

CONDOMINIUM ACT,  
B.E. 2522 (1979)<sup>1</sup>

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BHUMIBOL ADULYADEJ, REX.

Given on the 21<sup>st</sup> Day of April B.E.2522;

Being the 34<sup>th</sup> Year of the Present Reign.

His Majesty King BhumibolAdulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on condominiums,

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

**Section 1.** The Act shall be called “Condominium Act, B.E. 2522 (1979)”.

**Section 2.**<sup>2</sup> This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

**Section 3.** All other laws, rules and by-laws in so far as they have already been provided herein, or are contrary to or inconsistent with the provisions of this Act, shall be replaced by this Act.

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<sup>1</sup> Translated by Ms. Sudkaneung Somboonwong under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

<sup>2</sup>Published in the Government Gazette Vol. 96, Part 67, Special Edition Page 29, dated 30 April B.E. 2522.

**Section 4.**In this Act:

“condominium” means a building that persons are able to divide ownership in the building in parts where each part comprises ownership in personal property and co-ownership in common property;

“personal property” means a condominium unit, including construction and land available provided to each unit owner;

“unit” means part of the condominium that is divided to be owned by separate persons;

“common property” means parts of the condominium that are not units, the land on which the condominium is situated, and other land and property provided for use or common interest of the co-owners;

“Certificate of Common Ownership” means an important document that certifies ownership in personal and common property;

“co-owner” means the owner of a unit in each condominium;

“condominium juristic person” means a juristic person registered under this Act;

“condominium regulation” means condominium regulations of the condominium juristic person;

“general meeting”<sup>3</sup> means an ordinary general meeting or extraordinary general meeting of the co-owners, as the case may be;

“Committee”<sup>4</sup> means the Condominium Juristic Person Committee;

“Committee member”<sup>5</sup> means a member of the Condominium Juristic Person Committee;

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<sup>3</sup> Section 4 defines “general meeting”, added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>4</sup> Section 4 defines “Committee”, added by the Condominium Act (No. 4), B.E. 2551 (2008).

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“manager”<sup>6</sup> means the Condominium Juristic Person manager;

“competent official” means a government official appointed by the Minister to carry on an execution under this Act;

“Minister” means the Minister who has charge and control of this Act.

**Section 5.** The Minister of Interior shall have charge and control of the execution of this Act, and shall have the power to appoint competent officials, issue Ministerial Regulations prescribing fees and expenses not exceeding the rates prescribed at the end of this Act, and prescribing other acts for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

## CHAPTER I CONDOMINIUM REGISTRATION

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**Section 6.**<sup>7</sup> An owner of land and building who wishes to register a property as a condominium under this Act shall submit to a competent official an application to register the condominium, along with the following supporting documents and details:

- (1) land title deed;
- (2) building map, including any road to the public;
- (3) details about the units, personal property and common property, which comprises the area, purpose of use, and other details prescribed by the Minister;

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<sup>5</sup> Section 4 defines “Committee member”, added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>6</sup> Section 4 defines “manager”, added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>7</sup> Section 6 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

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- (4) ratio of ownership in the common property held by each unit owner under section 14;
- (5) a testimonial of the applicant certifying that the building being registered is without any encumbrances, except that the building and land are mortgaged together;
- (6) draft condominium regulation of the condominium juristic person;
- (7) other evidence as prescribed by the Ministerial Regulation.

**Section 6/1.**<sup>8</sup> In case that the person having ownership in the land and building under section 6 advertises units in the condominium, a copy of the advertised message or images or brochures, in any form whatsoever, that have been released to the public, shall be kept in the place of business operation until all units are sold. At least one set of copies of all advertised documents shall be provided to and kept by the condominium juristic person.

Sale advertisement of the units containing messages or images that include evidence and details under section 6 shall be consistent with the evidence and details provided at the time of registration, and shall clearly specify details of common property other than those prescribed in section 15.

Advertised messages and images or brochures are deemed part of the contract to purchase and to sell a unit, or a unit sale and purchase contract, as the case may be. If any message or image is contrary to the message contained in the contract, the contract shall be interpreted in favour of the purchaser of the unit.

**Section 6/2.**<sup>9</sup> A contract to purchase and to sell a unit, or a unit sale and purchase contract, between the owner of the land and building under section 6 and the purchaser shall be consistent with the form prescribed by the Minister.

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<sup>8</sup> Section 6/1 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>9</sup> Section 6/2 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

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If any part of the contract to purchase and to sell a unit or a unit sale and purchase contract in paragraph one is not prepared in accordance with the form prescribed by the Minister and put the purchaser at a disadvantage, that part of the contract is ineffective.

**Section 7.** After the competent official receives an application to register a condominium in accordance with section 6, if it appears on the land title deed that there is a mortgage creditor or a preferential creditor having rights over the land and building being registered, the competent official shall announce the application and serve a notice for the creditor to appear before the competent official with supporting evidence within thirty days from the date that the notice is received.

Paragraph two<sup>10</sup> (repealed).

If the competent official is satisfied that the land is free from any encumbrance, or in case that the land is mortgaged and the mortgagee agrees with the registration, the competent official shall accept the application. In case that the building is mortgaged without land, a registration is prohibited.

In case that the competent official is unsatisfied, he or she shall issue an order to deny the application and notify the applicant of the reason to deny without delay.

The competent official shall publish the successful registration in the Government Gazette.

**Section 8.** An application to register under section 6, announcements, notifications made to creditors under section 7, shall comply with the rules, procedures and conditions prescribed in the Ministerial Regulation.

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<sup>10</sup> Paragraph two of section 7 is repealed by the Condominium Act (No. 4), B.E. 2551 (2008).

**Section 9.** Upon an acceptance of an application to register a condominium, the competent official shall forward the land title deed supporting the application to a local land officer in the jurisdiction where the condominium is situated within fifteen days in order to be recorded that such a land title deed is subject to this Act, and be kept therein.

In case that the land is mortgaged but the mortgagee agrees with the condominium registration, the competent official shall record the agreement of the mortgagee under paragraph three of section 7 and the amount of money for which the mortgagee will be paid from each unit under section 22.

**Section 10.** After the condominium is registered and the land officer has made a record in the land title deed under section 9, any right and juristic act relating to the land shall not be registered afterward, except for the cases prescribed under this Act. An application to register the condominium shall not give rise to any encumbrance on the condominium.

**Section 11.** In case that a competent official issues an order denying the registration of the condominium, the applicant may appeal in writing to the Minister in thirty days from the date that he or she receives the order.

The Minister shall review the appeal in sixty days from the date that he or she receives the appeal. The Minister's ruling on the appeal is final.

