



Alien Requesting for Purchasing Land of Habitation under Section 96 bis of The Land Code (In the case of land is located in other provinces area)



Procedures, Time, and Responsible Section



Consideration

Detail of Service Delivery Procedures

In the date of lodging application

- Verifying evidence, dealing file, and land right document and/or evidence of being owner of structure.
- Receiving application and checking caveat.
- Investigating party.
- Making application and record statement of party about asking permission for acquiring land under the law and regulation prescribed.
- Party signs on contract and record of statement.
- Official receives application.
- Applicant pays applicant fee/proxy fee (if any).
- Inform applicant about the procedures of receiving permission from minister and returning land right document to applicant.


 **1 day**

Bangkok Metropolitan Land Branch Office or Sub Branches who own the case summarize the case with comment and send to Bangkok Metropolitan Land Office.

 **5 days**

In case of lodging application at to Bangkok Metropolitan Land Office, this procedure is exempt.

Provincial land office asks Department of Lands about the information of the previous land of such alien via facsimile.

 **3 days**

Department of Lands verifies previous land information of alien and informs the result to provincial land office via facsimile.

 **3 days**

Responsible Section:
Department of Lands

Provincial land office summary the case with comment and present to governor for consideration.

 **7 days**

Governor acting Minister of Interior consider for giving permission.


 **3 days**

When there is an order to give permission, Provincial land office sends the case back to branch office or sub-branch office or district land office or sub-district land office which is the owner of the case.

 **3 days**

In case of lodging application at to Bangkok Metropolitan Land Office, this procedure is exempt.

Land office which is the owner of the case informs applicant and appoint for registration date.

 **2 days**

In the date of registration:

- Verifying the case of receiving permission from minister also completeness and correctness of the whole case.
- Checking caveat.
- Capital valuation. Calculating expenses/ applicant pays expenses.
- Making contract and updating registration record in land right document.
- Party signs in contract
- Chief of land office verifies the case before register and signs for registration then seal the position stamp in contract and land right document before giving to applicant.
- Applicant verify correctness in land right document and contract before leaving land office.

 **1 day**

**Total of
implementation
duration
28 days**

**Alien Requesting for Purchasing Land of Habitation under Section 96 bis of The Land Code****(In the case of land is located in other provinces area)****List of Document as Evidence for Lodging Application****1. Document confirming authentic issued by government agency**

1.1 Title Deed, Certificate of Utilization.

Original 1 copy

(Department of lands is the government agency who issued such document)

1.2 Identification Card (original) (Department of provincial administration is the government agency who issued such document)

(In case of transferor is natural person)

Original 1 copy

1.3 Household Registration (Department of provincial administration is the government agency who issued such document)

(In case of transferor is natural person)

Original 1 copy

1.4 Evidence of Alien :

1) Passport shows nationality of alien or

2) Residence Certificate form TM. 11, TM. 15, or TM. 17 issued by Royal Thai Police or

3) Alien Registration Book issued by local police station where such alien resides.

(Alien is the person who receives transfer)

Original 1 copy

Duplicate 1 copy

2. Other document for additional lodging

2.1 Evidence of structure owner. In the case of applicant did not receive structure which transferring together with the land, applicant shall has evidence of structure owner such as evidence which transferor asks for construction permit or if it is impossible to find, applicant is able to use the evidence of house number issuance to transferor instead or reliable official evidence which showed that applicant is authentic owner and etc.

Original 1 copy

Duplicate 1 copy

2.2 Evidence from government agency shows the changing of first name or surname (If there is any changing of first name or surname and it is not match with name and surname in land right document) (original)

(Department of provincial administration is the government agency who issued such document)

(In case of transferor is natural person)

Original 1 copy

Duplicate 1 copy

2.3 Marriage certificate (If there is marriage registration)

(Department of provincial administration is the government agency who issued such document)

(In case of transferor is natural person)

Original 1 copy

Duplicate 1 copy

2.4 Letter of consent for spouse to conduct juristic act (original provided by applicant) together with identification card, copy of household registration of spouse and marriage certificate (copy which certified correctness) in case the transaction need such consent, for instance, it is marriage property but named with only one name. (If the spouse is lawfully married and it is marriage property) except spouse appears and gives consent to conduct juristic act by himself/herself.

