

LAND DEVELOPMENT ACT

B.E. 2543 (2000)<sup>1</sup>

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**BHUMIBOL ADULYADEJ, REX.**

Given on the 4<sup>th</sup> day of May B.E. 2543 (2000)

Being the 55<sup>th</sup> Year of the Present Reign

By Royal Command, His Majesty King Bhumibol Adulyadej has it proclaimed that:

Whereas, it is expedient to enact the law on land development;

This Act contains certain provisions concerning restriction of personal rights and liberty, which, under Section 29 together with Section 48 and Section 50 of the Constitution of the Kingdom of Thailand, may be made by virtue of the provisions of law;

Be it, therefore, enacted by and with advice and consent of the Parliament as follows:

**Section 1.** This Act shall be called “Land Development Act B.E 2543”.

**Section 2.**<sup>2</sup> This Act shall come into force upon the lapse of a sixty-day period following the date of its publication in the Government Gazette.

**Section 3.** The Announcement of the National Executive Council No. 286, dated 24 November 1972, shall be repealed.

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

<sup>2</sup> Government Gazette, Volume 117, Part 45Kor, page 1, dated 23 May B.E. 2543 (2000)

**Section 4.** In this Act:

“Land development” shall mean the sale of land which has been divided into ten or more sub-parcels, regardless of whether such division is made on a single or more plots of land with connecting areas, and for which property or benefit as consideration is derived, and it shall include the arrangement by dividing the land into less than ten sub-parcels and then further division is made within three years thereafter and as the consequence thereof the sum of the sub-parcels becomes ten or more.

“Land right” shall mean ownership and shall include possessory right.

“License” shall mean the license to be engaged in land development.

“Land developer” shall mean the licensee to operate land development and shall include the assignee of the license.

“Buyer of developed land” shall mean the person who enters into a contract with the land developer in order to acquire the developed land and shall include the subsequent assignee of the land right.

“Public service” shall mean the services or facilities within the land development project prescribed in the land development program under the land development license applied for according to Article 23(4).

“Board” shall mean the Bangkok Land Development Board and the Provincial Land Development Board.

“Official” shall mean the land official who is in charge of effectuation of the registration of the right and juristic act according to the Land Code.

“Minister” shall mean the minister in charge under this Act.

**Section 5.** This Act shall not apply to:

- (1) Land development operated by governmental agency, state body, state enterprise, local governmental agency or other state organization with the authority to operate land development under law;
- (2) Land development licensed under other laws.

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**Section 6.** Minister of the Interior shall be in charge under this Act and shall be empowered to issue ministerial regulations prescribing fees which do not exceed the rate prescribed at the end of this Act and to prescribe other matters for the purpose of enforcing this Act.

The ministerial regulations shall come into force upon having been published in the Government Gazette.

## CHAPTER I LAND DEVELOPMENT BOARD

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**Section 7.** The Central Land Development Board, comprising Permanent Secretary for the Interior, as chairman, Attorney-General, Secretary-General to Consumers Protection Board, Secretary-General of Office of Environmental Policy and Planning, Director-General of Local Administration Department, Director-General of Town and Country Planning Department, Director-General of the Royal Irrigation Department, Director-General of Department of Public Works and Town and Country Planning\*, and six qualified persons appointed by the Minister among the persons with knowledge, competency or experience in real estate development, town and country planning, community administration or law, as members, and Director-General of Department of Lands as a member and secretary, shall be established.

No less than half of the qualified board members under the first paragraph shall be appointed out of representatives of the private sector who are engaged in business relating to real estate development.

**Section 8.** The Central Land Development Board shall have the powers and duties to supervise land development in general, which shall include the following powers and duties.

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- (1) To prescribe policy on land development;
- (2) To provide rules on land development;
- (3) To approve regulations regarding land development proposed by the Board according to Section 14(1);
- (4) To prescribe the standard form of the contract to buy and sell developed land for use by the applicant for land development license in the business operation under this Act;
- (5) To decide issues regarding land development under a request or appeal of the applicant for land development license or the land developer;
- (6) To do other things as provided in this Act or other laws.

The rules under (2) shall come into force upon having been published in the Government Gazette.

**Section 9.** The qualified board member shall have office term of two years each.

The board member who has completed the office term may be re-appointed but may not hold office for more than two consecutive terms.

**Section 10.** Other than leaving office upon completion of office term under Section 9, the qualified board member shall leave office upon:

- (1) Death;
- (2) Resignation;
- (3) The Minister orders dismissal on the ground of misconduct, deficiency or dishonesty in office or lack of competency;
- (4) Becoming a bankrupt;
- (5) Becoming an incompetent or quasi-incompetent person;

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(6) Being punished by imprisonment under a final judgment for imprisonment, except where the punishment is for an offence committed by negligence or a petty offence.

