qualified commissioner vacates office upon:

- (1) death;
- (2) resignation;
- (3) being disqualified or possessing any prohibited characteristics under section 14;
- (4) being subject to an imprisonment penalty by a final judgment to imprisonment, except for an offence committed through negligence or a petty offence.

Section 20 Apart from vacating office upon the expiration of term under section 15, a commissioner representing ordinary parliamentary officials vacates office upon:

- (1) death;
- (2) resignation;
- (3) cessation of being an ordinary parliamentary official;
- (4) being subject to an imprisonment penalty by a final judgment to imprisonment, except for an offence committed through negligence or a petty offence.

Section 21 At a meeting of the POC, the presence of not less than one-half of all existing commissioners is required to constitute a quorum.

The provisions on committees authorised to carry out administrative proceedings under the law on administrative procedures shall apply *mutatis mutandis* to the meetings of the POC, except for the case of section 37 paragraph two.

Section 22 The POC shall have the following powers and duties:

(1) to make proposals and advise the agencies of the National Assembly on human resource management policies and strategies with respect to standards for remuneration, management and development of human resources, as well as manpower planning and other matters, which are to be adopted as operational guidelines for agencies of the National Assembly;

(2) to prescribe rules, procedures and standards for the management and development of human resources of parliamentary officials to be adopted as operational guidelines for agencies of the National Assembly;

(3) to issue POC Regulations and rules in relation to human resource management for the execution of this Act, including to give advice or guidelines for the execution of this Act; a POC Regulation shall come into force upon its publication in the Government Gazette;

(4) to give interpretations and rulings on problems arising from the application of this Act, including to lay down practice guidelines for problem cases;

(5) to prescribe rules and procedures for accrediting the qualifications of holders of degrees, vocational certificates or other credentials for the purpose of instatement and appointment as parliamentary officials and determination of the salary rates or remuneration as well as the position levels and categories for such qualifications;

(6) to supervise, oversee, monitor, inspect and evaluate the human resource management of parliamentary officials in agencies of the National Assembly in order to maintain fairness and human resource management standards, including to inspect and monitor compliance with this Act;

(7) to consider the installation of a personnel record system and the alteration of personnel records with respect to the date, month and year of birth, and the control of retirement by age of parliamentary officials;

(8) to determine rates of fees for the performance of functions pertaining to human resource management under this Act;

(9) to determine the provision of welfare, other assistances and special remunerations for parliamentary officials;

(10) to perform any other acts as provided in the laws to be the powers and duties of the POC.

Section 23 The POC shall be empowered to appoint a Parliamentary Officials Sub-Commission, abbreviated as the "POSC", to act on its behalf.

The provision of section 21 shall apply *mutatis mutandis* to the meetings of the POSC.

CHAPTER III
ORDINARY PARLIAMENTARY OFFICIALS

PART I

ORGANISATION OF ORDINARY PARLIAMENTARY OFFICIALS

Section 24 The organisation of ordinary parliamentary officials under this Act shall take into account the following merit system:

(1) the admission of a person for instatement to the government service and appointment to a position shall take into account the knowledge and competence of persons, equality, fairness and interests of the government service;

(2) the human resource management must take into account the end-result and efficiency of the organisation and the nature of work without unfair discrimination;

(3) the consideration of merit, promotions and provisions of other benefits to government officials must be carried out fairly through considerations of work products, capacities and behaviors, and political views or political party affiliations shall not be taken into consideration;

(4) disciplinary proceedings must be carried out justly and without prejudice;

(5) the human resource management must be in a politically nonpartisan manner.

Section 25 Ordinary parliamentary officials shall have the freedom to assemble as a group as provided in the Constitution, provided that such assembly shall not affect the efficiency of administration of State affairs and continuity of public service provisions and must not have a political objective.

The rules, procedures and conditions for assembly under paragraph one shall be as prescribed by Notifications of the POC.

PART II

POSITION CLASSIFICATIONS AND PAYMENT OF SALARIES AND POSITION
ALLOWANCES

Section 26 There are 4 categories of ordinary parliamentary official positions, as follows:

(1) executive positions, namely heads of government agencies of the National

Assembly, deputy heads of government agencies of the National Assembly, assistances to heads of government agencies of the National Assembly and other positions prescribed by the POC as executive positions;

(2) managerial positions, namely heads of government agencies at levels of bureaus, directors of divisions and other positions prescribed by the POC as managerial positions;

(3) knowledge worker positions, namely positions which require holders of bachelor degrees as prescribed by the POC for performing duties in such positions;

(4) general positions, namely positions which are not executive positions, managerial positions and knowledge worker positions, as prescribed by the POC.

Section 27 There shall be the following levels for ordinary parliamentary official positions:

(1) executive positions shall have the following levels:

(a) primary level;

(b) higher level;

(2) managerial positions shall have the following levels:

(a) primary level;

(b) higher level;

(3) knowledge worker positions shall have the following levels:

(a) practitioner level;

(b) professional level;

(c) senior professional level;

(d) expert level;

(e) advisory level;

(4) general positions shall have the following levels:

(a) operational level;

(b) experienced level;

(c) senior level;

(d) highly skilled level.

Determination of position categories and position levels shall be in accordance with the rules prescribed by POC Regulations.

Section 28 The determination of ordinary parliamentary official positions in specific government agencies, the numbers and categories of parliamentary official positions, as well as the class series and levels thereof shall be as prescribed by the POC, taking into account efficiency, effectiveness, non-overlap and economy as

primary considerations and the position specifications prescribed under section 29 shall be complied with.

Section 29 The POC shall draw up position specifications by classifying positions into categories and class series according to the nature of work, and placing positions of the same category and class series requiring approximately the same quality of work into the same level. In this regard, an account must be taken of the characteristics of the duties, responsibilities and quality of work.

In the position specifications, the titles of positions in the class series, primary duties and responsibilities and position-specific qualifications shall also be specified.

Section 30 Subject to the law on parliamentary administration, a position in charge of ordinary parliamentary officials in any government agency of the National Assembly, in any capacity, shall be as prescribed by the POC.

Section 31 Ordinary parliamentary officials shall receive salaries pursuant to each position category as stipulated in the schedules of minimum and maximum salary for ordinary parliamentary officials annexed to this Act.

The amount of salary payable to a holder of any position category, class series and level under the schedules of minimum and maximum salary for ordinary parliamentary officials shall be as prescribed by POC Regulations.

Ordinary parliamentary officials may receive position allowances in accordance with the schedules of the position allowance rates for ordinary parliamentary officials annexed to this Act pursuant to the rules and conditions prescribed by the POC.

