

ACT  
PROMULGATING THE LAND CODE,  
B.E. 2497 (1954)

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BHUMIBOL ADULYADEJ, REX.

Given on the 30<sup>th</sup> Day of November, B.E. 2497 (1954);  
Being the 9<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to promulgate the Land Code;

Be it, therefore, enacted by the King, by and with the advice and consent of the House of Representatives, as follows:

**Section 1.** This Act is called the "Act Promulgating the Land Code, B.E. 2497 (1954)".

**Section 2<sup>1</sup>.** This Act shall come into force as from the day following the date of its publication in the Government Gazette.

**Section 3.** The Land Code annexed to this Act shall come into force on and from the 1<sup>st</sup> day of December, B.E. 2497 (1954).

**Section 4.** On and from the day of coming into force of the Land Code, the following shall be repealed:

- (1) Act Issuing Provisional Pre-occupation Certificate, Notifying the Change of the Name of the Act, Rattanakosin Era 124 (1905) to the Act Issuing Certificate of Ownership in Lieu of Title Deed;
- (2) Act on Issuance of the Title Deed, Rattanakosin Era 127 (1908);
- (3) Act on Issuance of the Title Deed No. 2;
- (4) Act on Issuance of the Title Deed No. 3;
- (5) Act Amending the Provision of Section 25 of the Issuance of the Title Deed Act, R.E. 127 (1908);
- (6) Act on Restriction on Waste Land of the Public Domain of the State, Buddhist Era 2478 (1935);
- (7) Act on Issuance of the Title Deed (No. 5), Buddhist Era 2479 (1936);
- (8) Act on Issuance of the Title Deed (No. 6), Buddhist Era 2479 (1936);
- (9) Act on Control of Land Acquisition by Partnerships and Limited Companies for Profit Purposes, Buddhist Era 2485 (1942);
- (10) Act on Issuance of the Title Deed (No. 7), Buddhist Era 2486 (1943);
- (11) Act on the Competent Official for Registering the Rights and Juristic Acts Relating to Immovable Property under the Civil and Commercial Code, Buddhist Era 2486 (1943);

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<sup>1</sup> Published in the Government Gazette, Vol. 71/ Part 78/ Special Issue page 1/ dated 30<sup>th</sup> November, 2497 (1954)

(12) Act on the Competent Official for Registering the Rights and Juristic Acts Relating to Immovable Property under the Civil and Commercial Code (No.2), B.E. 2492 (1949);

(13) Act on Land Relating to Alien, Buddhist Era 2486 (1943);

(14) Act on Land Relating to Alien (No.2), B.E. 2493 (1950), and

(15) All other laws, regulations and rules in so far as they deal with matters governed by the Land Code or are contrary thereto or inconsistent therewith the provisions of the Land Code.

**Section 5.** The person who has, before the day of coming into force of the Land Code, possessed and utilized the land without document showing ownership, shall notify the possession of such land to the District Chief Officer within one hundred and eighty days from the day of coming into force of this Act in accordance with the rules and procedures prescribed by the Minister and published in the Government Gazette.

Paragraph two (Repealed)<sup>2</sup> If the person having possession and utilization of the land who has a duty to notify his possession of land fails to notify within the period specified in paragraph one, he shall be deemed to have abandoned his possessory right on the land, then, the State shall have the power to reallocate that land in accordance with the provisions of the Land Code unless an order for extenuation by the Governor is granted for specific cases.

The notification of the possession under this Section shall not whatsoever create new rights to the person who makes the notification.

**Section 6.** A person who has legally possessed and utilized the land before the day of coming into force of the Issuance of the Title Deed Act (No.6), Buddhist Era 2479 (1936) and the transferee of the said land shall have the right to apply for a title deed under the provisions of the Land Code. For a person who has possessed land from the day of coming into force of the Issuance of the Title Deed Act (No.6), Buddhist Era 2479 (1936) onwards and before the day of coming into force of the Land Code, if no process has legally been carried out under the law in force at that time, the issuance of the title deed shall proceed in accordance with the rules and procedures prescribed by the Ministerial Regulation, and the Issuance of the Title Deed Act (No 6), Buddhist Era 2479 (1936) shall continue in force.

**Section 7.** A person, having been granted permission to pre-empt land under the Issuance of the Title Deed Act (No. 6), B.E.2479 (1936), but having not obtained, before the day of coming into force of this Act, a certificate showing that such land has already been utilized, shall be deemed as still having the right to apply for the said certificate from the District Chief Officer until the expiry of one hundred and eighty days from the final day for the pre-emption under the said Act.

