

ACT PROMULGATING THE LAND CODE

B.E. 2497 (1954)¹

BHUMIBOL ADULYADEJ, REX.

Given on the 30th day of November B.E. 2497 (1954)

Being the 9th Year of the Present Reign

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

Whereas it is deemed expedient to promulgate the Land Code;

Be it, therefore, enacted by the King, by and with the advice and consent of the House of Representatives, as follows:

Section 1. This Act shall be called the “Act Promulgating the Land Code B.E. 2497 (1954)”.

Section 2.² This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The Land Code annexed to this Act shall come into force as from the 1st day of December B.E. 2497(1954).

Section 4. From the date the Land Code comes into force, the following shall be repealed:

- (1) Provisional Pre-emption Certificate Issuance Act, the title of which was amended in R.S. 124 to read the Pre-emption Certificate Title Deed Issuance Act;
- (2) Land Title Deed Issuance Act R.S. 127;
- (3) Land Title Deed Issuance Act (No. 2);
- (4) Land Title Deed Issuance Act (No. 3);
- (5) Act Amending the Provisions of Section 25 of the Land Title Deed

¹ Translated by Chandler and Thong-ek Law Office Limited under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Government Gazette, Volume 71, Part 78 (Special) Page 1, Dated 30 November B.E. 2497 (1954).

Issuance Act R.S. 127;

(6) Act on Reservation of Waste Lands which are Public Domains B.E. 2478;

(7) Land Title Deed Issuance Act (No. 5) B.E. 2479;

(8) Land Title Deed Issuance Act (No. 6) B.E. 2479;

(9) Control of Land Acquisition by Partnerships and Limited Companies for Speculative Purposes Act B.E. 2485;

(10) Land Title Deed Issuance Act (No. 7) B.E. 2486;

(11) Act on Officials in Charge of Right and Juristic Act Registration pertaining to Immovable Property under the Civil and Commercial Code B.E. 2486;

(12) Act on Officials in Charge of Right and Juristic Act Registration pertaining to Immovable Property under the Civil and Commercial Code (No. 2) B.E. 2492;

(13) Land with Respect to Aliens Act B.E. 2486;

(14) Land with Respect to Aliens Act (No. 2) B.E. 2493; and

(15) All other laws, rules and regulations insofar as they have already been provided for in the Land Code or are inconsistent with or contrary to the provisions thereof.

Section 5. A person who has been in possession and made use of land prior to the date the Land Code comes into force without a land ownership document shall give notice of his possession of the land to the District Officer of the locality within 180 days as from the date this Act comes into force in accordance with the rules and procedure prescribed by the Minister and published in the Government Gazette.

Paragraph two³ **(Repealed).**

The notice of possession under the provisions of this Section shall not in any respect create the new right to the notifier.

Section 6. A person who has lawfully been in possession and made use of land prior to the date the Land Title Deed Issuance Act (No. 6) B.E. 2479 came into force and the transferee of the said land shall have the right to apply for a title deed in accordance with the provisions of the Land Code. In case of the land under possession from the effective date of the Land Title Deed Issuance Act (No. 6) B.E. 2479 to the day before the effective date of the Land Code, of a person who has not proceeded lawfully in accordance with the law in effect at that time, the issuance of title deed shall be proceeded

³ Section 5 paragraph two repealed by Announcement of the National Executive Council No. 96, dated 29 February B.E. 2515 (1972).

in accordance with the rules and procedure prescribed by the ministerial regulations, and the provisions of the Land Title Deed Issuance Act (No. 6) B.E. 2479 shall remain in effect.

Section 7. A person who has received permission to pre-empt land under the Land Title Deed Issuance Act (No. 6) B.E. 2479 prior to the date this Act comes into force but has not yet received a certificate of utilization, shall have the right to apply for that certificate from the District Officer until the period of 180 days from the final day allowed for pre-emption by the said Act elapses.

In case the period for pre-emption referred to in paragraph one has expired before the Land Code comes into force and it appears that the land for which the pre-emptive permission has been granted is in such a state of use as to warrant application for a certificate of utilization mentioned above, an application for such certificate shall be filed with the District Officer within 180 days as from the date the Land Code comes into force. On the expiration of such time limit that land shall be deemed to be free from pre-emption unless an order for extenuation by the District Officer is granted for specific cases.

Section 8. In determining whether the land has been utilized or not, the rules prescribed in the ministerial regulations shall govern.

Land permitted to be pre-empted but which has not yet received a certificate of utilization from the District Officer shall not be transferred except by way of inheritance.

Section 9. Land certified as having been utilized by the District Officer may be transferred.

Section 10. Land reserved for the purposes of the Act on Reservation of Waste Lands which are Public Domains B.E. 2478, or for the purposes of other laws prior to the date the Land Code comes into force, shall remain on reserve.

Section 11. In areas where pre-emption certificate title deeds and pre-emption certificates stamped “has been utilized” were issued prior to the date the Land Code comes into force, the provisions of laws concerned shall remain in effect to the extent that they deal with survey procedure and issuance of the aforesaid documents until the title deeds under the Land Code are issued.

Section 12. A person who is going to acquire land under a contract to buy

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

or sell or under a hire-purchase contract made prior to the effective date of this Act and who registers such contract with the competent officer under Section 71 of the Land Code in accordance with the rules and procedure laid down by the Minister within 120 days as from the date this Act comes into force shall, when the purchase or sale under the contract takes place, be deemed to have title to the land prior to the effective date of the Land Code.

Section 13. A person who sold land with right of redemption prior to the date this Act comes into force shall, on redeeming it after the Land Code is in force, be deemed to have title to the land prior to the effective date of the Land Code.

Section 14. The District Officer shall have the power to proceed to completion with an application for pre-emption of land filed with the competent officer prior to the effective date of this Act by a person to whom a permission for pre-emption has not yet been granted, in accordance with the provisions of the Land Title Deed Issuance Act (No. 6) B.E. 2479.

Section 15. The Minister of Interior shall have charge and control of the execution of this Act and the Land Code and shall have the power to appoint land officials and competent officers and to issue ministerial regulations for the purpose of carrying out this Act and the Land Code.

Such ministerial regulations shall come into force upon their publication in the Government Gazette.

Countersigned by

Field Marshal P. Pibulsonggram

Prime Minister

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

LAND CODE

CHAPTER I GENERAL PROVISIONS

Section 1. In this Code:

“land” means the land surface everywhere and includes mountains, creeks, swamps, canals, marshes, waterways, streams, lakes, islands and sea coasts;

“right to land” means ownership and includes possessory right;

“pre-emption certificate (bai chong)” means a document showing authorization of temporary occupation of land;

“certificate of utilization” means a document issued by the competent officer certifying that the land has already been put to use;

“certificate of investigation (bai tai suan)” means a paper showing the inquiry made for the purpose of issuing a title deed and includes a plot identification slip (bai nam);

“title deed” means a document showing ownership of land and includes a map title deed, pre-emption certificate title deed, and pre-emption certificate stamped “has been utilized”;

“survey” means the survey and marking of boundaries, recording or computation of the survey in order to determine the location of land boundary lines or to determine the location and area of land;

“trade in land”⁴ **(Repealed)**

“public body”⁵ means

(1) central administration, provincial administration, or local administration;

(2) other government agencies which are not a state enterprise;

“Commission” means the National Land Allocation Commission;

“competent officer” means an official who carries out the execution of this Code and other officials appointed by the Minister for the execution of this Code;

“Director-General” means the Director-General of the Department of

⁴ Section 1 The definition of “trade in land” repealed by the Land Code Amendment Act (No. 12) B.E. 2551 (2008).

⁵ Section 1 The definition of “public body” added by the Land Code Amendment Act (No. 2) B.E. 2521 (1978) amended by the Land Code Amendment Act (No. 13) B.E. 2556 (2013).

Lands;

“Minister” means the Minister having charge and control of the execution of the Act Promulgating the Land Code and this Code.

Section 2. The land the ownership of which is not vested in any person shall be deemed to be the property of the State.

Section 3. A person shall have ownership of land in the following cases:

(1) where the ownership was acquired in accordance with the law prior to the effective date of this Code or where a title deed is acquired in accordance with the provisions of this Code;

(2) where the ownership is acquired in accordance with the law on land allocation for livelihood or other laws.

Section 4. Subject to the provisions of Section 6, any person who has acquired land possessory right prior to the date this Code comes into force shall continue to have such possessory right. This protection shall also extend to the transferee of the land.

Section 4 bis.⁶ As from the date this Announcement of the National Executive Council comes into force, transfer of ownership of or possessory right to land with a title deed or certificate of utilization shall be made in writing and registered with the competent officer.

Section 5. Any person wishing to surrender his right to land to the State shall file a surrender application with the competent officer under Section 71.

Section 6.⁷ As from the date this Announcement of the National Executive Council comes into force, where any person having right to land under a title deed or certificate of utilization neglects to make use of that land or leaves it lying waste for a period longer than the following:

- (1) land under a title deed, longer than ten consecutive years;
- (2) land under a certificate of utilization, longer than five consecutive

⁶ Section 4 bis added by Announcement of the National Executive Council No. 96, dated 29 February B.E. 2515 (1972).

⁷ Section 6 amended by Announcement of the National Executive Council No. 96, dated 29 February B.E. 2515 (1972).

years,

it shall be deemed that he has the intention to abandon his right to land for the part of the land which is not utilized or is left lying waste. When the Director-General has filed a petition with the court, and the court has ordered cancellation of the land right document of such land, such land shall be vested in the State for further action in accordance with this Code.

Section 7.⁸ (Repealed)

Section 8.⁹ All the lands which are either a public domain or state property shall, in the absence of laws providing otherwise, be under the care of the Director-General, who shall have the power and duty to take any appropriate measures for its protection. Such power and duty may be delegated by the Minister to another public body.

The land which is part of the public domain of the State and used in common by the public or used specifically in the interest of the State or the land which is reserved for the use of any public body may be withdrawn from such status or transferred for other uses, or allocated to the people, in the following cases:

(1) For land used in common by the public, if a public body, state enterprise or private party has provided land for common use by the public instead, its withdrawal from such status or its transfer shall be made in the form of an Act. If the public has ceased to use the land or the status of that land has changed from being the land used in common by the public and the ownership of that land is not vested in any person in accordance with the provisions of other laws, its withdrawal shall be made in the form of a Royal Decree.

