

Act Promulgating the Land Code

B.E. 2497 (1954)

BHUMIBOL ADULYADEJ REX.

Given on the 30th 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 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 2.¹ The 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 on the 1st day of December B.E. 2497 (1954).

Section 4. On and from the date of enforcement of the Land Code, there shall be repealed:

- (1) Temporary Pre-occupation Certificate Act which was re-named in the Rattanakosin Era 124 (1906) to Certificate of Ownership in Lieu of Title Deed Act;
- (2) Issuance of Title Deed Act, Rattanakosin Era 127 (1909);
- (3) Issuance of Title Deed Act, No. 2;
- (4) Issuance of Title Deed Act, No. 3;

¹ Published in the Government Gazette, Vol. 71, Part 78, Special Issue, Page 1, dated 30th November B.E. 2497 (1954).

- (5) Act Amending Section 25 of the Issuance of Title Deed Act, Rattanakosin Era 127 (1909);
- (6) Act on Restriction on Waste Land of the domaine public of State, B.E. 2478 (1935);
- (7) Issuance of Title Deed Act (No. 5), B.E. 2479 (1936);
- (8) Issuance of Title Deed Act (No. 6), B.E. 2479 (1936);
- (9) Act on Control of Land Acquisition by Partnership and Limited Company for Profit Purpose, B.E. 2485 (1942);
- (10) Issuance of Title Deed Act (No. 7), B.E. 2486 (1943);
- (11) Act on Competent Officials Registering Rights and Juristic Acts Related to Immovable Property under the Civil and Commercial Code, B.E. 2486 (1943);
- (12) Act on Competent Officials Registering Rights and Juristic Acts Related to Immovable Property under the Civil and Commercial Code (No. 2), B.E. 2492 (1949);
- (13) Act on Land in Connection with Foreigners, B.E. 2486 (1943);
- (14) Act on Land in Connection with Foreigners (No. 2), B.E. 2493 (1950); and
- (15) All other laws, by-laws and regulations, insofar as they deal with matters provided in the Land Code or are contrary thereto or inconsistent therewith.

Section 5. Any person possessing and making use of the land prior to the enforcement date of the Land Code without a document of land rights may notify the District Chief Officer of the relevant locality of his/her possession of the land within a hundred and eighty days as from the enforcement date of this Act in accordance with the rules and procedures prescribed by the Minister and published in the Government Gazette.

(Repealed)²

Such claim for the possession of land under this Section shall not in any way establish a new right entitled by the claiming person.

Section 6. Any person who lawfully possesses and makes use of the land prior to the enforcement date of the Issuance of Title Deed Act (No. 6), B.E. 2479 (1936) as well as the transferee of the said land shall have the right to apply for the Title Deed as prescribed in the provisions of the Land Code. Provided that any person possessing the land prior to the enforcement date of the Issuance of Title Deed Act (No. 6), B.E. 2479 (1936) and the Land Code fails to take action in compliance with the governing law at that time, the issuance of Title Deed shall be carried out in accordance with rules and procedures prescribed in the Ministerial Regulations and the Issuance of Title Deed Act (No. 6), B.E. 2479 (1936) shall remain applicable.

Section 7. Any person granted to pre-empt the land under the Issuance of Title Deed Act (No. 6), B.E. 2479 (1936) without a certificate indicating the use of land prior to the enforcement date of this Act shall be entitled to apply for the said certificate from the District Chief Officer until the expiration of a hundred and eighty days following the final day for pre-emption under the said Act.

In a case where the designated time period for pre-emption under paragraph one elapses prior to the enforcement date of the Land Code and there appears that the use of pre-emptive land is in the condition expedient to apply for a certificate specifying that the land has been put to use, an application for the said certificate shall be filed with the District Chief Officer within a hundred and eighty days from the enforcement date of the Land Code. If such time period elapses, the land shall be regarded as free from pre-emption, except for the case where the District Chief Officer gives an order for extension case by case.

Section 8. In considering whether the land has been put to use, the rules prescribed in the Ministerial Regulations shall apply.

² Paragraph two of Section 5 has been repealed by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

Persons shall not transfer the pre-emptive land that has not been certified by the District Chief Officer that the land has been put to use unless it is devolved by succession.

Section 9. The land with a certification from the District Chief Officer affirming that it is already put to use is transferable.

Section 10. The land that has been reserved for purposes as provided in the Act on Restriction on Waste Land of the *domaine public* of State, B.E. 2478 (1935) or other laws prior to the enforcement date of the Land Code shall remain restricted and reserved.

Section 11. In any district that there has been, prior to the enforcement date of the Land Code, issuance of Certificate of Ownership in Lieu of Title Deed and the Pre-occupation Certificate stamped “Already Put to Use”, only provisions prescribing the survey method and the issuance of the aforesaid certificate shall apply until the Title Deed is issued according to the Land Code.

Section 12. Provided that any person having a contract to sell/buy land or a hire-purchase contract that has been made prior to the enforcement date of this Act enters into and register the contract with the competent officials under Section 71 of the Land Code and in accordance with the rules and procedures as prescribed by the Minister within a hundred and twenty days from the enforcement date of this Act, it shall be deemed that, at the time the actual sale occurs, the buyer or hire-purchaser has obtained the land rights prior to the enforcement date of the Land Code.

Section 13. Provided that any person who has sold land with right of redemption prior to the enforcement date of this Act redeems the said land at the time the Land Code is in full force, it shall be regarded that such person has obtained the land rights prior to the enforcement date of the Land Code.

Section 14. In a case where a person has filed an application for land pre-emption with competent officials prior to the enforcement date of this Act but the permission is not completed when this Act comes into force, the District Chief Officer shall have power to carry out the process to its completion as implied in the Issuance of Title Deed Act (No. 6), B.E. 2479 (1936).

Section 15. The Minister of Interior shall have charge and control of the execution of this Act and the Land Code and shall have power to appoint competent officials and 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 by:

Field Marshal P. Pibulsongkhram

Prime Minister

Land Code
Chapter 1
General Provisions

Section 1. In this Land Code:

“Land” means the general land, including mountains, brooks, swamps, canals, ponds, riverside villages, waterway, lakes, islands, and shore land.

“*Land rights*” means the ownership, including possessory rights.

“*Pre-emption Certificate*” means the document showing consent for the temporary land possession.

“*Utilization Certificate*” means the document given by competent officials to certify that the land is put to use.

“*Land Examination Certificate*” means the document indicating that the land has been examined for further issuance of the Title Deed, including land parcel identification slips.

“*Title Deed*” means the document showing the land ownership, including the Title Deed Maps, the Certificate of Ownership in Lieu of Title Deed, and the Pre-occupation Certificate stamped “*Already Put to Use*”.

“*Survey*” means the survey, the determination and marking of the boundaries, and recording or calculation related to the survey in order to determine the boundary lines or the location of land and its area.

(Repealed)³

“*Public Bodies*”⁴ means the public units holding a juristic person status and being a part of central, provincial, or local government organizations.

“*Committee*” means the National Land Allocation Committee.

“*Competent officials*” means public officers who perform activities under this Code as well as other officers appointed by the Minister for the execution of this Code.

“*Director-General*” means the Director-General of the Department of 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 of which the ownership has not been vested in any person shall be regarded as the *domaine public* of State.

Section 3. A person shall be entitled to the ownership of land provided that:

(1) such person acquires the ownership under the law prior to the enforcement date of this Code or acquires the Title Deed as prescribed in the provisions of this Code;

(2) such person acquires the ownership under the law on land allocation for livelihood or other laws.

