

# Thai land laws

## Thailand Land Code Act

Foreigners may under [section 86](#) of the land code act acquire land in Thailand by virtue of the provision of a treaty giving him the right to own land. There is currently no treaty with any country allowing foreigners to own land in Thailand. The Thai government created one specific and restrictive exemption for foreign land ownership in [section 96 bis](#) of this act.

Note: translation Thai land laws for reference purposes, only the original Thai script land code act shall have legal force in Thailand (amendments 2008 Amendments included).



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ACT PROMULGATING THE LAND CODE B. E. 2497

BHUMIBOL ADULYADEJ REX

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

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His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to promulgate the Land Code Act; Be it, therefore, enacted by the King, by and with the advice and consent of the Assembly of People's Representatives, as follows:

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

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

**Section 3.** The Land Code annexed to this Act shall take effect as from the 1st December B.E.2497 (1954).

**Section 4.** From the effective date of the Land Code, the following shall be repealed:

1. The Temporary Pre-emption Certificate (Tra Chong) Act, the title of which was amended in R.S. 124 to read the Pre-emption Title Deed Issuance Act;
2. The Land Title Deed Issuance Act R.S. 127;
3. The Land Title Deed Issuance Act No. 2;
4. The Land Title Deed Issuance Act No. 3;
5. The Act Amending the Provisions of Section 25 of the Land Title Deed Issuance Act R.S. 127;
6. The Reservation of Vacant Land as Public Domain Act B.E. 2478(A.D.1935);
7. The Land Title Deed Issuance Act (No. 5) B.E. 2479 (A.D. 1936);
8. The Act Controlling Land speculation by Partnerships and Limited Companies B.E. 2485 (A.D. 1942);
9. The Land Title Deed Issuance Act (No. 7) B.E. 2486 (A.D. 1943);
10. Act on Authorities in Charge of Recording of Rights and Juristic Acts Regarding Immovable Property under the Civil and Commercial Code B.E. 2486 (A.D. 1943);
11. Act on Authorities in charge of Recording of Rights and Juristic Acts Regarding Immovable Property under the Civil and Commercial Code (No. 2) B.E. 2492 (A.D 1949);
12. The Land Act in Regard to Aliens B.E. 2486 (A.D. 1943);
13. The Land Act in Regard to Aliens (No. 2) B.E. 2493 (A.D. 1950); and
14. All other laws, rules and regulations insofar as they are already provided in the Land Code or which are inconsistent with or contrary to the provisions thereof.

**Section 5.** Persons who have been in possession and have made use of land prior to the effective date of the Land Code without documents showing their rights in the land shall give notice of their possession to the District Officer of the locality within one hundred eighty days from the effective date of this Act according to the rules and procedure which the Minister shall prescribe through publication in the Government Gazette.

Notice of possession under this section in no respect gives rise to new rights in the person who gives notice.

**Section 6.** Persons lawfully possessing and making use of land prior to the effective date of the Land Title Deed Issuance Act (No. 6), B.E. 2479 (1936) and transferees of the said shall have the right to apply for a title deed under the provisions of the Land Code. For persons who did not come into lawful possession of land between the effective dates of the Land Title Deed Issuance Act (No. 6), B.E. 2479 (1936) and the Land Code under the laws in effect at the time, the issuance of land titles shall proceed under the rules and procedures prescribed by Ministerial Regulations and the Land Title Deed Issuance Act (No. 6), B.E. 2479 (1936) shall remain in effect.

**Section 7.** Persons who have received authorization to pre-empt land under the Land Title Deed Issuance Act (No. 6), B.E. 2479 (1936) but have not yet received a certificate of use prior to the effective date of this Act shall be held to still have the right to apply for a certificate from the District Officer until the expiration of one hundred eighty days from the final day for pre-emption under the said Act.

In case the prescriptive period for pre-emption referred to in the first paragraph expires prior to the effective date of this Code, provided it appears that the land for which pre-emption authorization has been received is in such a state of use as to warrant application for a certificate of use as aforesaid, an application for such certificate may be filed with the District Officer within one hundred eighty days from the effective date of this Code. When the time limit has run, that land shall be deemed free of pre-emption unless the District Officer orders an extenuation in each particular case.

**Section 8.** Determination of whether land has been put to use or not shall proceed under the rules prescribed in Ministerial Regulations.

Persons authorized to pre-empt land but who have not yet received a certificate of use from the District Officer may not transfer such land except by way of inheritance.

**Section 9.** Land certified as to use by the District Officer may be transferred.

**Section 10.** Land reserved for use under the Reservation of Vacant Land as Public Domain Act, B.E. 2478 (1935) or under other laws prior to the effective date of the Land Code shall remain reserved.

**Section 11.** In areas where pre-emption title deeds and pre-emption certificates stamped “**IN USE**” have been issued prior to the effective date of the Land Code, the provisions of laws with regard thereto shall remain in effect insofar as they deal with survey procedure and the issuance of the aforesaid documents until title deeds are issued under the Land Code.

**Section 12.** Any person under a contract to buy or sell land or under a land hire-purchase contract prior to the effective date of this Act who registers it with the authorities in charge under Section 71 of the Land Code within one hundred twenty days from the effective date of this Act, shall when the sell or purchase under such contract takes place be deemed to have the same rights in the land as before the effective date of the Land Code.

**Section 13.** Any person who has pledged land prior to the effective date of this Act shall on redeeming it while the Land Code is in effect be deemed to have the same rights in the land as before the effective date of the Land Code.

**Section 14.** The District Officer shall have the power to proceed to the finish with application for pre-emption made by any person prior to the effective date of this Act to whom authorization has not yet been granted in accordance with the terms of the **Land Title Deed Issuance Act** (No. 6), B.E. 2479 (1936).

**Section 15.** The Minister of Interior shall have charge and control for the execution of this Act and the Land Code, and shall have the power to appoint land officers and competent officials and to issue Ministerial Regulations for the execution of this Act and the Land Code. Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Countersigned  
Prime Minister

by

Field

Marshal P.

**PIBULSONGKRAM**

## **LAND CODE ACT (THAI LAND LAWS)**

### CHAPTER 1

#### **General Provisions**

**Section 1** In this Code:

“**Land**”

the land surface everywhere and includes mountains, hills, streams, ponds, canals,

“Rights in land”	swamps, marshes, waterways, lakes, islands and sea coast.
“Pre-emption certificate”	ownership and also includes possessor rights.
“Certificate of use”	the document showing authorization of temporary occupation of land.
“Land particulars certificate”	the document from the competent official certifying that land has already been put to use.
“Title deed”	the paper showing the inquiry for the purpose of issuing a title deed and shall also include the plot identification slip.
“Survey”	the document showing ownership of the land and includes land title deed with map, pre-emption title deed and pre-emption certificate stamped “ALREADY PUT TO USE”.
“Trade in land” (repealed)	the survey and recording of boundaries or computation or area in order to determine the location of boundary lines or area of land.
“Commission”	<del>Deleted text: the acquisition and disposition of land for commercial profit by the sell, exchange or conditional sell (hire-purchase) of land.</del>
“Competent authority”	the National Land Allocation Commission.
“Director-General”	the competent officials acting under this Code and other officials appointed by the Minister to act under this Code.
“Minister”	the Director-General of the Land Department.
	the Minister in charge under the Act Promulgating the Land Code and under this Code.

**Section 2** Land which is not vested in any person shall be deemed the property of the state.

**Section 3.** A person may have title to land in the following cases:

1. where title was acquired according to law prior to the effective date of this Code or by title deed under the provisions of this Code;
2. where title was acquired under the land for living law or other law.

**Section 4.** Subject to Section 6, any person who has acquired a right to possession of land prior to the effective date of this Code and his transferees prior to the effective date of this Code shall continue to have the right to possession and occupation.

**Section 4/2.** On and from the enforcement date of the Announcement of the Revolutionary Council, the transfer of ownership or possessory right in the land for which the Title Deed or the Utilization Certificate has already been issued shall be made in writing and registered with the competent officials.

**Section 5** Any person wishing to give his rights in land to the state shall submit his request to do so to the competent authority under Section 71.