**Section 11.** When a qualified board member leaves office before the end of office term, the Minister may appoint another person as a board member in his place and such appointed board member shall hold office for the remaining office term of the person he replaces.

**Section 12.** In a meeting of the Central Land Development Board, no less than half of the total number of the board members shall constitute a quorum.

In a meeting of the Central Land Development Board, if the chairman of the board is not present or is unable to discharge his duty, the board members at the meeting shall elect one board member to chair the meeting.

A decision of the meeting shall be made by a simple majority. A board member shall have one vote. In case of equal votes, the chairman of the meeting shall be entitled to a second vote as a casting vote.

**Section 13.** There shall be a Provincial Land Development Board with respect to each and every province as follows:

(1) In Bangkok Metropolis, there shall be the Bangkok Land Development Board comprising Director-General of Department of Lands or Deputy Director-General delegated by the Director-General of Department of Lands, as chairman, a representative of Office of the Attorney-General, a representative of Bangkok Metropolitan Administration, a representative of Department of Public Works and Town and Country Planning\*, a representative of the Royal Irrigation Department, a representative of Office of Natural Resources and Environmental Policy and Planning\*, and four qualified persons appointed by

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Permanent Secretary for the Interior, as board members, and a representative of Department of Lands, as a board member and secretary.

(2) In other province, there shall be the Provincial Land Development Board comprising the Provincial Governor or Deputy Provincial Governor delegated by the Provincial Governor, as chairman, Provincial Public Prosecutor, Provincial Permanent Secretary, Provincial Public Works and Town and Country Planning\* Chief Officer, Provincial Town and Country Planning Chief Officer, a representative of the Royal Irrigation Department, President of Provincial Administration Organization and four qualified persons appointed by Permanent Secretary for the Interior, as board members, and Chief Officer of Provincial Land Office, as a board member and secretary.

In the case of deliberation or approval regarding land development of the land located in the jurisdiction of any local administration organization, a representative of each of such local administration organizations shall be a board member also.

The qualified board members under (1) and (2) shall be appointed by Permanent Secretary for the Interior from the private sector not engaged in land development, and are the persons with knowledge, competency or experience in real estate development, town and country planning, community administration or law.

**Section 14.** The Board shall have the powers and duties to supervise land development within the province so as to be in compliance with this Act, which shall include the following powers and duties.

- (1) To issue regulations regarding land development upon approval of the Central Land Development Board;
- (2) To consider application for, issuance, transfer or cancellation of land development license;
- (3) To inspect the land development so that it is in accordance with the plans, programs or procedures licensed;
- (4) To do other things provided in this Act or other laws.

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The regulations under (1) shall come into force upon having been published in the Government Gazette.

**Section 15.** In discharge of duty under this Act, the Central Land Development Board and the Board shall have the power to require any person in writing to give information, explanation, opinion, academic advice or to submit documents or information regarding the land development or other matters related to the land development as it may deem appropriate.

**Section 16.** In issuing the regulations regarding land development under Section 14 (1), the Board shall prescribe rules on the preparation of plans, programs and procedures of the land development for the benefits of public health, preservation of the environmental quality, transportation, traffic, safety, public utilities and town and city planning, including other matters essential for the land development that is suitable to the nature of the locality of such province, which shall also prescribe conditions on the following matters, namely

- (1) The minimum width, length or the minimum area of the sub-parcel of land that may be developed;
- (2) Structures and standards of various types of all roads, walkways and footpaths in the developed land, including connects with the roads or ways outside the developed land;
- (3) Structures of water drain, waste water treatment and rubbish destruction;
- (4) Structures and standards of public utilities and public services essential for preservation of the environment, promotion of livelihood and community administration.

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**Section 17.** Section 9, Section 10, Section 11 and Section 12 shall apply to the Board *mutatis mutandis*.

**Section 18.** In the discharge of duties under this Act, the Central Land Development Board and the Board shall have the power to appoint sub-committee or any person to consider or do any act as delegated by the Central Land Development Board and the Board, except the act under Section 14(1) and (2).

The sub-committee or person appointed by the Central Land Development Board or the Board shall have the same power and duty as those of the Central Land Development Board or the Board in the matter delegated.

**Section 19.** Section 12 shall apply to a meeting of the sub-committee *mutatis mutandis*.

**Section 20.** In the discharge of duties under this Act, the Central Land Development Board, the Board and the sub-committee shall be the public officer under the Penal Code.

## CHAPTER II

### APPLICATION FOR LAND DEVELOPMENT LICENSE

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**Section 21.** No person shall be engaged in land development except when a license given by the Board has been obtained.