Section 4. Subject to Section 6, any person acquiring the possessory right in land prior to the enforcement date of this Code, including the transferee, shall continue to enjoy such right.

³ Section 1, definition of “Land Trading” is repealed by the Act Amending the Land Code (No. 12), B.E. 2551 (2008).

⁴ Section 1, definition of “Public Bodies” is added by the Act Amending the Land Code (No. 2), B.E. 2521 (1978).

Section 4. bis.⁵ 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 who wishes to surrender his/her land rights to the State shall file an application for land surrender with the competent officials under Section 71.

Section 6.⁶ 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 *domaine public* of State and be executed further by this code.

Section 7.⁷ (Repealed)

Section 8.⁸ 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

⁵ Section 4 bis. has been added by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

⁶ Section 6 has been amended by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

⁷ Section 7 has been repealed by the Act Amending the Land Code (No. 3), B.E. 2526 (1983).

⁸ Section 8 has been amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

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. bis.⁹ 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.

⁹ Section 8 bis. has been added by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

The Minister shall publish in the Government Gazette the registration as prescribed in paragraph one with a map annexed thereto.

Section 8. ter.¹⁰ 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 are forbidden to take the following actions in connection with the *domaine public* of State unless such persons have possessory right or receive permission from the competent officials.

- (1) To occupy or possess such land as well as to build structures or to burn forest thereon;
- (2) To destroy, by any means, or to cause deterioration of land, rocks, gravel, or sand within the restricted areas as published in the Government Gazette by the Minister; or
- (3) To do anything that may endanger land resources.

Section 9/1¹¹The 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.

¹⁰ Section 8 ter. has been added by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

¹¹ Section 9/1 has been added by the Act Amending the Land Code (No. 11), B.E. 2551 (2008).

Section 9. bis.¹² (Repealed)

Section 10. Regarding the *domaine public* of State which nobody has the possessory right in and is not commonly used by people, the Director-General shall have power to reap benefit from the said land. Reaping benefit shall include any arrangement to make the land suitable for use, sale, exchange, leasing out, and hire-purchase.

Rules and procedures for reaping benefit shall be subject to the Ministerial Regulations. Sale, exchange, and hire-purchase of land shall be approved by the Minister.

Any arrangement to reap benefit under the preceding paragraph shall take the purpose of reservation for our posterity into consideration.

Section 11. In reaping benefit from the *domaine public* of State as implied in the preceding Section, the Minister may assign other public bodies to perform such task for the State or for the betterment of the local in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Section 12. The Minister shall have power to grant a concession or to give out the *domaine public* of State in which nobody has the possessory right, or to grant the use thereof for a limited period of time in accordance with the rules and procedures prescribed in the Ministerial Regulations.

The provision of this Section shall not prejudice the law on mining and forestry.

Section 13. For the purpose of execution of the provisions of this Code, the Minister shall have power to establish the Provincial Land Office.

If it is necessary for any province to have more than one land office, the Minister shall have power to establish Branch Land Office to be governed by the Provincial Land Office.

The establishment of any Provincial Land Office and Branch Land Office shall be published in the Government Gazette.

¹² Section 9 bis. has been repealed by the Act Amending the Land Code (No. 11), B.E. 2551 (2008).

Chapter 2

Land Allocation for People

Section 14.¹³ 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 15.¹⁴ 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. Apart from vacating office on the expiration of the term under Section 15, the qualified members shall vacate office upon:

(1) death;

(2) resignation;

¹³ Section 14 has been amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

¹⁴ Section 15 has been amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

(3) being sentenced to imprisonment by a final judgment except for a petty offense or an offence punishable as petty offence or an offence committed through negligence;

(4) being removed by the Council of Ministers.

In case of vacating office under this Section, the Council of Ministers shall appoint a new qualified person to be a member. The newly appointed member shall hold office for the remaining term of the member being replaced.

Section 17. In the meeting of the Committee, the presence of not less than one half of the total number of members is required to constitute a quorum.

Section 18. If the Chairman is not present at the meeting, the members shall elect one among themselves to preside over the meeting.

Section 19. 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 20.¹⁵ The Committee shall have powers and duties as follows.

(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.

¹⁵ Section 20 has been amended by the Act Amending the Land Code (No. 3), B.E. 2526 (1983).

- (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 acts in the implementation of resolutions of the Committee and have power to assign the relevant public bodies to perform any activity in connection with the land allocation and, if considers advisable, to ensure that the relevant public bodies carry out the assigned activities without delay. For the purpose of this Section, the officers of the said public bodies shall have the same powers and duties as the competent officials as prescribed in this Code.

In executing duties assigned under the preceding paragraph, the said public bodies may, as approved by the Minister, requisition funds in lieu of the Department of Lands from the budget of the Department of Lands for use in accordance with lists in the said budget.

Section 22. The Minister and the competent officials assigned by the Minister shall have powers as follows

- (1) To summon any person to give facts or opinions relating to the land allocation and to furnish documentary evidence or other relevant items for consideration of the Committee.
- (2) To enter any place or land of public bodies, public or private organizations to examine anything relating to the land allocation, to make inquiries, to call for documentary evidence or other relevant items from persons in such place or land as considered necessary. In

performing these duties, convenience shall be given to the Committee and the competent officials as deemed expedient.

Section 23. In performing duties under this Code, the competent officials and the officers of public bodies who are entitled to the same powers and duties as the competent officials under Section 21 shall have and present the document evidencing the identification to concerned persons.

Section 24. The competent officials and officers who perform duties under this Code shall be deemed as the public officers under the Penal Code.

Section 25.¹⁶ 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 area under survey under Section 25, any person holding land rights or possessing land shall have the following duties:

(1) to notify the competent officials of the locality where the his/her land is situated within the time period specified by the provincial Governor in accordance with the forms and procedures as prescribed in the Ministerial Regulations. In this case, other person is permitted to notify in lieu thereof;

(2) to accompany or arrange other person to accompany the competent officials in order to show such officials the boundaries of land under his/her possession or in which he/she has land rights after receiving a notice from the competent officials for a reasonable period of time;

¹⁶ Section 25 has been amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

(3) to affix his/her signature in order to certify the land survey performed by competent officials based on the actual results of such survey. In case of arranging other person to show the boundaries, such person shall certify the land survey by signing his/her name in lieu thereof.

Section 27. Apart from the land which is allocated by official authorities or public organizations in accordance with other laws, the Director-General shall have power to allocate the *domaine public* of State that is free from possessory right for people's habitation and livelihood in accordance with regulations, requirements, rules, and conditions determined by the Committee, including the matters as follow:

- (1) the amount of land to be apportioned for possession;
- (2) rules for inspecting and selecting persons to become possessors;
- (3) practices recommended to be followed by the possessors;
- (4) rules in connection with the compensation for the capital that has been invested in the land and certain fees levied;
- (5) activities necessary for the land allocation.

Regulations, requirements, rules, and conditions of the Committee shall be published in the Government Gazette.

Section 27 bis.¹⁷ 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

¹⁷ Section 27 bis. has been added by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

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 ter.¹⁸ 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 Committee shall have power to appoint a Sub-Committee to assist the Committee in performing any activity and report to the Committee.

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

Section 29. In executing Section 27, the land acquired under this Code shall be made available firstly to persons whose domiciles are in the same locality as that of the land by means of sale, exchange, or hire-purchase. If only there is any remainder, it may be allocated to persons with domiciles outside the locality of the land by means thereof.

Section 30.¹⁹ 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

¹⁸ Section 27 ter. has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

¹⁹ Section 30 has been amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

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 31.²⁰ 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 power to remove any person who possesses land under the implication of Section 30 but fails to comply with the regulations, requirements, rules, and conditions prescribed by the Committee from such land and the person being removed shall be deprived of rights arising from all rules and regulations forthwith when the removal order is received.