**Section 6** On and from the enforcement date of the Announcement of the Revolutionary Council, any land rights holder according to the Title Deed or the Utilization Certificate abandons the land or leaves the said land as to become a waste land for a longer period than:

1. ten consecutive years for the land with Title Deed;
2. five consecutive years for the land with the Utilization Certificate, Such person is deemed to intentionally renounce his/her rights in a specific portion of land that is abandoned or left to become a waste land. After the Director-General files a statement of claims with the Court and the Court orders the revocation of the document of rights in such land, it shall become the domain public of State and be executed further by this code.

**Section 7.** - Repealed -

- ~~**Section 7** The Director-General shall have the duty to inspect, allocate, and take a census of the land to learn its natural abundance, and suitability for use in the interests of the state and of the people.~~

**Section 8.** Unless otherwise provided by the law, the Director-General shall have powers and duties to supervise and carry out acts for purpose of protection and prevention, as it may think fit, of all land which is the domaine public of State or the State property. The Minister may assign this powers and duties to other public bodies.

The land which is the domaine public of State for the common use of people or for special use of the State or the restricted or reserved land as requested by public bodies may be annulled or transferred for other use or allocated for people in the following circumstances.

1. The annulment or transfer of the land that is for the common use of people may be carried out under the Act provided that the public bodies, State or private enterprises make other land available for people in lieu thereof. If, nonetheless, such land ceases to be for the common use of people or its condition changes to the effect that it is not fit for the common use of people and its ownership is not vested in any person under any other laws, the annulment shall be carried out under the Royal Decree.
2. Provided that the public bodies cease to use the land or discontinue the restriction or reservation upon the land which has been for special use of State or restricted or reserved as requested by the public bodies, the Council of Ministers may, upon the annulment of the said land under the Royal Decree, assign the public bodies to use such land or reap benefits wherefrom. If, nonetheless, it is decided to transfer such land to the private bodies, it shall be done so under the Act or if to be allocated to people in accordance with this Code or other laws, it shall be carried out under the Royal Decree. In enactment of the Act or Royal Decree as prescribed in paragraph two, a map with land boundary lines shall be annexed thereto.

**Section 8/2.** Regarding the domaine public of State in which nobody has the possessory right or the land for the common use of people which has been annulled under Section 8 (1), the Minister shall have power to register the said land as to be officially used by public bodies in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Prior to the registration under paragraph one, the cadastral survey shall be conducted and the Governor of the relevant province shall make arrangement for the notification or announcement of the said registration for public acknowledgement for a period of thirty days. Such notice shall be put up in public at the Land Office, the District (Amphoe) Office or the District Branch (King Amphoe) Office, the Sub-District Headman (Kamnan) Office, and within the confinement of such land.

**Section 8/3.** Regarding the land which is the domaine public of State for the common use of people or for special use of the State, the Director-General may make arrangement for the issuance of the Crown Lands Certificate specifying its boundaries for purpose of evidence. The issuance of the Crown Lands Certificate shall be in accordance with the forms, rules, and procedures as prescribed in the Ministerial Regulations.

With respect to the land which is under paragraph one but without the Crown Lands Certificate, its boundaries shall be in conformity to the official evidence.

**Section 9.** Subject to the law on mining and forestry, persons without right to possession of such land or without permission from the competent authority are forbidden to;

1. enter, occupy or possess such land including the building of structures or burning of forests thereupon;
2. by any means to destroy or cause deterioration in the condition of the land, rock, gravel or sand within areas closed by proclamation in the Government Gazette; or
3. do anything to imperil the resources of the land.

**Section 9/1** The Local Government Organization in the provincial district shall apportion the remuneration paid under paragraph one to the Provincial Administrative Organization at the rate of forty percent of the total sum received within thirty days from the date of receipt to be the income of the Provincial Administrative Organization and the remainder after apportionment shall be realized as an income of the Local Government Organization of the locality in which the land is situated.

In the case where such land is not situated within the governed district of the Provincial Administrative Organization, the remuneration received under paragraph one shall wholly become the income of the Local Government Organization.

**Section 9/2.** - Repealed -

**Section 10.** The Director-General shall have the power to arrange for the utilization of state lands which are free of possessory rights by any person and are not public lands in common use.

Such arrangements may include its purchase, sell, exchange, rental or hire-purchase. Rules and procedures utilization shall be prescribed in Ministerial Regulations. But sells, exchanges or hire-purchase sells must receive authorization from the Minister.

In arranging for utilization under this section, consideration shall be given to the reservation of land for future generations.

**Section 11.** In arranging for the utilization of state land according to the provisions of the preceding section, the minister may assign to another public body arrangements for utilization for the state or local development in accordance with the rules and procedures prescribed in Ministerial Regulations.

**Section 12.** State land over which no one has possessory rights may be given by concession, granted or made available for use for a limited time by the Minister in accordance with the rules and procedures prescribed in Ministerial Regulations.

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

**Section 13.** To carry out the provisions of this Code, the Minister shall have the power to establish Changwat (Province) Land Office.

If any Changwat (Province) has need of more than one land office the Minister shall have the power to establish Branch Land Offices under the jurisdiction of the Changwat (Province) Land Office.

The establishment of Changwat (Province) and Branch Land Offices shall be published in the Government Gazette.

## CHAPTER 2

# Land Allocation for the People

**Section 14.** There shall be a committee called "The National Land Allocation Committee" consisting of the Minister of Natural Resources and Environment as Chairman, the Deputy Minister of Interior, the Permanent Secretary of Interior, the Permanent Secretary of Defence, the Director-General of the Department of Local Administration, the Director-General of the Department of Social Development and Welfare\*, the Director-General of the Cooperative Promotion Department, the Director-General of the Department of Highways, the Director-General of the Royal Irrigation Department, the Director-General of the Land Development Department,

the Director-General of the Department of Mineral Resources, the Director- General of the Department of Agricultural Extension, the Director-General of the Royal Forest Department, the Director-General of the Treasury Department, the Director of the Bureau of the Budget, the Secretary-General of the Council of State of Thailand, the Secretary-General of the National Economic and Social Development Board, and the Secretary-General of the Accelerated Rural Development as members, the Director of the Office of Natural Resources and Environmental Policy and Planning as member and Secretary-General and not more than seven qualified persons appointed by the Council of Ministers as members.

**Section 15** The qualified members shall hold office for a term of four years. The qualified member who vacates office may be re-appointed by the Council of Ministers.

**Section 16** In addition to leaving office at the expiration of the initial period under the provisions of Section 15, qualified members leave office on

1. death
2. resignation
3. being imprisoned by a final judgment of imprisonment, except for a petty offence, punishable as a petty offence or that committed by negligence
4. being dismissed by the Council of Ministers.

In the event of a vacancy occurring under this section, the Council of Ministers shall appoint a qualified member of till the vacancy for the remainder of the vacated term.

**Section 17** At any meeting of the Commission, attendance of more than one half of the total membership shall be required to constitute a quorum.

**Section 18** When the chairman is not present at a meeting, the members present shall elect one among themselves to be chairman.

**Section 19** Decisions and resolutions shall be taken by majority vote. Each member shall have one vote. In case of a tie, the chairman shall have an additional casting vote.

**Section 20** The Commission shall have the following powers and duties:

- (1) To lay down policies to allocate land for people's habitation and livelihood according to their capacities.
- (2) To develop a plan concerning the land tenure.
- (3) To reserve and develop land in order to subsequently allocate to people.
- (4) To reserve and restrict the domaine public of State that is free from possessory right to be commonly used by people.
- (5) To approve projects relating to land allocation by public bodies.
- (6) To control the allocation of land in accordance with this Code and other laws.
- (7) To perform activities in connection with land as assigned by the Council of Ministers.
- (8) To assign public bodies to proceed with any task in regard to powers and duties under this Section in lieu of the Committee as it may think fit.
- (9) To perform other activities as prescribed in this Code or other laws.
- (10) To lay down regulations or requirements, to set rules or conditions in connection with the land allocation or other activities under this Code.

Regulations or requirements involving people shall be published in the Government Gazette.

**Section 21** The Minister shall carry out the resolutions of the Commission and shall have the power to delegate matters relating to land allocation to any public body concerned, and if able, to have a public body concerned carry out the work delegated without delay. In the interest of this section, the officials of such public bodies shall have the same powers and duties as the competent authorities as provided in this Code.