The rate of position allowance payable to a holder of any position category, class series and level under the schedules of the position allowance rates for ordinary parliamentary officials annexed to this Act shall be as prescribed by POC Regulations.

Position allowances under this section shall not be regarded as salaries for the purpose of calculating gratuities and pensions under the law on official gratuities and pensions.

Section 31/1* In the case where there are reasons and necessity for the purpose of compensating ordinary parliamentary officials with appropriate and fair salaries or position allowances, the POC may require that an ordinary parliamentary

* Added by the Rules of Parliamentary Officials Act (No. 2), B.E. 2558 (2015).

official be compensated with salary or position allowance as deemed appropriate, on a case by case basis, in accordance with the rules and procedures prescribed by the Council of Ministers.

Section 32 Upon the enactment of the Royal Decree on the adjustment of minimum and maximum salaries or position allowances for ordinary civil servants under the law on rules of civil servants, the POC shall consider the adjustment of minimum and maximum salaries or position allowances for ordinary parliamentary officials to be consistent with the adjustment of minimum and maximum salaries or position allowances for ordinary civil servants as stipulated in the Royal Decree. The adjustment by the POC shall be made in the form of the National Assembly Announcement and signed by the President of the National Assembly. The minimum and maximum salaries and position allowances under such National Assembly Announcement shall be deemed as minimum and maximum salaries and position allowances annexed to this Act.

Upon the adjustment of salaries or position allowances under paragraph one, the POC shall make the adjustment of salaries or position allowances of existing ordinary parliamentary officials to the rates in the newly adjusted schedules in accordance with the rules and procedures prescribed by the Council of Ministers.

The National Assembly Announcement under paragraph one and the rules and procedures prescribed by the POC under paragraph two shall be published in the Government Gazette and come into force on the effective date of the Royal Decree.

Section 33 Payment of salaries and position allowances to ordinary parliamentary officials shall be in accordance with the rules prescribed by the POC, with approval of the Ministry of Finance.

Section 34 Ordinary parliamentary officials may receive additional allowances for positions in certain class series or positions based on special circumstances in accordance with the rules prescribed by the POC.

Ordinary parliamentary officials may receive temporary cost-of-living allowances pursuant to economic conditions under the rules and procedures prescribed by the POC.

Section 35 Subject to section 34, for the purpose of improving the quality of the legislative works of the National Assembly, there shall be a parliamentary legal officer position within the Secretariat of the House of Representatives and the

Secretariat of the Senate, selected from ordinary parliamentary officials who possess knowledge and experience on laws, legal drafting, legal opinions, administration of State affairs and legislative procedures. A parliamentary legal officer has duties to perform legal works and to monitor and evaluate the implementation and enforcement of laws under the responsibility of the National Assembly.

Parliamentary legal officers shall receive additional allowance for the position at the rate in accordance with the rules prescribed by the POC.

Qualifications, rules and procedures on admission and appointment of parliamentary legal officers shall be in accordance with the rules prescribed by the POC.

PART III RECRUITMENT, INSTATEMENT AND APPOINTMENT

Section 36 The recruitment of persons for instatement to the government service as an ordinary parliamentary official and appointment to a position shall be carried out in accordance with the merit system and take into account the ethical behavior of such person as well as the benefits to the government service, as prescribed in this Part.

Section 37 A person entering the government service as an ordinary parliamentary official must have general qualifications and possess no prohibited characteristics, as follows:

A. General Qualifications:

- (1) being of Thai nationality;
- (2) being not less than eighteen years of age;
- (3) being a person with pure faith in the democratic form of government

with the King as Head of State;

B. Prohibited Characteristics:

- (1) being a person holding political position;
- (2) being a committee member of or a person holding any position responsible for the administration of a political party or an official of a political party;
- (3) being an incompetent or quasi-incompetent person, being of unsound mind or of mental infirmity, or suffering from a disease prescribed by POC

Regulations;

- (4) being a person suspended from government service or provisionally

discharged from government service under this Act or other laws;

(5) being morally defective to the extent of being socially objectionable;

(6) being bankrupt;

(7) having been subject to an imprisonment penalty by a final judgment to imprisonment, except for an offence committed through negligence or a petty offence;

(8) having been punished by discharge, dismissal or expulsion from a State enterprise or other State agencies;

(9) having been punished by discharge or dismissal for breach of discipline under this Act or other laws;

(10) having been punished by expulsion for breach of discipline under this Act or other laws;

(11) having committed a dishonest act in an entrance examination for the government service or for entry to work in State agencies.

The POC may consider a waiver and allow entry into the government service for persons entering the government service as ordinary parliamentary officials who possess the prohibited characteristic in B. (5), (6), (7), (8), (9), (10) or (11), provided that in the case of the possession of the prohibited characteristic under (8) or (9), such person must have already retired from work or retired from government service for more than two years, and in the case of the possession of the prohibited characteristic under (10), such person must have already retired from work or retired from government service for more than three years, and in no event shall the retirement from work or retirement from government service be on account of dishonesty in the performance of duty. A resolution of the POC on such waiver shall be passed by votes of not less than four-fifths of the number of commissioners present at the meeting. Votes shall be cast by secret ballot.

An application for waiver under paragraph two shall be in accordance with the rules prescribed by the POC.

In the case of paragraph two, the POC may grant an individual waiver or may issue a Notification granting a general waiver.

Section 38 The instatement of a person to the government service as an ordinary parliamentary official for appointment to a particular position shall be made from candidates passing competitive examination for such position and according to the order in the list of the passing candidates.

Competitive examinations, listing of the passing candidates and details on examinations shall be in accordance with the rules, procedures and conditions

prescribed by the POC.

The provision of paragraph one shall not apply to the instatement of persons to the government service under section 40, section 41, section 46, section 47 and section 48.

Section 39 An applicant for competitive examinations for a particular position must have the general qualifications and possess no prohibited characteristics, or has been granted a waiver in the case of possession of a prohibited characteristic under section 37, and must also have the position-specific qualifications or obtain approval from the POC under section 45.

A person with a prohibited characteristic under section 37 B. (1) or (2) shall be eligible to apply for examinations, but shall be entitled for instatement as an ordinary parliamentary official having passed examination only upon ceasing to be a person holding political position, a committee member of or a person holding any position responsible for the administration of a political party, or an official of a political party, as the case may be.

Section 40 In special circumstances, a supervising official authorised to make an instatement order under section 42 may select persons for instatement to the government service and appoint to positions without conducting competitive examinations under section 38, pursuant to the rules, procedures and conditions prescribed by the POC.

Section 41 Any agency of the National Assembly which has exceptional reasons and necessity may instate persons possessing high levels of knowledge, competence and expertise to the government service and appoint to knowledge worker positions at professional, senior professional, expert or advisory levels, or to general positions at highly skilled level, pursuant to the rules, procedures and conditions prescribed by the POC.