The application for and the issuance of the license shall be in accordance with the rules, procedures and conditions stipulated in the ministerial regulation.

**Section 22.** When any person applies for a permit to divide a parcel of land into ten or more sub-parcels and cannot demonstrate to convince to believe that it is

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not the division for the purpose of land development, the official shall notify the applicant to file an application for land development and suspend the process of the land division for the time being. If the applicant does not concur, he shall be entitled to appeal to the Board within thirty days from the date of receipt of the notification.

The Board shall decide on the appeal within forty-five days from the date of receipt of the appeal by the Board. If the Board fails to give the decision within such time, the official shall resume the process of land division.

When the Board has given its decision to any effect, the appellant shall be notified of the decision in writing within seven days from the date on which the Board gives its decision. The decision of the Board shall be final.

**Section 23.** Any person who is desirous to operate land development shall file an application to the chief land officer of the province, or the chief land officer of any branch thereof, where the land is located, together with the following evidence and details:

(1) The land title deed or certificate of utilization on which the applicant for land development license is recorded as holder of rights on the land. Such land shall be free of any preferential right, except preferential right on account of sale of immovable property;

(2) If the land under the application for land development is under a preferential right on account of sale of immovable property or mortgage, consent to the land development by the holder of the preferential right or the mortgagee and the amount entitled by the holder of the preferential right or the mortgagee to receive payment from each of the sub-parcels shall be specified. Also, it shall be specified that the land used for public utilities or the land used for public services shall not be liable to such preferential right or mortgage;

(3) A plan showing the number of the sub-parcels of land and the estimated area of each sub-parcel;

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(4) Program of improvement of the land under the land development, provision of public utilities and public services, including other improvements as may be suitable according to the nature of the locality, showing layout, particulars and items of construction, construction budget, and schedule of completion. If the improvement of the land under the land development or the provision of public utilities or public services have been completed in whole or in part before applying for license, the layout, particulars and items of construction that have been done shall be demonstrated also;

(5) Work plan, program, and time for maintenance of public utilities;

(6) Methods of sale of the developed land and payment of purchase price or consideration;

(7) Obligations to other interested persons over the developed land;

(8) Form of contract to buy and sell for the developed land;

(9) Location of office of the applicant for land development license;

(10) Name of the bank or financial institution specified by the Central Land Development Board who will guarantee the obligation to provide public utilities or public services or land improvement and guarantee the maintenance of the public utilities and public services.

**Section 24.** If the Board sees it proper to give a license to any person, but such person has not provided public utilities or public services or has not done land improvement or has commenced but not finished according to the layout and the program, the Board shall require the applicant for land development license to procure a bank or financial institution specified by the Central Land Development Board to enter into a guarantee contract with the Board to the effect that in case the applicant for land development license fails to provide public utilities or public services or land improvement to completion according to the layout, program and schedule as licensed, or in case it may be believed that it will not complete within the schedule as licensed. The bank or financial institution who is the guarantor must pay money in the sum as specified by the Board in the

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guarantee contract within the time prescribed by the Board so that the Board may use such money in providing public utilities or public services or land improvement to completion according to the layout and the schedule licensed, and the remaining amount, if any, will be returned to the guarantor without delay.

The Board may assign the guarantor to proceed to provide the public utilities or public services or land improvement to completion within the time prescribed by the Board instead of demanding the guarantor to pay money. If the guarantor fails to commence the task within suitable time or fails to complete it within the prescribed time, the Board shall be empowered to demand the guarantor to pay the money under the first paragraph.

If the Board requires the applicant for land development license to procure a bank or financial institution to enter into the guarantee contract under the first paragraph, the Board shall require the applicant for land development license to execute a written warranty to the effect that if the amount of money as guaranteed by the guarantor is not sufficient for the implementation under the first paragraph or the guarantor fails to pay the money under the first paragraph in whole or in part, the applicant for land development license shall pay the deficient amount to the Board to proceed to complete the task.

In case of breach of the guarantee contract entered into with the Board, the Chairman of the Board is empowered to file and process a litigation case in the name and on behalf of the Board.

The custody, delivery and drawdown of the money shall be according to the regulations prescribed by the Central Land Development Board.

**Section 25.** Deliberation on the layout, program and procedure of land development shall be conducted to conclusion within forty-five days from the date on which the chief officer of the provincial land office or the chief officer of the branch thereof receives the application. If the Board cannot conclude the deliberation within such time without reasonable ground, it shall be deemed that the Board has approved such layout, program and procedure of land development.

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The deliberation on the layout, program and procedure of land development under the first paragraph shall be under the steps, rules and procedures prescribed by the Central Land Development Board.