The Minister may have the public body empowered under the preceding paragraph drawn funds from the budget of the Land Department for use in accordance with the budget list in place of the Land Department.

**Section 22** The Minister and officials delegated by him shall have the following powers:

1. to summon any person to give facts or opinion regarding land allocation and call for documentary evidence or other things concerned for the deliberations of the Commission;
2. to enter upon any premises or land of any public body, government organization, or private person for the purpose of investigating any matter related to the allocation of land and shall have the power to question as to the facts, to subpoena documentary evidence or other relevant things from persons living on such premises or land for consideration as may be necessary. Such persons shall render reasonable convenience to commissioners and competent authorities.

**Section 23** In exercising authority under this Code, the competent authorities and officials of public bodies who have the same powers and duties as competent authorities under the provisions of Section 21 shall have an identification card and show it to interested persons.

**Section 24** Competent authorities and officials acting under the provisions of this Code shall be deemed competent officials under the provisions of The Criminal Code.

**Section 25** For the purpose of the land allocation and examination of fertility of soil, the Committee may make arrangement for land survey.

When it deems expedient to carry out land survey in any locality, the Committee shall publish in the Government Gazette an announcement designating such locality as the area under survey and such announcement shall be put up at the District Office and the house of Sub-District Headman in the Sub-District being under the land survey. A map showing the area under survey shall be annexed to the said announcement. This map shall be treated as a part of the announcement.

**Section 26** Within the cadastral survey area under the provisions of Section 25 persons with rights in land or in possession of land within the area shall have the duty:

- (1) To notify the competent authority on the locality where the land is located within the period specified and posted by the Changwat (Province) Governor under the forms and procedures specified in Ministerial Regulations. In this case, another person may be sent to give notification instead;
- (2) To take or arrange for a nother person to take the competent authority and point out to him the boundaries of the land which he possesses or in which he possesses or in which he has right when informed by the competent authority a reasonable time in advance;
- (3) To certify by signature the land survey made by the competent authority as far as it may be true. In case a substitute is sent to point out the boundaries, that person shall sign the survey instead.

**Section 27** Except for lands already administered by the government or state organizations under other laws, the Director-General may allocate state land over which no person has possessary rights to the people for habitation and occupation in accordance with the rules, regulations, specifications and conditions specified by the Commission including the following:

- (1) Amount of land to be divided for possession;
- (2) Rules for investigation and selection of persons to take possession;
- (3) What persons taking possession must do;



- (4) Rules for compensation for capital invested in that land and for the imposition of fees of various kinds;
- (5) Pre-requisites for the distribution of land.

Rules, regulations, specifications and conditions of the Commission shall be published in the Government Gazette.

**Section 27/2 (bis)** In a case where the person taking possession and making use of the land or anyone taking possession and making use of the land in continuation thereof files a request, prior to the enforcement date of this Announcement of Revolutionary Council, to extend the time required for claiming the possession as prescribed by the Act Promulgating the Land Code, B.E. 2497 (1954) while no order from the provincial Governor has been given, the provincial Governor shall consider this matter and give an order without delay provided that the person taking possession and making use of land is not deprived of his/her rights to be exercised in accordance with Section 27 ter. under this Code.

**Section 27/3 (ter)** Upon the notification of the provincial Governor specifying the locality and the commencement date of the survey under paragraph two of Section 58, any person who takes possession and makes use of the land prior to the enforcement date of this Code without document of land rights and fails to claim his/her possession as prescribed in Section 5 of the Act Promulgating the Land Code, B.E. 2497 (1954) or any person who waits for the order of extension from the provincial Governor under Section 27 bis. but his/her taking possession and making use of such land has continued up to the date of survey or inspection wishes to have the land rights, such person shall notify the land officer of his/her possession at the Land Office of the locality in which such land is situated within thirty days from the date of notification. In case of the person's failure to do so, although the person may arrange for other person to take the competent officials to conduct the survey on the date and time as notified by the competent officials, it is deemed that such person has the intention to acquire the land rights.

For the purpose of this Section, persons taking possession and making use of the land under paragraph one shall include anyone taking possession and making use of the land in continuation thereof as well.

**Section 28** The Commission shall have the power to appoint a sub-commission to assist in the carrying out of any task and then report to the Commission. The provisions of Sections 17, 18 and 19 shall apply mutatis mutandis.

**Section 29** In carrying out the provisions of Section 27, land in any locality received under the provisions of this Code shall be allocated for receipt, purchase, exchange, or hire-purchase first to persons domiciled in that locality. Later, remaining land may be allocated for receipt, purchase, exchange, or hire-purchase to person domicile in other localities.

**Section 30** Upon the completion of allocation of land for persons to take possession, the competent officials shall issue the Pre-emption Certificates for evidence. When there appears that the persons who possess the allocated land put the land to use and fully comply with the regulations, requirements, rules, and conditions prescribed by the Committee, the competent officials shall issue Certificates of Title to such person without delay.

**Section 31** Regarding the land with the Title Deed or the Utilization Certificate that is subsequently issued after the Pre-emption Certificate, persons who acquire rights in such land are forbidden to transfer such land to other persons under the following circumstances:

(1) if the Pre-emption Certificate is issued on or after 14th December B.E. 2515 (1972), the transfer of land is forbidden for a period of ten years from the receipt date of the Title Deed or the Utilization Certificate; (2) if the Pre-emption Certificate is issued prior to 14th December B.E. 2515 (1972) and only in a case where the assistance from the State in terms of utilities and others is given with the land allocation, the transfer of land is forbidden for a period of five years from the receipt date of the Title Deed or the Utilization Certificate.

The provisions of paragraph one shall not apply if the land is devolved by succession or if the land is transferred to public bodies, governmental organizations under the law on establishment of the governmental organizations, or State Enterprise established by the Act, or transferred to the co-operatives for performance of obligations with approval of the registrars of the co-operatives.

Within the forbidden period as prescribed in paragraph one, such land shall not be subject to the compulsory execution.

**Section 32** The Director-General shall have the power to order the eviction of any person who has entered into possession of land under the provisions of Section 30 who has not complied with the rules, regulations specifications or conditions of the Commission, and from the date of receiving such order, such person shall be instantly deprived of rights he might have acquired under all the rules and regulations.

If that person is dissatisfied with the order issued under the preceding paragraph, he shall have the right to appeal to the Minister within thirty days from receipt thereof. If the Minister gives no decision within sixty days from receipt of the appeal, he shall be deemed to have ordered the continuation of the right to possession of the land but in conformity with the original rules, regulations, specifications and conditions of the Commission. The order of the Minister shall be final.

**Section 33** In localities which the Commission has not yet proclaimed as survey areas under the provisions of this Chapter, or in case the land is divided into small plots, the people may apply to pre-empt the land in conformity with the rules, regulations, specifications and conditions pre-scribed by the Commission. On authorization by the competent authority, a certificate of pre-emption shall be issued.

#### CHAPTER 3

## Delimitation of Rights in Land

**Section 34 to Section 49** Repealed

**Section 50** In disposing of land under the provisions of this Code, the Director-General shall have the power to dispose of it by sale or hire-purchase according to the rules and procedures specified in Ministerial Regulations and shall have the power to levy a fee of not more than five per cent of the sale price. If unable to dispose of the land within two years the Director-General with the approval of the Minister shall have the power to sell on installments within ten years.

The exercise of the power under the provisions of the first paragraph, the Director-General may divide up the land into plots for disposal as he thinks fit.

**Section 51** In case where the Director-General uses his power to dispose of land under this Code, persons with rights in the land to be disposed of shall agree with the competent authority as to which plot or part of the 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 to dispose of land, the competent authority shall notify persons with right in land not less than thirty days in advance. After the expiration of the said period, the competent authority shall come to an agreement with persons having rights in the land as to its price. If they are unable to agree on the price of the 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 fixed by arbitration shall reflect the market price current on the day the competent authority notifies persons with rights in land that the Director-General will use the power of disposal.

**Section 53** From the day the competent authority gives notice under Section 52 the Director-General shall have the right of possession to the land and persons having rights in land including tenants, occupants and others shall vacate the land within one year. Any lease of that plot of land shall cease to have effect on the day the competent authority informs persons having rights in land that the Director-General will use the power of disposal.