Original 1 copy

2.5 Death certificate of spouse (In case of spouse passed away) (original)

(Department of provincial administration is the government agency who issued such document)

(In case of transferor is natural person)

Original 1 copy

Duplicate 1 copy

2.6 Divorce certificate and divorce record of lessor or final court judgment.
(In case of there is separation of property between spouse)

(In case of transferor is natural person)

Original 1 copy

2.7 Minutes of juristic person which had resolution for transferring or receiving transfer of land or structure with relevant detailed (in case of juristic person has only one committee, minutes of the meeting is not necessary, except juristic person regulation specified that there shall have the meeting of all shareholder, Applicant shall present minutes of shareholder meeting) original and copy which certified correctness with a seal of juristic person, In case of certificate of juristic person specified that the document has to be sealed.
(Applicant provided it)

(In case of transferor is juristic person)

Original 1 copy

Duplicate 1 copy

2.8 Evidence showing source of invested money:

- Evidence of bringing foreign currency into the Kingdom or

(Evidence showing source of invested money can be used one or another clause or many clause together but total amount cannot be less than forty million Baht)

Original 1 copy

2.9 Evidence showing source of invested money:

- Evidence of withdrawing money from foreign currency deposit account or

Original 1 copy



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2. Other document for additional lodging (cont.)

2.10 Evidence showing source of invested money: - Evidence of withdrawing money from non-resident Baht account for investment.	(Evidence showing source of invested money can be used one or another clause or many clause together but total amount cannot be less than forty million Baht)	Original 1 copy
2.11 Evidence concerning with investment: - Investment certificate from a seller of bond and from bond (Thai government bond, Bank of Thailand bond, state owned enterprise bond, or bond which guaranteed capital or interest by Ministry of Finance).	(Evidence concerning with invested can be used one or another clause or many clause together but total amount cannot be less than forty million Baht)	Original 1 copy
2.12 Evidence concerning with investment: - Investment certificate from asset management company certified that applicant has invested in real estate mutual fund, real estate mutual fund for solving problem in financial institution system, or mutual fund for solving problem in financial institution system which established under the Law on Securities and stock Exchange and Investment Evidence in such mutual fund.		Original 1 copy
2.13 Evidence concerning with investment: - Investment evidence in capital stock of juristic person who received investment promotion under the Law on Investment Promotion, certificate of being juristic person registration, list of shareholder of juristic person, and promotion card show that such juristic person received investment promotion from Board of Investment.	(Evidence concerning with invested can be used one or another clause or many clause together but total amount cannot be less than forty million Baht)	Original 1 copy
2.14 Evidence concerning with investment: - Investment evidence in enterprise that Board of Investment announced to be the enterprise which is able to request for receiving investment promotion under the Law on Investment Promotion, certificate of being juristic person registration, list of shareholder of juristic person, and letter of Board of Investment identified that operated enterprise of juristic person is able to ask for investment promotion.		Original 1 copy
2.15 Certificate from Provincial Public Works and Town & Country Planning Office certified that land which requested for acquiring is located in area prescribed in residential category under the Law on Urban Planning.		Original 1 copy
2.16 Certificate from Ministry of Defence or relevant agency certified land which requested for acquiring is located outside safety zone in military service under the Law on Safety Zone in Military Service.		Original 1 copy
2.17 Drafting map showing location of the land asked for permission (Provided by applicant)		Original 1 copy
2.18 In case of applicant has right in land while lodging application. Applicant shall show such land right document as well (original and copy that certified correctness)		Original 1 copy Duplicate 1 copy
2.19 Power of attorney (Applicant prepare it) and identification card of proxy or copy of identification card and copy of household registration (photo copied) which proxy certify the correctness with identification card and copy of household registration of attorney (original and copy which certified the correctness) (In case of the person did not perform by himself/herself)		Original 1 copy

Remarks

1. If documents which showing to official were in foreign language, such document shall be translated to Thai language and certified the correctness by
 - 1.1 Thai people who graduated not less than bachelor's degree in the course that use the language that appeared in such documents as the language in institution or
 - 1.2 Teacher of institution of education who teaches language that appeared in such documents in education institution or
 - 1.3 Embassy or foreign consulate which is located in Thailand and such country use the language that appeared in such documents for official language or
 - 1.4 Thai embassy or consulate which is located in foreign country (under Ministerial Regulation (B.E. 2540) issued under the content in Administrative Procedure Act B.E. 2539)