In cases where the period of the said pre-emption under paragraph one is ended before the day of coming into force of the Land Code, if it appears that the utilization of the land permitted to pre-empt is in the proper state to apply for a certificate showing that such land has already been utilized, an application for such certificate shall be submitted to the District Chief Officer within one hundred and eighty days from the day of coming into force of the Land Code. After the said period of time is expired, it shall be deemed that the said land be free from pre-emption, unless the District Chief Officer has granted an extension order on a case-by-case basis.

**Section 8** The determination as to whether or not land has been utilized shall be in accordance with the rules prescribed by the Ministerial Regulation.

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<sup>2</sup> Section 5 paragraph two was repealed by the Announcement of the Revolutionary Council, No.96, dated 29<sup>th</sup> February, Buddhist Era 2515 (1972)

As regards the land having been granted permission to pre-empt but which has not yet been granted a certificate showing that such land has already been utilized from the District Chief Officer, the grantee shall not transfer the said land except by way of inheritance.

**Section 9** The land, having been granted the certification by the District Chief Officer showing that such land has already been utilized, is transferrable.

**Section 10.** Land being prohibited for use under the Act on Restriction on Waste Land of the Public Domain of the State, Buddhist Era 2478 (1935) or other laws being in force before the day of coming into force of the Land Code shall continue be restricted for use.

**Section 11.** In localities, where a certificate of ownership *in lieu of* title deed and the pre-occupation certificate stamped "Already Put to Use" has been issued before the day of coming into force of the Land Code, shall be governed, until the title deed under the Land Code be issued, by the provisions of the law on such matters but only those relating to the survey method and the issuance of the aforesaid certificate.

**Section 12.** Any person shall acquire land by the agreement to buy or to sell or through a hire-purchase agreement made before the day of coming into force of this Act when such agreement has been notified to the competent official under Section 71 of the Land Code in accordance with the rules and procedures prescribed by the Minister within one hundred and twenty days from the day of coming into force of this Act. After having a sale under such agreement, it shall be deemed that the purchaser or the hire-purchaser has the same rights in the land as before the day of coming into force of the Land Code.

**Section 13.** Any person has sold land with the right of redemption before the day of coming into force of this Act and made the redemption of such land after the coming into force of the Land Code, is deemed to be the person who has the rights in the land before the day of coming into force of this Act.

**Section 14.** In cases where a person has applied for permission to pre-empt land with the competent official before the day of coming into force of this Act but has not yet obtained the permission, the District Chief Officer shall have the power to proceed further in accordance with the provisions of the Issuance of the Land Title Deed Act (No.6), Buddhist Era 2479 (1936) until its completion.

**Section 15.** The Minister of Interior shall have charge and control of the execution of this Act and the Land Code, and shall have the power to appoint land officers and competent officials, and issue Ministerial Regulations for the execution of this Act and the Land Code.

Such Ministerial Regulations shall come into force upon being published in the Government Gazette.

Countersigned by:

Field Marshal P. Pibulsongkram

Prime Minister

## Land Code

### Chapter 1

#### General Provisions

Section 1. In this Code:

“Land” means the general land, and including mountains, brooks, swamps, canals, marshes, rivulets, waterways, lakes, islands, and sea shores.

“Rights in Land” means ownership, and including the possessory right.

“Pre-emptive Certificate” means the document indicating the permission to temporary possess the land.

“Certificate of Utilization” means the certificate given by a competent official to certify that the land has already been utilized.

“Certificate of Land Examination” means the document indicating that land is inquired for the issuance of the title deed, including the land parcel identification slips.

“Title Deed” means the document showing land ownership, including the title deed map, the certificate of ownership *in lieu of* title deed and the pre-occupation certificate stamped “Already Put to Use”.

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

“Land Trade”<sup>3</sup> (Repealed) means the acquisition and disposition of land for profit by the sale, exchange, or hire-purchase of land.

“Public Body”<sup>4</sup> means

(1) central administration, provincial administration or local administration;

(2) Other official authority which is non-state enterprise.”

“Committee” means the National Land Allocation Committee.

“Competent official” means the officer who carries out the execution under this Code as well as other officials appointed by the Minister for the execution of this Code.

“Director General” means the Director General of the Department of Lands.

“Minister” means the Minister having charge and control of the execution of the Act Promulgating the Land Code and this Code.

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<sup>3</sup> Section 1, the definition of “Land trade”, was repealed by the Land Code Amendment Act (No.12) B.E.2551 (2008).

