

Order of the Head of the National Council for Peace and Order

No. 41/2559

Re: The Supervision of Dissemination of Information to the Public

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Pursuant to the National Council for Peace and Order's issuance of Notification of the National Council for Peace and Order No. 97/2557, Re: Cooperation with the Operations of the National Council for Peace and Order and the Dissemination of Information to the Public, which is amended by the Notification of the National Council for Peace and Order No. 103/2557, Re: The Amendment of the Notification of the National Council for Peace and Order No. 97/2557 to prohibit the dissemination of certain types of information, and whereas the information specified in such notification is considered content prohibited from being broadcast by sound broadcasting or television broadcasting business operators under Section 37 of the Sound Broadcasting and Television Broadcasting Businesses Act, B.E. 2551 (2008). Thereby, in order to avoid issues regarding the awareness and understanding of supervision of the dissemination of information by operators to the public, both in terms of the types of prohibited information and the measures to be applied in the supervision of sound broadcasting and television broadcasting business operations, a clearer definition of these matters is required.

By virtue of Section 44 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014), the Head of the National Council for Peace and Order, with the approval of the National Council for Peace and Order, hereby issues the following Orders:

**Clause 1** The presentation of news and information or the broadcast of a program containing content as specified in Clause 3 (1) to (7) of the Notification of the National Council for Peace and Order No. 97/2557, Re: Cooperation with the Operations of the National Council for Peace and Order and the Dissemination of Information to the Public, dated 18<sup>th</sup> July B.E. 2557 (2014), as amended by the Notification of the National Council for Peace and Order No. 103/2557, Re: The Amendment of the Notification of the National

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Council for Peace and Order No. 97/2557, dated 21<sup>st</sup> July B.E. 2557 (2014), is considered a broadcast of a program containing content that incites the overthrow of the democratic regime of government with the King as Head of State, or content that affects national security, public order, or public morals, under Section 37 of the Sound Broadcasting and Television Broadcasting Businesses Act, B.E. 2551, B.E. 2551 (2008), as the case may be.

**Clause 2** In the case where the National Broadcasting and Telecommunications Commission, the Broadcasting Commission, the Secretary General of the National Broadcasting and Telecommunications Commission, officials of the Office of the National Broadcasting and Telecommunications Commission, or persons authorized by such persons, perform their duties in good faith, without discrimination, and not excessively beyond necessity to supervise and prevent the dissemination of news and information or the broadcast of a program containing content as specified in Clause 1, from the effective date of the Notification under Clause 1, they shall be granted protection from civil, criminal, and disciplinary liabilities. However, this provision does not preclude the right of any affected party to claim compensation from the government in accordance with the law governing the liability for wrongful acts of officials.

**Clause 3** This Order shall come into force as from the date of its publication in the Government Gazette.

Ordered on the 13<sup>th</sup> July B.E. 2559 (2016)

General Prayut Chan-o-cha

Head of the National Council for Peace and Order