## CHAPTER II

### CONDOMINIUM REGISTRATION

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**Section 12.** Ownership in a unit of a condominium is indivisible.

**Section 13.** The owner of a unit has the ownership in personal property and has co-ownership in common property.

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The unit floor and wall that separatesspaces between units are owned jointly by the owners of the units that share them. The right to use such property shall comply with the condominium regulation.

A unit owner shall not do anything to personal property that may affect the structure, stability and damage protection for the building, or undertake any other action prohibited by the condominium regulation.

**Section 14.**<sup>11</sup> Co-ownership in common property shall be proportioned between the price of each unit and the total price of every unit in the condominium at the time of condominium registration under section 6.

**Section 15.** The following property is common property:

- (1) land where the condominium is situated;
- (2) land for common use or common interest;
- (3) structure, and construction for stability and damage protection for the building;
- (4) building or part of building, and equipment for common use or common interest;
- (5) tools and supplies for common use or common interest;
- (6) spaces where services are run for the community of the condominium;
- (7) other property for common use or common interest;
- (8) office of the condominium juristic person<sup>12</sup>;
- (9) immovable property purchased or acquired under section 48(1)<sup>13</sup>;
- (10) construction or system built for the purpose of maintaining security or environment within the condominium such as fire hazard protection,

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<sup>11</sup> Section 14 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>12</sup> Section 15(8) is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>13</sup> Section 15(9) is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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lighting system, ventilation, air-conditioning, sewage system, waste and garbage management<sup>14</sup>;

(11) property maintained at the expense of the fund under section 18<sup>15</sup>.

**Section 16.** Common property which is an immovable property shall not be subject to any legal action that results in parting it from personal property for the purpose of forced mortgaging or forced sale by auction.

**Section 17.** Management and use of common property shall comply with this Act and the condominium regulation.

**Section 17/1.**<sup>16</sup> In case that spaces in the condominium are arranged for a commercial purpose, an exit and entrance system shall be specifically arranged in order to avoid causing disturbance to the regular living conditions of the co-owners.

**Section 18.**<sup>17</sup> Co-owners shall be jointly responsible for taxes in proportion to the ownership in common property of each co-owner under section 14.

Co-owners shall be jointly responsible for the expenses arising from the provision of common services involving tools, supplies and utilities available for common use or common interest, and expenses arising from maintenance and operation of common property in proportion to the ownership in common property of each co-owner under section 14 or proportion of interest in each unit, as prescribed in the condominium regulation.

The person having ownership in the land and building under section 6 shall be the co-owner of the units, the ownership of which has not been transferred to any

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<sup>14</sup> Section 15(10) is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>15</sup> Section 15(11) is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>16</sup> Section 17(1) is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>17</sup> Section 18 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

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person, and shall be jointly responsible for the expenses in paragraph one and paragraph two for such units.

**Section 18/1.**<sup>18</sup> In case that a co-owner refuses to pay the sum under section 18 within a specified period, he or she shall pay a surcharge at a rate not exceeding twelve percent per year of the amount due not compounding on the principle, as prescribed in the condominium regulation.

The co-owner who is behind in payment of the sum under section 18 for six months or more shall pay a surcharge at a rate not exceeding twenty percent per year. Common services provided to him or her, or his or her use of common property, may consequently be suspended as prescribed in the condominium regulation. His or her voting right in a general meeting shall also be suspended.

The surcharge in paragraph two is deemed an expense under section 18.

**Section 19.**<sup>19</sup> An alien person or a juristic person deemed alien by law may have an ownership in a unit if it satisfies the following conditions:

- (1) the person obtains a residence permit in accordance with immigration law;
- (2) the person obtains a permit to enter the country in accordance with the law on investment promotion;
- (3) the person is a juristic person under section 97 and section 98 of the Land Code, registered as a juristic person under Thai law.
- (4) the person is a alien juristic person under the Announcement of the Revolutionary Council No. 281, dated the 24<sup>th</sup> November B.E. 2515 (1972), and obtains an investment promotion certificate in accordance with the law on investment promotion.

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<sup>18</sup> Section 18/1 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>19</sup> Section 19 is amended by the Condominium Act (No. 2), B.E. 2534 (1991).

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- (5) the person is an alien person or a juristic person deemed alien by law, bringing foreign currency into the country, withdrawing fund from a Thai-baht account of a person having a place of residence outside of the country, or withdrawing fund from a foreign currency-based deposit account<sup>20</sup>.

**Section 19 bis.**<sup>21</sup> Ownership of each condominium shall not be held by alien persons or juristic persons under section 19 greater than forty-nine percent of the total area of every unit in the condominium at the time of registration under section 6.

**Section 19 ter.**<sup>22</sup> For a transfer of ownership in a unit to an alien person or juristic person under section 19, the transferor shall declare to a competent official the names of alien persons or juristic persons stated in section 19 and the ownership ratio of the area in the unit held by the alien persons or juristic persons. The alien persons or juristic persons to which the ownership in the unit is transferred shall present the following evidence to the competent official:

- (1) an alien person under section 19(1) shall present evidence that he or she is permitted to reside in the country in accordance with immigration law;
- (2) an alien person stated under 19(1) shall present evidence that he or she is permitted to reside in the country in accordance with the law on investment promotion;
- (3) a juristic person under section 19(3) shall present evidence that it is registered as a juristic person under Thai law;

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<sup>20</sup> Section 19(5) is amended by the Condominium Act (No. 3), B.E. 2542 (1999).

<sup>21</sup> Section 19 *bis* is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>22</sup> Section 19 *ter* is added by the Condominium Act (No. 2), B.E. 2534 (1991).

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- (4) a juristic person under section 19(4) shall present evidence that it obtains an investment promotion certificate in accordance with the law on investment promotion;
- (5) an alien person or juristic person under section 19(4) shall present evidence that it has brought foreign currency into the country or withdrawn fund from a Thai-baht account of a person having residence outside of the country or withdrawn fund from a foreign currency-based deposit account for an amount not less than the sale price of the unit<sup>23</sup>.

**Section 19 *quater*.**<sup>24</sup> As the competent official has received the documents and evidence under section 19 *ter* and verified their accuracy in accordance with section 19 *ter*, and the ownership ratio of the alien person or juristic person under section 19 which already have ownership or in the process of being transferred ownership not exceeding the rate prescribed in section 19 *bis*, the competent official shall proceed with the registration of right and juristic act relating to the unit in accordance with section 4 for the transferee.