If dissatisfied with the order under the preceding paragraph, the person shall have the right to appeal to the Minister within thirty days from the receipt of removal order. Provided that

²⁰ Section 31 has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

there is no decision upon the appeal from the Minister within sixty days from the receipt of appeal, it shall be deemed that the Minister gives order allowing the continuation of possessory right but the regulations, requirements, rules, and conditions prescribed by the Committee shall be complied with.

The order of the Minister shall be final.

Section 33. In any locality in which the Committee has not announced the area as being under survey under this Chapter or the land has been divided into several smaller parcels, people may apply for the pre-emption of land in accordance with the regulations, requirements, rules, and conditions prescribed by the Committee. Upon the permission from the competent officials, the Pre-emption Certificate shall be issued.

Chapter 3

Determination of Land Rights

Section 34.²¹ (Repealed)

Section 35.²² (Repealed)

Section 36.²³ (Repealed)

Section 37.²⁴ (Repealed)

Section 38.²⁵ (Repealed)

Section 39.²⁶ (Repealed)

²¹ Section 34 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

²² Section 35 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

²³ Section 36 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

²⁴ Section 37 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

²⁵ Section 38 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

Section 40.²⁷ (Repealed)

Section 41.²⁸ (Repealed)

Section 42.²⁹ (Repealed)

Section 43.³⁰ (Repealed)

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 the Director-General in disposing of the land as prescribed in the provisions of this Code, the power to dispose thereof shall be carried out by

²⁶ Section 39 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

²⁷ Section 40 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

²⁸ Section 41 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

²⁹ Section 42 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

³⁰ Section 43 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

³¹ Section 44 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

³² Section 45 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

³³ Section 46 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

³⁴ Section 47 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

³⁵ Section 48 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

³⁶ Section 49 has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

means of sale or hire-purchase in accordance with the rules and procedures prescribed in the Ministerial Regulations and the Director-General shall have power to levy a fee not exceeding the rate of five percent of the disposal price. If the land is not disposed of within two years, the Director-General, by approval of the Minister, shall have power to sell such land through installments with a ten-year period.

By virtue of the provisions under paragraph one, the Director-General may, if it may think fit, divide the land into several parcels for purpose of disposal.

Section 51. In exercising power by the Director-General to dispose of the land under this Code, the person with rights in the disposable land shall come to an agreement with the competent officials as to which parcel or part of the land shall be disposable. If the agreement cannot be attained, the matter shall be referred to the Committee for decision.

Section 52. In a case where the Director-General considers appropriate to exercise power to dispose of the land, the competent officials shall notify the land rights holder at least thirty days in advance. When such time period elapses, the competent officials shall come to an agreement with the land rights holder on the price of such land. If the agreement cannot be attained, the provisions relating to the valuation of immovable property by the arbitration under the law on expropriation of immovable property shall apply *mutatis mutandis*.

The land price as settled or decided by the arbitration shall be the actual market price as of the date on which the competent officials have notified the land rights holder of the exercise of power to dispose of land by the Director-General.

Section 53. From the date of notification by the competent officials under Section 52, the Director-General shall have power to possess the land forthwith and the land rights holder, dependents, tenants, inhabitants, and any other persons in the land shall vacate the land within one year.

In a case where a land lease contract has been made, such contract shall be terminated on the day the competent officials notify the land rights holder of the exercise of power to dispose of land by the Director-General.

Section 54. Upon the disposal of land under the implication of this Act by means of hire-purchase or installment sale, the Director-General shall complete all allotted payments made

to the land rights holder within the period as follows:

- (1) five years for the disposal of land under Section 39;
- (2) ten years for the disposal of land under other Sections.

Regarding the installment payments, the interest at the rate of three percent per annum of the outstanding sum owed by the buyer or hire-purchaser shall be payable to the former land rights holder.

Section 55. In case of sale or hire-purchase of land under Section 50, the Director-General shall have power to claim the restitution of the land if the buyer or hire-purchaser fails to comply with the conditions specified in the sale or hire-purchase contract, as the case may be. In claiming the restitution thereof, the right in the said land shall be vested in the Department of Lands on the day such claiming is known or ought to be known by the buyer or hire-purchaser.

Chapter 4

Issuance of Document of Land Rights

Section 56.³⁷ 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 56/1.³⁸ 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.

³⁷ Section 56 has been amended by the Act Amending the Land Code (No. 11), B.E. 2551 (2008).

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

Section 57.³⁹ 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.⁴⁰

Section 58.⁴¹ 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.

³⁹ Section 57 has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

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

⁴¹ Section 58 has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

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.⁴² 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 include:

(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

⁴² Section 58 bis. has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

under paragraph two (2) and (3) for not more than fifty rai of land. In case of more than fifty rai, 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.⁴³ 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

⁴³ Section 58 ter. has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

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 59.⁴⁴ 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 case 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.⁴⁵ 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 case 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.

⁴⁴ Section 59 has been amended by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

⁴⁵ Section 59 bis. has been added by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

Section 59 ter.⁴⁶ 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 quarter⁴⁷ 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 quinque.⁴⁸ 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 60.⁴⁹ 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

⁴⁶ Section 59 ter. has been added by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

⁴⁷ Section 58 quarter. has been added by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

⁴⁸ Section 58 quinque. has been added by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

⁴⁹ Section 60 has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

the provincial land officer or the provincial branch land officer, as the case may be.

Section 61.⁵⁰ 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 authorized 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

⁵⁰ Section 61 has been amended by the Act Amending the Land Code (No. 11), B.E. 2551 (2008).

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 according 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. Regarding all lawsuits in connection with the land ownership with its Title Deed, the Court shall notify the land officers in the relevant locality of the final judgment or order.

Section 63. In case of damage, defect, and loss of Title Deed by any means, the owner may make a request for its substitution.

Upon the issuance of the substitution, the former Title Deed shall be annulled unless the Court orders otherwise.

In applying for the substitution of the Pre-emption Certificate, the Utilization Certificate or the Land Examination Certificate, the aforesaid provisions shall apply *mutatis mutandis*.

Section 64.⁵¹ 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

⁵¹ Section 64 has been amended by the Act Amending the Land Code (No. 2), B.E. 2521 (1978).

document from the land rights holder for purpose of reproduction thereof based on the existing originals.

Chapter 5

Land Survey

Section 65. The cadastral survey shall be conducted in accordance with the rules and procedures prescribed in the Ministerial Regulations.

Section 66. For purpose of survey, the competent officials and labors shall have power to enter the land of the land rights holder or the possessor during daytime but the land rights holder shall be notified of the entry in advance. The land rights holder or the land possessor shall facilitate the entry of the said competent officials and labors as appropriate.

In erecting the monuments in the land for purpose of the traverse control, the competent officials shall have power to do so if necessary.

In conducting the land survey, the competent officials, if imperative and appropriate, shall have power to do digging, cutting and lopping branches, or anything to the objects that hinder the survey as much as necessary by bearing in mind that it shall cause the least damage to the owner.

Section 67. It is forbidden to destroy, alter, or remove the reference marks or the monuments that are driven into the ground by the competent officials without permission of the land officers.

Section 68. Whenever it is necessary for any person to act as set forth in Section 67, a request shall be filed with the land officers for permission.

In case of decline against such request, the land owner shall have the right to lodge an appeal with the Minister within fifteen days after such decline is acknowledged. The Minister shall issue an instruction within sixty days after the appeal is accepted. The Minister's instruction shall be final.