**Section 26.** If the Board disapprove, or issues an order of not granting, a land development license, the applicant for land development license shall be entitled to file an appeal with the Central Land Development Board within thirty days from the date of becoming aware of the order, and the Central Land Development Board shall decide on the appeal within sixty days from the date of receipt of the appeal. If the Central Land Development Board fails to conclude the decision process within such time, it shall be deemed that the appellant has received the approval or has been granted a land development license.

The decision on the appeal of the Central Land Development Board shall be final.

**Section 27.** The Board shall issue a land development license within a period of seven days from:

- (1) The date of approval or deemed to have given approval of the layout, program and procedure of land development under Section 25, or
- (2) The date of becoming aware of the decision of the Central Land Development Board in the case that the Central Land Development Board concludes that the land development license should be granted or from the date the appellant is deemed to have been granted a license under Section 26.

When the Board grants a license to any person to be engaged in land development, the Board shall inform the land developer of the granting within seven days from the date of issuance of the license.

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**Section 28.** When the land development license has been granted to any person, the Board shall without delay send the license together with the layout, program and procedure as licensed by the Board to the official of the locality in order to inscribe in the land title deed or the certificate of utilization within fifteen days from the date of granting the license to the effect that the land is subject to land development, and when a land title deed or certificate of utilization with respect to the sub-parcel of the land has been issued, the same will be inscribed in each of such land title deed or certificate of utilization.

**Section 29.** In the case of advertisement of the land development project on the part of the items specified in Section 23, the text of the advertisement shall be identical with the particulars specified in the application for the license.

**Section 30.** Where the developed land is subject to preferential right on account of sale of immovable property or mortgage, when the land title deed or certificate of utilization with respect to the sub-parcel of land has been issued, the official shall inscribe the preferential right or mortgage in each of such title deed or certificate of utilization with respect to the sub-parcel of land, together with the amount entitled by the holder of the preferential right or the mortgagee to receive payment from each of such sub-parcel of land, in the registration page thereof, and it shall be deemed that the sub-parcel of land is the security for the preferential right or mortgage in the specified amounts.

The land of public utility and the land used for public services shall be free from preferential right on account of sale of immovable property or mortgage.

### CHAPTER III

#### LAND DEVELOPMENT PROCEDURE

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**Section 31.** The land development licensee shall display the license, layout, program and procedure as licensed by the Board at the office of the land development in an open place where it can be seen easily.

In case of a loss or material damage of the license, the land developer shall file an application for a substitute, in the form prescribed by the Central Land Development Board, with the Board within fifteen days from the date of becoming aware of the loss or damage.

**Section 32.** If the land developer would like to amend the layout, program or procedure as licensed, the land developer shall file an application with the chief officer of the Provincial Land Office or the chief officer of the branch thereof, in the form prescribed by the Central Land Development Board, together with the layout, program or procedure proposed to amend and a written consent of the guarantor bank or financial institution, for deliberation by the Board.

In the deliberation on the amendment to the layout, program or procedure filed under the first paragraph, the provisions of Sections 25, 26, 27, 28 and 30 shall apply *mutatis mutandis*.

**Section 33.** When the license has been granted, the land developer shall not enter into any juristic act to encumber the land of public utilities or the land used for public services, except where a permit in writing from the Board has been received, subject to the rules and procedures prescribed by the Central Land Development Board.

Encumbrance on the land other than the public utilities or the land used for public services shall be according to the rules and procedures prescribed by the Central Land Development Board.

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**Section 34.** The contract to buy and sell the developed land between the land developer and the person who will buy the developed land shall be in the form prescribed by the Central Land Development Board.

If any part of the contract to buy and sell the developed land under the first paragraph is not in the form prescribed by the Central Land Development Board and not favorable to the buyer, such part of the contract shall have no force.

**Section 35.** In paying the land price, or performance of obligation under the preferential right on account of sale of immovable property, or under the mortgage, by the buyer of the developed land, the payee shall issue an evidence in writing signed by the money recipient to the buyer of the developed land, and it shall be deemed that the evidence of such payment is the evidence of payment of the purchase price of the developed land.

**Section 36.** In the registration of right and juristic act of transfer of the developed land to the buyer according to the contract to buy and sell the developed land, the land developer must transfer the land to the buyer of the developed land free of preferential right on account of sale of immovable property and mortgage on such land.

If the land developer fails to comply with the first paragraph, the buyer of the developed land shall be entitled to perform the obligations under the preferential right on account of sale of immovable property or the mortgage in favor of the holder of the preferential right or the mortgagee, and it shall be deemed the payment of part of the purchase price of the land to the land developer.