(2) For land used specifically in the interest of the State or land reserved for the use of any public body, if that public body ceases to use that land or no longer needs to reserve it for its own use, when there is a Royal Decree withdrawing that land from such status, the Council of Ministers may assign the public body in charge to make use of or seek benefits from the land. However, if the land is to be transferred to a private party, it shall be done in the form of an Act, and if the land is to be allocated to the people in accordance with this Code or other laws, it shall be done in the form of a Royal Decree.

The Act or the Royal Decree under paragraph two shall have a map showing

⁸ Section 7 repealed by the Land Code Amendment Act (No. 3) B.E. 2526 (1983).

⁹ Section 8 amended by Announcement of the National Executive Council No. 334, dated 13 December B.E. 2515 (1972).

the boundaries of the land as an annex to such Act or Royal Decree.

Section 8 bis.¹⁰ With regard to land belonging to the State to which no person has possessory right or land used in common by the public which has been withdrawn from such status in accordance with Section 8 (1), the Minister shall have the power to put such land on registration for use by a public body in the government service in accordance with the rules and procedure prescribed in the ministerial regulations.

Prior to putting such land on registration in accordance with paragraph one, survey for the purpose of making map shall be carried out and the Provincial Governor of the locality shall announce the registration to the public for their information for the period of thirty days. The announcement shall be posted in a conspicuous place at the land office, district office or sub-district office, kamnan's office, and on the land itself.

The Minister shall publish the notification of the registration in accordance with paragraph one in the Government Gazette and there shall be a map annexed to the notification.

Section 8 ter.¹¹ With regard to the land which is part of the public domain of the State for use in common by the public or for use specifically in the interest of the State, the Director-General may issue a public land deed evidencing the boundaries of such land.

Forms, rules and procedure for issuance of the public land deed shall be in accordance with the ministerial regulations.

The boundaries of any parcel of land under paragraph one which has not yet obtained a public land deed shall be in accordance with the government's record.

Section 9. Subject to the laws on mining and forestry, persons without right to possession of the land belonging to the State or without permission from the competent officer shall be prohibited from:

- (1) entering, occupying or taking possession of such land, including cutting down trees for construction purposes or burning forest thereon;
- (2) destroying or causing deterioration, by any means, of the condition of the land, rock, gravel or sand within the areas reserved by the Minister's announcement

¹⁰ Section 8 bis added by Announcement of the National Executive Council No. 334, dated 13 December B.E. 2515 (1972).

¹¹ Section 8 ter added by Announcement of the National Executive Council No. 334, dated 13 December B.E. 2515 (1972).

published in the Government Gazette;

- (3) doing anything which imperils the resources in the land.

Section 9/1.¹² The person with the permission under Section 9 shall pay an annual consideration to the municipality, sub-district administration organization, Bangkok Metropolitan Administration, Pattaya City, or other local administration organization established under law, of the locality where the permitted land is located, except provincial administration organization, according to the procedure and at the rates prescribed by the relevant by-law, but not to exceed the rates set out in the schedule annexed hereto.

A local administration organization in a provincial area shall share the consideration received under paragraph one to the provincial administration organization at the rate of forty percent of the consideration received, within thirty days from the date of receipt of payment thereof, so that it be an income of the provincial administration organization, and the remaining consideration shall become an income of the local administration organization where the permitted land is located. In case the said land is not located in the provincial administration organization area, the entire consideration received under paragraph one shall become an income of the said local administration organization.

Section 10. With regard to State land which is free of any person's possessory right and is not a public domain of the State in common use by the people, the Director-General shall have the power to arrange to seek benefits therefrom. Such arrangements may include its utilization, purchase, sale, exchange, lease and hire-purchase.

Rules and procedure for such arrangements shall be prescribed in the ministerial regulations. As for sale, exchange and hire-purchase, the authorization of the Minister must be obtained.

In making arrangements for seeking benefits from land under this Section, consideration shall be given to the need to reserve the land for future generations.

Section 11. In making arrangements for seeking benefits from State land in accordance with the provisions of the preceding Section, the Minister may assign to another public body the power to make such arrangements in the interest of the State or of a certain locality, in accordance with the rules and procedure prescribed in the ministerial

¹² Section 9/1 amended by the Land Code Amendment Act (No. 11) B.E. 2551 (2008).

regulations.

Section 12. The Minister may grant concession over, give, or make available for utilization for a limited period of time, State land which is free of any person's possessory right, in accordance with the rules and procedure prescribed in the ministerial regulations.

The provisions of this Section shall not affect the law on mining and forestry.

Section 13. For the purpose of carrying out the execution of the provisions of this Code, the Minister shall have the power to establish provincial land offices.

If it is necessary to establish more than one land office in any province, the Minister shall have the power to establish land branch offices to be under the provincial land office.

The establishment of a provincial land office and land branch office shall be announced in the Government Gazette.

CHAPTER II

LAND ALLOCATION FOR THE PEOPLE

Section 14.¹³ There shall be a Commission called the "National Land Allocation Commission", consisting of the Minister of Natural Resources and Environment as Chairman, Deputy Minister of Interior, Permanent Secretary for Interior, Permanent Secretary for Defence, Director-General of Department of Provincial Administration, Director-General of Department of Social Development and Welfare, Director-General of Cooperative Promotion Department, Director-General of Department of Highways, Director-General of Royal Irrigation Department, Director-General of Land Development Department, Director-General of Department of Mineral Resources, Director-General of Department of Agricultural Extension, Director-General of Royal Forest Department, Director-General of Treasury Department, Director of the Bureau of the Budget, Secretary-General of the Office of the Juridical Council, Secretary-General of the National Economic and Social Development Board, and Secretary-General of the Office of the Accelerated Rural Development as members, Director of the Office of Natural Resources and Environmental Policy and Planning as member and

¹³ Section 14 amended by Announcement of the National Executive Council No. 334, dated 13 December B.E. 2515 (1972).

Secretary-General ex officio, and not more than seven other qualified members appointed by the Council of Ministers.

Section 15.¹⁴ Qualified members hold office for a term of four years. Retiring qualified members may be re-appointed by the Council of Ministers.

Section 16. In addition to vacating office at the end of the term under Section 15, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) having been imprisoned by a final court judgement, except for a petty offence or offence with petty offence penalty or offence committed through negligence;
- (4) being removed by the Council of Ministers.

In the case of a member vacating office under this Section, the Council of Ministers may appoint a qualified person to replace him. A member who is appointed to fill the vacancy shall hold office for the remaining term of the member he replaces.

Section 17. At a meeting of the Commission, the presence of more than one-half of the total number of members shall constitute a quorum.

Section 18. Where the Chairman is absent, the members shall elect one member among themselves as chairman.

Section 19. Resolution and decision of the meeting shall be made by a majority of votes.

Each member shall have one vote. In the case of an equality of votes, the chairman of the meeting shall cast another vote as a deciding vote.

Section 20.¹⁵ The Commission shall have the following powers and duties:

- (1) to lay down the policy on land allocation to enable the people to have land for habitation and earning their livelihood appropriately;
- (2) to lay down plans for land holding;

¹⁴ Section 15 amended by Announcement of the National Executive Council No. 334, dated 13 December B.E. 2515 (1972).

¹⁵ Section 20 amended by the Land Code Amendment Act (No. 3) B.E. 2526 (1983).

- (3) to preserve and develop land for allocating to the people;
- (4) to preserve or restrict a State land without possessory right of any person for common use by the people;
- (5) to approve land allocation projects of public bodies;
- (6) to supervise land allocation under this Code and other laws;
- (7) to carry out acts as entrusted by the Council of Ministers in regard to land;
- (8) to entrust a public body concerned to act on its behalf in carrying out any of its powers and duties under this Section as the Commission may consider appropriate;
- (9) to carry out other acts as provided in this Code or other laws;
- (10) to set up rules or regulations prescribing terms or conditions for land allocation or for other purposes under this Code.

Rules or regulations which affect the people shall be published in the Government Gazette.

Section 21. The Minister shall proceed in accordance with the resolutions of the Commission and shall have the power to entrust a public body concerned to take any measures concerning land allocation, and if practicable, the public body concerned shall carry out the work entrusted without delay. For the purposes of this Section, the officials of such public body shall have the same powers and duties as those provided for the competent officer under this Code.

In entrusting the public body to perform any function under the preceding paragraph, the Minister may allow such public body to draw funds in the Department of Lands' budget for spending on items listed in the budget, on behalf of the Department of Lands.

Section 22. The Minister and the competent officer designated by him shall have the following powers:

- (1) to summon any person to give facts or opinion on land allocation and to deliver documents and evidence or other articles involved for consideration by the Commission.
- (2) to enter premises or land belonging to a public body, state or private organization in order to examine any matters relating to land allocation, and to make inquiry into facts, to demand documents, evidence or other articles involved from persons who are on such premises or land for examination as deemed necessary. For this purpose, such

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

persons shall provide assistance to the Commission and the competent officer as appropriate.

Section 23. In the performance of duties under this Code, the competent officers and officials of the public body having the same powers and duties as the competent officer under Section 21 shall have identity cards and shall produce them to the persons concerned.

Section 24. The competent officers and officials performing duties under the provisions of this Code shall be deemed an official under the criminal law.

Section 25.¹⁶ For the purposes of land allocation or exploration of soil richness, the Commission may arrange for a land survey.

When it is expedient to make a land survey in any locality, the Commission shall announce such locality as a survey area in the Government Gazette. Such announcement shall be posted at the district office and kamnan's residence of the tambon located within the survey area. There shall also be a map defining the land area prescribed to be the survey area annexed to such announcement and such map shall be deemed part of the announcement.

Section 26. A person having right to land or possessing land located in the survey area under Section 25 shall have the following duties:

- (1) to notify the competent officer of the locality where the land is located of his right within the period specified by the Provincial Governor, in accordance with the form and procedure prescribed by the ministerial regulations. In this case, notification made by a representative shall be acceptable;
- (2) on receiving a request of the competent officer given in advance for a reasonable period, to escort or arrange for another person to escort the competent officer to the land to which he has right or the land under his possession and identify the boundaries thereof;
- (3) to sign to acknowledge the actual survey of land by the competent officer and, in the case where arrangement is made for other person to identify the boundaries of the land, to have such person sign on his behalf to acknowledge the land

¹⁶ Section 25 amended by Announcement of the National Executive Council No. 334, dated 13 December B.E. 2515 (1972).

survey.