In case of absence of the Minister's instruction up to the expiration of sixty days as prescribed in the preceding paragraph, it shall be regarded as permission.

Section 69. Whenever it is expedient to examine and verify the boundaries of land as shown in the map in any locality, the provincial Governor shall make notification for purpose of acknowledgement of the land rights holder at least fifteen days in advance. To make notification, a written notice shall be put up within the confinement of the land and the land rights holder shall be, in addition, notified of the designated date and time as well. The land rights holder shall accompany the competent officials when the examination and verification of the land boundaries is conducted.

The land rights holder under the preceding paragraph may appoint his/her representative to accompany the competent officials during the examination and verification in lieu thereof. After the examination and verification, the competent officials shall have power to issue a new Title Deed to replace the former which is to be annulled and returned.

Section 69 bis.⁵² 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

⁵² Section 69 bis. has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

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. For purpose of survey, the competent officials shall have powers as follows:

(1) to summon the person with rights in the adjoining land to observe the boundaries and to acknowledge his/her boundaries by means of signature;

(2) to summon any relevant persons to give statements or furnish documents or any evidence for inspection.

Section 70 bis.⁵³ 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*.

⁵³ Section 70 bis. has been amended by the Act Amending the Land Code (No. 2), B.E. 2521 (1978).

Chapter 6

Registration of Rights and Juristic Acts

Section 71.⁵⁴ 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.⁵⁵

Section 72.⁵⁶ 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. If it appears to the competent officials that the juristic act filed for registration is a void act, the competent official shall not proceed with the registration thereof.

⁵⁴ Section 71 has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

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

⁵⁶ Section 72 has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

If the juristic act filed for registration appears to be a voidable act, the competent officials may carry out the registration of such juristic act only if the other party who suffers damage gives consent and confirmation for the registration thereof.

Section 74. In proceeding with the registration of rights and juristic acts by the competent officials under Section 71, the competent officials shall have power to make enquiry toward the other party and summon any relevant person to give statements or furnish documents or any evidence as deemed necessary and the competent officials shall proceed as it deems advisable.

In a case where it is convincing that the filing for registration of rights and juristic acts is for the purpose of law evasion or the land is bought for the benefit of foreigners, the Minister's order shall be sought and obtained. The Minister's order shall be final.

Section 75.⁵⁷ 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 the registration of rights and juristic acts in connection with the land that has been examined, the boundaries surveyed and marked but without a Title Deed, the application shall be filed with the competent officials under the provisions of Section 71.

The said registration under the preceding paragraph shall be recorded in the Land Examination Certificate in accordance with the procedures prescribed for the registration of rights and juristic acts related to the land with Title Deed *mutatis mutandis*.

Section 77. Unless it is prescribed otherwise by this Code, registration of rights and juristic acts in connection with land or other types of immovable property shall comply with the rules and procedures as prescribed in the Ministerial Regulations.

Section 78. Registration of rights and juristic acts related to the land acquired through Section 1382 of the Civil and Commercial Code or by other means except for the juristic act

⁵⁷ Section 75 has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

related to the land with Title Deed shall comply with the rules and procedures as prescribed in the Ministerial Regulations.

Section 79.⁵⁸ 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 80.⁵⁹ 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 81.⁶⁰ 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

⁵⁸ Section 79 has been amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

⁵⁹ Section 80 has been amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

⁶⁰ Section 80 has been amended by the Act Amending the Land Code (No. 9), B.E. 2543 (2000).

send such notices to 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 plaint accompanied by a copy of such plaint 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 plaint accompanied by a copy of plaint 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 82.⁶¹ 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

⁶¹ Section 82 has been amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972).

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 83.⁶² 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 to terminate such attachment and notify the person requesting the attachment of such termination.

Chapter 7

Determination of Land Rights for Religious Purpose

Section 84. The acquisition of land by temples, Roman Catholic churches, Christendom charities, or mosques shall be approved by the Minister and shall not exceed 50 rais.

⁶² Section 83 has been amended by the Act Amending the Land Code (No. 9), B.E. 2543 (2000).

If it deems advisable, the Minister may approve the acquisition of land greater than the amount prescribed in paragraph one.

Provisions of this Section shall not prejudice the acquisition of land that has been finalized prior to the enforcement date of this Code and, in the province with the existence of judicial officers under the Islamic law (Justice Datoh), that is to be used as a mosque in accordance with provisions of the Islamic law.

Section 85. In a case where, during the time this Code remains in full force, any juristic person acquires the land greater than the amount prescribed under Section 84, such juristic person shall dispose of the said land within five years. In case of failure to do so, the Director-General shall have power to dispose of such land and the provisions prescribing the enforcement of the land disposal under Section 3 shall apply *mutatis mutandis*.

Chapter 8

Determination of Foreigners' Land Rights

Section 86. Foreigners may acquire land by virtue of the provisions of a treaty granting the ownership of immovable properties and subject to the provisions of this Code.

Subject to Section 84, the acquisition of land by foreigners for purpose of residence, commerce, industry, agriculture, cemetery, public charity, or religion shall conform to the conditions and procedures prescribed in the Ministerial Regulations with permission of the Minister.

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

- (1) For residential use, not exceeding 1 rai per family.
- (2) For commercial use, not exceeding 1 rai.
- (3) For industrial use, not exceeding 10 rais.
- (4) For agricultural use, not exceeding 10 rais per family.

(5) For religious use, not exceeding 1 rai.

(6) For public charity use, not exceeding 5 rais.

(7) For cemetery use, not exceeding ½ rai per family line.

Provided that any foreigner wishes to use the amount of land for industrial purpose greater than that prescribed in (3), the Council of Ministers may, if considered appropriate, permit such use with certain conditions enforced and the provisions of Section 48 shall apply *mutatis mutandis*

Section 88. Provisions of Section 87 shall not prejudice the foreigners who have owned, prior to the enforcement date of this Code, the amount of land greater than that as prescribed in Section 87. Any foreigner who has owned the amount of land less than the aforesaid limitation or has heretofore disposed of it may acquire additional land under the condition that the total amount of land shall not exceed the restriction under Section 87.

Section 89. Foreigners shall use the land for the purpose as it is permitted for land acquisition only. Land use for other purposes is forbidden unless it is permitted otherwise under the limitation prescribed in Section 87. Non-use of land that has been formerly permitted for certain purpose of use shall be notified in accordance with the forms and procedures prescribed in the Ministerial Regulations within 30 days from the date of non-use of land.

In a case where any foreigner wishes to use land for purposes other than that is initially permitted, the re-application for permission to the Minister shall be proceeded in accordance with the forms and procedures prescribed in the Ministerial Regulations. The Minister shall have the power to grant the said permission if it is considered appropriate.

Section 90. Any foreigner who is granted to acquire and use land for a certain purpose and no longer use the said land or use it for other purposes without re-permission shall dispose of such land 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.

Section 91. Any foreigner who has been granted to use land for a particular purpose shall, if re-granted to use for other purpose with less amount of land, dispose of the excess 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.

Section 92. Any foreigner who is granted to acquire the land under the provisions of paragraph two of Section 87 shall, in case of failure to comply with the conditions prescribed by the Minister, dispose of the portion of land acquired in excess of the designated amount 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.

Section 93. The Minister may approve the acquisition by the foreigner, as a statutory heir, of the land which is devolved by succession under the condition that the total amount of land, after combining with the existing land prior to the devolution, shall not exceed the amount prescribed in the provisions of Section 87.

Section 94. Foreigners shall dispose of the land acquired unlawfully or without permission 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 and the provisions prescribing the enforcement of the land disposal under Section 3 shall apply *mutatis mutandis*.