Section 42 For instatements to the government service as ordinary parliamentary officials and appointments to positions, the following authorised persons shall make the instatement and appointment orders:

(1) for the instatement and appointment of a higher-level executive position, the President of the National Assembly, the Speaker of the House of Representatives or the President of the Senate, as the case may be, shall submit a nomination to the POC for consideration and approval; upon approval by the POC, the President of the National Assembly, the Speaker of the House of Representatives or the President of

the Senate, as the case may be, shall be empowered to order the instatement and present the matter to the King for appointment;

(2) for the instatement and appointment of an advisory-level knowledge worker position, the President of the National Assembly, the Speaker of the House of Representatives or the President of the Senate, as the case may be, shall submit a nomination to the POC for consideration and approval; upon approval by the POC, the President of the National Assembly, the Speaker of the House of Representatives or the President of the Senate, as the case may be, shall be empowered to order the instatement and present the matter to the King for appointment;

(3) for the instatement and appointment of positions other than (1) and (2), the Secretary-General of the House of Representatives, the Secretary-General of the Senate or heads of agencies of the National Assembly with other titles, as the case may be, shall be empowered to order the instatement and appointment.

Section 43 A person instated and appointed under section 38 paragraph one or section 40 shall perform official duties on a probationary basis and shall be developed to learn on the rules and customs of the government service and to become a good official, as prescribed by POC Regulations.

Where any person performing official duties on a probationary basis under paragraph one has achieved an evaluation result on the probationary performance of official duties as prescribed by POC Regulations which is not lower than the prescribed standards, the supervising official authorised to make an instatement order under section 42 shall order such person to continue serving in the government service. If such person has an evaluation result on the probationary performance of official duties which is lower than the prescribed standards, the supervising official authorised to make an instatement order under section 42 may discharge such person from government service regardless of whether or not the probation period has expired.

Any person discharged from government service under paragraph two shall be regarded as if such person has never been an ordinary parliamentary official. However, there shall be no prejudice to any acts of such person in the performance of official duties or the receipt of salaries or any other benefits received or entitled to receive from the government service while such person remained in the probation period.

Where any person in the probation period is subject to reasonable grounds for allegation of a breach of discipline, the supervising official shall undertake disciplinary proceedings as provided in Chapter V Discipline and Disciplinary

Proceedings, and if such person is also subject to a cause for discharge from government service under paragraph two, the supervising official shall preliminarily proceed under paragraph two.

The provisions of paragraph one, paragraph two and paragraph three shall apply *mutatis mutandis* to government officials or employees in the local administration transferred under section 47 during the probationary performance of official duties.

Section 44 No appointment of an ordinary parliamentary official to a position in a class series not provided in the position specifications may be made.

Section 45 A person appointed to any ordinary parliamentary official position must possess the qualification requirements for such position as provided under the position specifications.

In the case where there are reasons and necessity, the POC may approve the appointment of an ordinary parliamentary official possessing qualifications different from the position-specific qualifications provided under the position specifications.

In the case where the POC stipulates a degree, vocational certificate or any credential as a position-specific qualification, it shall mean degrees, vocational certificates or credentials recognised by the POC.

Section 46 The relocation, transfer or promotion of an ordinary parliamentary official to an ordinary parliamentary official position in the same or other agencies under the National Assembly, as the case may be, shall be as prescribed by POC Regulations.

The relocation or transfer and reappointment of an ordinary parliamentary official to a position at a lower level may not be effected, except where the consent of such parliamentary official has been obtained.

The instatement of an ordinary parliamentary official who has retired due to being discharged from government service for entry to the military service under the law on military service, or who has received the approval of the POC to perform any work whereby such period shall be fully included in the calculation of gratuities and pensions as an official working period, or a retirement from government service which was not a retirement during the probation period, back to government service in the agency under the National Assembly, including the instatement and appointment of such person to position categories, class series, levels, and the determination of salary amount of such person, may be effected under the rules and procedures prescribed by the POC.

For the purposes of government service period determination under this Act and under the law on official gratuities and pensions, an ordinary parliamentary official who has retired due to being discharged from government service for entry to the military service under the law on military service, or who has received the approval of the POC to perform any work whereby such period shall be fully included in the calculation of gratuities and pensions as an official working period, upon reinstatement to the government service, shall be entitled to aggregate the days in government service prior to the discharge from government service with the days in military service under the law on military service or days of performing any work as approved by the POC, as the case may be, and days in government service upon reinstatement to the government service as a consecutive government service period as if such person was never discharged from the government service. A person discharged from government service which was not discharged during the probation period, and reinstated to the government service under paragraph three, shall be entitled to include government service time prior to the discharge from government service for the purpose of counting government service periods under this Act.

Section 47 The transfer of a government official under other laws or an employee in the local administration, or the transfer of personnel from other State agencies prescribed by the POC, to instatement as an ordinary parliamentary official may be effected if volunteered by him or her. In this regard, the supervising official authorised to make an instatement order under section 42, as the case may be, shall make an agreement with the agency in charge and propose the matter to the POC for consideration and approval. The appointment to any position category, class series, level, and the determination of salary amount of such person shall be considered and determined by the POC, but for the salary amount it shall not exceed the amount of those ordinary parliamentary officials with the same levels of qualification, competence and expertise.

For the purposes of government service period determination, the government service period or working period of the person transferred to government service under paragraph one shall also be deemed as a government service period of ordinary parliamentary officials under this Act.

Section 48 In the event that any employee in the local administration who has retired from work not during the probation period or any government official who is not an ordinary parliamentary official under this Act, and not a political official, extraordinary official, or official who has retired from government service during the probationary performance of official duties, who has already retired from

work or the government service, applies for entry to the government service as an ordinary parliamentary official and the official authorities intend to admit such person to the government service, the agency of the National Assembly shall present the matter to the POC for consideration and approval. The appointment to any position category, class series, level and the determination of salary amount of such person shall be considered and determined by the POC, but for the salary amount it shall not exceed the amount of those ordinary parliamentary officials with the same levels of qualification, competence and expertise.

For the purposes of government service period determination, the government service period or working period of the person entering the government service under paragraph one whilst being a government official or employee in the local administration shall also be deemed as a government service period of ordinary parliamentary officials under this Act.

Section 49 If it subsequently appears that any ordinary parliamentary official who has already been appointed to a position under section 45 does not meet the qualification requirements for such position, the supervising official authorised to make an instatement order under section 42 shall forthwith re-appoint such person to the original position or other position in the same category and level. However, there shall be no prejudice to any acts of such person performed pursuant to the powers and duties and the receipt of salaries or any other benefits received or entitled to receive prior to the receipt of re-appointment order to the original position or other position in the same category and level.