**Section 54** The Director-General, in disposing of any person's land the terms of this Code through hire purchase or on installment sale, shall pay the purchase price to the person entitled thereto in part payments to be completed within the following periods:

- (1) In disposals under Section 39, installments shall be paid within five years.
- (2) In disposals under other Section, installments shall be paid within ten years.

In such payment by installments, interest shall be paid by the purchase or hire-purchaser of the land to the persons, who formerly had rights in the land at the rate of three per year,

**Section 55** In the event of a sale or hire-purchase of land under Section 50, if the purchaser or hire-purchaser does not abide by the conditions in the contract of sale or hire-purchase, as the case may be, the Director-General shall have the power to repossess the land. In such case, rights in the land shall vest in the Land Department in the day on which the purchaser or hire-purchaser learns or should learn of the repossession.

#### CHAPTER 4

## Issuance of Documents Showing Rights in Land

**Section 56** Subject to Section 56/1, forms, rules, and procedures for issuance of the Pre-emption Certificate, the Utilization Certificate, the Land Examination Certificate, or the Title Deed, including the substitutions thereof shall be in accordance with the Ministerial Regulations.

**Section 56/1** In issuing the Title Deed or the Utilization Certificate for the land with its partial area adjoining and overlapping or encroaching upon the domaine public of State with the existence of aerial photo map or aerial photograph, the competent officials may proceed only when it is examined and verified with the earliest aerial

photo map or aerial photograph, as may be available through governmental service, that the land is eligible for issuance of the Title Deed or the Utilization Certificate. The other methods of examination and verification may be carried out in accordance with the rules prescribed by the Director- General.

Section 57 In the Title Deed and the Utilization Certificate, there shall be the information as follows: name, last name, address of the land rights holder, location of land, area of land, map specifying boundaries in four directions. The provincial land officer, the provincial branch land officer, or the land officer assigned by the Director-General shall sign and affix the seal of office therein with an index of registration.

Each of the Title Deed and the Utilization Certificate shall be made in duplicate whereby one copy is given to the land rights holder and the other is maintained at the Land Office. For the purpose of record keeping, the copy at the Land Office may be reproduced into a photography images or other forms through the information and communication technology and shall be deemed as original.

Section 58 If the Minister considers appropriate to issue the Title Deed or the Utilization Certificate in any particular province and in any particular year, it shall be published by the Minister in the Government Gazette specifying the province and the year in which the cadastral survey or the examination and verification for purpose of land use is to be conducted. The permanent forest domain which is classified by the government authority shall not be included in the provincial boundaries published therein by the Minister.

Upon the publication under paragraph one, the provincial Governor shall designate the locality and the commencement date of field survey and shall put up a notice at the Land Office, the District Office, the District Branch Office, the Sub-District Headman Office, and the Village Headman Office in the relevant locality not less than thirty days prior to the commencement date of survey.

Upon the notification of the provincial Governor under paragraph two, the person under paragraph two of Section 58 bis or his/her representative shall accompany the competent officials or the person authorized thereby to conduct the cadastral survey or the examination and verification of land use carried out in his/her land on the date and time as arranged by the competent officials.

In conducting the field survey to examine and verify the land use for purpose of issuance of the Utilization Certificate, the land officer shall have power to appoint a person who has been trained to conduct the land use examination and verification to do these tasks to be the official in lieu thereof.

In performing duties under paragraph four, the official shall be deemed as the public officer under the Penal Code.

Section 58 bis Upon the completion of the cadastral survey or the examination and verification of land use under Section 58, the competent officials shall issue the Title Deed or the Utilization Certificate, as the case may be, to the persons under paragraph two if it appears that the land under the possession thereof is eligible for the Title Deed or the Utilization Certificate to be issued under this Code.

The persons to whom the competent officials may issue Title Deed or the Utilization Certificate under paragraph one includes:

- (1) persons with evidence showing their claims for the possession of land, the Pre-emption Certificate, the Squatter's Certificate, the Utilization Certificate, the Certificate of Ownership in Lieu of Title Deed, and the Pre-occupation Certificate stamped "Already Put to Use", or any person with rights under the law on land allocation for living;
- (2) persons who comply with Section 27 ter;
- (3) persons who possess and make use of land after the enforcement date of this Code without the Pre-emption Certificate, the Squatter's Certificate, or any evidence showing the right under the law on land allocation for living. For the purpose of this Section, persons with evidence showing their claims for land possession under paragraph two (1) shall include those who possess and make use of land in continuation of the aforesaid persons.

The Title Deed or the Utilization Certificate, as the case may be, shall be issued to persons under paragraph two (2) and (3) for not more than fifty rais of land. In case of more than fifty rais, the approval of the provincial Governor shall be obtained on a case by case basis in accordance with the rules prescribed by the Committee.

Within ten years from the receipt of the Title Deed or the Utilization Certificate under paragraph one, persons with land rights under paragraph two (3) are forbidden to transfer the land to other persons except through the devolution by succession or the transfer to public bodies, governmental organizations under the law on establishment of the governmental organizations, State Enterprise established by the Act, or the co-operatives for purpose of performance of obligations with approval of the registrars of the co-operatives.

Within the forbidden period as prescribed in paragraph five, such land shall not be subject to the compulsory execution.

Section 58 ter If the Minister considers appropriate to issue the Title Deed in any particular province to the land for which the Utilization Certificate with the aerial photo map of the land has been issued, the locality and the commencement date of the issuance thereof shall be published in the Government Gazette by the Minister at least thirty days in advance.

In preparing a map for purpose of the Title Deed issuance under paragraph one, the evidence in the aerial photo map form used with the Utilization Certificate shall be adjusted with respect to the theoretical basis of the aerial photo map and used without conducting the cadastral survey except in case of necessity. After a decision on the commencement date of the Title Deed issuance as prescribed in the Ministerial Regulations under paragraph one, any registration of the rights and juristic acts in connection with the land that requires a cadastral survey to be conducted by using aerial photo map shall be ceased except in case of necessity whereas the permission by the competent officials may be given on a case by case basis in accordance with the rules as prescribed by the Committee.

Under this Section, the Title Deed shall be issued to the person named in the Utilization Certificate as the rights holder.

Upon completing the preparation of the Title Deeds to be conferred to the right holders, the land officers shall announce the date of conferring the Title Deeds thereto and the Utilization Certificate for the relevant parcels of land shall be deemed annulled on and from the day announced to be the date of conferring the Title Deeds and such annulled Utilization Certificates shall be returned to the land officers except in case of loss.

Section 59 In a case where there is a particular request for the issuance of the Title Deed or the Utilization Certificate by the person with possessory right, irrespectively of whether the notification of the Minister is made under Section 58, the competent officials may, if consider appropriate, proceed the issuance of the Title Deed or, as the ca se may be, the Utilization Certificate as requested in accordance with the rules and procedures prescribed in this Code.

For the purpose of this Section, the person with possessory right shall, in addition, mean any person who possesses and makes use of land in continuation of the person with evidence showing his/her claim for the possession of the land.

Section 59 bis If it is necessary for any particular person who has possessed and made use of land prior to the enforcement date of this Code without a document of land rights and having failed to notify of his/her land possession under Section 5 of the Act Promulgating the Land Code, B.E. 2497 (1954), exclusive of the persons in compliance with Section 27 ter, to apply for the issuance of the Title Deed or the Utilization Certificate, the competent officials may, if considered appropriate, proceed with the issuance of the Title Deed or, as the ca se may be, the Utilization Certificate in accordance with the rules and procedures prescribed in this Code under a condition that the land parcel requested for the issuance thereof shall not exceed fifty rais and, if otherwise, the approval of the provincial Governor shall be obtained in accordance with the rules prescribed by the Committee.

For the purpose of this Section, the person with possessory right shall include any person who possesses and makes use of land in continuation of the said person.

Section 59 ter In issuing the Title Deed or the Utilization Certificate, if there appears that the land area derived from the newly conducted survey is inconsistent with that specified in the Claim Certificate under Section 5 of the Act Promulgating the Land Code, B.E. 2497 (1954), the competent officials may, upon consideration, issue the document of land rights for the exact land area that has been actually put to use in accordance with the rules prescribed by the Committee.