**Section 19 *quiquies*.**<sup>25</sup> An alien person or juristic person under section 19 shall dispose of its unit in the following cases:

- (1) if the alien person or juristic person under section 19, as an heir or legatee, acquires the unit by way of inheritance or others, as the case may be, and when combined with the ownership of other alien person or juristic person under section 19, the total ownership ratio exceeds the rate prescribed in section 19 *bis*<sup>26</sup>;
- (2) if a residence permit of the alien person under section 19 is revoked or his or her residency evidence is ineffective;

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<sup>23</sup> Section 19 *ter* (5) is amended by the Condominium Act (No. 3), B.E. 2542 (1999).

<sup>24</sup> Section 19 *quater* is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>25</sup> Section 19 *quiquies* is added by the Condominium Act (No. 2), B.E. 2534 (1991).

<sup>26</sup> Section 19 *quiquies*(1) is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

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- (3) if the alien person under section 19(1), (2) and (5) is subject to a deportation order without leniency, or a relocation to work elsewhere instead of a deportation;
- (4) if the alien person under section 19(2) is not permitted by the Thai Board of Investment to stay in the country;
- (5) if the Certificate of Investment Promotion of a juristic person under section 19(4) is revoked.

The alien person or juristic person who disposes of its unit in accordance with paragraph one shall notify a competent official in writing within sixty days from the date that the unit has to be disposed of on the ground stated in paragraph one.

For (1), the unit to be disposed of shall be the unit that exceeds the prescribed ratio. For (2), (3), (4) and (5), the unit to be disposed of shall be every unit being owned by the alien person or juristic person.

The disposition of units under paragraph three shall take place no later than one year from the date that the ownership in the unit is acquired, the date that the residence permit is revoked or evidence of residence is ineffective, the date of deportation, the date that the Thai Board of Investment revokes a permit to stay in the country, or the date that the Certificate of Investment Promotion is revoked, as the case may be. If the disposition does not take place within the specified period, the Director-General of the Land Department has the power to dispose of the unit. The provisions regarding forced sale of land in Chapter III of the Land Code and the Ministerial Regulation issued under the provisions shall apply to the disposition of the unit, *mutatis mutandis*.

**Section 19 *sexies*.**<sup>27</sup> When a competent official orders that a residence permit to be revoked, or when the competent official finds from the relevant facts that the document relating to residency is invalid for the alien person under section 19(1), or the competent official issues a deportation order upon the alien person under section 19(1),

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<sup>27</sup> Section 19 *sexies* is added by the Condominium Act (No. 2), B.E. 2534 (1991).

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(2) and (5), or a revocation of a residence permit of the alien person under section 19(2) or revocation of the Certificate of Investment Promotion of a juristic person under section 19(4), as the case may be, the officer shall notify the Director-General of the Land Department in sixty days from the date of order or the date that such facts are acknowledged.

**Section 19 septies.**<sup>28</sup> An alien person or juristic person deemed alien by law other than those specified in section 19, as an heir or a legatee or others as the case may be, acquiring a unit by way of inheritance, shall notify a competent official in writing within sixty days from the date that the ownership in the unit is acquired, and shall dispose of the unit in a period no later than one year from the date that the ownership in the unit is acquired. If the disposition does not take place within the specified period, the provision under paragraph four of section 19 *quiquies* shall apply, *mutatis mutandis*.

**Section 19 octies.**<sup>29</sup> Any Thai national acquiring ownership in a unit and later losing the Thai nationality due to his or her renunciation of the Thai nationality, naturalization, or revocation of the Thai nationality under the law on nationality and not an alien person under section 19, shall notify a competent official in writing regarding the losing of nationality and inability to maintain ownership in a unit within sixty days from the date that the Thai nationality is lost. He or she shall also dispose of all units owned in a period no later than one year from the date that the Thai nationality is lost. If the unit is not disposed of within the specified period, the provision under paragraph four of section 19 *quiquies* shall apply, *mutatis mutandis*.

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<sup>28</sup> Section 19 *septies* is added by the Condominium Act (No. 2), B.E. 2534 (1991).

<sup>29</sup> Section 19 *octies* is added by the Condominium Act (No. 2), B.E. 2534 (1991).

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**Section 19*novies*.**<sup>30</sup> Any Thai national acquiring an ownership in a unit and later losing the Thai nationality due to his or her renunciation of the Thai nationality, naturalization, or revocation of the Thai nationality under the law on nationality and becoming an alien person under section 19, if he or she wishes to maintain the ownership, he or she shall notify a competent official in writing regarding the losing of nationality and present evidence of an alien status prescribed under section 19 within one-hundred and eighty days from the date that the nationality is lost. If the ownership held by such a person exceeds the ratio prescribed under section 19 *bis*, the unit that is owned in the ratio exceeding the prescribed rate shall be disposed of within a period not exceeding one year from the date of that the nationality is lost. If the unit is not disposed of within the specified period, the provision under paragraph four of section 19 *quiquies* shall apply, *mutatis mutandis*.<sup>31</sup>

If the alien person in paragraph one no longer wishes to maintain the ownership in the unit, he or she shall notify a competent official in writing regarding the losing of nationality within sixty days from the date that the nationality is lost, and dispose of all units in which he or she has the ownership within a period not exceeding one year from the date that the nationality is lost. If the unit is not disposed of within the specified period, the provision under paragraph four of section 19 *quiquies* shall apply, *mutatis mutandis*.

**Section 19*decies*.**<sup>32</sup> A juristic person incorporated in Thailand and having an ownership in a unit, later its status is changed to a juristic person deemed alien by law and no longer a juristic person under section 19, it shall notify a competent official in writing regarding the change in the status and the inability to have the ownership in the unit within sixty days from the date that the status is changed, and dispose of all units in which it has

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<sup>30</sup> Section 19 *novies* is added by the Condominium Act (No. 2), B.E. 2534 (1991).

<sup>31</sup> Paragraph one of section 19 *novies* is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>32</sup> Section 19 *decies* is added by the Condominium Act (No. 2), B.E. 2534 (1991).

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the ownership within a period not exceeding one year from the date that the status is changed. If the unit is not disposed of within the specified period, the provision under paragraph four of section 19 *quiquies* shall apply, *mutatis mutandis*.

**Section 19undecies.**<sup>33</sup> A juristic person incorporated in Thailand and having an ownership in a unit, later its status is changed to juristic person deemed alien by law but remains to be a juristic person under section 19 which may lawfully have an ownership in a unit, if it intends to maintain the ownership in the unit, it shall notify a competent official regarding the change in its status and present the evidence of being a juristic person under section 19 within one-hundred and eighty days from the date that the status is changed. If its ownership exceeds the ratio prescribed under section 19 *bis*, the unit that is owned in the ratio exceeding the prescribed rate shall be disposed of within a period not exceeding one year from the date that its status is changed. If the unit is not disposed of within the specified period, the provision under paragraph four of section 19 *quiquies* shall apply, *mutatis mutandis*.