**Section 37.** When the buyer of the developed land has paid the price of the land in full according to the contract to buy and sell, it shall be deemed that the land is free from all seizures or attachments. The buyer shall bring the written evidence of payment of the price together with the document of right on the land to register the right and juristic

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act according to the contract to buy and sell the developed land with the official. Upon having received such document and evidence, the official shall effectuate the registration of the right and juristic act in favor of the buyer of the developed land.

With respect to the developed land under the first paragraph, if the preferential right on account of sale of immovable property or the mortgage is registered and the evidence of the payment to satisfy such preferential right or mortgage in full is present, it shall be deemed that such land is free from the preferential right on account of sale of immovable property or the obligation under the mortgage and the official shall effectuate the registration of the right and juristic act in favor of the buyer of the developed land.

If the buyer of the developed land cannot present the document of right on the land to the official because it is under retention or possession of other person, upon the buyer's request the official shall be empowered to demand submission of such document of right on the land from the person who retains or holds it to effectuate the registration of the right and juristic act in favor of the buyer of the developed land.

Upon the lapse of thirty days from the date on which the person who retains or holds the document of right on the land has received or deemed to have received the demand from the official according to the third paragraph, if no submission of the document of right on the land has been made, the official shall be empowered to issue a substitute for the document of right on the land to effectuate the registration of right and juristic act in favor of the buyer of the developed land.

**Section 38.** If the land developer would like to transfer the license, an application therefor in the form prescribed by the Central Land Development Board shall be filed with the Board.

When the Board sees that the transfer will not be prejudicial to the buyer of the developed land, and the guarantor bank or financial institution under Section 24 or

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Section 43, second paragraph, has given consent thereto, the Board shall allow the transfer of the license to the transferee.

Fee for the license transfer shall be as prescribed by the ministerial regulations.

**Section 39.** When the license has been transferred to the transferee, all rights and obligations of the transferor to the buyer of the developed land shall devolve to the transferee.

**Section 40.** If the land developer dies, the executor or the heir shall file an application for taking transfer of the license, in the form prescribed by the Central Land Development Board, with the Board within sixty days from the day the land developer died or within the time extended as may be seen appropriate by the Board. When, upon investigation, the Board sees that the applicant has the right over the developed land, the Board shall transfer the license to the applicant and the Board shall notify the bank or financial institution and the buyer of the developed land thereof.

If the land developer dies without an executor or an heir, or the executor or the heir fails to file an application with the Board within the time under the first paragraph, the buyer of the developed land shall pay the land price according to the contract to buy and sell to the deposit office and Section 24, first paragraph, shall apply *mutatis mutandis*.

When the buyer of developed land has paid the land price according to the contract to buy and sell in full, Section 37 shall apply *mutatis mutandis*.

When the land developer dies, regardless of whether the executor or the heir who can take transfer of the license exists or not, the guarantor bank or financial institution under Section 24 or Section 43, second paragraph, shall remain to be bound by the guarantee contract.

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**Section 41.** In the case of execution of judgment over the developed land of the land developer, the buyer of developed land shall pay the land price according to the contract to buy and sell to the executing officer or the official receiver, as the case may be, in lieu of payment to the person provided in the contract, and during the time the buyer of the developed land has not breached the contract to buy and sell, the auction or disposal of the developed land shall be stayed, except the sale of the developed land of the project in whole under the fourth paragraph.

When the buyer of developed land has paid the land price in full according to the contract to buy and sell, the developed land shall be free from all seizures, attachments, or execution. To the registration of right and juristic act, the provision of Section 37 shall apply *mutatis mutandis*.

When the registration of right and juristic act has been effectuated in favor of the buyer of developed land, the official shall notify the executing officer or the official receiver of the registration of right and juristic act and that such plot of land has become free from seizures, attachments or judgment execution within seven days from the date of registration.

In auctioning the land of the project in whole, the buyer shall take transfer of the land development license and take both the rights and the obligations of the land developer to the buyer of developed land.

**Section 42.** In case a juristic person is the land developer and such juristic person has to be dissolved while no implementation of the layout and the program licensed has been done or has been commenced but not completed yet, Section 40, second paragraph, third paragraph and fourth paragraph shall apply *mutatis mutandis*.

#### CHAPTER IV

#### MAINTENANCE OF PUBLIC UTILITIES AND PUBLIC SERVICES

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**Section 43.** The public utilities provided by the land developer for the land development according to the layout and program licensed such as roads, garden, children's playground etc. shall be subject to servitude for the benefit of the developed land, and it shall be the duty of the land developer to maintain such public utilities to keep the condition as provided, and shall not do anything that will reduce the benefit of the servitude or impair the convenience thereof.

The land developer shall procure a bank or a financial institution to enter into a guarantee contract with respect to the maintenance of the public utilities provided by the land developer and the maintenance continues to be under the responsibility of the land developer according to the first paragraph with the Board and Section 24 shall apply *mutatis mutandis*.