Section 27. In addition to the land allocated by government agencies or state organizations under other laws, the Director-General shall have the power to allocate State land to which no person has possessory right, for the purposes of habitation and making a living by the people, in accordance with the rules, regulations, terms and conditions prescribed by the Commission in which the following shall be included:

- (1) amount of land to be allocated for possession;
- (2) rules on investigation and selection of possessors;
- (3) procedure with which the possessors shall comply;
- (4) rules on compensation for capital invested in the land and on imposition of certain fees;
- (5) activities necessary for the allocation of land.

The rules, regulations, terms and conditions of the Commission shall be published in the Government Gazette.

Section 27 bis.¹⁷ In the case where a person or his successor who has possessed and utilized a parcel of land filed before this Announcement of the National Executive Council comes into force a request for deferred submission of notice of possession under the Act Promulgating the Land Code B.E. 2497 and the Provincial Governor has not yet given an order on that matter, the Provincial Governor shall consider the matter and give an order thereon without delay. However, this does not deprive that person of his right to exercise the right under Section 27 ter of this Code.

Section 27 ter.¹⁸ After the Provincial Governor announces the areas and commencement date of survey under paragraph two of Section 58, a person who has possessed and utilized the land before the effective date of this Code without a deed evidencing title to land and without giving notice of his possession under Section 5 of the Act Promulgating the Land Code B.E. 2497 or a person awaiting the Provincial Governor's extenuation order under Section 27 bis and who has consecutively possessed and utilized such land up to the date of survey or investigation shall, if he wishes to acquire right to the land, notify his land possession to the land official of the locality where such land is located

¹⁷ Section 27 bis added by Announcement of the National Executive Council No. 96, dated 29 February B.E. 2515 (1972).

¹⁸ Section 27 ter amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

within 30 days as from the date of posting of the announcement. In the absence of such notification of possession within such period, that person shall still be deemed to desire to acquire right to such land if he or his representative escorts the competent officer to make survey on the day and at the time specified by the competent officer.

For the purposes of this Section, the person who has possessed and utilized the land according to paragraph one shall include a successor to him.

Section 28. The Commission shall have the power to appoint sub-committees to assist in carrying out its work and report the same to the Commission.

The provisions of Section 17, Section 18 and Section 19 shall apply *mutatis mutandis*.

Section 29. In carrying out the provisions of Section 27, land acquired under the provisions of this Code in any locality shall be assigned for acquisition, purchase, exchange or hire-purchase first to the persons domiciled in such locality. Then, the remaining area of land shall be assigned for acquisition, purchase, exchange or hire-purchase to the persons domiciled in other localities.

Section 30.¹⁹ When a person is granted possessory right to any parcel of land, the competent officer shall first issue a pre-emption certificate to him and, when it appears to the competent officer that such person has utilized the land and has fully complied with the rules, regulations, terms and conditions prescribed by the Commission, then the competent officer shall issue a land right document to him promptly.

Section 31.²⁰ In respect of a title deed or certificate of utilization issued further to the pre-emption certificate under Section 30 and Section 33, a person who has acquired right to the said land shall not transfer such land to any other person in the following cases:

- (1) in the case of issuance of pre-emption certificate on or after the 14th of December B.E. 2515 (1972), no transfer shall be made within ten years from the date of receipt of the title deed or certificate of utilization;
- (2) in the case of issuance of pre-emption certificate before the 14th

¹⁹ Section 30 amended by Announcement of the National Executive Council No. 334, dated 13 December B.E. 2515 (1972).

²⁰ Section 31 amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

December B.E. 2515 (1972), only where aid is granted by the State regarding public utilities and others for the allocation of land, no transfer shall be made within five years from the date of receipt of the title deed or certificate of utilization.

The provisions of paragraph one shall not apply where the land is received through inheritance or is transferred to a public body, government organization established under the law governing establishment of government organizations, state enterprise established by an Act or is transferred to a cooperative for performance of obligation with the approval from the cooperative registrar.

The said land shall not be subject to execution within the period of transfer prohibition under paragraph one.

Section 32. The Director-General has the power to order any person who takes possession of land under the provisions of Section 30 and does not comply with the rules, regulations, terms or conditions of the Commission to leave the land. As from the date of receiving such order that person shall immediately be deprived of the rights to be acquired under all rules and regulations.

That person, if dissatisfied with the order under the preceding paragraph, shall have the right to appeal to the Minister within 30 days from the date of receiving the order. If the Minister does not give his decision within 60 days from the date of receiving the appeal, it shall be deemed that the Minister gives an order allowing that person to continue his right of possession of land but he still has to comply with the rules, regulations, terms and conditions of the Commission.

The order of the Minister shall be final.

Section 33. In any locality where the Commission has not yet announced land survey areas according to the provisions of this Chapter or where the land is composed of small plots, the people may apply for the right of pre-emption of land by complying with the rules, regulations, terms and conditions prescribed by the Commission, and upon the approval of the competent officer a pre-emption certificate shall be issued.

CHAPTER III DETERMINATION OF LAND RIGHT

Section 34.²¹ (Repealed)

²¹ Section 34 repealed by Announcement of the National Executive Council No.

Section 35.²² (Repealed)

Section 36.²³ (Repealed)

Section 37.²⁴ (Repealed)

Section 38.²⁵ (Repealed)

Section 39.²⁶ (Repealed)

Section 40.²⁷ (Repealed)

Section 41.²⁸ (Repealed)

Section 42.²⁹ (Repealed)

Section 43.³⁰ (Repealed)

49, dated 13 January	B.E. 2502 (1959).
²²	Section 35 repealed by Announcement of the National Executive Council No.
49, dated 13 January	B.E. 2502 (1959).
²³	Section 36 repealed by Announcement of the National Executive Council No.
49, dated 13 January	B.E. 2502 (1959).
²⁴	Section 37 repealed by Announcement of the National Executive Council No.
49, dated 13 January	B.E. 2502 (1959).
²⁵	Section 38 repealed by Announcement of the National Executive Council No.
49, dated 13 January	B.E. 2502 (1959).
²⁶	Section 39 repealed by Announcement of the National Executive Council No.
49, dated 13 January	B.E. 2502 (1959).
²⁷	Section 40 repealed by Announcement of the National Executive Council No.
49, dated 13 January	B.E. 2502 (1959).
²⁸	Section 41 repealed by Announcement of the National Executive Council No.
49, dated 13 January	B.E. 2502 (1959).
²⁹	Section 42 repealed by Announcement of the National Executive Council No.
49, dated 13 January	B.E. 2502 (1959).
³⁰	Section 43 repealed by Announcement of the National Executive Council No.
49, dated 13 January	B.E. 2502 (1959).

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 44.³¹ (Repealed)

Section 45.³² (Repealed)

Section 46.³³ (Repealed)

Section 47.³⁴ (Repealed)

Section 48.³⁵ (Repealed)

Section 49.³⁶ (Repealed)

Section 50. In exercising the power of disposal of land under the provisions of this Code, the Director-General shall have the power to dispose of that land by sale or by hire-purchase in accordance with the rules and procedure prescribed in the ministerial regulations, and shall have the power to levy a fee not exceeding five per cent of the sale price. If the land cannot be disposed of within two years, the Director-General shall, with the approval of the Minister, have the power to sell it by installment payments made within ten years.

In exercising the power under the provisions of paragraph one, the Director-General may, if he thinks fit, divide the land into several plots for disposal.

Section 51. Where the Director-General decides to exercise the power of

³¹ Section 44 repealed by Announcement of the National Executive Council No. 49, dated 13 January B.E. 2502 (1959).

³² Section 45 repealed by Announcement of the National Executive Council No. 49, dated 13 January B.E. 2502 (1959).

³³ Section 46 repealed by Announcement of the National Executive Council No. 49, dated 13 January B.E. 2502 (1959).

³⁴ Section 47 repealed by Announcement of the National Executive Council No. 49, dated 13 January B.E. 2502 (1959).

³⁵ Section 48 repealed by Announcement of the National Executive Council No. 49, dated 13 January B.E. 2502 (1959).

³⁶ Section 49 repealed by Announcement of the National Executive Council No. 49, dated 13 January B.E. 2502 (1959).

disposal of land under this Code, the person holding right to the land to be disposed of shall agree with the competent officer as to which plot or part of land shall be disposed of. If they are unable to agree, the matter shall be submitted to the Commission for decision.

Section 52. In case the Director-General sees fit to exercise his power of disposal of land, the competent officer shall notify the person holding right to the land of such fact at least thirty days in advance. After the expiration of the said period, the competent officer shall agree with the person holding right to the land as to its price. If they are unable to agree on the price of land, the provisions governing valuation of immovable properties by arbitration under the law on expropriation of immovable properties shall apply *mutatis mutandis*.

The land price which may be agreed on or may be fixed by arbitration shall reflect the current market price prevailing on the day the competent officer notifies the person holding right to land that the Director-General intends to exercise the power of disposal of land.

Section 53. As from the day the competent officer gives notice under Section 52, the Director-General shall have the power of possession of the land immediately, and the person holding right to the land including his dependants, tenants, occupants, and any other persons staying on the land shall vacate the land within one year.

In case that plot of land is subject to a lease, the lease agreement shall be terminated as from the day the competent officer notifies the person holding right to the land that the Director-General intends to exercise the power of disposal of the land.

Section 54. In disposing of any person's land under the provisions of this Code either by hire-purchase or by installment payments, the Director-General shall complete installment payments of land price to the person holding right to the land within the following period:

- (1) For disposal of land under Section 39, installment payments shall be completed within five years;
- (2) For disposal of land under other Sections, installment payments shall be completed within ten years.

With regard to payment by installments, the interest rate of three per cent per annum shall be paid on the unpaid amount of the purchase price by the purchaser or hire-purchaser to the person originally holding right to that land.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 55. In the event of a sale or hire-purchase of land under Section 50, if the purchaser or hire-purchaser does not observe the conditions in the purchase agreement or hire-purchase agreement, as the case may be, the Director-General shall have the power to reclaim the land. In such case, the right to that plot of land shall be vested in the Department of Lands as from the date the purchaser or hire-purchaser has known or should know of the reclamation.