If the juristic person in paragraph one no longer wishes to maintain the ownership in the unit, it shall notify a competent official in writing regarding the change in its status within sixty days from the date that its status changes, and dispose of all units in which it holds the ownership within a period not exceeding one year from the date that its status changes. If the unit is not disposed of within the specified period, the provision under paragraph four of section 19 *quiquies* shall apply, *mutatis mutandis*.

**Section 19duodecies.**<sup>34</sup> (Repealed).

**Section 19ter decies.**<sup>35</sup> (Repealed).

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<sup>33</sup> Section 19 *undecies* is amended by the Condominium Act (No. 2), B.E. 2534 (1991).

<sup>34</sup> Section 19 *duodecies* is repealed by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>35</sup> Section 19 *ter decies* is repealed by the Condominium Act (No. 4), B.E. 2551 (2008).

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CHAPTER III  
CERTIFICATE OF COMMON OWNERSHIP

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**Section 20.**After the condominium is registered in accordance with section 7, the competent official shall issue without delay the Certificate of Common Ownership based on the registered building map.

The registration of right and juristic act in relation to a unit shall not be done unless and until the condominium juristic person is registered in accordance with section 31, except the registration is a registration of discharge of a mortgage recorded by the competent official in accordance with section 22 or an entire ownership transfer to a sole person or several persons having joint ownership.

**Section 21.**The Certificate of Common Ownership shall contain information including, but not limited to:

- (1) the location and the area of the land where the condominium is situated;
- (2) the location, area and map of the units which show the length, width and height of the unit;
- (3) the ownership ratio in the common property;
- (4) the name and surname of the person who has ownership in the unit;
- (5) the record of registration of right and juristic act;
- (6) signature of the competent official;
- (7) seal affixed by the competent official.

The Certificate of Common Ownership shall be made in duplicates, one of which shall be given to the person who has the ownership and another shall be kept at the office of the competent official. The one being kept at the office of the competent official

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may be a photo copy or a photograph of the original. In such a case, the copy shall be signed and sealed by the competent official.

The form, rules and procedures regarding the issuance of the Certificate of Common Ownership, including its replacement, shall be prescribed by the Ministerial Regulation.

**Section 22.**In case that an immovable property under section 15(1) or (2) is mortgaged prior to the registration of the condominium but the mortgagee consents to the registration in accordance with paragraph three of section 7, upon the issuance of the Certificate of Common Ownership the competent official shall specify that the registrant has the ownership in the unit and records the mortgage every Certificate of Common Ownership, including indicating the amount of debt repayment that the mortgagee has received from each unit, calculated based on the ratio of the ownership in the common property as stated in the registration record.

After the Certificate of Common Ownership is issued in accordance with paragraph one, each unit is deemed to be collateral against the mortgage only the part stated in the Certificate of Common Ownership.

**Section 23.**In case that a competent official has recorded the registration of mortgaged immovable property in the Certificate of Common Ownership under section 22, the first disposition of each unit by the registrant who holds such Certificate of Common Ownership is the disposition to the transferee free of mortgage.

**Section 24.**When it is apparent that the issuance of the Certificate of Common Ownership, registration of right and juristic act in relation to a unit, or a record of an item in the registration record, is inaccurate or unlawful, the relevant competent official shall have the power to revoke the inaccurate registration or amend such inaccuracy, as the case may be.

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The competent official shall have the power to investigate and serve a notice to collect the Certificate of Common Ownership, documents regarding the registration of right and juristic act, document regarding registration in the registration record, or any other relevant documents, for his or her review. Before ordering a revocation or an amendment, the competent official shall notify any person at stake at least fifteen days before the revocation or amendment to allow the person to contest. If the person does not contest within thirty days from the date that such a notification is received, the contest is deemed to be waived. In case that the competent official is unable to collect the Certificate of Common Ownership, he or she shall have the power to issue its replacement.

After the competent official who has the power under paragraph one has carried on a review process, he or she may proceed according to his or her consideration.

In case that the court has released a judgment or issued a final order for a revocation or an amendment, the competent official shall proceed according to such a judgment or order.

**Section 25.** If the Certificate of Common Ownership of any person is lost or materially damaged, the owner may request for its replacement.

**Section 26.** In case that the replacement of Certificate of Common Ownership is issued under section 24 or section 25, the replaced Certificate of Common Ownership is cancelled, except that the court orders otherwise.

**Section 27.** In case that the Certificate of Common Ownership kept at the office of a competent official is lost or materially damaged, the competent official shall have the power to serve a notice to collect the Certificate of Common Ownership in possession of the unit owner for the competent official's consideration and make a duplicate based on the latter Certificate of Common Ownership.

#### CHAPTER IV

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REGISTRATION OF RIGHT AND JURISTIC ACT  
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**Section 28.** A competent official under this Act shall be a registrar who carries on a registration of right and juristic act upon a unit.

**Section 29.**<sup>36</sup> A person who wishes to register the right and juristic act upon a unit under this Act shall register the Certificate of Common Ownership with a registrar.

The registrar may register the right and juristic act upon a unit only when the unit is free from any debt arising out of the expenses under section 18. The registrant shall present the latest document certified by the condominium juristic person to prove that he or she is free of such a debt.

The manager shall certify in writing of the debt-free status in paragraph two to the co-owner within fifteen days from the date that he or she receives a request for the certification and the co-owner has completely paid for the amount owed under section 18.

The provision in paragraph two shall not apply to the registration of right and juristic act upon a transfer of ownership in a unit prior to the registration of the condominium juristic person.

**Section 30.** The provisions under Chapter VI of the Land Act on the registration of right and juristic act and the Ministerial Regulations issued under the Act shall apply to the registration of right and juristic act upon a unit, *mutatis mutandis*.

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<sup>36</sup> Section 29 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

CHAPTER V  
CONDOMINIUM JURISTIC PERSON

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**Section 31.** A transfer of ownership in a unit to a transferee whereby such a transfer is not a transfer of every unit in the condominium to one person or several persons having joint ownership shall be done only when the transferor and the transferee submit an application to transfer ownership in a unit along with an application to register the condominium juristic person. A copy of the condominium regulation and evidence of registration of the condominium juristic person shall be presented to the registrar.

Upon an approval of the registrar, the registrar shall register the transfer of ownership in the unit for the transferee in accordance with paragraph one, together with registration of condominium juristic person. The registration of condominium juristic person shall be published in the Government Gazette.

The application and registration of the condominium juristic person shall comply with the rules and procedures prescribed in Ministerial Regulations.

The provision in paragraph one shall not apply to the transfer of ownership in the unit after the registration of condominium juristic person has taken place.