**Section 44.** The land developer will be released from the duty of maintenance of the public utilities under Section 43 when any one of the things below has been done after the completion of the time during which the land developer has the responsibility to maintain the public utilities under Section 23(5) in the order as follows.

(1) The buyers of developed land have established a housing development juristic person under this Act or other law to take transfer of such property to manage and maintain within the time prescribed by the land developer, which shall not be less than one hundred and eighty days from the date of receipt of the notice from the land developer.

(2) The land developer has been approved by the Board to do a certain thing to maintain the public utilities.

(3) The land developer has registered the transfer of such property for public benefits.

The transactions under (1) and (2) shall be in accordance with the regulations prescribed by the Central Land Development Board, under which the land developer shall be required to be responsible for part of the costs for maintenance of the public utilities.

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**Section 45.** In establishing the housing development juristic person, the buyers of developed land of no less than a half of the number of the sub-parcels according to the layout of the project shall pass a resolution to establish and appoint a representative to file an application for establishment with the chief officer of the provincial land office or the chief officer of the branch thereof, together with the regulations containing the particulars as prescribed by ministerial regulations, which at least shall have the following particulars:

- (1) Name of the housing development juristic person;
- (2) Objectives;
- (3) Office location;
- (4) Regulations on number of directors, election, term of office of director, retirement from office, and meeting of board of directors of the housing development;
- (5) Regulations on operation, accounts, and finance;
- (6) Regulations on rights and duties of members;
- (7) Regulations on general meeting.

The registration of establishment, merger, dissolution and administration of the housing development juristic person shall be according to the rules and procedures prescribed in ministerial regulations.

**Section 46.** The registered housing development juristic person shall have the status of a juristic person.

The housing development juristic person shall have board of directors of the housing development juristic person to administer the matters of the housing development according to the law and the regulations of the housing development juristic person under supervision of the general meeting of the members.

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The housing development board of directors shall be the representative of the housing development juristic person in dealing with a third party.

**Section 47.** When the housing development juristic person has been established according to Section 45, every buyer of developed land shall become a member of the housing development juristic person.

Where a sub-parcel of the land has not been bought or has been transferred back to the land developer, the land developer shall be a member of the housing development juristic person.

**Section 48.** For the benefits of the buyers of developed land, the housing development juristic person shall have the powers and duties as follows:

- (1) To prescribe rules on using the public utilities;
- (2) To prescribe rules regarding the living and the traffic within the developed land;
- (3) To charge fees on members for expenses of the maintenance and management of the public utilities on the part that is under the duty of the housing estate juristic person to maintain;
- (4) To file complaint or be a plaintiff on behalf of members on the matter affecting the rights or interest of the members in a number of ten or more;
- (5) To provide public services as welfare for members, or appropriate money or property for public interest;
- (6) To do other things in compliance with ministerial regulations, regulations of the Central Land Development Board or rules of the Board issued by virtue of this Act.

The acts under (1) (2) and (5) must have been approved by a general meeting of members.

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**Section 49.** Expenses of maintenance and management of the public utilities shall be charged on monthly basis on every sup-parcel of land of the land development project. The rates of charge may be different based on the category of use of the land or the size of the land according to the regulations prescribed by the Central Land Development Board.

The buyer of developed land shall pay the expenses of maintenance and management of the public utilities with respect to the developed land he bought, and the land developer shall pay the expenses of maintenance and management of the public utilities with respect to the sub-parcels of land that have not been sold.

The prescription of the rates of the expenses of maintenance and management of the public utilities and the amendment thereto must have been approved by a general meeting of members according to Section 44 (1) or by the Board according to Section 44 (2).

The expenses of maintenance and management of the public utilities shall be charged when the establishment of the juristic person has commenced according to Section 44 (1) or when the Board has approved according to Section 44 (2). The jurist person under Section 44 (1) or the person who proceed to maintain the public utilities as approved by the Board according to Section 44 (2) with the duty to maintain and manage the public utilities shall have the power to collect the expenses.

The rules and procedure for collection of the expenses of maintenance and management and the preparation of accounts shall be according to the regulations prescribed by the Central Land Development Board.

**Section 50.** The person with the duty to pay the expenses of maintenance and management of the public utilities according to Section 49, second paragraph, who is late in paying such moneys, shall be subject to a fine for late payment at the rate prescribed by the Board.

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Who fails to pay the expenses of maintenance and management of the public utilities for three months consecutively may be dispensed with the services or the right to the public utilities, and in case of a failure to pay for six months or longer, the official shall have the power to suspend the registration of the developed land of the person who fails to pay until the payment has been made in full, which shall be according to the rules and procedures prescribed by the Board.