Section 95. Any person who has acquired the land while holding the Thai nationality but later changes his/her nationality to become a foreigner shall be entitled to the same right in the land as other foreigners and shall dispose of the excess and the provisions of Section 94 shall apply *mutatis mutandis*.

Section 96. If it appears that any person acquires the land as the owner on behalf of the foreigner or the juristic person under Section 97 or Section 98, the Minister shall have power to dispose of such land and the provisions of Section 94 shall apply *mutatis mutandis*.

Section 96 bis.⁶³ 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.⁶⁴ Any foreigner who is granted to acquired 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.

⁶³ Section 96 bis. has been added by the Act Amending the Land Code (No. 8), B.E. 2542 (1999).

⁶⁴ Section 96 ter. has been added by the Act Amending the Land Code (No. 8), B.E. 2542 (1999).

Chapter 9

Determination of Land Rights of Particular Types of Juristic Persons

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

(1)⁶⁵ 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)⁶⁶ 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)⁶⁷ (Repealed)

Section 98.⁶⁸ 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.

⁶⁵ Section 97(1) has been amended by the Act Amending the Land Code (No. 6), B.E. 2535 (1992).

⁶⁶ Section 97(2) has been amended by the Act Amending the Land Code (No. 6), B.E. 2535 (1992).

⁶⁷ Section 97(5) has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959).

⁶⁸ Section 98 has been amended by the Act Amending the Land Code (No. 6), B.E. 2535 (1992).

Section 99.⁶⁹ 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**⁷⁰

Section 101. (Repealed)

Section 102. (Repealed)

Chapter 11 **Fee**

Section 103.⁷¹ 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

⁶⁹ Section 99 has been amended by the Act Amending the Land Code (No. 12), B.E. 2551 (2008).

⁷⁰ Section 101 and Section 102 of Chapter 10: Trade in Land has been repealed by the Act Amending the Land Code (No. 12), B.E. 2551 (2008).

⁷¹ Section 103 has been amended by the Act Amending the Land Code (No. 2), B.E. 2521 (1978).

rights and juristic acts is filed for the first time, the applicant shall be liable to pay such amount of outstanding fee unpaid.⁷²

In the issuance of the Title Deed under Section 58 ter., the fees and other expenses shall be exempted.⁷³

Section 103 bis.⁷⁴ The fee for registration of rights and juristic acts in connection with any immovable property donated for official use shall be exempted.

Section 104.⁷⁵ 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 quinque.

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 105.⁷⁶ 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.⁷⁷ The members appointed by the Minister shall hold office for a term of three years.

⁷² Paragraph two of Section 103 has been amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

⁷³ Paragraph three of Section 103 has been added by the Act Amending the Land Code (No. 4), B.E. 2528 (1985).

⁷⁴ Section 103 bis. has been added by the Announcement of the Revolutionary Council, No. 16, dated 8th November B.E. 2520 (1977).

⁷⁵ Section 104 has been amended by the Act Amending the Land Code (No. 9), B.E. 2543 (2000).

⁷⁶ Section 105 has been amended by the Act Amending the Land Code (No. 5), B.E. 2534 (1991).

⁷⁷ Section 105 bis. has been added by the Act Amending the Land Code (No. 5), B.E. 2534 (1991).

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

Section 105 ter.⁷⁸ 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.⁷⁹ 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.

⁷⁸ Section 105 ter. has been added by the Act Amending the Land Code (No. 5), B.E. 2534 (1991).

⁷⁹ Section 105 quarter. has been added by the Act Amending the Land Code (No. 5), B.E. 2534 (1991).

Section 105 quinque.⁸⁰ 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 thereto.

(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.⁸¹ 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

⁸⁰ Section 105 quinque. has been added by the Act Amending the Land Code (No. 5), B.E. 2534 (1991).

⁸¹ Section 105 sex. has been added by the Act Amending the Land Code (No. 5), B.E. 2534 (1991).

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.⁸² 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.⁸³ 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 106.⁸⁴ (Repealed)

Chapter 12

Penalties

Section 107.⁸⁵ 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.

⁸² Section 105 septem. has been added by the Act Amending the Land Code (No. 5), B.E. 2534 (1991).

⁸³ Section 105 octo. has been added by the Act Amending the Land Code (No. 5), B.E. 2534 (1991).

⁸⁴ Section 106 has been repealed by the Act Amending the Land Code (No. 5), B.E. 2534 (1991).

⁸⁵ Section 107 has been amended by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

Section 108.⁸⁶ 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.⁸⁷ 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 unto 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 unto 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.

⁸⁶ Section 108 has been amended by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

⁸⁷ Section 108 bis. has been added by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

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.⁸⁸ 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 violates or fails to comply with Section 38, Section 67, or Section 75 shall be liable to a fine not exceeding two thousands Baht 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 three thousands Baht or imprisonment for a term not exceeding six months or both.

Section 111.⁸⁹ 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:

- (1) acquires land in violation of the provisions of this Code;
 - (2) uses land for other purposes than that permitted;
 - (3) uses land contrary to the conditions prescribed by the Council of Ministers under Section 99, in conjunction with paragraph two of Section 87;
 - (4) fails to notify of non-use of land as provided in Section 99 in conjunction with Section 89;
- or

⁸⁸ Section 108 ter. has been added by the Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972).

⁸⁹ Section 111 has been amended by the Act Amending the Land Code (No. 12), B.E. 2551 (2008).

(5)⁹⁰ (Repealed)

Shall be liable to a fine not exceeding fifty thousands Baht.

Section 113. Any person acquiring the land on behalf of the foreigner or the juristic person under Section 97 or Section 98 shall be liable to a fine not exceeding twenty thousands Baht or imprisonment for a term not exceeding two years or both.

Schedule of Fees and Expenses Annexed to the Land Code⁹¹

1. Fee of Application for concession; per application 500 Baht

2. Concession fee; per rai 20 Baht

The fraction of one rai shall be treated, for the purpose of calculation, as one rai.

3. Fee for issuance of the Utilization Certificate

(1) If area not exceeding 20 rais; per parcel 30 Baht

(2) For the excess of 20 rais; per parcel of the excess 2 Baht

The fraction of one rai shall be treated, for the purpose of calculation, as one rai.

4. Fee for examination and verification of the land or examination of its area in connection with the Utilization Certificate

(1) On parcel basis; per parcel 30 Baht

(2) On daily basis; per day 30 Baht

(3) Making a copy or reproduction of map; per parcel 30 Baht

(4) Land area calculation or land survey (Sob Sae); per parcel 30 Baht

(5) Land measurement; per parcel 10 Baht

⁹⁰ Section 112 (5) has been repealed by the Act Amending the Land Code (No. 12), B.E. 2551 (2008).

⁹¹ Schedule of Fees and Expenses Annexed to the Land Code has been amended by the Act Amending the Land Code (No. 2), B.E. 2521 (1978).

5. Fee for issuance of the Title Deed

- (1) If area not exceeding 20 rais; per parcel 50 Baht
- (2) For the excess of 20 rais; per parcel of the excess 2 Baht

The fraction of one rai shall be treated, for the purpose of calculation, as one rai.

6. Fee for survey conducted for purpose related to the Title Deed

- (1) On parcel basis; per parcel 40 Baht
- (2) On daily basis; per day 40 Baht
- (3) Making a copy or reproduction of map; per parcel 30 Baht
- (4) Land area calculation or land survey (Sob Sae); per parcel 30 Baht
- (5) Land measurement; per parcel 10 Baht

7. ⁹²Fee for registration of rights and juristic acts

- (1) In case of availability of capital, it shall be levied at the rate of 2 percent of the appraisal price of capital for the registration of rights and juristic acts related to a transfer of right or tenancy of land or immovable property. In other cases, it shall be 2 percent of the amount of capital truly declared by the applicant

The fraction of a hundred shall be treated as one hundred.