**Section 32.**<sup>37</sup> The condominium regulation shall contain material information including, but not limited to:

- (1) the name of the condominium juristic person which contains the phrase “condominium juristic person”;
- (2) the objectives in accordance with section 33;
- (3) the location of the condominium juristic person office which is situated in the condominium;

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<sup>37</sup> Section 32 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

- (4) the amount of expenses incurred by the condominium juristic person, payable in advance by the co-owners;
- (5) management of the common property;
- (6) use of personal and common property;
- (7) ratio of the ownership in the common property of each co-owner that is consistent with the ratio requested at the time of registration;
- (8) ratio of expenses responsible by each co-owner in accordance with section 18;
- (9) other information prescribed by the Ministerial Regulation.

Any amendment to the registered condominium regulation may only be done upon a resolution passed by the general meeting of the co-owners, and the manager registers the amended condominium regulation with the registrar within thirty days from the date that the resolution is passed.

If the registrar considers that the amendment to the condominium regulation is not contrary to the law, the registrar shall proceed with the registration as such.

**Section 33.** The condominium juristic person that has been registered in accordance with section 31 is a juristic person.

The objectives of a condominium juristic person is to manage and maintain common property, and shall have the power to act in any way to serve such objectives subject to an approval of the co-owners under this Act.

**Section 34.** In case that the condominium is partly expropriated in accordance with the law on expropriation of immovable property, the co-owner whose unit is expropriated no longer has the right in the remaining common property after expropriation. In such a case, the condominium juristic person shall manage to have the co-owners whose units are not expropriated jointly pay for an amount that the co-owner loses from the termination of his or her ownership in the common property according to the ratio of ownership that each co-owner has in the common property.

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For the benefit of the payment that shall be made to the co-owner who loses the ownership in the common property under paragraph one, the payment, like the payment under paragraph two of section 18, is deemed preferential to personal property of the owners whose units are not expropriated.

**Section 35.** The condominium juristic person shall comprise one manager which may be an individual or a juristic person.

In case that the manager is a juristic person, such a juristic person shall appoint an individual to act as a manager on behalf of the juristic person.

**Section 35/1.**<sup>38</sup> The manager shall be at least twenty five years of age, and shall not be under the prohibitions, as follows:

- (1) being bankrupt;
- (2) being an incompetent or quasi-incompetent person;
- (3) having been expelled, dismissed or discharged from an official service, a State or private agency on the grounds of dishonest performance of duties;
- (4) having been imprisoned due to a final judgment, except for an offence committed through negligence or a petty offence;
- (5) having been removed from the managing position due to dishonesty, or misbehaviour or an immoral issue;
- (6) owing the payment required under section 18

In case that the manager is a juristic person, the person acting on behalf of the juristic person as a manager shall also possess the qualifications and be free from the prohibiting conditions prescribed in paragraph one.

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<sup>38</sup> Section 35/1 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

**Section 35/2.**<sup>39</sup> The appointment of manager shall be in accordance with the resolution passed by a general meeting of the co-owners under section 49. The appointed manager shall register evidence of employment with a competent official within thirty days from the date of resolution.

**Section 35/3.**<sup>40</sup> The manager shall vacate office due to:

- (1) death, or termination of its juristic person status;
- (2) resignation;
- (3) termination of the term of employment specified in the employment contract;
- (4) missing qualification, or disqualification in accordance with section 35/1;
- (5) non-compliance with a provision under this Act or the Ministerial Regulation issued under this Act, or non-compliance with the conditions set forth in the employment contract, and a resolution passed by the general meeting of the co-owners for a removal under section 49;
- (6) a resolution passed by the general meeting of the co-owners for a removal.

**Section 36.**<sup>41</sup> The manager shall have the following powers and duties:

- (1) carrying on tasks in accordance with the objectives under section 33, the condominium regulation, or a resolution passed by a general meeting of the co-owners, and in compliance with the law;
- (2) in case of necessity and emergency, taking an initiative to order or act to ensure security of the building as a reasonable person would maintain and manage his or her own property;

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<sup>39</sup> Section 35/2 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>40</sup> Section 35/3 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>41</sup> Section 36 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

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- (3) arranging a security system and keeping order in the building;
- (4) representing the condominium juristic person;
- (5) book-keeping for monthly income and expenses, and posting it to notify the co-owners within fifteen days from the last day of the month for at least fifteen days consecutively;
- (6) enforcing the payment from the co-owner who owes an amount of expenses under section 18;
- (7) other duties prescribed in the Ministerial Regulation.

The manager shall carry on tasks in his or her own capacity, except for the undertakings that the condominium regulation or the resolution passed by a general meeting of the co-owners under section 49(2) allows to be carried on by a representative. The manager or his or her representative shall stay during the hours prescribed by the condominium regulation to carry on such tasks or undertakings.

**Section 37.**<sup>42</sup> There shall be the Committee of the Condominium Juristic Person comprises at least three members, but not exceeding nine members, appointed by a resolution of the general meeting of the co-owners.

Each Committee member serves a term of two years. In case that the Committee member leaves before the term expires or additional members are appointed while the existing members still serve the term, the replacing member or the additionally appointed member shall serve the term equal to the remaining period of the term served by the existing member.

When the term in paragraph two expires, if new members have not been appointed, the existing members whose term expires shall carry on their duties until the newly appointed member commences the term.

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<sup>42</sup> Section 37 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).



A member who vacates office upon the expiration of the term may be reappointed, but may not be appointed for more than two consecutive terms, except that it is impossible to find another person to serve the term.

The manager shall register the appointment of the Committee members with a competent official within thirty days from the date that the general meeting passes the resolution.

**Section 37/1.**<sup>43</sup> The following person may be appointed as a Committee member:

- (1) a co-owner, or his or her spouse;
- (2) a legal representative, a curator, a guardian in case that the co-owner is a minor, an incompetent person or a quasi-incompetent person, as the case may be;
- (3) a sole representative of a juristic person, in case that the co-owner is a juristic person;

In case that several co-owners have ownership in a unit, only one of them may be appointed as a Committee member.

**Section 37/2.**<sup>44</sup> A person who may be appointed as a Committee member shall not be under the prohibitions, as follows:

- (1) be a minor, an incompetent person or a quasi-incompetent person;
- (2) be dismissed from the term, or removed from the managing position by a resolution passed by the general meeting of the co-owners due to corruption, misbehaviour or moral issues;

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<sup>43</sup> Section 37/1 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>44</sup> Section 37/2 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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- (3) have been expelled, dismissed or discharged from an official service, a State or private agency on the grounds of dishonest performance of duties;
- (4) have been imprisoned due to a final judgment, except for an offence committed through negligence or a petty offence;

**Section 37/3.**<sup>45</sup> Apart from vacating office upon the expiration of the term, a Committee member may vacate office upon:

- (1) death;
- (2) resignation;
- (3) not being a person under section 37/1, or being under a prohibition stated in section 37/2;
- (4) a resolution passed by the general meeting of the co-owners under section 44 for vacating office.