The salaries payable, rights and benefits of persons re-appointed to the original position or other position in the same category and level under paragraph one shall be in accordance with the rules and procedures prescribed by the POC.

In the case where it is not possible for any reason to make a re-appointment to the original position or other position in the same category and level under paragraph one, the POC shall make an individual consideration.

Section 50 If it subsequently appears that a person instated to the government service as an ordinary parliamentary official and appointed to any position under section 38 paragraph one, section 40, section 41, section 46, section 47 and section 48 lacks general qualifications or possesses a prohibited characteristic without a waiver under section 37, or lacks the qualification requirements for such position without an approval of the POC under section 45 before the instatement or there being an existing accusation and subsequently such person lacks qualifications

due to such accusation after the instatement, the supervising official authorised to make an instatement order under section 42 shall forthwith order the discharge of such person from the government service. However, there shall be no prejudice to any acts performed by such person pursuant to the powers and duties and the receipt of salaries or any other benefits received or entitled to receive from the official authorities prior to such discharge order, and if entry to the government service was made in good faith, the discharge shall be deemed as having been made for the purpose of granting compensatory gratuities and pensions under the law on official gratuities and pensions.

Section 51 In the case where an ordinary parliamentary official position becomes vacant, or the holder of a position is unable to perform official duties, and the case is not provided for in the law on parliamentary administration, the supervising official authorised to make an instatement order under section 42 shall have the power to order an ordinary parliamentary official considered appropriate to temporarily act in such position.

The acting official under paragraph one shall have the powers and duties of the position he or she is temporarily assuming. In the case where other laws, regulations, rules, directives, POC resolutions, or order of a supervising official appoints such position holder to become a committee member or to have any power or duty, the acting official shall perform the duties of the committee member or other such powers and duties while acting in that position, as the case may be.

Section 52 In the case where there are reasons of necessity, the supervising official authorised to make an instatement order under section 42 shall have the power to order an ordinary parliamentary official to be temporarily attached to an agency of the National Assembly and be relieved from the original position as provided by POC Regulations.

Salary payments, appointments, salary increases, disciplinary proceedings and retirements from government service of the ordinary parliamentary official under paragraph one shall be as provided by POC Regulations.

Section 53 In the case where there are reasons of necessity, the supervising official authorised to make an instatement order under section 42 shall have the power to remove an ordinary parliamentary official from a position as well as to cease such official from receiving the rate of salary in the original position, and to be paid salaries at the rate of replacement workforce for a period prescribed by the POC. The foregoing shall be in accordance with the rules and procedures as provided by POC Regulations.

The removal from position, salary payments, appointments, salary increases, disciplinary proceedings and retirements from government service of the ordinary parliamentary official under paragraph one shall be as provided by POC Regulations.

In the case where there is no longer a necessity or the period of salary payments at the rate of replacement workforce has expired, the supervising official authorised to make an instatement order under section 42 shall order to cease such ordinary parliamentary official from receiving payment of salaries at the rate of replacement workforce and appoint such person to the original position or other position in the same category and level.

Section 54 In the case where the Administrative Court has a final judgment revoking an order appointing an ordinary parliamentary official, it shall be the duty of the agency of the National Assembly, with approval of the POC, to proceed with the appropriate orders to effect remedies and modifications or take actions as deemed appropriate.

PART IV

Efficiency Enhancement and Motivation-Building in the Performance of Official Functions

Section 55 An agency of the National Assembly shall have a duty to implement actions to enhance the efficiency and build motivation amongst ordinary parliamentary officials in order to obtain ordinary parliamentary officials that possess quality, virtue, ethics, and have quality of life, inspiration and enthusiasm in performing official functions to achieve the desired outcome of official tasks. The foregoing shall be in accordance with the rules and procedures prescribed by the POC.

Section 56 A supervising official must conduct oneself towards persons under his or her charge with virtue and fairness, and build motivation amongst those under his or her charge to conduct themselves as good officials.

Section 57 Where any ordinary parliamentary official who has conducted himself or herself by adhering to the Code of Ethics and discipline, and has performed official functions efficiently and achieved the desired outcome in official tasks, the supervising official may consider a salary increase as appropriate in such case as provided by POC Regulations, and may also grant other rewards which may be a commendation, mark of distinction or prize.

Section 58 Further studies, training, work visits or research activities carried out domestically or in a foreign country of an ordinary parliamentary official shall be in accordance with the rules, procedures and conditions prescribed by the POC.

Section 59 A supervising official shall have a duty to evaluate the performance of official functions of those under his or her charge as part of the considerations for appointment and salary increase, in accordance with the rules and procedures prescribed by the POC.

Evaluation results under paragraph one shall also be applied for the purpose of developing and enhancing efficiencies in the performance of official functions.

Section 60 Where any ordinary parliamentary official dies as a result of performing official functions, the supervising official shall consider the salary increase of such person as a special case for the benefit of gratuity and pension calculations, or granting other benefits as provided by the rules prescribed by the POC.

PART V DISCIPLINE AND DISCIPLINARY PROCEEDINGS

Section 61 Ordinary parliamentary officials must uphold discipline prescribed by POC Regulations. Any ordinary parliamentary official who violates or fails to comply with the POC Regulations shall be deemed to be in breach of discipline and shall receive a punishment as prescribed in section 63.

Section 62 A supervising official shall have a duty of promoting and developing the discipline of subordinates and preventing breaches of discipline by subordinates, in accordance with the rules and procedures prescribed by the POC.

Section 63 Any ordinary parliamentary official who commits a breach of discipline must receive a disciplinary punishment, unless there is reasonable cause for exempting punishment as provided in this Part.

There are 5 types of disciplinary punishment, as follows:

- (1) probation;
- (2) salary cut;
- (3) salary reduction;
- (4) dismissal;
- (5) expulsion.

Section 64 Punishment of an ordinary parliamentary official shall be effected by an order. The person ordering the punishment must impose a punishment, which is appropriate to the offence and must be made justly and without prejudice. The punishment order shall indicate the particular disciplinary breaches committed by the person receiving the punishment as prescribed in POC Regulations under section 61.

Section 65 When there is an allegation or a case of suspicion that any ordinary parliamentary official has committed a breach of discipline, the supervising official shall have a duty to quickly report to the supervising official authorised to make an instatement order under section 42, and the supervising official authorised to make an instatement order under section 42 shall expeditiously carry out proceedings under this Act with justice and without any prejudice.