- (2) No capital; per parcel 1,000 Baht

8. Fee of application for land acquisition by foreigners; per application 500 Baht

Permission fee 100 Baht

The fraction of one rai shall be treated as one rai.

⁹² Item 7 of the Schedule of Fees and Expenses Annexed to the Land Code has been amended by the Act Amending the Land Code (No. 9), B.E. 2543 (2000).

9.⁹³ (Repealed)

10. Miscellaneous fees

(1) Application fee 5 Baht

(2) Fee for making copy of document, including documentary exhibit copied by the officer

For the first one hundred words or less than a hundred words 100 Baht

For another hundred words following the first 5 Baht

The fraction of a hundred shall be treated as a hundred words.

(3) Fee for certifying the copied document; per copy 10 Baht

(4) Fee for inspecting land register; per parcel 10 Baht

(5) Fee for land attachment; per parcel 10 Baht

(6) Power of Attorney fee; per subject 20 Baht

(7) Fee for issuing substitution of Title Deed or other types of document of rights; per copy 50 Baht

(8) Notice or announcement fee; per parcel 10 Baht

(9) Land mark fee in case of field survey or examining a whole sub-district; per mark 15 Baht

For purpose of issuance of Title Deed; per parcel 60 Baht

(10)⁹⁴ Fee for examining record of survey, land register, valuation, or other information; per occasion 100 Baht

(11)⁹⁵ Fee for making copy from computerized database or other types of electronic media, or making copy of other records; per page 50 Baht

11. ⁹⁶Expenses

(1) Traveling expense for public officers, Fixed amount of payment in competent officials, and labors hired to accordance with the rules of conduct a survey for Title Deed issuance the Ministry of Interior with or land examination and verification or examination consent of the Ministry of its area in connection with the Utilization Finance Certificate as requested.

(2) Allowance for public officers, Fixed amount of payment in competent officials, and

⁹³ Item 9 of the Schedule of Fees and Expenses Annexed to the Land Code has been repealed by the Act Amending the Land Code (No. 12), B.E. 2551 (2008).

⁹⁴ Item 10(10) of the Schedule of Fees and Expenses Annexed to the Land Code has been added by the Act Amending the Land Code (No. 9), B.E. 2543 (2000).

⁹⁵ Item 10(11) of the Schedule of Fees and Expenses Annexed to the Land Code has been added by the Act Amending the Land Code (No. 9), B.E. 2543 (2000).

⁹⁶ Item 11 of the Schedule of Fees and Expenses Annexed to the Land Code has been amended by the Act Amending the Land Code (No. 7), B.E. 2541 (1998).

labors hired to accordance with the rules of conduct a survey for Title Deed issuance the Ministry of Interior with or land examination and verification or examination consent of the Ministry of its area in connection with the Utilization Finance Certificate as requested.

(3) Commission for public officers governing the locality or the representative who conducts a survey for Title Deed issuance or and examination and verification or examination of its area in connection with the Utilization Certificate; per person per day 100 Baht

(4) Other expenses related to the survey for Fixed amount of payment in Title Deed issuance or land examination and accordance with the rules of verification or examination of its area in the Ministry of Interior with connection with the Utilization Certificate consent of the Ministry of Finance

(5) Notice or announcement fee paid to the person putting up the notice 20 Baht

(6) Witness's fee; per person 20 Baht

Schedule of Remuneration Annexed to the Land Code⁹⁷

Permission fee

(1) Under Section 9(1); per rai 1,000 Baht per year

(2) Under Section 9(2) or Section 9(3)

(a) Sand digging or sucking; per cubic meter 28 Baht

(b) Earth or laterite digging or others; per rai 10,000 Baht per year or per cubic meter 10 Baht

Remarks :- The reasons for the promulgation of this Act and the Land Code are as follows: Due to the fact that there are several laws on land being in enforcement and application at present, it is deemed expedient to compile and make improvement of these laws so as to assist the State in allocating the land to the greater extent for the benefit of the State and people.

Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502 (1959)⁹⁸

Announcement of the Revolutionary Council, No. 96, dated 29th February B.E. 2515 (1972)⁹⁹

⁹⁷ Schedule of Remuneration Annexed to the Land Code has been amended by the Act Amending the Land Code (No. 7), B.E. 2541 (1998).

⁹⁸ Published in the Government Gazette, Vol. 76, Part 8, Page 12, dated 13th January B.E. 2502 (1959).

⁹⁹ Published in the Government Gazette, Vol. 89, Part 33, Special Issue, Page 8, dated 3th March B.E. 2515 (1972).

Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515 (1972)¹⁰⁰

Act Amending the Land Code, B.E. 2520 (1977)¹⁰¹

Remarks :- The reasons for the promulgation of this Act are as follows: Whereas the provisions of the law that prescribes the handling of survey to verify the boundaries as per Title Deed and the survey to divide land into parcels are not suitable; both types of survey are not possible to proceed if the person with rights in the land adjoining to that surveyed does not completely certify the boundaries of the land under survey. To solve this problem, it is advisable to amend the rules in connection with the survey conducted to verify the boundaries as per Title Deed and the survey to divide land into parcels. It is therefore necessary to enact this Act.

Announcement of the Revolutionary Council, No. 16, dated 7th November B.E. 2520 (1977)¹⁰²

Act Amending the Land Code (No. 2), B.E. 2521 (1978)¹⁰³

Remarks :- The reasons for the promulgation of this Act are as follows: Whereas the restriction on the transfer of land rights under the Land Code is insufficient and certain provisions thereof is not suitable for application, such circumstances impede the officials in performing their duties to serve people. Amendment is, as a result, advisable. In addition, the rates of fees and expenses as annexed to the Land Code should be adjusted to correspond with the present situation. It is therefore necessary to enact this Act.

Act Amending the Land Code (No. 3), B.E. 2526 (1983)¹⁰⁴

Remarks :- The reasons for the promulgation of this Act are as follows: It is considered expedient to assign powers and duties of land improvement under the Land Code to the Land

¹⁰⁰ Published in the Government Gazette, Vol. 89, Part 190, Special Issue, Page 171, dated 13th December B.E. 2515 (1972).

¹⁰¹ Published in the Government Gazette, Vol. 94, Part 86, Special Issue, Page 5, dated 19th September B.E. 2520 (1977).

¹⁰² Published in the Government Gazette, Vol. 94, Part 109, Special Issue, Page 2, dated 8th November B.E. 2520 (1977).

¹⁰³ Published in the Government Gazette, Vol. 95, Part 138, Special Issue, Page 1, dated 11th December B.E. 2521 (1978).

¹⁰⁴ Published in the Government Gazette, Vol. 100, Part 160, Special Issue, Page 8, dated 6th October B.E. 2526 (1983).

Development Committee and the Land Development Department under the law on land development whereas such assigned powers and duties shall govern the following domains: the survey, classification, and preparation of the census of land in order to gain knowledge of the land fertility and suitability for the agricultural utilization of land, the land utilization planning, the land development, the designation of land for certain purposes, and determining a proper measure to reserve soil and water. It is therefore necessary to enact this Act.

Act Amending the Land Code (No. 4), B.E. 2528 (1985)¹⁰⁵

Section 19. The execution of the Land Code which is under the powers and duties of the District Chief Officers, the Amphoe Chief Officers, or the Minor District Chief Officers prior to the enforcement date of this Act shall continue until the annulment thereof is published in the Government Gazette by the Minister.