Section 59 quarter During the issuance of the Title Deed under Section 58 bis, Section 58 ter, and Section 59, if there is, in the document of land rights, an entry of a list of encumbrance or changes of land rights holder, the said list shall be carried forward and recorded in the Title Deed as well.

Section 59 quinqué Regarding the issuance of Title Deed under Section 58 bis and Section 59, it shall be deemed that the former document of land rights is annulled and such annulled document of land rights shall be returned to the land officer except in case of loss.

Section 60 In issuing the Title Deed or the Utilization Certificate, the competent officials or, as the case may be, the land officers may, in case of the occurrence of contention, shall have power to make inquiries and settlement and proceed according to the agreement between the parties in dispute and, if the parties fail to come into agreement, the provincial land officers or the provincial branch land officers shall have power to consider this matter and give out the instructions as it deems expedient.

The provincial land officers or the provincial branch land officers shall notify the parties in dispute of the aforesaid instructions and the party dissatisfied therewith may proceed with the filing of a statement of claims with the Court within sixty days as from the acknowledgement of the instructions.

In case of filing the lawsuit, there shall be a stay of proceeding of the instructions until the Court's final judgment or order which shall be executed as such. If the lawsuit is not pursued within such time period, the matter shall be carried out in accordance with the instructions of the provincial land officer or the provincial branch land officer, as the case may be.

Section 61 In a case where there appears an inaccuracy or illegality in connection with the issuance of the Title Deed or the Utilization Certificate, the registration of rights and juristic acts for the immovable property, or the record making of the list of registered immovable properties, the Director-General or either the Deputy Director-General or the Inspector of the Department of Land authorized thereby shall have power to order the annulment or amendment thereof.

Prior to taking actions under paragraph one, the Director-General or the person authorized thereby under paragraph one shall set up a Committee of Enquiry with authority to call for documents as follows: the Title Deed, the Utilization Certificate, the rights and juristic acts registration documents, documents related to the recorded list of registered immovable properties or other documents for consideration. The interested parties shall be notified for purpose of objection, if any. Upon the expiration of thirty days following the date of notification without any objection, it shall be regarded as no objection at all.

The Committee of Enquiry with duties to examine the inaccurate or unlawful issuance of the Title Deed or the Utilization Certificate shall, at the least, consist of public authorities and the representative of the local administrative body or the local administrator of the relevant locality as members.

The examination and enquiry under paragraph two shall be carried out until completion and the matter shall be submitted to the Director-General or the authorized person under paragraph one within sixty days from the day on which the examination and enquiry is ordered. If the examination and enquiry is not completed within such time period, the Committee of Enquiry shall give reasons and report to the Director-General or the authorized

person under paragraph one for the extension of time. The time extension shall be granted by the Director-General or the a uthorized person under paragraph one as necessary but not exceeding sixty days.

The consideration of the matter reported by the Committee of Enquiry under paragraph four shall be completed by the Director-General or the authorized person under paragraph one within fifteen days. The decision after the aforesaid consideration shall be executed as such.

In carrying out the revocation or amendment under this Section, if the Title Deed or the Utilization Certificate is absent, such Title Deed or Utilization Certificate shall be deemed as lost and the land officers shall issue a substitution thereof for further actions. Provided that the inaccuracy arises from erroneous handwriting or typing with explicit supporting evidence and the interested party gives a written consent, the land officers shall have power and duty to correct it.

In case of the Court's final judgment or order of revocation or amendment, the land officers shall carry out acts in accordance with such judgment or order a ccording to the procedures instructed by the Director-General.

The formation of the Committee of Enquiry, the examination and enquiry, the notification to the interested party who may make an objection, and the consideration of revocation or amendment shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Section 62 In all cases relating to ownership of land for which title deeds have been issued, the Court shall inform the land official of the locality where the land is situated of all final judgments or orders.

Section 63 If any title deed is damaged, defaced or last for any reason, the owner may apply for a substitute title deed.

When a substitute has been issued, the original title deed shall be cancelled unless the Court orders otherwise.

The proceeding shall apply mutatis mutandis to pre-emption certificates, use certificates, or land particulars certificates. Section 64 In case of damage, defect, and loss of the Title Deed, the Land Examination Certificate, the Utilization Certificate, or the Pre-emption Certificate which is maintained at the Land Office, the competent officials under Section 71 shall have power to call for the said document from the land rights holder for purpose of reproduction thereof based on the existing originals.

## CHAPTER 5 **Land Survey**

Section 65 Land surveys for the issuance of title deeds shall be in a ccordance with rules and procedures prescribed in Ministerial Regulations.



Section 66 In the interest of the land survey, the competent authority and employees shall have the power to enter upon the land of persons who have rights therein or of possessors during the day provided advance notice to persons with rights in the land is given. Person with rights in the land and possessors shall give reasonable facilities under the circumstances. In case it is necessary to erect mapping stakes on anyone's land, the competent authority shall have the power so to do as may be necessary.

In surveying, when and to the extent necessary and reasonable, the competent authority shall have the power to dig the land, cut and trim branches, and do otherwise with obstructions to the surveying taking into consideration the causing of the least amount of damage to the owner.

Section 67 It is forbidden to all except the competent authority to destroy, alter, move or remove any boundary marker or mapping stake placed or built in by any place by the competent authority except by permission of the land official.

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

In case permission is denied, the owner of the land may appeal to the Minister within fifteen days of being informed of the denial. The Minister shall decide within sixty days from receipt of the appeal. His decision shall be final.

If the Minister does not decide within the sixty days set out in the preceding paragraph permission shall be deemed granted.

Section 69 When it is advisable to verify land boundaries in any locality according to the map, the Province Governor shall inform persons with rights in the land not less than fifteen days in advance. Notice shall be posted on the land to give notice to interested persons and a supplementary notice of the day and time shall be given to persons with rights in the land. And persons with rights in the land shall escort the competent authority around during the verification of boundaries survey.

Persons in the preceding para graph with right in the land may appoint a representative to escort the competent authority around during the verification of boundaries survey on his land.

On completion of the verification of boundaries, the competent authority shall have the power to issue a new title deed in place of the original which is then void and shall be returned.

Section 69 bis Any land rights holder with intention to have his/her Title Deed examined and verified may file an application together with the Title Deed with the land officers and the competent officials shall carry out the examination and verification as requested.

In surveying the land, if it appears that the land possession is inconsistent with the map or the area as shown in the Title Deed, the land officers shall, after the person with rights in the adjoining land certifies the land boundaries, have power to make correction of the map or the record of land area to correspond with the result of actual survey, except in case of collusion for purpose of law evasion.

In a case where it is not possible to contact the person with rights in the adjoining land to observe the land boundaries, or the said person fails to be present after being notified by the competent officials, or the said person is present to observe the boundaries but decline to certify the boundaries without opposing the survey, the competent officials shall notify such person through a written notice requesting his/her signature to either certify or oppose the boundaries within thirty days after the delivery of notice. If the person with rights in the adjoining land fails to take either action within the designated time period and the applicant certifies non-encroachment upon the adjoining land and gives consent for any correction of the map or the record of land area to be made to conform to the actual survey, the land officers shall proceed under paragraph two without such certifying of the boundaries.

Any communication or notification to the person with rights in the adjoining land under paragraph three shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

In case of objection, the land officers shall have power to make enquiry and compromise by considering the map evidence. If an agreement between parties is attained, the matter shall be carried out as such except in case of collusion for purpose of law evasion. If the parties fail to come to any agreement, the parties shall be notified of his/her right to file a lawsuit within ninety days as from the date of notification. In case of no lawsuit within the designated time period, it shall be regarded that the applicant has no intention to have the boundaries examined and verified further.

In a case where the land rights holder wishes to have only his/her land area verified against the Utilization Certificate, the application together with the Utilization Certificate of such land shall be filed with the land officers and the provisions of paragraph two, paragraph three, paragraph four, and paragraph five shall apply mutatis mutandis.

Section 70 In the interests of the survey, the competent authority shall have the power:

- (1) To summon persons with rights in adjacent lands to take care of the boundary line and sign an acknowledgement of the boundaries of their own land;
- (2) To summon persons concerned to give oral testimony or submit documents or any other evidence relating to the investigation.

Section 70 bis In the examination and verification of land for purpose of issuance of the Utilization Certificate and the examination of the land area against the Utilization Certificate, the provisions of Section 66 and Section 70 shall apply mutatis mutandis.