CHAPTER IV ISSUANCE OF LAND RIGHT DOCUMENTS

Section 56.³⁷ Subject to Section 56/1, the forms, rules and procedure for issuance of a pre-emption certificate, certificate of utilization, certificate of investigation (bai tai suan) or title deed, including a substitute therefor, shall be as prescribed in the ministerial regulations.

Section 56/1.³⁸ In issuing a title deed or certificate of utilization, if it is land that is adjacent to, overlapping, or is within, the State's land where there has been an aerial photomap or aerial photograph, it may be issued by the competent officer only when there has been an examination against the aerial photomap or aerial photograph last made by the authorities that it be the land that a title deed or a certificate of utilization thereof can be issued, or an examination by other method, in accordance with the regulations laid down by the Director-General.

Section 57.³⁹ A title deed and certificate of utilization shall contain the following essential particulars: name, surname, and address of the person with right to the land, location of land, its area, such plot of land's map showing the adjacent lands on the four directions. The provincial land official, provincial branch land official or land official assigned by the Director-General shall affix signature and official seal thereon, and there shall also be a registration index.

The title deed and certificate of utilization shall be made in duplicate, one copy to be held by the person with right to the land and the other to be kept at the land office. As for the copy kept at the land office, it may be a photocopy or stored by means of

³⁷ Section 56 amended by the Land Code Amendment Act (No. 11) B.E. 2551 (2008).

³⁸ Section 56/1 added by the Land Code Amendment Act (No. 11) B.E. 2551 (2008).

³⁹ Section 57 amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

information and communication technology system which, in this case, shall be regarded as if it were the original.⁴⁰

Section 58.⁴¹ When the Minister deems it appropriate to issue title deeds or certificates of utilization in any province in any year, he shall announce the province for which a survey, mapping or investigation of utilization will be made that year in the Government Gazette. The areas of the province specified by the Minister shall not include the areas designated by the authorities as permanent forests.

After the announcement of the Minister under paragraph one, the Provincial Governor shall specify the locality and the commencement date for pedestrian survey in that locality by posting announcement at the land office, district office, sub-district office, kamnan's office and village headman's office of the locality not less than thirty days before the date of commencement of the survey.

After the announcement of the Provincial Governor under paragraph two, the person under paragraph two of Section 58 bis or his representative shall escort the competent officer or a person assigned by him to make a survey and mapping or to investigate the utilization of his land on the day and at the time appointed by the competent officer.

The land official has the power to appoint a person trained in investigation of land utilization as an official to perform such investigation on his behalf for the purposes of pedestrian survey and investigation of utilization in order to issue a certificate of utilization.

In performing the function assigned under paragraph four, that official shall be deemed an official under the Penal Code.

Section 58 bis.⁴² After the survey, mapping or investigation of land utilization in accordance with Section 58, the competent officer shall issue a title deed or certificate of utilization, as the case may be, to the person under paragraph two when it appears that a title deed or certificate of utilization can be issued for the land possessed by such person in accordance with the provisions of this Code.

The persons to whom the competent officer can issue a title deed or

⁴⁰ Paragraph two of Section 57 amended by the Land Code Amendment Act (No. 10) B.E. 2550 (2007).

⁴¹ Section 58 amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

⁴² Section 58 bis amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

certificate of utilization under paragraph one are:

- (1) a person who has evidence of notification of his possession of land, pre-emption certificate, certificate of utilization, pre-emption certificate title deed, pre-emption certificate stamped “has been utilized”, or who has right to land under the law on land allocation for livelihood;
- (2) a person who has complied with Section 27 ter;
- (3) a person who possesses and utilizes the land after the effective date of this Code without a pre-emption certificate, or any evidence of right under the law on land allocation for livelihood.

For the purposes of this Section, a person having evidence of notification of his possession of land under paragraph two (1) shall include a person who has possessed and utilized the land subsequently to such person.

A title deed or certificate of utilization, as the case may be, of a parcel of not more than 50 rai of land shall be issued to the person under paragraph two (2) and (3). In the case where the title deed or certificate of utilization is issued on a parcel of more than 50 rai of land, specific permission for each issuance shall be obtained from the Provincial Governor in accordance with the regulations prescribed by the Commission.

Within ten years as from the date he received the title deed or certificate of utilization in accordance with paragraph one, the person under paragraph two (3) who acquires the right to the land is prohibited from transferring such land to other person except by way of inheritance or transfer to a public body, government organization under the law on establishment of government organizations, state enterprise established by an Act, or transfer to a cooperative for performance of obligation with the approval from the cooperative registrar.

Within the period of transfer prohibition under paragraph five such land is not subject to execution.

Section 58 ter.⁴³ When the Minister thinks fit to issue title deeds for lands with certificates of utilization which use an aerial photograph sheet in any locality, the Minister shall announce in the Government Gazette prescribing the said locality and the date of commencement of issuance of title deeds, not less than thirty days in advance.

In mapping for issuance of a title deed under paragraph one, the evidence concerning the aerial photograph sheet used with the certificate of utilization shall be

⁴³ Section 58 ter added by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

corrected according to aerial photograph mapping techniques without making a survey, except in case of necessity where the land official shall carry out a survey.

On the date of commencement of issuance of title deeds under the announcement of the Minister under paragraph one, any right and juristic act registration which requires a survey for lands with certificates of utilization by using an aerial photograph sheet in the said locality shall be suspended, except in case of necessity where the land official may grant a permission in each individual case, in accordance with the regulations prescribed by the Commission.

Issuance of a title deed under this Section shall be made to a person whose name is included in the certificate of utilization as the entitled person.

Upon title deeds for any parcels of land having been prepared and ready for distribution, the land official shall post an announcement stating the date of distribution of such title deeds to the persons entitled and it shall be regarded that a certificate of utilization for such a parcel of land is cancelled from the date of distribution of title deeds under the said announcement, and the cancelled certificate of utilization shall be surrendered to the land official, unless it is lost.

Section 59.⁴⁴ Where a person who has land possessory right applies for issuance of a title deed or certificate of utilization as an individual case whether there is an announcement of the Minister under Section 58 or not, the competent officer shall arrange for issuance of a title deed or certificate of utilization, as the case may be, in accordance with the rules and procedure prescribed in this Code if he thinks appropriate.

For the purposes of this Section, a person having land possessory right under paragraph one shall include any person who has possessed and utilized the land subsequently to the person having the evidence of notice of possession.

Section 59 bis.⁴⁵ If a person who has possessed and utilized land before this Code comes into force without a land ownership document and without giving notice of possession in accordance with Section 5 of the Act Promulgating the Land Code B.E. 2497, but excluding any person who does not comply with Section 27 ter, needs to apply for issuance of a title deed or certificate of utilization as an individual case, the competent officer shall, upon appropriate consideration, issue a title deed or certificate of utilization, as

⁴⁴ Section 59 amended by Announcement of the National Executive Council No. 96, dated 29 February B.E. 2515 (1972).

⁴⁵ Section 59 bis added by Announcement of the National Executive Council No. 96, dated 29 February B.E. 2515 (1972).

the case may be, in accordance with the rules and procedure prescribed in this Code, provided that the amount of land shall not exceed 50 rai. If it exceeds 50 rai, the approval of the Provincial Governor shall be obtained in accordance with the regulations specified by the Commission.

For the purposes of this Section, the person who has possessed and utilized land under paragraph one shall include any person who has possessed and utilized the land subsequently to such person.

Section 59 ter.⁴⁶ In issuing the title deed or certificate of utilization, if it appears that the area of land found under the new survey is different from that appearing in the notice of possession under Section 5 of the Act Promulgating the Land Code B.E. 2497, the competent officer shall consider issuing a land right document to the extent of the amount of land that has been utilized, in accordance with the regulations specified by the Commission.

Section 59 quarter.⁴⁷ In issuing a title deed under Section 58 bis, Section 58 ter and Section 59, if the original land right document contains particulars of obligations or particulars of change of person having right to the land during the course of issuance of the title deed, the said particulars shall be entered in the title deed as well.

Section 59 quinque.⁴⁸ In issuing a title deed under Section 58 bis and Section 59, it shall be regarded that the original land right document is cancelled, and the same shall be returned to the land official, unless it is lost.

Section 60.⁴⁹ In issuing a title deed or certificate of utilization, if there are disputing claimants, the competent officer or the land official, as the case may be, shall have the authority to investigate and weigh the claims. If an agreement can be reached, steps shall be taken accordingly. If not, the provincial land official or the provincial branch land official shall have the authority to decide as he deems appropriate.

⁴⁶ Section 59 ter added by Announcement of the National Executive Council No. 96, dated 29 February B.E. 2515 (1972).

⁴⁷ Section 59 quarter added by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

⁴⁸ Section 59 quinque added by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

⁴⁹ Section 60 amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

When the provincial land official or the provincial branch land official makes any decision, the parties to the matter shall be informed in writing of the same, and the dissatisfied party may file a lawsuit with the court within sixty days from the day he is so informed.

If a lawsuit has been filed with the court, the matter shall be suspended until a final judgement or order is made by the court, whereupon steps shall be taken accordingly. If no lawsuit is filed within the specified period, steps shall be taken according to the order of the provincial land official or provincial branch land official, as the case may be.

Section 61.⁵⁰ Where it appears that any title deed or certificate of utilization has been issued, or right and juristic act registration regarding immovable property has been effected, or document or particulars of immovable property registration have been recorded, for any person inaccurately or unlawfully, the Director-General, or the person assigned by the Director-General who is a Deputy Director-General or Inspector of the Department of Lands, shall have the power to order a revocation or correction thereof.

Before proceeding under paragraph one, the Director-General, or the person assigned by the Director-General under paragraph one, shall set up an investigation committee, who shall have the power to demand, for consideration, the title deed, certificate of utilization, documents which right and juristic act registration has been effected, documents showing particulars of immovable property registration, or other pertinent documents, and the interested persons shall be advised to accord them a chance to object. If no objection is raised within thirty days from the date of advice, it shall be assumed that no objection has been raised.

The committee investigating inaccurate or unlawful issuance of title deeds or certificates of utilization shall at least comprise an administrative official and a representative of the local administrative body or a local administrator of the locality where the land is located, as committee members.