Any supervising official or supervising official authorised to make an instatement order under section 42 who neglects the duty under paragraph one, or performs the duty in bad faith, shall be deemed as having committed a breach of discipline.

The powers and duties of the supervising official authorised to make an instatement order under section 42 under this Part may be delegated by the supervising official authorised to make an instatement order under section 42 to a lower level supervising official under the rules prescribed by the POC.

Section 66 Upon receipt of a report under section 65, or such matter becomes apparent to the supervising official authorised to make an instatement order under section 42, the supervising official authorised to make an instatement order under section 42 shall expedite proceedings or order investigations or take preliminary considerations as to whether or not the case has sufficient merit to allege that such person has committed a disciplinary breach. If it is found that the case did not contain sufficient merit to allege a disciplinary breach, the matter may be terminated.

In the case where it is found that there is sufficient merit to allege that any ordinary parliamentary official has committed a disciplinary breach whereby preliminary evidence is already available, further proceedings may be taken under section 67 or section 68, as the case may be.

Section 67 In the case where the investigation or consideration result under section 66 finds that the case has merit, if such alleged offence does not constitute a gross disciplinary breach, and the allegations and summary of evidence have been notified to the alleged person, as well as after having heard the alleged person's reply, and the supervising official authorised to make an instatement order under

section 42 finds that the alleged person has committed the alleged breach, the supervising official shall order punishment as appropriate to the case without having to appoint a commission of inquiry.

In the case under paragraph one, if the supervising official authorised to make an instatement order under section 42 finds that the alleged person has not committed the alleged breach, such supervising official shall order termination of the matter.

Section 68 In the case where the investigation or consideration result under section 66 finds that the case has merit to constitute a gross disciplinary breach, the supervising official authorised to make an instatement order under section 42 shall appoint a commission of inquiry. In conducting the inquiry, the allegations and summary of evidence shall be notified to the alleged person and the alleged person's reply shall be heard. Upon conclusion of proceedings by the commission of inquiry, the inquiry results and opinions shall be reported to the supervising official authorised to make an instatement order under section 42.

If the supervising official authorised to make an instatement order under section 42 finds that the alleged person has not committed the alleged breach, the supervising official shall terminate the matter. However, if it is found that the alleged person has committed the alleged breach, further proceedings shall be taken under section 71 or section 72, as the case may be.

Section 69 For the appointment of a commission of inquiry in the case of ordinary parliamentary officials of different positions, or different agencies of the National Assembly, being alleged to have jointly committed a disciplinary breach, the following proceedings shall be taken:

(1) for ordinary parliamentary officials holding higher-level executive position or advisory-level knowledge worker position who are alleged to have jointly committed a disciplinary breach with an ordinary parliamentary official not holding the abovementioned positions and levels within the same agency of the National Assembly, the Speaker of the House of Representatives or the President of the Senate, as the case may be, shall be the appointer of a commission of inquiry;

(2) for ordinary parliamentary officials in different agencies of the National Assembly being alleged to have jointly committed a disciplinary breach, the supervising officials authorised to make an instatement order under section 42 shall jointly appoint a commission of inquiry, except in the case where the alleged persons also include a holder of a higher-level executive position or an advisory-level knowledge worker position, in which case the President of the National Assembly shall be the appointer of a commission of inquiry;

(3) other cases shall be as prescribed by the POC.

Section 70 The rules, procedures and time periods pertaining to disciplinary proceedings shall be as prescribed by POC Regulations.

In the case of an apparent breach as prescribed by POC Regulations, disciplinary proceedings may be taken without inquiry.

Section 71 Where any ordinary parliamentary official commits a non-gross disciplinary breach, the supervising official authorised to make an instatement order under section 42 shall order punishment in the form of a probation, salary cut or salary reduction as appropriate to the case and commensurate with the breach.

In the case where there are reasonable extenuating circumstances, such circumstances may be taken into consideration as mitigating factors, provided that a probation shall only be imposed in the case of a minor disciplinary breach.

In the case of a minor disciplinary breach and existence of a cause for exempting punishment, punishment may be exempted and a written parole or admonition may be issued instead.

When imposing a punishment under this section, the extent of powers of the supervising official authorised to make an instatement order under section 42 to impose a punishment upon a subordinate for a particular offence and scale of punishment shall be as provided by POC Regulations.

Section 72 Any ordinary parliamentary official who commits a gross disciplinary breach shall be punished by dismissal or expulsion according to the severity of the case. Reasonable extenuating circumstances may be taken into consideration as mitigating factors, but in no event shall punishment be reduced to less than a dismissal.

In the case where the supervising official authorised to make an instatement order under section 42 does not exercise powers under section 68 paragraph one, section 69 or this section, the supervising official authorised to make an instatement under section 42 at a higher level shall have the power to take proceedings under section 68 paragraph one, section 69 or this section.

Any person punished by dismissal shall have the right to receive gratuities and pensions as if such person resigned from government service.

Section 73 Where any ordinary parliamentary official provides information to the supervising official, or gives a statement as a witness to the person carrying out the investigation or inquiry pursuant to this Part, which is greatly beneficial and helpful to the official authorities, the supervising official may consider granting a reward as a special case.

Where any ordinary parliamentary official in a position of potentially being alleged of jointly committing a gross disciplinary breach for the case of dishonest performance of official duties with another government official, provides information to the supervising official, or gives a statement to a person or group of persons under the provision of paragraph one with respect to the disciplinary breach that has been committed, thereby being a cause for a disciplinary inquiry to be taken on the instigator of the breach, the supervising official may exercise a discretion to designate such person as a witness or consider the reduction of disciplinary punishment as appropriate to the case.

Any ordinary parliamentary official who provides false information or statement as a witness under paragraph one or paragraph two shall be deemed as having committed a disciplinary breach.

The rules and procedures for granting rewards, witness designation, reduction of punishment and protection of witnesses shall be as prescribed by POC Regulations.

Section 74 A member of the commission of inquiry under section 68 paragraph one shall be an officer under the Criminal Code and shall have the same powers as inquiry officials under the Criminal Procedure Code in so far as they relate to the powers and duties of the commission of inquiry, and in particular, shall also have the following powers:

(1) to summon ministries, departments, government agencies, State enterprises, other State agencies or partnerships or companies to give facts, submit the relevant documents and evidence, send a representative or person attached thereto to come to furnish explanation or give a statement in relation to the matter under inquiry;

(2) to summon the alleged person or any person to come to furnish explanation or give a statement or submit documents and evidence in relation to the matter under inquiry.