The debts of the expense of maintenance and management of the public utilities shall be a preferential right on account of maintenance of immovable property over the developed land of the person who fails to pay.

**Section 51.** The registration of right and juristic act with respect to the transfer of property of public utilities and public services to the juristic person under Section 44 (1) shall be exempted from fees and duties and taxes.

The money received by the juristic person under Section 44 (1) from the land developer or the buyers of developed land for the expenses of maintenance and management of the public utilities shall be exempted from duties and taxes.

The exemption from duties and taxes according to the first and second paragraphs shall be enacted as a royal decree according to the Revenue Code, which may prescribe rules, procedures and conditions.

**Section 52.** If the land developer commits any act which reduces the benefits or impairs the convenience of the servitude under Section 43 or performs anything differently from the layout, program or procedure for land development as licensed by the Board, the Board, the sub-committee or the person delegated by the Board, shall have the power to suspend such act and maintain the public utilities in the condition as provided or to proceed according to the layout, program or procedure for land development as licensed by the Board within a prescribed time.

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**Section 53.** To the provision and maintenance of public services, the provisions of Section 50 shall apply *mutatis mutandis*. The charge for use and the expense of maintenance of the public services shall be at the rates approved by the Board.

## CHAPTER V

### CANCELLATION OF LAND DEVELOPMENT

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**Section 54.** If the land developer intends to cancel the land development, an application shall be filed with the chief land officer of the provincial land office or the chief land officer of the branch thereof of the locality that the land is located.

The application for cancellation of the land development shall be according to the rules, procedures and conditions prescribed in ministerial regulations.

**Section 55.** The chief land officer of the provincial land office or the chief land officer of the branch thereof shall post the announcement of the application for cancellation of the land development in a public place at the provincial land office or the branch thereof, the office of the land developer, the area of the developed land, the district office, the office of tambon administration organization, for a period of sixty days, and the land developer shall advertise the same in a newspaper widely circulated in the locality for no less than seven days and give a notice in writing to the buyer of the developed land.

**Section 56.** Persons with interest related to the land development who intends to object to the cancellation of the land development shall file an objection with the chief land officer of the provincial land office or the chief land officer of the branch thereof within thirty days from the date of completion of the posting period under Section 55.

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If nobody files an objection within the time under the first paragraph, the chief land officer of the provincial land office or the chief land officer of the branch thereof shall submit the matter to the Board for an order to cancel the land development.

If a buyer of developed land objects, the chief land officer of the provincial land office or the chief land officer of the branch thereof shall annul the application for cancellation of the land development. In the case of objection by a person who is not the buyer of developed land, the chief land officer of the provincial land office or the chief land officer of the branch thereof shall submit the application for cancellation of the land development and the objection to the Board for consideration.

The land developer or the objector may appeal the decision of the Board under the third paragraph to the Central Land Development Board within thirty days from the date of receipt of the notification of the decision.

**Section 57** When the Board has ordered the cancellation of the land development, the license issued under Section 27 shall be consequently cancelled.

## CHAPTER VI

### PENALTY

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**Section 58.** The land developer or any related person who fails to be present to give statement or deliver document as demanded or ordered by the Central Land Development Board or the Board according to Section 15, or the land developer or the occupant of the developed land who fails to provide convenience to the Central Land Development Board, the Board, the sub-committee or any person appointed by the Central Land Development Board in execution of the work according to Section 18, shall be subject to a fine of not exceeding ten thousand Baht.

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**Section 59.** Any person who violates Section 21 shall be subject to an imprisonment of not exceeding two years and a fine of forty thousand Baht to one hundred thousand Baht.

**Section 60.** Any person who makes false statement or presents the evidence or particular under Section 23 (7) that is false or conceals facts which should have been disclosed shall be subject to an imprisonment of not exceeding six months or a fine of not exceeding ten thousand Baht or both.

**Section 61.** Any person who advertises a land development project in violation of Section 29 shall be subject to a fine of fifty thousand to one hundred thousand Baht.

**Section 62.** Any land developer who fails to comply with Section 31 shall be subject to a fine of not exceeding ten thousand Baht.

**Section 63.** Any land developer who violates Section 34 shall be subject to a fine of not exceeding five thousand Baht.

**Section 64.** Any person who violates Section 35 shall be subject to a fine of not exceeding five thousand Baht.

**Section 65.** Any person who violates an order of the Board, the sub-committee or the person delegated by the Board under Section 52 shall comply with such order and, in addition, be subject to a fine of one thousand Baht per day throughout the duration of violation.

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**Section 66.** When the offender being subject to penalty under this Act is a juristic person, the directors, the manager of the juristic person and the person who is in charge of the operation of the juristic person shall be subject to the penalty prescribed for each of such offenses also, except where such person can prove that he has no part in committing the offense.