<sup>4</sup> Section 1, the definition of “Public Body”, was amended by the Land Code Amendment Act (No.13) B.E. 2556 (2013)

**Section 2.** The land of which the ownership has not been vested in any person shall be deemed to be owned by the State.

**Section 3.** A person shall have the ownership of the land in the following cases:

- (1) acquiring the ownership under the provisions of the law before the day of coming into force of this Code or acquiring the title deed under the provisions of this Code;
- (2) acquiring the ownership under the law on the land allocation for living or other laws.

**Section 4.** Subject to Section 6, any person acquiring possessory right on the land before the day of coming into force of this Code shall continue having such right.

This protection shall also extend to the transferee of the land.

**Section 4. bis.**<sup>5</sup> On and from the day of coming into force of this Announcement of the Revolutionary Council, the transfer of ownership or possessory right on the land having the title deed or the certificate of utilization shall be made in writing and registered with the competent official.

**Section 5.** Any person who wishes to surrender the rights in land to the State shall file an application for surrendering the land with the competent official under Section 71. .

**Section 6.**<sup>6</sup> On and from the day of coming into force of this Announcement of the Revolutionary Council, any person having the rights in land under the title deed or the certificate of utilization abandons the land by not utilizing or leaving the said land to become waste land for a period longer than the following:

- (1) ten consecutive years for the land with title deed;
- (2) five consecutive years for the land with certificate of utilization;

Such person is deemed to intentionally abandon the said rights in land only area of abandoned or left to become waste land . After the Director General files a request with the court and the court makes the order that the land right document be revoked, the said land shall be vested in the State for further proceeding in accordance with this Code.

**Section 7.**<sup>7</sup> The Director General shall have the duties to survey, classify and make a land census in order to know the natural fertility and the suitability of the land for utilization by the State and people.

**Section 8.**<sup>8</sup> As regards all lands forming part of the Public Domain of the State or the State's property, unless otherwise provided by the law, the Director General shall have the power and duty to maintain and protect, as the case may be appropriate, of such land. The said power and duty may be assigned by the Minister to other public bodies.

The land which is Public Domain of the State for the common use of the people or for the special use of the State or the land which is restricted or reserved as required by public bodies may be revoked or transferred for other use or allocated for the people in the following circumstances:

- (1) In the case of the land for the common use of the people, if it has been substituted with the other land by public bodies, State enterprises or private , Revocation or transfer shall be done by the Act. But if such land ceases to be used by the people

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<sup>5</sup> Section 4 bis. was added by the Announcement of the Revolutionary Council, No.96, dated 29<sup>th</sup> February, Buddhist Era 2515 (1972).

<sup>6</sup> Section 6 was amended by the Announcement of the Revolutionary Council, No.96, dated 29<sup>th</sup> February, Buddhist Era 2515 (1972).

<sup>7</sup> Section 7 was repealed by the Land Code Amendment Act (No.3) B.E.2526 (1983).

<sup>8</sup> Section 8 was amended by the Announcement of the Revolutionary Council No.334, dated 13<sup>th</sup> December, Buddhist Era 2515 (1972).

for the common use or its nature has been changed from being the land for the common use of the people and its ownership is not vested in any person under any other laws, Revocation shall be done by the Royal Decree.

(2) In the case of the land being of special use of the State or being restricted or reserved for the requirement of any public bodies, if it is not used or no longer desired to be restricted or reserved by the public bodies, and after revocation has been done by the Royal Decree, such land may be assigned by the Cabinet to the public bodies liable to use or procure profit from it thereon. If such land is to be transferred to private, it shall be done by the Act; but if it is to be allocated for the people under this Code or other laws, it shall be done by the Royal Decree.

In enacting the Act or the Royal Decree under paragraph two, a map indicating the boundary of the land shall be annexed thereto.

Section 8 bis.<sup>9</sup> In the case of the public land on which nobody has the possessory right or the land for the common use of the people, which has been revoked under Section 8 (1), the Minister shall have the power to register such land for official use by public bodies in accordance with the rules and procedures prescribed in the Ministerial Regulation.

Before registering the land under paragraph one, a cadastral survey shall be conducted and an announcement of the said registration for public acknowledgement for a period of thirty days shall be made by the governor. Such announcement shall be posted in a conspicuous place at the land offices, the district office or the district branch office, the sub-district headman office, and in the land area of such land.

The registration under paragraph one shall be published by the Minister in the Government Gazette with a map annexed thereto.