Section 75 Where any ordinary parliamentary official is subject to a written allegation for having acted or omitted to act which constituted a gross disciplinary breach, if the allegation was made towards the supervising official of such person, or towards a person carrying out investigations and inquiries or inspections pursuant to the law or rules of official authorities, or the allegation was made by the supervising official of such person, or is subject to a criminal prosecution or is accused of having committed a criminal offence which is not an offence committed through negligence

unconnected to the government service or a petty offence, even if subsequently such person retires from government service for reasons other than death, the person authorised to undertake disciplinary proceedings shall have the power to undertake investigations or considerations and continue with disciplinary proceedings as provided in this Part as if such person has not yet retired from the government service, provided that the supervising official authorised to make an instatement order under section 42 must carry out the inquiry under section 68 paragraph one within one hundred and eighty days as from the date of such person's retirement from the government service.

In the case of paragraph one, if the inquiry and consideration find that such person have committed a non-gross disciplinary breach, punishment shall be exempted.

Section 76 Where any ordinary parliamentary official is subject to an allegation of having committed a gross disciplinary breach thereby resulting in the appointment of a commission of inquiry or a criminal prosecution or an accusation of committing a criminal offence, except for offences committed through negligence or petty offences, the supervising official authorised to make an instatement order under section 42 shall have the power to order a suspension from government service or a provisional discharge from government service pending the result of the inquiry or consideration or case outcome.

If subsequently the result of the inquiry or consideration finds that such person did not commit a breach or the breach did not call for punishment by dismissal or expulsion, and there are no other causes for discharge from government service, the supervising official authorised to make an instatement order under section 42 shall order such person to resume performance of official functions or resume government service in the original position or other position in the same category and level, or in a position category and level prescribed by the POC, provided that such person meets the qualification requirements for such position.

Where any ordinary parliamentary official is subject to an order of suspension or provisional discharge from government service, if it subsequently appears that such person is subject to another allegation of having committed a gross disciplinary breach, the supervising official authorised to make an instatement order under section 42 shall have the power to conduct investigations or consideration and appoint a commission of inquiry under section 68, including to continue with disciplinary proceedings as provided in this Part.

In the case where a person provisionally discharged from government service

is ordered to resume government service, or is ordered to be discharged from government service for reasons other than a punishment for commission of a gross disciplinary breach, such person shall retain the status of an ordinary parliamentary official throughout the period of provisional discharge from government service as if such person was suspended from government service.

Salaries, other monthly payments and other allowances, and the payment of such monies to the person suspended from government service and person provisionally discharged from government service, shall be in accordance with laws or rules governing such matters.

A suspension from government service shall remain effective throughout the period of inquiry or consideration, except where the person suspended from government service files a petition under section 88 and the authorised person considering the petition finds that it is appropriate to order such person to resume official duties prior to the completion of the inquiry or consideration because the conduct of the person suspended from government service does not pose an obstacle to the inquiry or consideration, and does not cause further disorder, or because the disciplinary proceedings have lasted for one year from the date of suspension from government service and not yet completed and the person suspended from government service no longer exhibits such conduct, in which case the person authorised to order the suspension from government service shall order such person to resume official duties prior to the completion of the inquiry or consideration.

The provision of paragraph six shall also apply to the case of an order of provisional discharge from government service.

The rules and procedures relating to suspension from government service, provisional discharge from government service, period of suspension from government service and provisional discharge from government service, resumption of official duties, or resumption of government service and proceedings to comply with results of inquiries and considerations shall be as prescribed by POC Regulations.

Section 77 After a supervising official has ordered punishment under this Act, or ordered termination of the matter, or exempted punishment, the matter shall be reported to the POC in accordance with the rules prescribed by the POC.

In the case where the POC finds that a disciplinary proceeding is incorrect or inappropriate, if there is any resolution, the supervising official shall order or implement the resolution of the POC.

In the case under paragraph two, the POC shall have the power to instigate a new inquiry or a supplemental inquiry under the rules and procedures prescribed by the POC under section 70.

Section 78 When there is a cause for imposing a heavier punishment, reducing punishment, exempting punishment or pardon, the ordering official shall issue a new order, and such order shall order the repeal of the original order along with a specification of proceedings to be taken with respect to the punishment already served, as prescribed by POC Regulations.

Section 79 Where any ordinary parliamentary official transferred under section 47 was involved in a disciplinary breach prior to the date of transfer for instatement, the supervising official of such parliamentary official shall *mutatis mutandis* undertake disciplinary proceedings under this Part. However, if the matter is pending investigation or consideration or inquiry by the previous supervising official prior to the date of transfer, the investigation or consideration or inquiry shall continue until completion and the matter shall be referred to the supervising official of such parliamentary official for further proceedings under this Part *mutatis mutandis*, provided that a disciplinary punishment order shall be in accordance with the breach and punishments under the law on local personnel administration or the law on rules of the transferred official, as the case may be.

PART VI

RETIREMENT FROM GOVERNMENT SERVICE

Section 80 An ordinary parliamentary official retires from government service upon:

- (1) death;
- (2) retirement from government service under the law on official gratuities and pensions;
- (3) resignation from government service which has been permitted or becomes effective under section 82;
- (4) being discharged under section 43, section 50, section 76, section 83 or section 84; or
- (5) being punished by dismissal or expulsion.

The date of retirement from government service under (4) and (5) shall be in accordance with the rules prescribed by the POC.

Section 81 When any ordinary parliamentary official attains the age of sixty years at the end of the budget year and the government service necessarily requires the continued performance of technical duties or duties requiring individual skills in a position under section 27 (3) (d) or (e) or (4) (c) or (d), he or she may continue in government service for no more than ten years as prescribed by POC Regulations.

Section 82 Any ordinary parliamentary official who wishes to resign from government service shall submit a letter of resignation to the immediate supervising official, which submission shall be made at least thirty days in advance of the resignation date, in order to enable the supervising official authorised to make an instatement order under section 42 to make a consideration prior to the resignation date.

In the case that the person wishing to resign submits a letter of resignation less than thirty days in advance, and the supervising official authorised to make an instatement order under section 42 finds that there are sufficient reasons and necessity, such person may be permitted to resign on the requested date of resignation.

In the case where the supervising official authorised to make an instatement order under section 42 finds it necessary in the interests of the government service, the resignation may be withheld for no longer than ninety days as from the requested date of resignation. In such case, if the person requesting resignation does not withdraw the resignation prior to the expiration of the withholding period, it shall be deemed that the resignation takes effect upon the expiration of the withholding period.

In the case where the supervising official authorised to make an instatement order under section 42 does not withhold under paragraph three, the resignation shall take effect as from the requested date of resignation.