The investigation under paragraph two must be completed and forwarded to the Director-General or the person assigned by the Director-General under paragraph one, within sixty days from the date of issue of an order for an investigation. In case the investigation committee cannot complete its investigation within the said timeframe, it shall then report to the Director-General or the person assigned by the Director-General under

⁵⁰ Section 61 amended by the Land Code Amendment Act (No. 11) B.E. 2551 (2008).

paragraph one the cause as to why the investigation could not be completed, so as to request an extension of the period of time for investigation, in which case the Director-General or the person assigned by him under paragraph one may order an extension of the period for such investigation as necessary, but in no case shall it exceed sixty days.

The Director-General or the person assigned by him under paragraph one shall complete his consideration within fifteen days from the date of receipt of investigation report from the investigation committee under paragraph four. Upon the Director-General or the person assigned by the Director-General under paragraph one having made any consideration thereof, steps shall then be taken according to his decision.

In proceeding with revocation or correction under this Section, if no title deed or certificate of utilization has been produced, it shall be regarded that such title deed or certificate of utilization is lost. In this respect, the land official shall issue a substitute land right document for further processing.

In the event of any inaccuracy due to writing or typing errors, for which clear evidence is available, and the interested person has consented thereto in writing, the land official shall have the power to make correction.

In case a final court judgement or order is issued for a revocation or correction to be effected, the land official shall proceed in accordance with such court judgement or order according to the procedure prescribed by the Director-General.

The setting up of the investigation committee, investigation, notice to the interested person to raise an objection, and consideration for revocation or correction shall be in accordance with the rules and procedure prescribed in the ministerial regulations.

Section 62. After the court has made a final decision on a case involving ownership of land for which a title deed has been issued, the court shall notify the land official of the locality where the land is located of the results of such final court judgement or order.

Section 63. The owner of land whose title deed is endangered, damaged or lost by any means whatsoever may apply for a substitute.

After the substitute has been issued, the original title deed shall be cancelled unless otherwise ordered by the court.

The above-mentioned provisions shall apply *mutatis mutandis* to the application for a substitute for a pre-emption certificate, certificate of utilization or certificate of investigation (bai tai suan).

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 64.⁵¹ In case a title deed, certificate of investigation (bai tai suan), certificate of utilization or pre-emption certificate kept at the land office is endangered, damaged or lost, the competent officer under Section 71 shall have the power to demand such land right document from the person having right to land for consideration and making of a new one based on the original evidence.

CHAPTER V LAND SURVEY

Section 65. A cadastral survey shall be carried out in accordance with the rules and procedure prescribed in the ministerial regulations.

Section 66. For the purposes of a survey, the competent officer and workers shall have the power to enter the land of a person who has right thereto or a possessor during daytime provided that prior notice is given. The person having right to land or possessor shall provide reasonable assistance under the circumstances.

In case it is necessary to erect mapping controls on any person's land, the competent officer shall have the power to do so as necessary.

In carrying out a survey, if necessary, the competent officer shall have the power to reasonably dig the ground, cut and trim branches of trees, or otherwise deal with obstacles to the survey as necessary, taking into consideration causing least damage to the owner.

Section 67. No person except the competent officer shall destroy, alter, move, or remove any boundary marks or mapping controls made or erected in any place by the competent officer, unless permission has been obtained from the land official.

Section 68. In case any person has to carry out any acts set out in Section 67, he shall file an application for permission with the land official.

In case the permission is refused, the owner of the land may appeal to the Minister within fifteen days after knowing the order of refusal. The Minister shall give his decision within sixty days after having received the appeal and his decision shall be final.

If the Minister does not give his decision within sixty days as specified in the previous paragraph, permission shall be deemed to have been granted.

⁵¹

Section 64 amended by the Land Code Amendment Act (No. 2) B.E. 2521 (1978).

Section 69. When it is appropriate to verify the land boundaries specified in the cadastral map in any locality, the Provincial Governor shall announce such matter to the persons having right to lands at least fifteen days in advance. The announcement shall be made in writing and posted on the lands to inform concerned persons of the same and an additional notice as to the day and time shall be given to the persons having right to lands, and such persons shall escort the competent officer in the survey and verification of land boundaries.

A person having right to land under the preceding paragraph may appoint a representative to escort the competent officer in the survey and verification of boundaries of his land.

For land whose boundaries have been verified, the land official shall have the power to issue a new title deed to replace the original one, which shall be cancelled and returned.

Section 69 bis.⁵² A person having right to land who specifically wishes to have his own title deed's land boundaries verified shall file an application for such purpose together with the relevant title deed with the land official. The competent officer shall then carry out a survey therefor.

In the survey, if it appears that the land occupied by such person is not in accordance with the map or the area of land specified in the title deed, and where the persons having right to adjacent lands have acknowledged the new boundaries, the land official shall have the power to rectify the map or the area of land according to reality, unless it is a connivance in order to avoid the application of law.

Where a person having right to adjacent land cannot be contacted to watch out for the boundary line, or where the contact has been made by the competent officer, but he fails to be present, or if he is present but refuses to sign to acknowledge the boundary line without making any objection to the survey, the competent officer shall give him a written notice stating that he shall either sign to acknowledge the boundary line or make objection within thirty days as from the day the notice is given. If the person having right to adjacent land fails to do anything within the said period, and the applicant has certified that he has not led a survey to encroach upon the adjacent land and agrees to the rectification of the map or the area of land according to reality, the land official shall

⁵² Section 69 bis amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

proceed in accordance with paragraph two without acknowledgement of the boundary line.

The contact made with or the notice given to the person having right to adjacent land under paragraph three shall be in accordance with the rules and procedure prescribed in the ministerial regulations.

If it appears that there is an objector, the land official shall have the power to carry out investigation and to make a compromise using the map as the basis for consideration. If the parties can reach agreement, it shall be proceeded as agreed, but it must not be a connivance to avoid the application of law. If agreement cannot be reached, the parties shall be notified to bring an action to the court within ninety days from the date of being notified. If no action is brought to the court within the said period, it shall be deemed that the applicant no longer wishes to verify the land boundaries of such title deed.

Where a person having right to land specifically wishes to have the area of land under his own certificate of utilization verified, he shall file an application for such purpose together with the relevant certificate of utilization with the land official, and the provisions of paragraph two, paragraph three, paragraph four and paragraph five shall apply *mutatis mutandis*.

Section 70 For the purposes of survey, the competent officer shall have the power:

- (1) to summon persons having right to adjacent lands to watch out for the boundary lines and to sign to acknowledge the boundary lines of their own lands;
- (2) to summon the persons concerned to give oral testimony or to submit documents or any other evidence relating to the investigation.

Section 70 bis.⁵³ The provisions of Section 66 and Section 70 shall apply to land examination and investigation for the purpose of issuing a certificate of utilization and verification of the area of land under the certificate of utilization *mutatis mutandis*.

CHAPTER VI

RIGHT AND JURISTIC ACT REGISTRATION

⁵³ Section 70 bis amended by the Land Code Amendment Act (No. 2) B.E. 2521 (1978).

Section 71.⁵⁴ A land official shall be a competent officer for right and juristic act registration concerning immovable properties under the Civil and Commercial Code for immovable properties located in the locality of such provincial land office or land branch office.

If the provincial land office or land branch office has introduced information technology and communication system into right and juristic act registration, a land official shall also be a competent officer for right and juristic act registration concerning immovable properties under the Civil and Commercial Code through information technology and communication system for immovable properties located in a locality of other provincial land offices or land branch offices, except registration that requires an announcement or survey, in accordance with the rules and procedure prescribed and published by the Director-General in the Government Gazette.⁵⁵

Section 72.⁵⁶ For any person wishing to effect a right and juristic act registration concerning immovable properties under the Civil and Commercial Code, the parties shall bring a land right document to effect registration with the competent officer under Section 71.

In applying for right and juristic act registration under paragraph one for land with a title deed, certificate of investigation (bai tai suan) or certificate of utilization, the parties may file an application with the competent officer at the Department of Lands or any land office for the competent officer under Section 71 to effect registration, except registration that requires an announcement or survey.

Section 73. When it appears to the competent officer that the juristic act applied for registration by the parties is a void act, the competent officer needs not effect registration.

If the juristic act applied for registration by the parties appears to be a voidable act, the competent officer shall effect registration if the party who may suffer damage insists on registration.

Section 74. In proceeding with right and juristic act registration by the competent officer under Section 71, the competent officer shall have the power to inquire

⁵⁴ Section 71 amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

⁵⁵ Paragraph two of Section 71 added by the Land Code Amendment Act (No. 10) B.E. 2550 (2007).

⁵⁶ Section 72 amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

the parties and require persons involved to make a statement or submit relevant documents and evidence as necessary, and the competent officer shall then proceed as appropriate in the circumstances.

If it is believable that an application for right and juristic act registration will be an avoidance of law or that any person will purchase land for the benefit of an alien, an order of the Minister shall be obtained. The Minister's order shall be final.

Section 75.⁵⁷ In proceeding with right and juristic act registration concerning land with a title deed or certificate of utilization, the land official shall record the agreement or execute an agreement concerning therewith, as the case may be, and shall enter its material contents in the land office's copy and land owner's copy of title deed or certificate of utilization correspondingly.

Section 76. In case of application for right and juristic act registration concerning land for which the competent officer has conducted investigation and survey and boundary marking, but has not issued a title deed, application for registration shall be made with the competent officer under Section 71.

The registration referred to in the preceding paragraph shall be recorded in the certificate of investigation (*bai tai suan*) *mutatis mutandis* in accordance with the procedure for right and juristic act registration concerning land with a title deed.

Section 77. For right and juristic act registration concerning other lands or immovable properties, if this Code does not provide otherwise, it shall be made in accordance with the rules and procedure prescribed in the ministerial regulations.

Section 78. Application for right and juristic act registration for lands acquired under Section 1382 of the Civil and Commercial Code or otherwise than a juristic act for land with a title deed shall be made in accordance with the rules and procedure prescribed in the ministerial regulations.

Section 79.⁵⁸ A person having right to land who wishes to divide his land into several plots or to combine several plots of land into a single plot shall file an

⁵⁷

Section 75 amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

⁵⁸

Section 79 amended by Announcement of the National Executive Council No. 334, dated 13 December B.E. 2515 (1972).

application together with the land right document of such land with the competent officer under Section 71.

For the purposes of this Section, Section 69 bis shall apply *mutatis mutandis*, and if right and juristic act registration is required, such registration shall be effected first and then a new land right document shall be issued.