#### CHAPTER 6

## Recording of Rights and Legal Acts

Section 71 For any immovable property in the locality of the Provincial Land Office or the Branch Land Office, the land officers shall be the competent officials for registration of rights and juristic acts in connection with the immovable property under the Civil and Commercial Code.

In a case where the information and communication technology system has been used in registering the rights and juristic acts, the land officers shall be the competent officials for registration of rights and juristic acts in connection with the immovable property under the Civil and Commercial Code through the information and communication technology system for any immovable property in the locality of other Provincial Land Offices or the Branch Land Offices as well except in a case where the announcement or the survey is required for the registration thereof in accordance with the rules and procedures published in the Government Gazette by the Director-General.

Section 72 Any person wishing to have the registration of rights and juristic acts in connection with the immovable property under the Civil and Commercial Code shall have the document of land rights presented by the other party to be examined by the competent officials under Section 71 for the registration thereof.

In registering any right and juristic act under paragraph one for the land with the Title Deed, the Land Examination Certificate, or the Utilization Certificate, the other party may file an application with the competent officials under Section 71 at the Department of Lands or any Land Office for the registration thereof except in a case where the announcement or the survey is required for the registration thereof.

Section 73 When it appears to the competent authority that the legal act to be recorded by the parties is void, he shall not be obliged to record it. If the legal act to be recorded by the parties appears voidable the competent authority shall record it when the party who may be damaged thereby insists.

Section 74 In recording rights and legal acts by the competent authority under Section 71, the competent authority shall have the power to interrogate the parties and summon persons concerned to give oral testimony or send relevant written evidence as may be necessary and then proceed as may be appropriate under the circumstances.

If there is reason to believe the recording of such rights and legal acts is in evasion of the law or there is reason to believe the purchaser is purchasing on behalf of an alien, instructions shall be asked of the Minister whose word shall be final.

Section 75 In proceeding with the registration of rights and juristic acts in connection with any land with the Title Deed or the Utilization Certificate, the competent officials shall record the terms of agreement or make a contract related to this matter, as the case may be, and shall record the same essential issues into both copies of the Title Deed or the Utilization Certificate whereas one copy is for the Land Office use and the other is for the land owner.

Section 76 In case of an application to record rights and legal acts with regard to land which the competent authority has investigated and surveyed but for which he has not yet issued a title deed, recording may be requested of the competent authority under the provisions of Section 71.

Recording under the preceding paragraph shall be noted in the land particulars certificate as far as possible in accordance with the procedure for recording rights and legal acts with regard to land under title deed.

Section 77 Unless otherwise provided in this Code, recording of rights and legal acts concerning land or immovable property shall be done in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 78 The recording of rights and legal acts with regard to land acquired under Section 1382 of the Civil and Commercial Code or in ways other than through legal acts with regard to land already under title deed shall be in accordance with the rules and procedures prescribed in Ministerial Regulations.

Section 79 Any land rights holder wishing to divide land into several parcels or consolidate parcels of land into one shall file an application together with the document of land rights with the competent officials under Section 71.

For the purpose of this Section, Section 69 bis shall, in addition, apply *mutatis mutandis*. If the registration of rights and juristic acts is required, it shall be carried out prior to the issuance of the new document of land rights.

Section 80 In case of redemption of land mortgage or redemption of the land sold with right to redeem whereby a document of land rights has been issued to the said land, the land rights holder or the person with right to redeem may, upon the document made by the mortgagee or the buyer evidencing that the land is already redeemed, present the document of land rights to the competent officials in order to have such redemption registered.

After examined by the competent officials, if it is found correct, the record of redemption shall be made on the document of land rights.

Section 81 In filing an application for registration of rights and juristic acts related to immovable property devolved by succession, the successor shall present the evidence related to the land or the document of land rights together with evidence of succession to the competent officials under Section 71. If the said document of land rights is kept by other person, the competent officials shall have power to call for such document.

After inspecting and interrogating witnesses and evidence to the convincing effect that the applicant is the successor, the competent officials shall prepare written notices to be put up publicly at the Land Office, the District or Amphoe or King-Amphoe Office, the Municipality Office, the Sub-District Administrative Office, the Sub-District or Kwang Office, or the Sub-District Headman Office of the locality in which the land is situated, and within the confinement of the land for a period of thirty days. The competent officials shall send such notices t o

all successors as confirmed by the applicant with all possible efforts. If no successor entitled to the inheritance makes any objection within the designated period of time and there is convincing evidence that the applicant is entitled to the inheritance, the competent officials shall carry out the registration in accordance with the rules and procedures prescribed in the Ministerial Regulations.

In case of opposition by the successor entitled to the inheritance, the competent officials shall have power to interrogate the other party and summon any person to give statements or furnish the relevant document as necessary for settlement. If the settlement is not agreed upon, the competent officials shall give an instruction as it deems advisable.

The competent officials shall notify the other party of the said instruction and the party dissatisfied with the instruction may file a lawsuit within sixty days after being notified. If such party fails to file a lawsuit and to present to the competent officials the evidence showing the entry of the plaintiff accompanied by a copy of such plaintiff claiming the right of inheritance within such time period, the instruction of the competent officials shall be implemented.

Provided that the successor files a lawsuit within the designated time under paragraph four or other successor entitled to the inheritance has filed a lawsuit to claim such inheritance prior to the registration of rights and juristic acts related to the said inheritance, the competent officials shall, upon the presentation of evidence affirming the entry of the plaintiff accompanied by a copy of plaintiff to the competent officials, cease the registration thereof and shall subsequently carry out this matter in compliance with the Court's judgment or order.

Section 82 Any person wishing to have the executor's name registered on the document of land rights shall file an application together with such document of land rights and the document evidencing the authorization of executor with the competent officials under Section 71. If such person is the executor by Court's order or administrator, the competent officials shall proceed with the registration as requested. If such person becomes the executor through other means, the competent officials shall make enquiry and examine the evidence and the provisions of paragraph two of Section 81 shall apply mutatis mutandis. If no objection, the competent officials may register the executor's name on the document of land rights. If otherwise, the registration shall be suspended as the other party may bring the matter to the Court. Upon the final Court's judgment or order, the matter shall be carried out in compliance therewith.

In a case where the executor whose name has been on the document of land rights requests the registration of land rights for the successor, the competent officials may proceed with the registration as requested without production of notice under Section 81. In a case where the trustee of the lawfully established trust requests the registration as a trustee, the competent officials may, upon the interrogation and examination of witnesses and evidence, carry out the registration as requested.

Section 83 Any interested party in the land that may be registered or altered of its existing register by the execution of the Court's judgment, wishing to have the land attached shall file an application with the competent officials under Section 71.

Upon the interrogation and examination of witnesses and evidence presented by the applicant, the competent officials shall, if considers convincing, attach such land for a period of thirty days from the date of order of attachment. Upon the expiration of such period, the attachment shall deems terminated and the said person may not file for the re- attachment under the same circumstance.

If the interested party makes objection that the attachment is unlawful, the competent officials shall have power to interrogate and examine witnesses and evidence to the extent necessary. In a case where it is convincing that the attachment is unlawful, the competent officials shall have power t o terminate such attachment and notify the person requesting the attachment of such termination.

#### CHAPTER 7

## Limitations of Rights in Land for Religious Purposes

Section 84 Wats, temples, Roman Catholic Churches, Christian Foundations or Moslem may acquire land with the permission of the Minister and may acquire not more than fifty rais. In appropriate cases the minister may allow the acquisition of more land then that prescribed in the preceding paragraph.

The provisions of this Section shall not affect t he acquisition of land prior to the effective date of this Code or acquisition of land of the Mosles Musjid under the provisions of Moslem Law in a Changwat having an Islamic magistrate (Da Toe Yudtitham).

Section 85 A juristic person who acquires more land than that provided in Section 84 after the effective date of this Code shall dispose of the excess within five years. If the land is not disposed of within such time the Director-General shall have the power to dispose of it applying the provisions relating to forced sale of land in Chapter 3 mutatis mutandis.