#### TRANSITORY PROVISIONS

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**Section 67.** All ministerial regulations and regulations issued under the Announcement of the National Executive Council No. 286, dated 24 November 1972, shall remain in full force to the extent that they are not contrary to or inconsistent with the provisions of this Act until the ministerial regulations and regulations issued under this Act have come into force.

**Section 68.** The Land Development Supervisory Committee under the Announcement of the National Executive Council No. 286, dated 24 November 1972, shall function as the Central Land Development Board and Bangkok Land Development Board until the Central Land Development Board and the Bangkok Land Development Board under this Act have been appointed.

The Provincial Land Development Supervisory Sub-Committee under the Announcement of the National Executive Council No. 286, dated 24 November 1972, shall function as the Provincial Land Development Board until the Provincial Land Development Board under this Act has been appointed.

**Section 69.** Any license or permit granted under the Announcement of the National Executive Council No. 286, dated 24 November 1972, which is still in force on the date on which this Act comes into force shall be deemed the license and permit under this Act.

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**Section 70.** With respect to maintenance of the public utilities, Section 45, Section 46, Section 47, Section 48, Section 49, Section 50, Section 51 and Section 52 shall apply to land development under the Announcement of the National Executive Council No. 286, dated 24 November 1972, *mutatis mutandis*.

With respect to maintenance of the public services, Section 53 shall apply to land development under the Announcement of the National Executive Council No. 286, dated 24 November 1972, *mutatis mutandis*.

To the release from the responsibility for maintenance of the public utilities of the licensee or the transferee of license under the Announcement of the National Executive Council No. 286, dated 24 November 1972, or the transferee of ownership on the land of public utilities, Section 44 shall apply *mutatis mutandis*.

If the licensee or the transferee of license under the Announcement of the National Executive Council No. 286, dated 24 November 1972, or the transferee of ownership on the land of public utilities fails to discharge the duty of maintenance of the business of public utilities, the buyers of developed land of not less than a half of the number of sub-parcels according to the layout of the project may file a application with the chief officer of the provincial land office or the chief officer of the branch thereof for establishment of a housing estate juristic person.

When the chief officer of the provincial land office or the chief officer of the branch thereof has received the application for establishment of a housing estate juristic person, the application shall be posted on the public place at the land office, khet, district or sub-district office or kamnan's office of the locality where the land is located and at the area of land development for a duration of thirty days, and send a notice in writing to the licensee or the transferee of license under the Announcement of the National Executive Council No. 286, dated 24 November 1972, or the transferee of ownership on the land of public utilities for information at the address given to the official.

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If the licensee or the transferee of license under the Announcement of the National Executive Council No. 286, dated 24 November 1972, or the transferee of ownership on the land of public utilities objects to the establishment of the housing estate juristic person, the chief officer of the provincial land office or the chief officer of the branch thereof shall submit the matter to the Board to consider. If after consideration the Board sees that the licensee or the transferee of license under the Announcement of the National Executive Council No. 286, dated 24 November 1972, or the transferee of ownership on the land of public utilities in fact fails to discharge the duty of maintenance of the business of public utilities, the provisions of Section 43, second paragraph, shall apply *mutatis mutandis*. If the Board sees that the licensee or the transferee of license under the Announcement of the National Executive Council No. 286, dated 24 November 1972, or the transferee of ownership on the land of public utilities has discharged the duty of maintenance of the business of public utilities, the proceeding to register the housing estate juristic person shall be cancelled.

If the licensee or the transferee of license under the Announcement of the National Executive Council No. 286, dated 24 November 1972, or the transferee of ownership on the land of public utilities does not object to or fails to comply with the resolution of the Board according to the sixth paragraph, the chief officer of the provincial land office or the chief officer of the branch thereof shall effectuate the registration of the housing estate juristic person and shall have the power to effectuate the registration of the property of public utilities in favor of the housing estate juristic person.

**Section 71.** During the time the Central Land Development Board has not prescribed the standard form of the contract under Section 8 (4), the provisions of Section 34 and Section 63 shall not apply.

**Section 72.** All applications for licenses, issuances or transfers of licenses for land development pending consideration of the Land Development Supervisory

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Committee, the sub-committee, on the date on which this Act comes into force, shall be processed according to this Act, except an appeal, which shall be processed according to the Announcement of the National Executive Council No. 286, dated 24 November 1972.

Countersigned by

*ChuanLeekpai*

Prime Minister

*Office of the Council of State*

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Rate of Fees

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(1)	Land development license; Fraction of raishall be deemed as one rai	Per rai	500	Baht
(2)	Transfer of land development license	Per transaction	5,000	Baht

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