Section 80.⁵⁹ In case of removal of mortgage or removal of sale with right of redemption for land with a land right document or other immovable property, after the mortgagee or the buyer has executed written evidence that removal has been made, the person entitled to the removal or person having right to the immovable property shall bring the evidence of such removal to apply for registration of the removal with the competent officer.

After the competent official has verified it as accurate, registration shall be effected on the land right document or right and juristic act register concerning immovable property to show such removal.

Section 81.⁶⁰ In applying for registration of right concerning immovable property acquired by inheritance, the heir shall bring evidence for the land or land right document or other evidence involving immovable property together with evidence of inheritance to file an application with the competent officer under Section 71. If the land right document is kept by other person, the competent officer shall have the power to demand such land right document.⁶¹

After the competent officer has examined the evidence and believes that the applicant is the heir, an announcement shall be made in writing and posted at a conspicuous place for thirty days at the land office, khet office or district office, or sub-district office, municipality office, tambol administration organization office, kwang office or kamnan's office, village headman's office of the locality where the immovable property is located, and on such immovable property, one copy for each place, and the competent officer shall send a letter enclosing such announcement to the persons notified by the applicant as being heirs and not coming on the date of filing the application to inform them as may be practicable. If there is no heir entitled to the estate who raises objection within

⁵⁹ Section 80 amended by the Land Code Amendment Act (No.13) B.E. 2556 (2013).

⁶⁰ Section 81 amended by the Land Code Amendment Act (No. 9) B.E. 2543 (2000).

⁶¹ Paragraph one of Section 81 amended by the Land Code Amendment Act (No. 13) B.E. 2556 (2013).

the period of the announcement and there is believable evidence that the applicant is entitled to the estate, the competent officer shall effect registration based on the legal entitlement evidence produced by the applicant, in accordance with the rules and procedure prescribed in the ministerial regulations.⁶²

If there is an heir entitled to the estate and raising objection, the competent officer shall have the power to investigate the parties and to require any persons to make a statement or to submit relevant documents as necessary, and the competent officer shall make a settlement. If settlement cannot be reached, the competent officer shall give an order as deemed appropriate.

After the competent officer gives an order, the parties shall be informed of the same, and the dissatisfied party shall file a lawsuit with the court within 60 days from the date of receipt of notification of the order. If such person fails to file a lawsuit with the court and produce to the competent officer within the said period evidence of filing a lawsuit together with a copy of the complaint concerning his entitlement to the estate, it shall be proceeded as ordered by the competent officer.

If the heir has filed a lawsuit with the court within the period under paragraph four, or another heir entitled to the estate has filed a lawsuit concerning his entitlement to the estate with the court before the competent officer effects right and juristic act registration of the inheritance, after such person has produced evidence of filing a lawsuit together with a copy of the complaint to the competent officer, the competent officer shall suspend the registration. After the court has rendered a final judgement or order, it shall be proceeded in accordance with such judgement or order.

Section 82.⁶³ Any person wishing to apply for registration of the name of the administrator in the land right document or wishing to apply for registration of the name of the administrator in the right and juristic act register concerning immovable property shall file an application together with the land right document or other evidence concerning such immovable property and evidence of being an administrator, with the competent officer under Section 71. If he is an administrator by court order, the competent officer shall effect registration as applied for. However, in case of an administrator in other case, the competent officer shall investigate and examine evidence, and the provisions of paragraph two of Section 81 shall apply *mutatis mutandis*. If there is no objector, the competent officer shall

⁶² Paragraph two of Section 81 amended by the Land Code Amendment Act (No. 13) B.E. 2556 (2013).

⁶³ Section 82 amended by the Land Code Amendment Act (No. 13) B.E. 2556 (2013).

register the name of the administrator in such land right document or in the right and juristic act register concerning immovable property. However, if there is an objector, the matter shall be suspended and the parties shall be advised to file a lawsuit with the court. After the court has rendered the final judgement or order, it shall be proceeded in accordance with such court judgement or order.

If an administrator whose name already appears in the land right document applies for registration of right to land or registration of right to land together with other immovable property in combination with such land for an heir, or if an administrator whose name already appears in the right and juristic act register concerning immovable property applies for registration of right to other immovable property for an heir, the competent officer shall effect registration pursuant to the application without having to make an announcement under Section 81.

In case of a trustee of a trust already legally established applies for registration as a trustee, after investigation of evidence by the competent officer, registration shall be effected.

Section 83.⁶⁴ Any person having an interest in any land for which a lawsuit may be filed to enforce registration or to enforce a change in the register and who wishes to apply for attachment of land shall file an application with the competent officer under Section 71.

After the competent officer has investigated the documents and evidence produced by the applicant, if he considers them reliable then attachment shall be made for a period of 30 days from the date of the order of attachment. After expiration of such period, the attachment shall be deemed terminated and such person may not apply for a re-attachment in the same case.

If an interested person objects that such attachment is unlawful, the competent officer shall have the power to investigate evidence as necessary. If it is believed that the attachment was made unlawfully, the competent officer shall have the power to order cancellation of such attachment and shall notify the attachment applicant of the same.

CHAPTER VII

DETERMINATION OF RIGHT TO LAND FOR RELIGIOUS PURPOSES

⁶⁴

Section 83 amended by the Land Code Amendment Act (No. 9) B.E. 2543 (2000).

Section 84. Acquisition of land by a temple, Roman Catholic monastery, Christian foundation or Islamic mosque requires the permission from the Minister and the amount of land acquired shall not exceed 50 rai.

Where appropriate, the Minister may permit acquisition of land in excess of the amount provided in the first paragraph.

The provisions of this Section do not affect acquisition of land already made before the effective date of this Code and acquisition of land by an Islamic mosque through the provisions of Islam in a province having a judicial dato.

Section 85. If a juristic person acquires land in excess of the limit under Section 84, after this Code becomes effective, such juristic person shall arrange to dispose of the land within

five years. If the land is not disposed of within the specified period, the Director-General shall have the power to dispose of that land and the provisions regarding forced disposal of land under the provisions of Chapter 3 shall apply *mutatis mutandis*.

CHAPTER VIII

Determination of Aliens' Right to Land

Section 86. An alien may acquire land only by virtue of the provisions of a treaty that provides for ownership of immovable property and also subject to the provisions of this Code.

Subject to Section 84, such alien may acquire land for residential, commercial, industrial, agricultural, cemeterial, public charity or religious purposes only in accordance with the conditions and procedure prescribed by the ministerial regulations and permission therefor must be obtained from the Minister.

Section 87. The amount of land permitted under the preceding Section shall be as follows:

- (1) for residence, not more than 1 rai per family;
- (2) for commercial purposes, not more than 1 rai;
- (3) for industrial purposes, not more than 10 rai;
- (4) for agricultural purposes, not more than 10 rai per family;
- (5) for religious purposes, not more than 1 rai;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

- (6) for public charity purposes, not more than 5 rai;
- (7) for cemeterial purposes, not more than 1/2 rai per family.

If any alien wishes to have right to land for industrial purposes in excess of that provided in (3), and if deemed appropriate, the Council of Ministers may permit acquisition of land in excess of the limit prescribed, by imposing conditions thereon, and the provisions of Section 48 shall apply *mutatis mutandis*.

Section 88. The provisions of Section 87 shall not affect the land already owned by an alien in excess of the limit under Section 87 before the effective date of this Code. As for an

alien who has had land less than the limit or who has disposed of his original land, he may acquire additional land but the total amount shall not exceed the limit under Section 87.

Section 89. After an alien is permitted to acquire land for any activity, he shall use land for such activity and may not use it for other purposes unless permission is obtained for use in a new activity in an amount not exceeding the limit under Section 87. If the land is not to be used as permitted, notification shall be given pursuant to the form and procedure provided in the ministerial regulations within 30 days from the date of termination of use of the land.

Any alien wishing to use land for a new activity shall seek another permission from the Minister pursuant to the form and procedure prescribed in the ministerial regulations. If the Minister deems it appropriate, he shall have the power to grant permission.

Section 90. An alien permitted to have and use land for any activity and no longer using such land or using such land for other activity without being granted a new permission shall dispose of such land within the period prescribed by the Director-General, which must be at least 180 days but not more than one year. After such period, the Director-General shall have the power to dispose of such land.

Section 91. If an alien permitted to use land for any activity is granted a new permission to use such land for other activity whereby the amount of land so permitted decreases, the excess land shall be disposed of within the period prescribed by the Director-General, which must be at least 180 days but not more than one year. After such period, the Director-General shall have the power to dispose of such land.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Section 92. If any alien permitted to acquire land under paragraph two of Section 87 fails to comply with the conditions prescribed by the Council of Ministers, the part of land permitted to be acquired in excess of the prescribed amount shall be disposed of within the period prescribed by the Director-General, which must be at least 180 days but not more than one year. After such period, the Director-General shall have the power to dispose of such land.

Section 93. For an alien who acquires land by inheritance as a legal heir, the Minister may permit acquisition of such land which, when combined with the land already owned, does not exceed the limit under Section 87.

Section 94. For all lands acquired by aliens unlawfully or without permission, those aliens shall arrange to dispose of them within the period prescribed by the Director-General, which must be at least 180 days but not more than one year. If no land is disposed of within the period prescribed, the Director-General shall have the power to dispose of such land and the provisions regarding forced disposal of land under Chapter 3 shall apply *mutatis mutandis*.

Section 95. Any person who acquired land while he had Thai nationality and thereafter has changed his nationality to be an alien shall still be entitled to hold land to the extent to which such alien is entitled, and the excess land shall be disposed of and the provisions of Section 94 shall apply *mutatis mutandis*.

Section 96. When any person appears to have acquired any land as an owner on behalf of an alien or juristic person under Section 97 or Section 98, the Director-General shall have the power to dispose of such land and the provisions of Section 94 shall apply *mutatis mutandis*.

Section 96 bis.⁶⁵ The provisions regarding acquisition by an alien of land by virtue of a treaty under paragraph one of Section 86 shall not apply to an alien who has brought funds to invest in the amount prescribed in the ministerial regulations, which must be at least Baht forty million, whereby the land so acquired for use as residence shall not be more than one rai, and permission therefor must be obtained from the Minister.

⁶⁵

Section 96 bis added by the Land Code Amendment Act (No.8) B.E. 2542 (1999).