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Fee

1. Application fee: 5 Baht/parcel
2. Fee of request for acquiring land of alien: 500 Baht/person
3. Permission fee: 100 Baht/Rai
(Remark: fraction of Rai calculated as one Rai)
4. Selling fee: 2% of valuation price
5. Withholding tax:
 - Transferor is juristic person: 1% of higher price between valuation price and capital price that applicant showed.
 - Transferor is natural person: calculated from valuation price by follow procedure that prescribed in Revenue Code.

Remark: (Withholding tax in No.2) "Fee" column cannot be filled as fact because the form can be filled only "Baht/Percentage"
6. Special business tax:
 - Transferor is natural person: 3.3% (Includes local tax) of higher price between valuation price and capital price that applicant showed (If in the condition that need to pay special business tax according to Revenue Code)
 - Transferor is juristic person: 3.3% (Includes local tax) of higher price between valuation price and capital price that applicant showed.
7. Stamp duty:
 - Transferor is natural person: 0.5% of higher price between valuation price and capital price that applicant showed (If applicant pay special business tax, stamp duty is exempt)
 - Transferor is juristic person: Pay only special business tax.
8. Stamp duty for duplicated document fee: In case there is making instrument which has the same content of original document and the person who make instrument signed as the same as original document, applicant shall pay Stamp duty for duplicated document for 5 Baht.
9. Proxy fee: 20 Baht/case
10. Witness fee for witness: 20 Baht/person



Relevant Laws

1. Section 96 bis and Section 96 ter of the Land Code.
2. Ministerial Regulation Prescribed Rule, Procedure and Condition of Acquiring the Land for Habitation of an Alien B.E. 2545
3. Department of Lands Ruleon Acquiring Land for Habitation of an Alien B.E. 2545
4. Ministry of Interior Order No. 153/2546 Dated 21 April B.E. 2546
5. Ministerial Regulation Volume 7 (B.E. 2497) Issued under the Content of Act Promulgation the Land Code B.E 2497



Service Delivery Channels

Service Delivery Venue: Contact by yourself at Bangkok Metropolitan Land Office or its Branches or Sub Branches, where land and building or condominium unit is located.

Office Hours: Open Monday – Friday
(except public holiday)
08.30 – 16.30 hrs.



Example of Form, Example and Filling in the form Manual

Customer could check all categories of registration from official at every land offices or website: dol.go.th/registry.



Contact/Complaint Channels

1. Chief of Provincial/Branch/Sub Branch Land Office of the area that rendering such service.
 2. Complaint box of Provincial/Branch/Land Office.
 3. Department of Lands' Damrongdhama Center, Telephone Number: 0 2141 5678 – 9
 4. Complaint Section, Office of the Secretary of DOL, Telephone Number: 0 2141 5500 - 4, The Government Complex, 6th Floor, Commemorating His Majesty, Ratthaprasasanabhakti Building, Chaeng Wattana Road, Laksi District, Bangkok 10210
 5. Service Center of Office of the Permanent Secretary, Prime Minister Office P.O. box 1111, No. 1 Pissanulok Road, Dusit, Bangkok 10300/Hotline: 1111/www.1111.go.th
 6. Complaint Center of Corruption in Public Sector (Office of Public Sector Anti – Corruption Commission: PACC)
 - No. 99 , Moo 4, Software Park Building, 2th Floor, Chaeng Wattana Road, Klong Klua Sub District, Pak Kret District, Nonthaburi 11120
 - Hotline 1206/Telephone Number: 0 2502 6670 – 80 ext. 1900, 1904 – 7 Facsimile: 0 2502 6132
 - www.pacc.go.th/www.facebook.com/PACC.GO.TH
- Complaint Center of International Investor (The Anti-Corruption Operation Center) Tel: +66 92 688 0777/line: Fad.pacc/Facebook: The Anti-Corruption Operation Center Email:Fad.pacc@gmail.com).