**Section 37/4.**<sup>46</sup> The Committee shall elect one member as Chairperson and may elect one member as Vice-Chairperson.

**Section 37/5.**<sup>47</sup> Chairperson of the Committee shall call a Committee meeting, and in case that two or more Committee members request to call a Committee meeting, Chairperson shall set a date for the meeting within seven days from the date that the request is received.

**Section 37/6.**<sup>48</sup> At a meeting of the Committee, not less than half of the total number of the Committee members shall be present.

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<sup>45</sup> Section 37/3 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>46</sup> Section 37/4 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>47</sup> Section 37/5 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>48</sup> Section 37/6 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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At any meeting, if the Chairperson does not attend or is unable to perform the duties, the Vice-chairperson shall preside over the meeting. If there is no Vice-chairperson or the Vice-chairperson is unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

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

**Section 38.**<sup>49</sup> The Committee shall have the following powers and duties:

- (1) control management of the condominium juristic person;
- (2) appoint one member to be the manager in case that the manager position is vacant or the manager is unable to perform his or her regular duties for more than seven days;
- (3) arrange a Committee meeting at least once in every six months;
- (4) other duties prescribed by the Ministerial Regulation.

**Section 38/1.**<sup>50</sup> The condominium juristic person shall prepare a statement of financial position at least once in every twelve-month period. Such a period is deemed an accounting period for the condominium juristic person.

The statement of financial position in paragraph one shall include items that show assets and debts of the condominium juristic person and the income and expense account. The statement of financial position shall be audited by an auditor and approved in the general meeting of the co-owners within one-hundred and twenty days from the last day of the accounting period.

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<sup>49</sup> Section 38 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>50</sup> Section 38/1 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

**Section 38/2.**<sup>51</sup>The condominium juristic person shall prepare an annual report showing the operation outcome to the general meeting of the co-owners along with the statement of financial position. A copy of the said documents shall be delivered to the co-owners before the meeting at least seven days in advance.

**Section 38/3.**<sup>52</sup>The condominium juristic person shall keep the annual report showing the operation outcome and the statement of financial position, along with the condominium regulation, at the office of the condominium juristic person for viewing of a competent official or co-owners.

The condominium juristic person shall keep the annual report showing the operation outcome and the statement of financial position in paragraph one for at least ten years from the date that the general meeting of the co-owners approves them.

**Section 39.**The condominium juristic person may subrogate the co-owner's right on all common property against a third party, or reclaim property for the benefit of all co-owners.

**Section 40.**The co-owners shall pay the following sum to the condominium juristic person:

- (1) expenses incurred by the condominium juristic person for which each unit owner shall pay in advance;
- (2) starting capital for anything being done under the condominium regulation or by a resolution passed by the general meeting;
- (3) other sum spent for the purpose of carrying on anything to be done in accordance with a resolution passed by the general meeting and under the conditions set forth in the general meeting.

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<sup>51</sup> Section 38/2 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>52</sup> Section 38/3 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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**Section 41.** For the benefit of an enforcement of the payment of debt arising from an expense under section 18, the condominium juristic person shall have a preferential right as follows:

- (1) preferential right upon the expenses under paragraph one of section 18, deeming to be as preferential as the right under section 259(1) of the Civil and Commercial Code, over any movable property that the unit owner brings to his or her own unit;
- (2) preferential right upon the expenses under paragraph two of section 18, deeming to be as preferential as the right under section 273(1) of the Civil and Commercial Code, over personal property of each unit owner.

For the preferential right in (2), if the manager has submitted debt items to a competent official, it is deemed to be more preferential to a mortgage.

**Section 42.**<sup>53</sup> The manager shall call a general meeting. The first one in six months from the date of registration of the condominium juristic person is deemed the first ordinary general meeting for the purpose of appointing the Committee and approving the condominium regulation and the manager registered in accordance with the application to register the condominium juristic person.

In case that ordinary general meeting disagrees with a provision under the condominium regulation or the manager in paragraph one, the ordinary general meeting shall consider an amendment to the condominium regulation, or revoke or appoint a manager.

**Section 42/1.**<sup>54</sup> The Committee shall arrange an ordinary general meeting once a year within one-hundred and twenty days from the last day of the account period of the condominium juristic person for the following undertakings:

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<sup>53</sup> Section 42 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>54</sup> Section 42/1 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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- (1) reviewing a statement of financial position;
- (2) reviewing an annual report;
- (3) appointing an auditor, and
- (4) reviewing other issues.

**Section 42/2.**<sup>55</sup> In case of necessity, the following person shall have the right to call an extra-ordinary general meeting:

- (1) the manager;
- (2) the Committee by a resolution passed by more than half of the attending Committee members;
- (3) at least twenty percent of all votes of the co-owners who sign and submit in writing to the Committee requesting for a meeting. In this case, the Committee shall arrange a meeting within fifteen days from the date of the request. If the Committee fails to do so within the specified period, the co-owners in the number stated above have the right to arrange an extra-ordinary general meeting by appointing a person who will issue an invitation letter.

**Section 42/3.**<sup>56</sup> A call to have a general meeting shall be done in writing, specifying the meeting place, date, time, agendas, and issues to be discussed in the meeting with necessary details. The written invitation shall be delivered to the co-owners at least seven days prior to the meeting.

**Section 43.**<sup>57</sup> A quorum of a general meeting shall comprise attendees who may cast at least one-quarter of the total votes.

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<sup>55</sup> Section 42/2 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>56</sup> Section 42/3 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>57</sup> Section 43 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

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In case that there is not enough co-owners attending the general meeting to constitute the quorum prescribed in paragraph one, another meeting shall be called within fifteen days from the previous meeting. For the latter meeting, a quorum is not required.

The manager or his or her spouse shall not be Chairperson of the meeting.

**Section 44.** A resolution of the general meeting shall be passed by a majority of votes of the attending co-owners, unless this Act prescribes otherwise.

**Section 45.** In the voting, each co-owner has a right to cast a vote according to his or her ownership ratio in the common property.

If a vote of one co-owner exceeds one-half of the total votes, his or her vote shall be reduced to be equal to all votes of other co-owners altogether.

**Section 46.** If the condominium regulation requires that certain co-owners pay for an expense specifically, such co-owners shall have the right to vote in the resolution involving the expense. Each involving co-owner shall have the right to vote according to the ratio prescribed in the condominium regulation under paragraph one of section 18.