Acquisition of land by an alien under paragraph one shall be in accordance with the rules, procedure, and conditions prescribed in the ministerial regulations, which must contain at least the following material provisions:

(1) Types of businesses to be invested in by aliens, which must benefit the nation economically and socially or be businesses announced by the Board of Investment as those eligible for application for investment promotion under the law on investment promotion;

(2) The period for maintenance of the investment must be at least three years;

(3) The area of land permitted to be acquired by aliens must be located within Bangkok Metropolis, Pattaya City, municipalities, or within an area designated as a residential area under the law on town planning.

Section 96 ter.⁶⁶ If an alien permitted to acquire land under Section 96 bis commits a breach of the rules or conditions prescribed in the ministerial regulations under paragraph two of Section 96 bis, the land entitled to him shall be disposed of within the period prescribed by the Director-General, which must be at least 180 days but not more than one year. After such period, the Director-General shall have the power to dispose of such land.

If an alien permitted to acquire land under Section 96 bis does not use such land as residence within the period of two years from the date of registration of the acquisition, the Director-General shall have the power to dispose of such land.

CHAPTER IX

DETERMINATION OF RIGHT TO LAND OF CERTAIN TYPES OF JURISTIC PERSONS

Section 97. The following juristic persons shall have right to land as if they were an alien:

(1)⁶⁷ A limited company or public limited company whose shares constituting its registered capital are held by aliens by more than forty-nine per cent of its registered capital, or whose alien shareholders are more than one-half of the total number of its shareholders, as the case may be;

⁶⁶ Section 96 ter added by the Land Code Amendment Act (No.8) B.E. 2542 (1999).

⁶⁷ Section 97 (1) amended by the Land Code Amendment Act (No. 6) B.E. 2535 (1992).

For the purposes of this Chapter, if any limited company issues bearer share certificates, such a share certificate shall be deemed to be held by an alien.

(2)⁶⁸ A limited partnership or registered ordinary partnership whose contributions by aliens are more than forty-nine per cent of its total capital or whose alien partners are more than one-half of the total number of its partners, as the case may be.

(3) An association including co-operative whose alien members are more than one-half of its total number of members or which operates exclusively or substantially for the benefit of aliens;

(4) A foundation whose objectives are exclusively or substantially for the benefit of aliens.

(5)⁶⁹ (Repealed)

Section 98.⁷⁰ If a juristic person under Section 97 holds shares or makes contribution, as the case may be, in other juristic person within the meaning stated in Section 97, such other juristic person shall be deemed an alien.

Section 99.⁷¹ If a juristic person under Section 97 or Section 98 is to acquire or to dispose of right to land, the provisions of Chapter 8 shall apply *mutatis mutandis*, and such juristic person shall have the same duties and liabilities as those provided for aliens and persons in general.

Section 100. For any juristic person which acquired land while it did not come under the provisions of Section 97 and Section 98, if subsequently it comes under the provisions of Section 97 or Section 98, the provisions of Section 95 shall apply *mutatis mutandis*.

CHAPTER X⁷²

⁶⁸ Section 97 (2) amended by the Land Code Amendment Act (No. 6) B.E. 2535 (1992).

⁶⁹ Section 97 (5) repealed by Announcement of the National Executive Council No. 49, dated 13 January B.E. 2502 (1959).

⁷⁰ Section 98 amended by the Land Code Amendment Act (No. 6) B.E. 2535 (1992).

⁷¹ Section 99 amended by the Land Code Amendment Act (No. 12) B.E. 2551 (2008).

⁷² Chapter 10 Trade in Land Section 101 – Section 102 repealed by the Land Code Amendment Act (No. 12) B.E. 2551 (2008).

TRADE IN LAND

Section 101.⁷³ (Repealed)

Section 102.⁷⁴ (Repealed)

CHAPTER XI FEES

Section 103.⁷⁵ In proceeding with issuance of a land right document, survey, right and juristic act registration or other transactions involving immovable property, fees and expenses shall be collected as prescribed in the ministerial regulations, but they shall not exceed the rates set out in the Schedule annexed to this Code.

In case of issuance of a title deed or certificate of utilization under Section 58, fees shall only be collected as the cost of issuance of title deed, cost of issuance of certificate of utilization, cost of boundary marks and cost of authorization if there is an authorization, as the case may be, and the person having right to land may take the title deed or certificate of utilization before paying fees, and the competent officer shall record the overdue payment of fees in such title deed or certificate of utilization. If an application for right and juristic act registration is filed for the first time, the applicant shall pay the unpaid fees.⁷⁶

In case of issuance of a title deed under Section 58 ter, fees and expenses shall be exempted.⁷⁷

⁷³ Section 101 repealed by the Land Code Amendment Act (No. 12) B.E. 2551 (2008).

⁷⁴ Section 102 repealed by the Land Code Amendment Act (No. 12) B.E. 2551 (2008).

⁷⁵ Section 103 amended by the Land Code Amendment Act (No. 2) B.E. 2521 (1978).

⁷⁶ Paragraph two of Section 103 amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

⁷⁷ Paragraph three of Section 103 added by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

Section 103 bis.⁷⁸ Right and juristic act registration involving immovable property donated to the government service shall be exempted from fees.

Section 104.⁷⁹ In case of application for right and juristic act registration for transfer of ownership of or possessory right to land or immovable property, the applicant shall pay fees for right and juristic act registration, calculated according to the property's assessed price under Section 105 quinque.

For application for right and juristic act registration involving immovable property in cases other than that prescribed in paragraph one, the applicant shall pay fees for right and juristic act registration, calculated according to the price of property declared by the applicant according to reality.

Section 105.⁸⁰ There shall be the Property's Assessed Price Fixing Committee comprising the Permanent Secretary for Interior as Chairman, Director-General of the Department of Provincial Administration or representative, Director-General of the Revenue Department or representative, Director-General of the Department of Public Works and Town and Country Planning or representative, Director-General of the Treasury Department or representative, Director of the Fiscal Policy Office or representative and not more than four qualified persons appointed by the Minister, as committee members, and the Director of the Central Property Price Assessment Office shall be committee member and secretary.

Section 105 bis.⁸¹ The committee members appointed by the Minister shall hold office for a term of three years each.

A committee member whose term has expired may be re-appointed.

Section 105 ter.⁸² Other than retirement upon the expiration of the term

⁷⁸ Section 103 bis added by Announcement of the National Executive Council No. 16, dated 7 November B.E. 2520 (1977).

⁷⁹ Section 104 amended by the Land Code Amendment Act (No. 9) B.E. 2543 (2000).

⁸⁰ Section 105 amended by the Land Code Amendment Act (No. 5) B.E. 2534 (1991).

⁸¹ Section 105 bis added by the Land Code Amendment Act (No. 5) B.E. 2534 (1991).

⁸² Section 105 ter added by the Land Code Amendment Act (No. 5) B.E. 2534

of office under Section 105 bis, the committee members appointed by the Minister shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Minister;
- (4) becoming an incompetent or quasi-incompetent person or a bankrupt;
- (5) having been imprisoned by a final court judgement or lawful order,

unless the offence is related to an act of negligence or a petty offence.

If a committee member vacates office before the expiration of the term, the Minister shall appoint another person as replacement.

The committee member appointed under paragraph two shall retain office for the duration of the unexpired term of the committee member already appointed.

Section 105 quarter.⁸³ At a meeting of the Property's Assessed Price Fixing Committee, at least half of the total number of committee members shall form a quorum.

If the Chairman is not present at the meeting, the committee members present shall elect one of them to be the chairman of the meeting.

Decision at the meeting requires a majority of the votes.

Each committee member shall have one vote. In the event of a tie, the chairman of the meeting shall cast an additional vote as the deciding vote.

Section 105 quinque.⁸⁴ The Property's Assessed Price Fixing Committee shall have the following powers and duties:

- (1) to prescribe rules and procedure for fixing the assessed price of immovable property for the purpose of collection of right and juristic act registration fees under this Code;
- (2) to approve the fixing of property's assessed price proposed by the Provincial Sub-committee, for use in collecting right and juristic act registration fees for immovable properties located in that province or in any locality in that province;
- (3) to rule on problems concerning collection of right and juristic act

(1991).

⁸³ Section 105 quarter added by the Land Code Amendment Act (No. 5) B.E. 2534

(1991).

⁸⁴ Section 105 quinque added by the Land Code Amendment Act (No. 5) B.E. 2534

(1991).

registration fees as requested by the Department of Lands;

(4) to appoint sub-committees to conduct consideration or perform any acts as assigned by the Property's Assessed Price Fixing Committee and to report back to the Committee;

(5) to perform other acts as provided in this Code or other laws.

The property's assessed price approved by the Property's Assessed Price Fixing Committee under (2) shall be announced by posting a notice at the provincial land office, land branch office and khet office or district office or sub-district office of the locality.

Section 105 sex.⁸⁵ There shall be a Provincial Sub-committee at each province, comprising the Provincial Governor as Chairman, Deputy Provincial Governor, Provincial Revenue Office Chief and not more than three qualified persons appointed by the Property's Assessed Price Fixing Committee as sub-committee members, and the Provincial Treasury Office Chief shall be sub-committee member and secretary.

The Provincial Sub-committee for Bangkok Metropolis shall comprise the Bangkok Deputy Governor as Chairman, representative of the Department of Provincial Administration, representative of the Revenue Department, Bangkok land official and not more than three qualified persons appointed by the Property's Assessed Price Fixing Committee as sub-committee members, and the Director of the Central Property Price Assessment Office shall be sub-committee member and secretary.

Section 105 bis, Section 105 ter and Section 105 quarter shall apply to the Provincial Sub-committee *mutatis mutandis*.

Section 105 septem.⁸⁶ The Provincial Sub-committee shall have the duty to consider fixing property's assessed price for use in collecting right and juristic act registration fees for immovable properties located in that province or in any locality in that province, and forward the same for approval by the Property's Assessed Price Fixing Committee.

Section 105 octo.⁸⁷ After there has been an announcement fixing

⁸⁵ Section 105 sex added by the Land Code Amendment Act (No. 5) B.E. 2534 (1991).

⁸⁶ Section 105 septem added by the Land Code Amendment Act (No. 5) B.E. 2534 (1991).