Section 20. The Minister of Interior shall have charge and control of the execution of this Act.

Remarks :- The reasons for the promulgation of this Act are as follows: It is considered expedient to make modification and improvement, by means of amending the relevant provisions, in relation to the issuance of the documents of land rights and the registration of rights and juristic acts in connection with immovable properties by consolidating powers and duties related to the said issuance and registration which has been formerly assigned to the provincial Governor, the District Chief Officer, the Amphoe Chief Officers, or the Minor District Chief Officers and re-assigning such powers and duties to the land officers only so that the unity in managing land-related work and convenience of people is accomplished. Concurrently, there shall be the amendment of some provisions of the Land Code which impede the work execution by the Department of Lands so that such execution is carried out smoothly. In addition, the provisions related to the issuance of the Title Deed for the land with the Utilization Certificate by using the aerial photo map are specifically added due to the policy of the State in accelerating the issuance of the Title Deed for the benefit of people. It is therefore necessary to enact this Act.

¹⁰⁵ Published in the Government Gazette, Vol. 102, Part 201, Special Issue, Page 1, dated 31st December B.E. 2528 (1985).

Act Amending the Land Code (No. 5), B.E. 2534 (1991)¹⁰⁶

Section 7. The Committee of Capital Appraisal for Registration of Rights and Juristic Acts, and the Provincial Sub-Committee that have been in office on the enforcement date of this Act shall perform their duties until the subsequent appointment of the new Valuation Committee and Provincial Sub-Committee is held under Section 105 and Section 105 sex. of the Land Code amended by this Act.

Section 8. While the appraisal price of capital is not made known publicly in any province or locality as provided in Section 105 quinque., the fee for registration of rights and juristic acts shall be levied based on the amount of capital that has been determined by the relevant Provincial Sub-Committee prior to the enforcement date of this Act whereas the said amount is deemed to be the appraisal price under Section 105 quinque.

Section 9. The application of registration of rights and juristic acts that has been filed prior to the enforcement date of this Act and is in the process of consideration by the competent officials, the Provincial Sub-Committee, or the Committee of Capital Appraisal for Registration of Rights and Juristic Acts, the fee for registration of rights and juristic acts shall be levied based on the appraisal price of capital under Section 105 quinque. of the Land Code or Section 8 of this Act, as the case may be.

Section 10. While the Valuation Committee has not determined the rules and procedures for appraising and valuating the capital, the rules of the Ministry of Interior in relation the valuation of capital in the registration of rights and juristic acts in connection with land, B.E. 2530 (1987) shall apply *mutatis mutandis* to the extent that it is not contrary to or inconsistent with the provisions of the Land Code that is amended by this Act.

Section 11. The Minister of Interior shall have charge and control of the execution of this Act.

Remarks:- The reasons of the promulgation of this Act are as follows: It is considered expedient to modify and improve the provisions governing the levy of fee for registration of rights and juristic acts under the Land Code for purpose of applicants' convenience and

¹⁰⁶ Published in the Government Gazette, Vol. 108, Part 164, Special Issue, Page 1, dated 18th September B.E. 2534 (1991).

expedition by changing the fee calculation method which has been formerly based on the amount of capital of the immovable property applied for registration that has been assessed by the competent officials to the appraisal price determined and announced by official authority. In addition, it is advisable to revise the components as well as powers and duties of the Valuation Committee and the Provincial Sub-Committee to be more comprehensible and suitable. It is therefore necessary to enact this Act.

Act Amending the Land Code (No. 6), B.E. 2535 (1992)¹⁰⁷

Remarks:- The reasons of the promulgation of this Act are as follows: Regarding the provisions of the Land Code in relation the juristic person who is entitled to the same land rights as the foreigner, the problem occurs when there is a question whether the capital that the foreigners invest in the limited company or the partnership holding a status of juristic person shall include the capital of foreigners that is invested in other juristic persons who hold shares therein or not. To solve this problem, the provisions in relation to the said juristic person should be amended and clearly defined. In addition, the same conditions shall apply to the public limited companies under the law on public limited companies and Section 98 shall be amended to correspond with the aforesaid amendment thereof. It is therefore necessary to enact this Act.

Act Amending the Land Code (No. 7), B.E. 2541 (1998)¹⁰⁸

Remarks:- The reasons of the promulgation of this Act are as follows: Whereas the schedule of fees and expenses annexed to the Land Code and the schedule of remuneration annexed to the Land Code have been used for such a long time that they become irrelevant to the changing economic situation, it is deemed expedient to amend the section of expenses in the schedule of fees and expenses annexed to the Land Code as well as the schedule of remuneration annexed to the Land Code. It is therefore necessary to enact this Act.

Act Amending the Land Code (No. 8), B.E. 2542 (1999)¹⁰⁹

¹⁰⁷ Published in the Government Gazette, Vol. 109, Part 14, Page 3, dated 27th February B.E. 2535 (1992).

¹⁰⁸ Published in the Government Gazette, Vol. 115, Part 89 Gor, Page 1, dated 26th November B.E. 2541 (1998).

¹⁰⁹ Published in the Government Gazette, Vol. 116, Part 39 Gor, Page 25, dated 18th May B.E. 2542 (1999).

Remarks:- The reasons of the promulgation of this Act are as follows: It is considered expedient to allow the foreigners who invest their money in the significant businesses that economically and socially benefit the country to be able to acquire the certain amount of land for residential purpose as prescribed by the law. The acquisition of land by foreigners is to facilitate foreigners who engage in the business operated in the Kingdom, being a supporting factor in deciding to invest their capital, increasing the purchasing power in the real estate business sector which is presently in the sluggish condition; this is one of the measures to rehabilitate the country's overall economic situation. It is therefore necessary to enact this Act.

Act Amending the Land Code (No. 9), B.E. 2543 (2000)¹¹⁰

Section 9. The examination in relation to the issuance of the Title Deed or the Utilization Certificate or the registration of rights and juristic acts in connection with immovable property or making records of register of immovable properties under paragraph two of Section 61 of the Land Code amended by the Act Amending the Land Code (No. 4), B.E. 2528 (1985) that has been carried out prior to enforcement date of this Act shall be the examination under Section 61 of the Land Code amended by this Act.

With respect to the examination under paragraph one that is in the process of consideration of the provincial Governor, the provincial Governor shall submit the file of examination thereof to the Director-General within thirty days from the enforcement date of this Act.

Section 10. The Minister of Interior shall have charge and control of the execution of this Act.

Remarks:- The reasons of the promulgation of this Act are as follows: It is considered expedient to amend the provisions in relation to the person authorized to order the revocation or the correction of the Title Deed or the Utilization Certificate to the effect that only the Director-General or the Deputy Director-General authorized thereby shall have powers and duties to order the revocation or the correction thereof in order to accelerate the process of revocation or correction. In addition, it is advisable to revise the provisions related to the registration of the immovable properties devolved by succession, the attachment of land, the

¹¹⁰ Published in the Government Gazette, Vol. 117, Part 29 Gor, Page 1, dated 1th April B.E. 2534 (1991).

levy of fee for registration of rights and juristic acts, and the schedule of fees and expenses annexed to the Land Code. It is therefore necessary to enact this Act.