In the case where any ordinary parliamentary official wishes to resign from government service in order to assume a position in an independent agency under the Constitution, political position, or other position prescribed by the POC, or to apply for a candidate for a member of the National Assembly, a member of local assemblies or a local administrator, a letter of resignation shall be submitted to the supervising official under paragraph one, and the resignation shall become effective as from the date of resignation requested by such person.

Rules and procedures pertaining to resignation, consideration of permission for resignation, and the withholding of resignation from government service shall be in accordance with the rules prescribed by the POC.

Section 83 A supervising official authorised to make an instatement order under section 42 shall have the power to discharge an ordinary parliamentary official from government service to receive compensatory gratuities and pensions under the law on official gratuities and pensions in the following cases:

- (1) when any ordinary parliamentary official suffers from an illness and is unable to perform his or her official duties with regularity;
- (2) when any ordinary parliamentary official applies for an assignment as desired by official authorities;
- (3) when any ordinary parliamentary official lacks the general qualifications under section 37 A. (1) or (3), or possesses a prohibited characteristic under section 37 B. (1), (2), (3) or (6);
- (4) when the official authorities terminate or dissolve an agency or position which is assumed or held by the parliamentary official, whereby a person retiring from government service in this case shall also receive compensation under the rules, procedures and conditions prescribed by the Ministry of Finance;
- (5) when any ordinary parliamentary official is unable to perform official functions efficiently and at a level of effectiveness satisfactory to the official authorities;
- (6) when any ordinary parliamentary official is incapable in performing official duties, negligent in the performance of official duties, or conducts oneself inappropriately to the official responsibilities, where the continued service of such person would be detrimental to the government service;
- (7) when any ordinary parliamentary official is subject to an inquiry on a gross disciplinary breach under section 68 and the inquiry result does not make a sufficiently clear finding for the imposition of a punishment under section 72 paragraph one, but there is such dishonor or skepticisms in the case under inquiry that allowing continued service will be detrimental to the government service;
- (8) when any ordinary parliamentary official serves a term of imprisonment pursuant to a final judgment to imprisonment for an offence committed through negligence or a petty offence or serves a term of imprisonment by court order which does not call for a dismissal or expulsion.

An order of discharge from government service under paragraph one shall be as prescribed by POC Regulations.

Upon a supervising official authorised to make an instatement order under section 42 discharging any ordinary parliamentary official from government service under this section, the matter shall be reported to the POC and section 77 shall apply *mutatis mutandis*.

Section 84 When any ordinary parliamentary official enters the military service under the law on military service, the supervising official authorised to make an instatement order under section 42 shall discharge such person from government service.

Where any person is discharged from government service under paragraph one, and it subsequently appears that such person is subject to a case which calls for a discharge from government service under another section prior to entry to the military service, the supervising official authorised to make an instatement order under section 42 shall have the power to modify the discharge order under paragraph one to a discharge from government service under such other section.

Section 85 In the case where a supervising official authorised to make an instatement order under section 42 does not exercise powers under section 83 without reasonable grounds, a higher level supervising official authorised to make an instatement order under section 42 shall have the power to take proceedings under section 83.

Section 86 A retirement from government service of an ordinary parliamentary official holding a position appointed by the King shall be presented to the King for a Royal Command of removal from the position as from the date of retirement from government service, except where the retirement was as a result of death, in which case the matter shall be presented to the King for acknowledgement.

PART VII APPEALS AND COMPLAINTS

Section 87 Any person subject to a punishment order under this Act or discharged from government service under section 83 (1), (3), (5), (6), (7) and (8) has the right to appeal to the POC within thirty days of knowledge or deemed knowledge of the order.

Appeals and considerations of appeals under paragraph one shall be as prescribed by POC Regulations.

Section 88 Any ordinary parliamentary official who finds that his or her supervising official exercises his or her power upon oneself illegally or fails to treat oneself legally, or has a cause for grievance caused by the treatment of oneself by the supervising official as prescribed in POC Regulations, may lodge a complaint to the supervising official or the POC, as the case may be, as prescribed in POC Regulations to seek redress for the cause for grievance, except for the case where an appeal is available under section 87.

Complaints and considerations of complaints shall be in accordance with the rules and procedures prescribed by POC Regulations.

Section 89 The POC may carry out an appeals and complaints consideration by itself, or may appoint a POSC for Appeals and Complaints to carry out consideration of appeals and complaints, as prescribed by POC Regulations.

Section 90 Upon a ruling of an appeal by the POC, the supervising official authorised to make an instatement order under section 42 shall carry out the implementation of the ruling within thirty days as from the date of POC ruling.

Any supervising official who fails to comply with paragraph one shall be deemed to have intentionally and improperly omitted to perform duties in order to cause detriment to another person.

Section 91 Section 74 shall apply to appeals and complaints consideration by the POC and POSC for Appeals and Complaints.

CHAPTER IV POLITICAL PARLIAMENTARY OFFICIALS

Section 92 Political parliamentary official positions include the followings:

- (1) Advisor to the President of the National Assembly
- (2) Advisor to the Vice-President of the National Assembly
- (3) Advisor to the Speaker of the House of Representatives
- (4) Advisor to the President of the Senate
- (5) Advisor to the Deputy Speaker of the House of Representatives
- (6) Advisor to the Vice-President of the Senate

(7) Advisor to the Leader of the Opposition in the House of Representatives

(8) Spokesperson for the Speaker of the House of Representatives

(9) Spokesperson for the President of the Senate

(10) Spokesperson for the Leader of the Opposition in the House of

Representatives

(11) Secretary to the President of the National Assembly

(12) Secretary to the Vice-President of the National Assembly

(13) Secretary to the Speaker of the House of Representatives

(14) Secretary to the President of the Senate

(15) Secretary to the Deputy Speaker of the House of Representatives

(16) Secretary to the Vice-President of the Senate

(17) Secretary to the Leader of the Opposition in the House of

Representatives

(18) Assistant Secretary to the President of the National Assembly

(19) Assistant Secretary to the Vice-President of the National Assembly

(20) Assistant Secretary to the Speaker of the House of Representatives

(21) Assistant Secretary to the President of the Senate

(22) Assistant Secretary to the Deputy Speaker of the House of

Representatives

(23) Assistant Secretary to the Vice-President of the Senate

(24) Assistant Secretary to the Leader of the Opposition in the House of

Representatives

The number of political parliamentary officials under paragraph one shall be as prescribed by the schedules annexed to the Act.

A political parliamentary official shall not hold a position of government official holding a permanent position or receiving salary. The general qualifications and prohibited characteristics under section 37 paragraph one, except for B. (1) and (2), shall apply *mutatis mutandis* to political parliamentary officials.

Section 93 Political parliamentary officials shall receive salaries and position allowances as stipulated in the schedule of the salary rates for political parliamentary officials and the schedule of the position allowance rates for political parliamentary officials annexed to this Act.