⁸⁷ Section 105 octo added by the Land Code Amendment Act (No. 5) B.E. 2534 (1991).

property's assessed price for any province and subsequently the usual purchased price in the market of immovable property in any locality of that province considerably differs from the property's assessed price already announced, the Sub-committee of that province shall consider adjusting the property's assessed price for such locality so as to promptly seek approval from the Property's Assessed Price Fixing Committee.

Section 106.⁸⁸ (Repealed)

**CHAPTER XII
Penal Provisions**

Section 107.⁸⁹ Any person who fails to escort the competent officer to conduct survey for mapping or investigation of utilization of his land or fails to appoint a representative for such purpose under Section 58 or Section 69, or who violates or fails to comply with Section 26 or Section 70 shall be liable to a fine not exceeding Baht 500.

Section 108.⁹⁰ If any person violates Section 9 before the effective date of this Announcement of the National Executive Council, the competent officer or the person authorized by the competent officer shall have the power to notify the violator in writing to comply with the regulations prescribed by the Commission. If the violator ignores the notification or fails to properly comply with the regulations, the competent officer shall issue a written order requiring the violator to leave the land and or to remove constructions on such land within the specified period, failing which he shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding Baht 5,000, or both.

In prescribing the regulations under paragraph one, the Commission may also require the violator to pay compensation for use of the land, to the State or the local administration.

Section 108 bis.⁹¹ From the effective date of this Announcement of the

⁸⁸ Section 106 repealed by the Land Code Amendment Act (No. 5) B.E. 2534 (1991).

⁸⁹ Section 107 amended by Announcement of the National Executive Council No. 96, dated 29 February B.E. 2515 (1972).

⁹⁰ Section 108 amended by Announcement of the National Executive Council No. 96, dated 29 February B.E. 2515 (1972).

⁹¹ Section 108 bis added by Announcement of the National Executive Council No.

National Executive Council, any person who violates Section 9 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding Baht 5,000, or both.

If the offence under paragraph one has been committed against land that is public domain of the State commonly used by the people or used exclusively for the benefit of the State, the offender shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding Baht 10,000, or both.

If the offence under paragraph two has been committed for an area of more than 50 rai, the offender shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding Baht 20,000, or both.

If there is a judgement that any person committed an offence under this Section, the court shall have the power to order in the judgement that the offender, his workers, contractors, representatives and dependants shall leave such land.

All tools, appliances, beasts of burden, vehicles or machinery used by such person to commit the offence or used as an instrument to achieve the effect of commission of such offence shall be confiscated, regardless of whether or not there is any person punished under the judgement.

Section 108 ter.⁹² Any person who obstructs or fails to provide assistance to the competent officer performing duties under Section 66 shall be liable to a fine not exceeding Baht 1,000.

Section 109. Any person who violates or fails to comply with Section 38, Section 67 or Section 74 shall be liable to a fine not exceeding Baht 2,000 or imprisonment for a term not exceeding three months, or both.

Section 110. Any person who violates or fails to comply with Section 89 shall be liable to a fine not exceeding Baht 3,000 or imprisonment for a term not exceeding six months, or both.

Section 111.⁹³ Any person who violates or fails to comply with Section 86 shall be liable to a fine not exceeding Baht 20,000 or imprisonment for a term not

96, dated 29 February B.E. 2515 (1972).

⁹²

Section 108 ter added by Announcement of the National Executive Council No.

96, dated 29 February B.E. 2515 (1972).

⁹³

Section 111 amended by the Land Code Amendment Act (No. 12) B.E. 2551 (2008).

exceeding two years, or both.

Section 112. Any juristic person which has

- (1) acquired land in violation of the provisions of this Code;
- (2) used such land for purposes other than those permitted;
- (3) used land in breach of the conditions prescribed by the Council of Ministers under Section 99 together with paragraph two of Section 87;
- (4) fails to notify termination of use of land under Section 99 together with Section 89; or
- (5)⁹⁴ **(Repealed)**,
shall be liable to a fine not exceeding Baht 50,000.

Section 113. Any person who acquires land as an agent of an alien or juristic person under Section 97 or Section 98 shall be liable to a fine not exceeding Baht 20,000 or imprisonment for a term not exceeding two years, or both.

⁹⁴

Section 112 (5) repealed by the Land Code Amendment Act (No. 12) B.E. 2551 (2008).

Schedule of Fees and Expenses Attached to the Land Code⁹⁵

- | | | |
|----|---|-------------|
| 1. | Fee for application for a concession, each | Baht 500.00 |
| 2. | Annual concession fee, per rai
Fraction of one rai shall be calculated as one rai. | Baht 20.00 |
| 3. | Fee for issuance of certificate of utilization | |
| | (1) Plot with an area not exceeding 20 rai, per plot | Baht 30.00 |
| | (2) Plot with an area exceeding 20 rai, the excess area per rai | Baht 2.00 |
| | Fraction of one rai shall be calculated as one rai. | |
| 4. | Fee for investigation or verification of area of land in connection with certification of utilization | |
| | (1) If collected per plot, each plot | Baht 30.00 |
| | (2) If collected per day, each day | Baht 30.00 |
| | (3) Fee for a copy or duplicate of a map, each plot | Baht 30.00 |
| | (4) Fee for calculation of area or investigation, each plot | Baht 30.00 |
| | (5) Fee for plot measurement, each plot | Baht 10.00 |
| 5. | Title deed issuance fee | |
| | (1) Plot with an area not exceeding 20 rai, each plot | Baht 50.00 |
| | (2) Plot with an area exceeding 20 rai, the excess area per rai | Baht 2.00 |
| | Fraction of one rai shall be calculated as one rai. | |
| 6. | Fee for survey in connection with title deed | |
| | (1) If collected per plot, each plot | Baht 40.00 |
| | (2) If collected per day, each day | Baht 40.00 |
| | (3) Fee for a copy or duplicate of a map, each plot | Baht 30.00 |

⁹⁵

Schedule of Fees and Expenses Attached to the Land Code amended by the Land Code Amendment Act (No. 2) B.E. 2521 (1978).

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

- (4) Fee for calculation of area or investigation,
each plot Baht 30.00
- (5) Fee for plot measurement, each plot Baht 10.00
- 7.^{๙๐} Fees for right and juristic act registration
- (1) If there is a cost price, fee shall be collected at 2 percent of the assessed price for right and juristic act registration for transfer of ownership of or possessory right to land or immovable property. In other cases, fee shall be collected at 2 percent of the cost price declared by the applicant according to reality. Fraction of one hundred shall be calculated as one hundred.
- (2) If no cost price, per plot Baht 1,000.00
8. Fee for application for acquisition of land by alien,
each permission Baht 500.00
permission fee per rai Baht 100.00
Fraction of one rai shall be calculated as one rai.
- 9.^{๙๑} **(Repealed)**
10. Miscellaneous fees
- (1) Fee for an application, per plot Baht 5.00
- (2) Fee for copying of documents including those for use as evidence in civil cases, for the first hundred words or a fraction thereof prepared by the official Baht 10.00
The next hundred words, each hundred Baht 5.00
Fraction of one hundred words shall be calculated as one hundred words.
- (3) Fee for certification of document copied, each

⁹⁶ Schedule of Fees and Expenses Attached to the Land Code 7. amended by the Land Code Amendment Act (No. 9) B.E. 2543 (2000).

⁹⁷ Schedule of Fees and Expenses Attached to the Land Code 9. repealed by the Land Code Amendment Act (No. 12) B.E. 2551 (2008).

copy	Baht 10.00
(4) Fee for examination of land register, per plot	Baht 10.00
(5) Fee for attachment of land, per plot	Baht 10.00
(6) Fee for power of attorney, each matter	Baht 20.00
(7) Fee for issuance of a substitute for title deed or other land right document, per copy	Baht 50.00
(8) Fee for announcement, per plot	Baht 10.00
(9) Fee for boundary marks, per mark	Baht 15.00
If it is an adjudication or verification of boundaries of the entire area of a tambon for issuance of title deeds, collected per plot, each plot	Baht 60.00
(10) ⁹⁸ Fee for examination of survey data, land register data, price assessment data or other data, each time	Baht 100.00
(11) ⁹⁹ Fee for copying from computer's data-recording media or other electronic media or other copying of data, per sheet	Baht 50.00

11.¹⁰⁰ Expenses

(1) Allowance for transportation of official, competent officer and workers hired to carry out survey in connection with title deed or examination and verification of area in connection with certificate of utilization as requested	Payment shall be made in lump sum according to the regulations of the Ministry of Interior as approved by the Ministry of Finance
(2) Allowance for official, competent officer and wages for workers hired to carry out survey in connection with title deed or examination and verification of area in connection with certificate of utilization as requested	Payment shall be made in lump sum according to the regulations of the Ministry of Interior as approved by the Ministry of Finance
(3) Allowance for local administrative official or his	

⁹⁸ Schedule of Fees and Expenses Attached to the Land Code 10. (10) added by the Land Code Amendment Act (No. 9) B.E. 2543 (2000).

⁹⁹ Schedule of Fees and Expenses Attached to the Land Code 10. (11) added by the Land Code Amendment Act (No. 9) B.E. 2543 (2000).

¹⁰⁰ Schedule of Fees and Expenses Attached to the Land Code 11. amended by the Land Code Amendment Act (No. 7) B.E. 2541 (1998).

- representative who takes part in the survey in connection with title deed or examination and investigation or verification of area in connection with certificate of utilization, per person, per day Baht 100.00
- (4) Other expenses regarding survey in connection with title deed or examination and investigation or verification of area in connection with certificate of utilization Payment shall be made in lump sum according to the regulations of the Ministry of Interior as approved by the Ministry of Finance
- (5) Fee for affixing announcement, for the person affixing the same, per plot Baht 20.00
- (6) Witness fee, for each witness Baht 20.00

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

Schedule of Compensation Annexed to the Land Code¹⁰¹

Fees for approval

- | | |
|--|-------------------------|
| (1) Under Section 9 (1), per rai | Baht 1,000.00 per year |
| (2) Under Section 9 (2) or Section 9 (3): | |
| (a) Digging or suction of sand, per cubic metre | Baht 28.00 |
| (b) Excavation of earth or laterite or others, per rai | Baht 10,000.00 per year |
| Or per cubic metre | Baht 10.00 |

¹⁰¹ Schedule of Compensation Annexed to the Land Code amended by the Land Code Amendment Act (No. 7) B.E. 2541 (1998).

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE