

Duties and Powers of the Senate under the Main Provisions of the Constitution of the Kingdom of Thailand

The Constitution of the Kingdom of Thailand provides that the Senate has the duties and powers as follows:

1. Duties and Powers in the Consideration and Scrutiny of Bills

The Senate has both the duties and powers in the “consideration of bills” together with the House of Representatives as the National Assembly and “scrutiny of bills,” which have been approved by the House of Representatives.

1) Consideration of bills

1.1) Consideration of draft Constitution Amendments

A draft Constitution Amendment shall be introduced to the National Assembly, and the National Assembly shall consider the draft Constitution Amendment into 3 readings. The Senate plays an important role in the amendment to the Constitution. In the first reading for adoption of principle and the final third reading, senators comprising not less than one-third of the total number of existing members of the Senate must vote for approval.

1.2) Consideration of organic law bill

Section 132 of the Constitution provides that an organic law bill shall be introduced to the National Assembly, and the National Assembly shall hold a joint sitting for consideration of such organic law bill, which shall be completed within 180 days as from the date on which the President of the National Assembly places it on the agenda of the sitting of the National Assembly. In voting in the third reading, votes for approval of the organic law bill shall be more than one-half of the total number of existing Members of the National Assembly. If the joint sitting of the National Assembly has not completed its consideration within the prescribed period of time, it shall be deemed that the National Assembly approves the organic law bill as introduced.

2) Scrutiny of bills

2.1) Bills

When the Senate receives a bill approved by the House of Representatives, the Senate shall complete the consideration of such bill within the periods of time as follows:

(1) general bills: the Senate shall complete the consideration within 60 days;

(2) money bills: the Senate shall complete the consideration within 30 days, provided that the Senate may, as a special case, resolve to extend the period for not more than 30 days.

2.2) Appropriations bills

When the House of Representatives resolves to approve an annual appropriations bill, supplementary appropriations bill, transfer of appropriations bill, the Senate shall approve and disapprove it without any amendment within 20 days as from the date the bill reaches the Senate.

2.3) Approval of an Emergency Decree

When the King issues an Emergency Decree which shall have force upon the advice of the Council of Ministers, the Council of Ministers shall submit the Emergency Decree to the National Assembly for its consideration without delay. If the House of Representatives and the Senate resolve to approve the Emergency Decree, such Emergency Decree shall continue to have the force of an Act.

2. Controlling the Administration of State Affairs

The Constitution provides the duties and powers of the Senate in controlling the administration of State affairs as follows:

2.1 Interpellation

Section 150 of the Constitution provides that every senator has the right to interpellate verbally or in writing a Minister on any matter within the scope of his or her authority.

2.2 General debate in the Senate

Section 153 of the Constitution provides that senators comprising not less than one-third of the total number of the existing Members of the Senate have the right to submit a motion for a general debate in the Senate for the purpose of requesting the Council of Ministers to give statements of fact or explain important problems in connection with the administration of the State affairs without a resolution to be passed.

2.3 General debate in the sitting of the National Assembly

Section 155 of the Constitution provides that in the case where there is an important issue concerned with the security, safety or economy of the country in regards to which there should be a joint consultation between the National Assembly and the

Council of Ministers, the Leader of the Opposition in the House of Representatives may give a notice to the President of the National Assembly requesting that a general debate be held at a sitting of the National Assembly. In such case, the President of the National Assembly must hold the sitting within 15 days as from the date the notice is received but no resolution shall be passed by the National Assembly on the issue put in the debate. The sitting shall be *in camera* and it shall be the duty of the Council of Ministers to attend such sitting.

2.4 Appointment of a committee

The Senate has the power to select and appoint senators to constitute a standing committee and has the power to select and appoint persons, being or not being its members, to constitute an *ad hoc* committee in order to perform any act, inquire into facts or study any matter and report its findings to the Senate in the period of time as prescribed by the Senate.

3. Providing advice or approving an appointment of a person to hold a position

The Constitution provides the duties and powers of the Senate in providing advice or approving an appointment of a person for holding positions as follows:

3.1 Providing advice or approving an appointment of a person to hold a position under the Constitution

The Constitution provides duties and powers of the Senate in providing advice or approving an appointment of a person for holding positions under the Constitution as follows:

- 1) Judge of the Constitutional Court
- 2) Election Commissioner
- 3) Ombudsman
- 4) National Anti-Corruption Commissioner
- 5) State Audit Commissioner and Auditor-General
- 6) National Human Rights Commissioner

3.2 Providing advice or approving an appointment of a person to hold a position in accordance with the law

The Senate has the duties and powers in providing advice or approving an appointment of a person to hold a position in accordance with the law as follows:

- 1) President of the Supreme Administrative Court

- 2) Judge of the Supreme Administrative Court
- 3) Attorney-General
- 4) Secretary-General of the Anti-Money Laundering Board
- 5) Secretary-General of the Public Sector Anti-Corruption Commission
- 6) Secretary-General of the Council of State
- 7) National Broadcasting and Telecommunications Commissioner
- 8) Member of the Monitoring and Evaluation Committee

4. Other Duties and Powers of the Senate under the Constitution

In addition to the duties and powers mentioned above, the Constitution also provides that the Senate has other duties and powers such as the making of a solemn declaration by the Regent before the National Assembly, the acknowledgement of an amendment to the Palace Law on Succession, B.E. 2467 (1924), the acknowledgement or approval of the succession to the Throne, the approval of the declaration of war, the making of the rules of procedure of the National Assembly, the announcement of policies to the National Assembly, the hearing and approval of a treaty.