#### CHAPTER 8

## Limitation of Aliens (foreigners) Right in Land

Section 86 Aliens may acquire land by virtue of the provisions of a treaty giving the right to own immovable properties and subject to the provisions of this Code. Subject the Section 84 the aforesaid aliens may acquire land for residence, commerce, industry, agriculture, burial, public charity or religion under the conditions and procedures prescribed in Ministerial Regulations and with the permission of the Minister.

Section 87 The amount of land which may be permitted under the preceding Section is as follows:

- (1) For residence, per family, not more than 1 rai
- (2) For commerce, not more than 1 rai
- (3) For industry, not more than 10 rais
- (4) For agriculture, not more than 10 rais
- (5) For religion, not more than 1 rai
- (6) For public charity, not more than 5 rai
- (7) For burial, per family, not more than rai The Council of Ministers may, if they think fit, permit an alien to

acquire more land for industry than that prescribed in (3) under such conditions as they may impose. The provisions of Section 48 shall apply mutatis mutandis.

Section 88 The provisions of Section 87 shall not affect the acquisition of land by aliens in excess of that prescribed in Section 87 prior to the effective date of this Code. Persons holding less land than that prescribed or who dispose of their land, may acquire additional land provide the total holding does not exceed the limit prescribed in Section 87.

Section 89 When an alien has received permission to acquire land for any purpose, he must use the land for that purpose and for no other unless permission is received to use it far another purpose under the limitations of Section 87. If the land is not used a s authorized notice must be given on the forms and following the procedures prescribed in Ministerial Regulations within thirty days from the non-user of the land.

Aliens wishing to use land for another purpose may apply to the Minister for permission on the forms and following the procedures prescribed in Ministerial Regulations. If the Minister thinks fit, he may give permission.

Section 90 Aliens who have received permission to hold and use land for any purpose if no longer using the land or if using it for another purpose without receiving new permission, shall dispose of such land within the time limit prescribed by the Director-General which shall not be less than one hundred eighty days nor more than one year. If such time it exceeded, the Director-General shall have the power to dispose of the land.

Section 91 Aliens who have received new permission to use land for a purpose for which the maximum amount of land which may be held is smaller, shall dispose of the excess within the time limit prescribed by the Director-General which shall not be less than one hundred eighty days nor more than one year. If such time limit is exceeded the Director-General shall have power to dispose of the land.

Section 92 If any alien receiving permission to acquire land under the terms of Section 87, paragraph 2, does not observe the conditions prescribed by the Council of Ministers, he shall dispose of such land permitted in excess within the time limit prescribed by the Director-General. If such time limit is exceeded the Director-General shall have the power to dispose of the land.

Section 93 The Minister shall permit the inheritance of land by an alien who is the lawful heir, but such acquisition when added to that which s already held may not exceed the amount which may be held under Section 87.

Section 94 All the land which as alien has acquired unlawfully or without permission shall be disposed of by such alien within the time limit prescribed by the Director-General which shall not be less than one hundred eighty days nor more than one year. If the land is not disposed of within the time prescribed the Director-General shall have the power to dispose of it. The provisions on the forced sale of land in CHAPTER 3 shall apply mutatis mutandis.

Section 95 Any person who has acquired land while Thai national and later changes his nationality shall have the right to hold as much land as such alien may have. Land apart from that shall be disposed of and the provisions of Section 94 shall apply mutatis mutandis.

Section 96 When it appears that any person has acquired land as the owner in place of an alien or juristic person under the provisions of Section 97 and 98, the Director-General shall have the authority to dispose of such land and the provisions of Section 94 shall apply mutatis mutandis.

**Added by Land Code Amendment Act (No. 8) B.E. 2542 (1999)**

Section 96 bis The provisions prescribing the acquisition of land by foreigners by virtue of the provisions of a treaty under first paragraph of Section 86 shall not apply to the foreigners who bring in the capital for investment more than forty million Baht as prescribed in the Ministerial Regulations whereas the acquisition of land for purpose of residence shall not exceed one rai and shall be approved by the Minister.

The acquisition of land by foreigners under paragraph one shall be in accordance with the rules, procedures, and conditions prescribed in the Ministerial Regulations.

The essential issues shall be included in the Ministerial Regulations as follows.

- (1) The type of business in which the foreigners invest that economically and socially benefits the country or which is declared by the Board of Investment as eligible for the application of the investment promotion under the law thereon.
- (2) The period of maintaining the investment shall not be less than three years.
- (3) The land that the foreigners may acquire shall be within the locality of Bangkok Metropolitan Administration, the City of Pattaya, Municipality, or the zone designated to be the residential area under the law on city planning.

Section 96 ter Any foreigner who is granted to acquire land under Section 96 bis shall, if fails to comply with the rules or conditions prescribed in paragraph two of Section 96 bis in the Ministerial Regulations, dispose of the land being under his/her right within the time period prescribed by the Director-General which is not later than a hundred and eighty days but not longer than one year. If such time period elapses, the Director-General shall have power to dispose of such land.

If the land granted to be acquired by the foreigner under Section 96 bis is not used for purpose of residence within two years from the registration date of acquisition, the Minister shall have power to dispose of such land.

source: [Land Code Amendment Act](#)

#### CHAPTER 9

## Limitation of Rights in Land of Some Categories of Juristic Persons



Section 97 The following juristic persons shall be entitled to the same rights as the foreigners.

(1) Limited companies or the public limited companies with registered shares held by foreigners more than forty nine percent of the registered capital or those in which foreign shareholders account for more than half of the total number of shareholders, as the case may be. For the purpose of this Chapter, any share certificate to bearer issued by the limited company shall be deemed as it is held by the foreigner.

(2) Registered limited partnerships or the registered ordinary partnerships in which the foreigners invest their capital through shareholding greater than forty nine percent of the total capital or those in which foreign shareholders account for more than half of the total number of shareholders, as the case may be.

(3) Associations including the co-operatives in which the foreign members exceed one-half of the total number of members or those which operate particularly or mainly for the benefit of foreigners.

(4) Foundations with objectives focusing particularly or mainly on the benefit of foreigners.

(5) (Repealed)

- **Deleted sub 5:** Any juristic person in this **Section** which has manager or member of the board of directors who is an alien.

Section 98 In a case where any juristic person as provided in Section 97 holds shares of or invest the capital through shareholding in other juristic person as implied under Section 97, such juristic person shall be deemed as a foreigner.

Section 99 In case of the acquisition or disposal of land rights by the juristic persons under Section 97 or Section 98, the provisions of Section 8 shall apply mutatis mutandis and such juristic persons shall bear the same duties and liabilities as imposed upon other foreigners and ordinary people.

Section 100 In a case where the nature of any juristic person who has acquired the land at the time when its condition is not under the provisions of Section 97 and Section 98 is subsequently subject to the provisions thereof, the provisions of Section 95 shall apply mutatis mutandis.

#### CHAPTER 10

## Trade in Land

Section 101 Repealed

Section 102 Repealed

- **Deleted section 101** Any person wishing to trade in land shall received authorization for each particular piece of land from the Minister in accordance with the rules and procedures prescribed in Ministerial Regulations. In giving authorization, the Minister may prescribe any conditions.
- **Deleted section 102** In case the person who has received authorization to trade in land under **Section 101** does not observe the conditions, or is unable to sell, exchange, or sell the land on hire-purchase within three years from the date of receiving authorization, the Director-General shall have the power to dispose of that land, and the provisions on the forced sale of land in Chapter 3 shall apply mutatis mutandis.

#### CHAPTER 11

## Fees

Section 103 In issuing the document of land rights, conducting survey, registering rights and juristic acts, or carrying out any activity in connection with the immovable property, the fees and other expenses shall be levied

as prescribed in the Ministerial Regulations but shall not exceed the rates provided in the Schedule annexed to this Code.

In case of issuance of the Title Deed or the Utilization Certificate under Section 58, only the following fees shall be levied: fee for Title Deed issuance, fee for Utilization Certificate issuance, fee of land mark, and, if any, Power of Attorney fee, as the case may be. The land rights holder may obtain the Title Deed or the Utilization Certificate albeit the fee is not paid at the time and the competent officials shall record such amount of fee due to be paid in the Title Deed or the Utilization Certificate. In a case where the application for registration of rights and juristic acts is filed for the first time, the applicant shall be liable to pay such amount of outstanding fee unpaid. In the issuance of the Title Deed under Section 58 ter., the fees and other expenses shall be exempted.