**Section 47.**<sup>58</sup> A co-owner may authorise a proxy voter to vote on his or her behalf. One proxy voter shall not be authorised to vote on behalf of more than three units in one meeting.

The following person shall not be authorised as a proxy voter:

- (1) a Committee member and his or her spouse;
- (2) the manager and his or her spouse;
- (3) a worker or employee of the condominium juristic person or an employee of the condominium juristic person;

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<sup>58</sup> Section 47 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

- (4) a worker or employee of the manager in case that the manager is a juristic person.

**Section 48.**<sup>59</sup> A resolution on the following issues shall be passed by more than one-half of the total voting of all co-owners:

- (1) purchasing of an immovable property, or accepting a given-away immovable property attached with an encumbrance to be part of common property;
- (2) disposing of an immovable common property;
- (3) permitting a co-owner to build, decorate, renovate, adjust or making an attachment to a his or her own unit, that affects common property or the outside of the condominium at the expense of such a co-owner;
- (4) amending the condominium regulation regarding the use or management of common property;
- (5) amending the ratio of joint expenses under section 32(8);
- (6) constructing anything that causes the common property to be changed, attached, or improved;
- (7) deriving benefits out of the common property.

In case that there is not enough co-owners attending the meeting to cast a number of votes prescribed in paragraph one, another meeting shall be called within fifteen days from the previous meeting. Any resolution regarding an issue in paragraph one may be passed in the latter meeting by more than one-third of the total votes of all co-owners.

**Section 49.**<sup>60</sup> A resolution on the following issues shall be passed by at least one-quarter of the total votes of all co-owners:

- (1) appointing or removing the manager from office;

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<sup>59</sup> Section 48 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>60</sup> Section 49 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).



- (2) prescribing an undertaking that may be executed by a person authorised by the manager.

**Section 50.** In case that the condominium is partly or entirely damaged and the damaged part is more than one-half of the total number of the units, if the co-owners pass a resolution by voting in accordance with section 48 to reconstruct or repair the damaged part, the condominium juristic person shall reconstruct or repair the damaged part as such.

In case that the condominium is partly damaged and the damaged part is less than one-half of the total number of the units, if the majority of the owners of the damaged units pass a resolution to reconstruct or repair the damaged part, the condominium juristic person shall reconstruct or repair the damaged part as such.

Expenses incurred in the reconstruction or reparation the damaged part of the building, for the common property every co-owner in the condominium shall be responsible for the expenses according to the ratio of ownership in the common property. Expenses incurred in the reconstruction or reparation of personal property shall be borne by the owner of the damaged unit.

A reconstructed unit under paragraph one or paragraph two is deemed a replacement of the previous unit. The previous Certificate of Common Ownership is deemed the Certificate of Common Ownership for the reconstructed unit. If the details in the Certificate of Common Ownership are not accurate given the reconstructed unit is different from the previous unit, a competent official shall have the power to correct such details.

If a resolution is passed to disapprove reconstruction or reparation of the damaged part of the building under paragraph one or paragraph two of section 34 shall apply, *mutatis mutandis*.

If the unit owner who does not reconstruct or repair the damaged part has received compensation for the damaged common property from other co-owners, the Certificate of Common Ownership for his or her unit shall be revoked and returned to a competent official within thirty days from the date that he or she receives the

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compensation for the common property in order to record the revocation onto the Certificate of Common Ownership both the one kept by the unit owner and the one kept at the competent official's office. The competent official shall publish the revocation of the Certificate of Common Ownership in the Government Gazette.

## CHAPTER VI TERMINATION OF CONDOMINIUM

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**Section 51.**A condominium that has been registered may be terminated on the following grounds:

- (1) in case that the condominium juristic person has not been registered, the person who requests for a registration of the condominium, or the transferee to which the ownership of every unit in the condominium is transferred, as the case may be, requests for a termination;
- (2) the co-owners unanimously pass a resolution to terminate the condominium;
- (3) the condominium is entirely damaged and the co-owners pass a resolution disapproving a reconstruction of the building;
- (4) the condominium is entirely expropriated according to the law on expropriation of immovable property.

**Section 52.**In case that the condominium is terminated on the ground stated in section 51(1), the person requesting for a termination shall submit to a competent official an application to terminate the condominium in accordance with the form prescribed by the Minister.

Upon the competent official's consideration that a termination is appropriate, the competent official shall record such a termination of the condominium. He or she shall publish the termination in the Government Gazette.

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After the termination of a condominium is registered, section 54 and section 55 shall apply, *mutatis mutandis*.

**Section 53.** In case that a condominium is terminated on the ground stated in section 51(2) or (3), the manager of the condominium shall submit to a competent official an application to terminate the condominium in accordance with the form prescribed by the Minister, along with the Certificate of Common Ownership and a copy of meeting minutes, certified true copy by the condominium juristic person, whereby the co-owners pass a resolution to terminate the condominium or not to rebuild the condominium, as the case may be, within thirty days from the date that the co-owners pass the resolution.

Upon the competent official's consideration that a termination is appropriate, the competent official may record the termination of the condominium. He or she shall publish the termination in the Government Gazette.

**Section 54.** After the termination of a condominium is registered under section 52 or section 53, the Certificate of Common Ownership shall be revoked and recorded by a competent official on both the one kept by the owner and the one kept at the office of the competent official.

The competent official shall have the power to call for the revoked Certificate of Common Ownership from the owner of the terminated unit or the person who possesses the Certificate in order to proceed in accordance with paragraph one. The unit owner or the person who has the Certificate of Common Ownership in possession shall deliver the Certificate of Common Ownership to the competent official within thirty days from the date that he or she receives a notice.

**Section 55.** The competent official shall deliver the revoked Certificate of Common Ownership kept at the competent official's office that has been recorded the ground of revocation under section 54, along with a copy of the application to terminate the condominium to a land officer in the area to make a record in the existing land title deed

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that the co-owner who requests for the termination of the condominium has a joint ownership in proportion to the ownership in the common property held by each co-owner and items of encumbrance as appeared in the Certificate of Common Ownership.

After the land officer has made a record in the land title deed in accordance with paragraph one, the land shall be out of scope of the application of this Act. The land officer shall return the land title deed to the person who has the ownership.

An alien person or juristic person specified under section 19 whose name appears as the owner on the land title deed subsequent from the registration of the condominium termination under paragraph one shall dispose of such land only for the part that he or she owns within a period not exceeding one year from the date that the termination of condominium is registered. If he or she fails to dispose within the specified period of time, paragraph four of section 19 *quiqies* shall apply, *mutatis mutandis*.<sup>61</sup>

**Section 56.** In case that the condominium terminates on the ground stated in section 51(4), the Certificate of Common Ownership shall be revoked. A competent official shall register the termination of the condominium and publish such a registration in the Government Gazette.