If a political parliamentary official who concurrently holds a position of a member of the House of Representatives receives position allowance or additional allowance for a member of the House of Representatives, he or she shall not be eligible to receive salary and position allowance for political parliamentary officials.

Payment of salaries and position allowances to political parliamentary officials shall be in accordance with the rules prescribed by the POC with approval of the Ministry of Finance.

Section 94 When the Council of Ministers has completed the adjustment of salary rate for greater appropriateness as required by the law on salaries and position allowances and the adjustment results in the increase of an equal percentage for all rates for political officials or all types of government officials, which does not exceed ten percent of the existing rate, the POC shall consider adjusting the salary rate for political parliamentary officials in consistency with the aforementioned adjustment. The adjustment by the POC shall be made in the form of the National Assembly Announcement signed by the President of the National Assembly, and the schedule of the salary rates for political parliamentary officials annexed to the National Assembly Announcement shall be the schedule of the salary rates for political parliamentary officials annexed to this Act. In this regard, in the case where an adjustment of equal percentage for all rates results in any rate with a fraction of less than ten baht, such fraction shall be increased to ten baht and the adjustment thereof shall not be deemed as an unequal percentage.

Section 95 The Speaker of the House of Representatives shall have the power to appoint political parliamentary officials under section 92 (1), (3), (5), (7), (8), (10), (11), (13), (15), (17), (18), (20), (22) and (24).

The President of the Senate shall have the power to appoint political parliamentary officials under section 92 (2), (4), (6) (9), (12), (14), (16), (19), (21) and (23).

Section 96 A political parliamentary official vacates office upon;

(1) death

(2) resignation

(3) for political parliamentary officials appointed under section 95 paragraph one, when the appointer issues an order to relieve them from positions or when the Speaker of the House of Representatives, the Deputy Speaker of the House of Representatives or the Leader of the Opposition in the House of Representatives vacates office, or when the House of Representatives is expired or dissolved, as the case may be;

(4) for political parliamentary officials appointed under section 95 paragraph two, when the appointer issues an order to relieve them from positions, or when the President of the Senate or the Vice-President of the Senate vacates office, as the case may be.

TRANSITORY PROVISIONS

Section 97 The POC under the Rules of Parliamentary Officials Act, B.E. 2518 (1975) performing its duties prior to the date on which this Act comes into force shall perform duties as POC under this Act.

Qualified commissioners of the Parliamentary Officials Commission under the Rules of Parliamentary Officials Act, B.E. 2518 (1975) shall continue to be qualified commissioners of the Parliamentary Officials Commission under this Act until expiration of term under the Rules of Parliamentary Officials Act, B.E. 2518 (1975).

Selection of the commissioners representing ordinary parliamentary officials by ordinary parliamentary officials of the Secretariat of the House of Representatives and ordinary parliamentary officials of the Secretariat of the Senate under section 13 shall be completed within sixty days from the effective date of this Act.

Section 98 The POSC performing duties prior to the date on which this Act comes into force shall continue to perform duties until the POSC under this Act is appointed.

Section 99 Any person who has become an ordinary parliamentary official or political parliamentary official under the Rules of Parliamentary Officials Act, B.E. 2518 (1975) prior to the date on which this Act comes into force shall continue to be an ordinary parliamentary official or political parliamentary official under this Act, as the case may be.

Section 100 All laws, by-laws, regulations, notifications, rules, resolutions of Council of Ministers, resolutions of the POC, or any orders with reference to "parliamentary officials" under the Rules of Parliamentary Officials Act, B.E. 2518 (1975) or the Parliamentary Official Uniform Act, B.E. 2518 (1975) shall refer to "parliamentary officials" under this Act.

Section 101 While the POC has not yet laid down position specifications under section 29, the provisions of Chapter III Ordinary Parliamentary Officials shall not yet apply. The Rules of Parliamentary Officials Act, B.E. 2518 (1975) of the pertaining parts, including the schedules of the salary rates for civil servants and the schedules of the position allowance rates for civil servants annexed to the Salaries and Position Allowances Act, B.E. 2538 (1995) shall provisionally apply to ordinary

parliamentary officials until the POC has completed laying down position specifications and designating ordinary parliamentary official positions to position categories, class series and position levels in accordance with the position specifications, and in which case the provisions of Chapter III Ordinary Parliamentary Officials under this Act shall then apply, and supervising officials shall appoint ordinary parliamentary officials to the new positions within thirty days as from the date of completing position specifications and designation of ordinary parliamentary official positions to position categories, class series and position levels in accordance with the position specifications.**

In the designation of positions and appointment of ordinary parliamentary officials under paragraph one, if there are reasons and necessity, the POC may, in individual cases, approve the appointment of ordinary parliamentary officials possessing qualifications different from the position-specific qualifications as prescribed by law.

The POC shall complete the actions pursuant to paragraph one within sixty days from the effective date of this Act.

Section 102 While regulations, notifications or rules have not yet been issued, or directives or prescriptions have not yet been made, in any case, for the execution of this Act, the regulations, notifications, rules, directives or cases that have been prescribed, that were previously in force, shall be applicable in so far as are not inconsistent or contrary to this Act.

In the case where the regulations, notifications, rules, directives or cases that have been prescribed, are inapplicable under paragraph one, proceedings shall be as prescribed by the POC.

Section 103 For any matter pending proceedings or previously actionable under the Rules of Parliamentary Officials Act, B.E. 2518 (1975), and not provided for in this Act, or there is a case which is not actionable under this Act, appropriate further proceedings on such matter shall be as prescribed by the POC.

Section 104 Adjustments of salaries and position allowances of ordinary parliamentary officials pursuant to the schedules annexed to this Act shall be considered and carried out by the POC in accordance with the rules and procedures

** Preparation of position specifications and designation of ordinary parliamentary official positions to position categories, class series and position levels in accordance with the position specifications have been completed on 9 June 2011.

prescribed by the Council of Ministers under section 138 of the Rules of Civil Servants Act, B.E. 2551 (2008).

For the purpose of performing the actions under paragraph one, an ordinary parliamentary official who receives a salary lower than the minimum salary rate for the level pursuant to the schedules annexed to this Act shall receive a salary not less than the minimum salary rate on a temporary basis pursuant to the schedules annexed to this Act, and shall receive a salary adjustment up to the minimum salary rate for the level pursuant to the schedules annexed to this Act, in accordance with the rules and procedures prescribed by the Council of Ministers under section 138 of the Rules of Civil Servants Act, B.E. 2551 (2008).

Countersigned by:

Abhisit Vejjajiva

Prime Minister