

Notification of the Ministry of Public Health

On Criteria, Procedures, and Conditions in Announcing an Area of Nuisance Control

B.E. 2561 (A.D. 2018)

Whereas it is deemed expedient to prescribe criteria, procedures, and conditions in announcing an area of nuisance control in order for the local official to be able to effectively control and settle problems of nuisances that affect living standards congruent with the livelihood of the people in a locality as a means to safeguard health of the people.

By virtue of the provisions of Section 28/1 paragraph one of the Public Health Act, B.E. 2535 (A.D. 1992), amended by the Public Health Act (No. 3), B.E. 2560 (A.D. 2017), the Minister of Public Health by advice of the Public Health Committee hereby issues this Notification as follows:

Clause 1. This Notification shall be referred to as “Notification of the Ministry of Public Health on Criteria, Procedures, and Conditions in Announcing an Area of Nuisance Control, B.E. 2561 (A.D. 2018)”.

Clause 2. This Notification shall come into force on the date immediately following that of its promulgation in the Government Gazette.

Clause 3. In this Notification,

“Nuisance” means a nuisance in accordance with the Public Health Act;

“Areas of nuisance control” means an area wherein a nuisance has taken place, which contributes to negative impact to the people or the community to an extent that is hazardous to health of a number of people and covers a wide range of area. Such area must accommodate more than one place of business of any business or any action that is a cause of such nuisance;

“Living standards congruent with the livelihood of the people” means a state of physical, biological, or chemical environment that is suitable for subsistence of the people and shall include a state that does not cause a nuisance against peacefulness of the people.

Clause 4. Whenever there is a nuisance occurring in a wide area, to an extent that it becomes hazardous to health of the people, it prescribes that the local official shall make an announcement, determining that such area shall become an area of nuisance control.

Clause 5. An announcement of nuisance control shall consist of 3 following elements:

(1) The incident of nuisance taking place in such area;

(Translation)

(2) For the cause of nuisance under (1), whether it be a place of business or an action, there must be more than one cause of action;

(3) Health or proper livelihood of a great number of people in a locality is affected. In this regard, such impact must affect a wide area.

Clause 6. The criteria for consideration under Clause 5(3) shall include any of the following indicators:

(1) Contribute negative impact to living standards congruent with the livelihood of the people, or a state that causes nuisance against peacefulness of the people, which is expected to be induced by a problem of nuisance taking place in an area that should be subject to control;

(2) The result of environmental quality or pollution analysis is below standards, indicating negative impact to health of the people, which is expected to be induced by a problem of nuisance taking place in an area that should be subject to control. In this regard, measuring methods and standards of the environment or pollution shall be in accordance with the Enhancement and Conservation of National Environmental Quality Act, or relevant laws;

(3) Have a health risk assessment which indicates negative impact to health of the people, or symptoms, or illness of the people, which is expected to be induced by a problem of nuisance taking place in an area that should be subject to control. In this regard, the health risk assessment shall be in accordance with the guidelines effectuated by the World Health Organisation, or any other methods formulated or approved by the Department of Health.

Clause 7. For the procedures in announcing an area to be subject to nuisance control, it prescribes that the local official shall proceed as follows:

(1) Investigate matters of fact and gather information concerning the cause of nuisance, conditions of such cause, scope of the cause of nuisance and effect to health of the people, or the community;

(2) Analyse, summarise, and evaluate the incident of nuisance which takes place in the area that should be subject to control;

(3) Consider initial information to finalise whether such place should be announced as a place of nuisance control by considering the matters of fact. In this regard, the essence of Clause 5 and indicators under Clause 6 must be taken into account;

(4) In the case where the local official considers a matter nuisance, based on the criteria provided under Clause 5 and Clause 6, it prescribes that such place must be announced as a place of nuisance control; and in the case where the the local official considers that it is not such time to announce it a place of nuisance control, further actions must then be taken to abate such nuisance according to Section 27 or 28, as the case may be;

(Translation)