*Royal Decree amending the provisions to be in line with the transfer of duties borne by the government units shall be in accordance with the Act amending the Ministry, the Sub-Ministry, and the Department, B.E. 2545 (2002).¹¹¹

Section 4. In the Land Code:

(1) in Section 14, the “Minister of Interior” shall be amended to the “Minister of Natural Resources and Environment”, the “Director-General of the Department of Public Welfare” shall be amended to the “Director-General of the Department of Social Development and Welfare”, and the “Director-General of the Department of Lands” shall be amended to the “Director of the Office of Natural Resources and Environmental Policy and Planning”;

(2) in Section 105, the “Director-General of the Department of Lands or the representative” shall be amended to the “Director-General of the Treasury Department or the representative”, and the “Director-General of the Public Works Department” shall be amended to the “Director-General of the Department of Public Works and Town & Country Planning”;

(3) in Section 105 sex., the “provincial land officers” shall be amended to the “head of provincial treasury officers”.

Remarks:- The reasons of the promulgation of this Royal Decree are as follows: Whereas the Act Amending the Ministry, the Sub-Ministry, and the Department, B.E. 2545(2002) provides for the establishment of the new government units bearing new responsibilities and tasks and the Royal Decree has been enacted to provide for the proceeding of the transfer of the administration as well as powers and duties of the government units in accordance with the aforesaid Act Amending the Ministry, the Sub-Ministry, and the Department which prescribes that the powers and duties of the former government units, the Ministers, the persons holding office, and other persons performing duties of the former units shall be conveyed to the new government units with amendment of certain provisions made in line with the conveyed powers and duties, it is therefore, for purpose of implementation in

¹¹¹ Published in the Government Gazette, Vol. 119, Part 102 Gor, Page 66, dated 8th October B.E. 2545 (2002).

accordance with the doctrines of the said Act and the Royal Decree, expedient to amend certain provisions as such. In addition, for purpose of convenience in implementing the law without the need to search into the law on transfer of powers and duties to check which unit or person is responsible for which duty, certain provisions thereof are amended to provide for the change of names of the government units, the Ministers, the persons holding office, or the persons performing duties of the government units to correspond with the change of powers and duties. Furthermore, there shall be an addition of the government units' representatives into the Committee so as to be in line with the tasks that have been transferred from the former units which are consequentially to be abolished in accordance with the aforesaid Act and Royal Decree. It is therefore necessary to enact this Royal Decree.

Act Amending the Land Code (No. 10), B.E. 2550 (2007)¹¹²

Remarks:- The reasons of the promulgation of this Act are as follows: Whereas the support for the technology information system that is adopted to facilitate the registration of rights and juristic acts is required, it is expedient to amend the provisions in relation to the record making of the Title Deed and the Utilization Certificate allowing the use of the technology information system in making and keeping record thereof. In addition, there shall be the amended provision conferring power on the land officers, with assistance of the said system, to register the rights and juristic acts related to the immovable properties that are situated in the district of the relevant Provincial Land Office or other Provincial Land Offices for purposes of convenience and acceleration of service rendered to people. It is therefore necessary to enact this Act.

Act Amending the Land Code (No. 11), B.E. 2551 (2008)¹¹³

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette except for Section 3, Section 6, and Section 7 which shall come into force after ninety days following the date of its publication in the Government Gazette.

Section 7. Any person granted permission under Section 9 of the Land Code prior to the enforcement date of this Act shall pay the remuneration in accordance with Section 9 bis. of

¹¹² Published in the Government Gazette, Vol. 124, Part 61 Gor, Page 30, dated 27th September B.E. 2550 (2007).

¹¹³ Published in the Government Gazette, Vol. 125, Part 29 Gor, Page 50, dated 6th February B.E. 2551 (2008).

the Land Code amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December B.E. 2515(1972) until the expiration of such permission.

Section 8. Any person possessing and making use of land prior to the enforcement date of this Land Code with the evidence of his/her claim for land possession, and failing to file the application for the issuance of the Title Deed or the Utilization Certificate shall file the application for the issuance thereof together with the aforesaid evidence with the competent officials within two years from the enforcement date of this Act.

Upon the entry of the application together with the evidence of claim therefor under paragraph one, the competent officials shall proceed the issuance of the Title Deed or the Utilization Certificate in accordance with the Land Code.

Upon the expiration of the designated time period under paragraph one, the competent officials may, if the aforesaid evidence is presented to the competent officials for purpose of the issuance of the Title Deed or the Utilization Certificate, issue the Title Deed or the Utilization Certificate only upon the Court of Justice's final judgment or order confirming that the person presenting the evidence has lawfully possessed and utilized the land prior to the enforcement date of the Land Code.

During the court proceedings under paragraph three, the Court shall notify the Department of Lands and the Department of Lands shall examine and verify the evidence with the earliest aerial photo map or the aerial photograph officially prepared and shall make and submit, for the Court's consideration, a statement of opinion advising whether such person has lawfully possessed or utilized the land prior the enforcement date of the Land Code. The submission of the said statement of opinion to the Court shall be within a hundred and eighty days after the receipt of the Court's notice unless the time is extended otherwise by the Court.

For the purpose of this Section, any person possessing the land under paragraph one shall include the person who possesses and makes use of land in continuation thereof.

Section 9. The Director-General of the Department of Lands shall, within two years as from the enforcement date of this Act, examine and verify the evidence of claim for the land possession and the location of the land as per the actual evidence thereof with the register of land possession and the map or the aerial photo map or the aerial photograph to confirm

whether the Title Deed or the Utilization Certificate has already been issued for the said land or not. If, after examination, the Title Deed or the Utilization Certificate is found issued to any land parcel, the evidence of claim for land possession shall be disposed of.

Section 10. The Minister of Interior shall have charge and control of the execution of this Act.

Remarks:- The reasons of the promulgation of this Act are as follows: It is considered expedient to amend the following provisions:- first, the provisions that provides for the determination and the levy of remuneration by the Provincial Administrative Organizations under Section 9 bis; second, the provisions prescribing the rules and procedures of the issuance of the Title Deed or the Utilization Certificate under the Land Code; and, third, the provisions in relation to the person with powers and duties to order the revocation or correction of the Title Deed or the Utilization Certificate, or the registration of rights and juristic acts related to the immovable property, or the record of the registered immovable properties that is made inaccurately or unlawfully. It is, in addition, expedient to add the provisions conferring powers in determining and levying the remuneration to the Municipalities, the Sub-District Administrative Organization, the Bangkok Metropolitan Administration, the City of Pattaya, or other Local Government Organizations that are governed by the law on land allocation under Section 9 in order to distribute income to the local government units. The rules and procedures of issuance of the Title Deed or the Utilization Certificate shall be revised and improved by developing a measure to encourage any person with evidence of his/her claim for land possession to apply for the issuance of the Title Deed or the Utilization Certificate. There shall be, furthermore, an amendment to vest power to order the revocation or correction under Section 61 in the Director-General of the Department of Lands or either Deputy Director-General or the Inspector of the Department of Lands authorized thereby so as to accelerate the issuance thereof and to conform to the principle of the government system reform which focuses on the devolution of responsibilities and powers in making decisions. It is therefore necessary to enact this Act.

Act Amending the Land Code (No. 12), B.E. 2551 (2008)¹¹⁴

Remarks:- The reasons of the promulgation of this Act are as follows: Whereas the rationale of the provisions on the trade in land under the Land Code is toward the exemption of

¹¹⁴ Published in the Government Gazette, Vol. 125, Part 33 Gor, Page 74, dated 13th February B.E. 2551 (2008).

restriction on the land tenure and prevention of the avoidance of land rights determination, and the provisions on the restriction on land tenancy has been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January B.E. 2502(1959) while the provisions on the trade in land which correlate therewith has not been amended, and there is a law on land allocation governing the land trading activities, it is expedient to repeal the provisions on the trade in land. It is therefore necessary to enact this Act.

Sunchai/Revised by
20th February B.E. 2551 (2008)

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