Section 103 bis The fee for registration of rights and juristic acts in connection with any immovable property donated for official use shall be exempted.

Section 104 In case of filing for the registration of rights and juristic acts related to the transfer of ownership or tenancy or immovable property, the applicant shall pay the registration fee based on the appraisal capital value under Section 105 quinqué.

In filing for the registration of rights and juristic acts related to any immovable property under other circumstances than that prescribed in paragraph one, the applicant shall pay the registration fee based on the amount truly declared by the applicant.

Section 105 There shall be the Valuation Committee consisting of the Permanent Secretary of Interior as Chairman, the Director-General of the Department of Local Administration or the representative, the Director-General of the Revenue Department or the representative, the Director-General of the Department of Public Works and Town & Country Planning or the representative\*, the Director-General of the Treasury Department or the representative\*, the Director of the Fiscal Policy Office or the representative, and not more than four qualified persons appointed by the Minister as members, and the Director of the Office of Property Valuation as member and secretary.

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

The member who vacates office upon the expiration of the term may be re-appointed.

Section 105 ter Apart from vacating office on the expiration of the term under Section 105 bis, the member appointed by the Minister shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister;

- (4) being an incompetent or quasi-incompetent person or being a bankrupt;
- (5) being sentenced to imprisonment by a final judgment or a lawful order except for an offence committed through negligence or a petty offense.

In case of vacating office prior to the expiration of the term, the Minister shall appoint a new person to be a member.

The member appointed under paragraph two shall hold office for the remaining term of the member being replaced.

Section 105 quarter At the meeting of the Valuation Committee, the presence of not less than one half of the total number of members is required to constitute a quorum.

If the Chairman is not present at the meeting, the members shall elect one among themselves to preside over the meeting.

A decision of a meeting shall be by a majority of votes. Each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 105 quinque The Valuation Committee shall have powers and duties as follows.

- (1) To determine the rules and procedures for valuating and pricing the immovable properties for purpose of levy of fee for registering the right and juristic act under this Code.
- (2) To approve the capital valuation and pricing proposed by the Provincial Sub- Committee to be used in levying the fee for registering the rights and juristic acts related to the immovable properties situated within the territories of such province.
- (3) To consider any problematic matter in connection with the levy of fee of registration of rights and juristic acts as requested by the Department of Lands.
- (4) To appoint a Sub-Committee to consider matters or perform tasks assigned by the Valuation Committee and report there to.
- (5) To perform other activities as prescribed in this Code or other laws. Appraisal price of the capital as approved by the Valuation Committee under (2) shall be made known to the public and put up at the Provincial Land Office, the Branch Land Office, and the District Office or Amphoe Office or King-Amphoe Office.

Section 105 sex In each province, there shall be the Provincial Sub-Committee consisting of the provincial Governor as Chairman, the Deputy Governor, the Head of Provincial Revenue Office, and not more than three qualified persons appointed by the Valuation Committee as members, and the Head of Provincial Treasury Office\* as member and secretary.

The Sub-Committee of Bangkok Metropolitan Administration shall consist of the Permanent Secretary of Bangkok Metropolitan Administration as Chairman, the representative of the Department of Provincial Administration, the representative of the Department of Revenue, the land officer of Bangkok Metropolitan Administration, and not more than three qualified persons appointed by the Valuation Committee as members, and the Director of the Office of Property Valuation as member and secretary Section 105 bis, Section 105 ter., Section 105 quarter shall apply to the Provincial Sub- Committee mutatis mutandis.

Section 105 septem The Provincial Sub-Committee shall have duties to consider and determine the appraisal price of capital to be used in levying the fee for registration of rights and juristic acts related to the immovable properties situated within the territories of its province. The appraisal price of capital is to be subsequently proposed to the Valuation Committee for approval.

Section 105 octo If, after the appraisal capital price determined by any particular province has been made known to the public, there subsequently appears, in such province, the considerable discrepancy between the market price of immovable properties and the aforesaid appraisal price thereof, the Provincial Sub-Committee shall consider adjusting the appraisal capital price for its locality and propose the adjusted price to the Valuation Committee for approval without delay.

Section 106 Repealed

- **Deleted section 106** If the competent authority thinks the declared value unreasonably low, he shall assess the value for the purposes of collecting fees by relying on evidence or following the rules prescribed by the Minister. If agreement cannot be reached, the competent authority may refer the matter together with his opinion to the Changwat (Province) sub-committee. When the Changwat (Province) sub-committee has made an assessment, the competent authority shall proceed accordingly. If the person recording is dissatisfied, he may appeal through the competent authority to the Assessment for Recording Committee whose determination shall be final for that particular occasion. This procedure shall be followed unless the parties seeking to record agree to pay the fees temporarily as prescribed by the Changwat (Province) sub-committee in which case the competent authority may record at once leaving the appeal for later. When the Assessment for Recording Committee has given any order action shall be taken accordingly.

## CHAPTER 12 **Penalties**

Section 107 Any person fails to accompany, or to appoint his/her representative to accompany, the competent officials to conduct the cadastral survey or the examination and verification of use of his/her land under Section 58 or Section 69 or violates or fails to comply with Section 26 or Section 70 shall be liable to a fine not exceeding five hundred Baht.

Section 108 Any person violates Section 9 prior to the enforcement date of this Announcement of the Revolutionary Council, the competent official or the person authorized thereby shall notify the said person in writing requesting his/her compliance with the rules determined by the Committee. If the aforesaid person neglects and fails to comply with the said rules, the competent officials shall instruct such person in writing to vacate the land and/or demolish any structure or building that has been erected on the land within the designated

time period. In case of failure to comply with the said instruction of the competent officials, the person in violation thereof shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding five thousand Baht or both.

In determining the rules under paragraph one, the Committee may require the person in violation thereof to pay compensation for using the land to the State or the local administrative organization.

Section 108 bis On and from the enforcement date of the Announcement of Revolutionary Council, any person violates Section 9 shall be liable to the imprisonment for a term not exceeding one year or a fine not exceeding five thousand Baht or both.

If the offense under paragraph one is committed onto the domaine public of State for the common use of people or for special use of the State, the person committing such offense shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding ten thousands Baht or both.

If the offense under paragraph two is committed onto the land larger than fifty rais, the person committing such offense shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding twenty thousands Baht or both.

In a case where any person is convicted under this Section, the Court may order, upon the judgment, the convict, the labors, the contractors, the representatives, and the dependents thereof to vacate the land.

Any equipment and tools, beast of burden, vehicle, or machinery which is used in the commission of offense or used as a tool to obtain the results in connection with the offense shall be confiscated regardless of whether there is any person to be convicted by the Court's judgment.

Section 108 ter Any person obstructing or denying to facilitate the competent officials in discharging their duties under Section 66 shall be liable to a fine not exceeding one thousand Baht.

Section 109 Any person who contravenes or does not comply with Section 38, 67 or 74 shall be punished with a fine not exceeding two thousand Baht or an imprisonment not exceeding three months, or both.

Section 110 Any person who contravenes or does not comply with Section 89 shall be punished with a fine not exceeding three thousand Baht or an imprisonment not exceeding six months, or both.

Section 111 Any person who violates or fails to comply with Section 86 shall be liable to a fine not exceeding twenty thousands Baht or imprisonment for a term not exceeding two years or both.

Section 112 Any juristic person who

- (1) has acquired land in contravention of the provisions of this Code;
- (2) uses that land for purposes other than those for which permission was received;
- (3) uses land in violation of the conditions prescribed by the Council of Ministers under Section 99 in conjunction with Section 87, paragraph 2;
- (4) does not give notice of the non-user of land according to the provisions of Section 99 in conjunction with Section 89; or
- (5) Repealed

shall be punished with a fine not exceeding fifty thousand Baht.

- Deleted sub 5 trades in land in contravention of **Section 101** or does not comply with conditions imposed under **Section 102** ;

Section 113 Any person who acquires land as an agent of an alien or juristic person under the provisions of Section 97 or 98 shall be punished with a fine not exceeding twenty thousand Baht or an imprisonment not exceeding two years, or both.

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This translation is prepared for reference purposes. Only the official Thai script version of the land code act shall have legal force in Thailand.

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