Subject to paragraph one, recording in the registration record of the Certificate of Common Ownership and the existing land title deed shall comply with the rules prescribed in the Ministerial Regulation.

**Section 57.** After the termination of a condominium is registered, the condominium juristic person shall also be terminated. A comptroller shall be appointed by a meeting of the co-owners within fourteen days from the date that the termination is registered.

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<sup>61</sup>Paragraph three of section 55 is added by the Condominium Act (No. 2), B.E. 2534 (1991).

**Section 58.**A comptroller shall have the power to dispose of the common property that is movable property, except the meeting of the co-owners passes a resolution otherwise.

**Section 59.**Chapter IV on the Settlement of Account of Registered Partnerships, Limited liability Partnerships, and Limited Companies under Title 22 on Partnerships and Companies of The Civil and Commercial Code shall apply to the settlement of account of the condominium juristic person, *mutatis mutandis*.

**Section 60.**After the account has been settled, the remaining property shall be divided and distributed to the co-owners in proportion to the ownership in the common property held by each co-owner.

CHAPTER VI/  
COMPETENT OFFICIAL<sup>62</sup>

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**Section 60/1.**<sup>63</sup> For the execution of this Act, the competent official shall have to following powers:

- (1) serve a notice to a person requiring such a person to give a statement, clarify facts or prepare a written statement, or submit documents, accounts, records, or other evidence in connection with any consideration or execution under this Act;
- (2) enter land or building subject to the condominium registration; or land, building, or premise that are common property in the condominium, in

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<sup>62</sup> Section 60/1 to section 60/3 under Chapter VI on the Competent Official are added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>63</sup> Section 60/1 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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order to investigate facts, documents or evidence in connection with any consideration or execution under this Act;

- (3) seize documents, accounts, records, or evidence for the benefit of investigation or legal proceeding carried on under this Act;

For the execution in (2), the competent official shall not proceed by way of threat or conduct a search in accordance with the Code of Criminal Procedure.

A relevant person shall reasonably facilitate the execution of the competent official in accordance with paragraph one.

**Section 60/2.**<sup>64</sup> For the execution of this Act, the competent official carrying on such an execution shall present his or her identification card to a relevant person.

The identification card of the competent official shall be in accordance with the form prescribed by the Minister.

**Section 60/3.**<sup>65</sup> For the execution of this Act, a competent official is deemed an officer under the Criminal Code.

## CHAPTER VII

### FEES AND EXPENSES

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**Section 61.**A request and registration of a condominium or a condominium juristic person, a request and registration of a termination of condominium, an amendment in the condominium regulation, an issuance of the Certificate of Common Ownership or its replacement, a request and registration of a right and juristic act or any other act regarding the unit, the person who requests shall pay the fee and expense as prescribed in the Ministerial Regulation.

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<sup>64</sup> Section 60/2 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>65</sup> Section 60/3 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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**Section 62.**<sup>66</sup> Chapter XI on Fees under the Land Code shall apply to the fee collection under this Act, *mutatis mutandis*.

**CHAPTER VIII  
PUNISHMENT<sup>67</sup>**

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**Section 63.**<sup>68</sup> Any person having an ownership in the land and building under section 6 violates paragraph one of section 6/1 or paragraph one of section 6/2 shall be liable to a fine not exceeding one-hundred thousand baht.

**Section 64.**<sup>69</sup> Any person violates paragraph two of section 6/1 shall be liable to a fine of fifty thousand baht to one-hundred thousand baht.

**Section 65.**<sup>70</sup> Any person violates section 17/1 shall be liable to a fine not exceeding fifty thousand baht and to additional fine at a daily rate not exceeding five thousand baht throughout the time of violation.

**Section 66.**<sup>71</sup> Any alien person or juristic person deemed alien by law fails to notify a competent official regarding the circumstance under paragraph two of section 19 *quiquies*, section 19 *septies*, section 19 *octies*, section 19 *novies*, section 19 *decies*, section 19 *undecies*, within the specified period, shall be liable to a fine not exceeding ten thousand

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<sup>66</sup> Section 62 is amended by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>67</sup> Section 63 to section 73 under Chapter VIII on the Punishment are added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>68</sup> Section 63 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>69</sup> Section 64 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>70</sup> Section 65 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>71</sup> Section 66 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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baht and to additional fine at a daily rate not exceeding five hundred baht throughout the time of violation.

**Section 67.**<sup>72</sup> Any person holding an ownership in a unit on behalf of an alien person or juristic person deemed alien by law, regardless of whether the alien person or juristic person has a right to own a unit under this Act, shall be liable to imprisonment for a term of not exceeding two years or to a fine not exceeding twenty thousand baht or to both. Paragraph four of section 19 *quiquies* shall apply, *mutatis mutandis*.

**Section 68.**<sup>73</sup> Any manager fails to comply with paragraph three of section 29 and section 36(5), shall be liable to a fine not exceeding fifty thousand baht and to additional fine at a daily rate not exceeding five hundred baht through the period of non-compliance.

**Section 69.**<sup>74</sup> Any manager violates or fails to comply with paragraph 3 of section 32, section 35/2, paragraph five of section 37, and paragraph one of section 42, shall be liable to a fine not exceeding five thousand baht.

**Section 70.**<sup>75</sup> Any Chairperson fails to comply with section 37/5 and section 38(3) shall be liable to a fine not exceeding five thousand baht.

**Section 71.**<sup>76</sup> Any condominium juristic person violates or fails to comply with section 38/1, section 38/2 and section 38/3 shall be liable to a fine not exceeding ten thousand baht.

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<sup>72</sup> Section 67 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>73</sup> Section 68 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>74</sup> Section 69 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>75</sup> Section 70 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>76</sup> Section 71 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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In case that the condominium juristic person is liable under paragraph one, the manager shall also be liable under paragraph one, except it can be proven that he or she is not part of the violation or non-compliance.

**Section 72.**<sup>77</sup> Any co-owner carries on a construct, decoration, improvement, change, or attachment to his or her own unit in a way that violates section 48(3) shall be liable to a fine not exceeding ten thousand baht.

**Section 73.**<sup>78</sup> Any person fails to comply with any order, or obstructs or fails to facilitate a competent official carrying on an execution under section 60/1 shall be liable to imprisonment for a term of not exceeding three months, or to a fine not exceeding six thousand baht, or to both.

Countersigned by:

Sor. Hotrakit

Deputy Prime Minister

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<sup>77</sup> Section 72 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

<sup>78</sup> Section 73 is added by the Condominium Act (No. 4), B.E. 2551 (2008).

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