(5) Prescribe criteria, procedures, and conditions for prevention and abatement of nuisance within the area where an announcement of nuisance control is enforced. Such announcement shall at least include areas that should be placed under control, type of the place of business, or actions to be controlled, and preventive measures or measures to abate the nuisance. In this regard, it may require the place of business or person causing the nuisance to report operation results according to the announcement of a place of nuisance control;

(6) Make the announcement publicly viewable at the Local Government office and at the area considered a place of nuisance control, and inform the place of business or the person who causes nuisance, or who may cause nuisance within the place of nuisance control for acknowledgement and compliance;

(7) Prescribing that the local official shall follow up, monitor operations of the place of business or person causing the nuisance to ensure that they are aligned with the announcement of the place of nuisance control;

(8) In the case where nuisance in the place announced has been abated to an extent that it no longer causes hazards to health of the people, it prescribes that the local official shall repeal the announcement of the place of nuisance control without delay.

Clause 8. Announcement of the place of nuisance control and announcement to repeal the place of nuisance control shall be in accordance with the forms annexed hereto.

Announced on the 8th Day of February 2018

Piyasakol Sakolsatayadorn

Public Health Minister

(Translation)

(Form)

Announcement of.....(Name of Local Government).....

On Designation of an Area of Nuisance Control

B.E.....(A.D.....)

Due to an ongoing incident in the area, ...(Indicate matters of the incident and facts)...have caused nuisance in a wide range to an extent that it is hazardous to health of the general public.

By virtue of Section 28/1 paragraph two of the Public Health Act, B.E. 2535 (A.D. 1992), amended by the Public Health Act (No. 3), B.E. 2560 (A.D. 2017), together with Clause 4 of the Notification of the Ministry of Public Health on Criteria, Procedures, and Conditions in Announcing an Area of Nuisance Control, B.E. 2561 (A.D. 2018), the local official hereby issues a notification as follows:

Clause 1. Prescribing that the area starting from...(Specify the scope of area which causes nuisance that needs to be controlled)...to...(Specify the scope of area which causes nuisance that needs to be controlled)...is a place of nuisance control.

Clause 2. Prescribing that...(Specify type of the place of business or any action)...shall be a place of nuisance control within the area defined under Clause 1.

Clause 3. Prescribing that the person causing the nuisance specified under Clause 2 shall comply with criteria, procedures, and conditions on prevention and abatement of nuisance as follows: (Provide measures or guidelines to prevent or abate nuisance arising in the place of nuisance control).

1.
2.
3.
4.

Clause 4. Prescribing other additional conditions (Specify: for example, prescribing that the person causing nuisance shall report operation results according to the Announcement on Designation of a Place of Nuisance Control to the local official).

Clause 5. Any person violating or not complying with this Announcement shall be punished by imprisonment not exceeding three months, or a fine of not exceeding twenty-five thousand baht, or both, according to Section 74 of the Public Health Act, B.E. 2535 (A.D. 1992), amended by the Public Health Act (No. 3), B.E. 2560 (A.D. 2017).

(Translation)

Clause 6. This Announcement shall come into force immediately after being posted publicly at the Office of...(Name of Local Government)...and at the area designated to be a place of nuisance control, and when the person causing such nuisance has already been notified.

Announced on the.....Day of.....

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....(Local Official)....

(Translation)

(Form)

Announcement of.....(Name of Local Office).....

On Repealing the Announcement on Designation of an Area of Nuisance Control

B.E.....(A.D.....)

B.E...(when announced to repeal)...

As the situation within the area of...(Specify the area that causes the problem according to the Notification on Designation of a Place of Nuisance Control)...has been abated to an extent that it is no longer hazardous to health of the general public.

By virtue of Section 28/1 paragraph three of the Public Health Act, B.E. 2535 (A.D. 1992), amended by the Public Health Act (No. 3), B.E. 2560 (A.D. 2017), together with Clause 7 (8) of the Notification of Public Health Ministry on Criteria, Procedures, and Conditions for Announcement of a Place of Nuisance Control, B.E. 2561 (A.D. 2018), it is therefore announced to repeal the Notification on Designation of an Area of Nuisance Control, B.E.....

In this regard, this Announcement shall be effective from this day onwards.

Announced on the.....Day of.....

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....(Local Official)....