**Section 8 ter.**<sup>10</sup> In the case of public domain of the State for the common use of the people or for a special use of the State, the Director General may prepare a public land certificate as evidence indicating its boundaries.

The issuance of the public land certificate shall be in accordance with the forms, rules, and procedures as prescribed in the Ministerial Regulations.

The boundary lines of any land under paragraph one having no public land certificate shall be in accordance with the official evidence.

**Section 9.** Subject to the law on mining and forestry, in the case of the public land, on which no possessory right existed nor permission of the competent official is granted thereon, –any person shall be prohibited from :

- (1) occupying or possessing the said land, including land clearing or burning forest;
- (2) destroying or causing deterioration, by any means, the condition of land, rocks, gravel, or sand within the restricted area published by the Minister in the Government Gazette; or
- (3) doing any act that may endanger resources in the land.

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<sup>9</sup> Section 8 bis. was added by the Announcement of the Revolutionary Council, No.334, dated 13<sup>th</sup> December, Buddhist Era 2515 (1972).

<sup>10</sup> Section 8 ter was added by the Announcement of the Revolutionary Council No.334, dated 13<sup>th</sup> December, Buddhist Era 2515 (1972).

**Section 9/1<sup>11</sup>** The grantee of the permission under Section 9 shall bear the remuneration payable annually to the Municipality, the Sub-District Administrative Organization, the Bangkok Metropolitan Administration, the City of Pattaya or other Local Government Organization being established by the law and at which the land permitted is situated, with the exception of the Provincial Administrative Organization, provided that the procedures and the rates as prescribed in the local legislation shall be complied with but the rates shall not exceed those specified in the schedule annexed to this Code.

The Local Government Organizations in the provincial territory shall apportion, within thirty days from the date of receipt, the remuneration paid under paragraph one to the Provincial Administrative Organization at the rate of forty percent of the remuneration received as income for the Provincial Administrative Organization, and the remaining remuneration shall be realized as income of the Local Government Organizations in which the land permitted is situated. In case where such land is not situated within the area of the Provincial Administrative Organization, the whole remuneration received under paragraph one shall be realized as income of the Local Government Organizations.

**Section 10.** As regards the public land on which no person has the possessory right and which is not the public domain of the State commonly used by the people, the Director General shall have the power to procure benefit from it therein. Such procurement shall include an arrangement to make the land suitable for utilization, sale, exchange, hire, and hire-purchase.

The rules and procedures for procuring benefit shall be prescribed in the Ministerial Regulation. But a sale, exchange, or hire-purchase of the land shall be approved by the Minister.

In carrying out of the procurement of benefit under this Section, the reservation of the land for future generations shall be taken into consideration.

**Section 11.** In procuring benefit from the public Land under the provisions of the preceding Section, the Minister may assign other public bodies to carry out such procurement for the State or local maintenance, provided that it shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

**Section 12.** As regards the public Land on which no person has the possessory right, the Minister shall have the power to grant thereon a concession, give or grant permission to use the land for a limited period of time, provided that it shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

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

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

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

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

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<sup>11</sup> Section 9/1 was amended by the Land Code Amendment Act (No.11) B.E.2551 (2008).

**Chapter 2**  
**Land Allocation for the People**

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**Section 14.**<sup>12</sup> There shall be a committee called “The National Land Allocation Committee” consisting of the Minister of Natural Resources and Environment as Chairman, the Deputy Minister of Interior, the Permanent Secretary of Interior, the Permanent Secretary of Defence, the Director General of the Department of Provincial Administration, the Director General of the Department of Social Development and Welfare\*, the Director General of the Cooperative Promotion Department, the Director General of the Department of Highways, the Director General of the Royal Irrigation Department, the Director General of the Land Development Department, the Director General of the Department of Mineral Resources, the Director General of the Department of Agricultural Extension, the Director General of the Royal Forest Department, the Director General of the Treasury Department, the Director of the Bureau of the Budget, the SecretaryGeneral of the Council of State, the SecretaryGeneral of the National Economic and Social Development Board, and the SecretaryGeneral of the Accelerated Rural Development as members, the Director of the Office of Natural Resources and Environmental Policy and Planning as a member and SecretaryGeneral *ex officio* and a committee of other qualified members, not exceeding seven persons, appointed by the Cabinet.

**Section 15.**<sup>13</sup> The qualified members shall hold office for a term of four years. The qualified member who vacates office may be re-appointed by the Cabinet.

**Section 16.** Apart from vacating office on the expiration of the term under Section 15, the qualified member shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being imprisoned by a final judgment to imprisonment except for a petty offence or an offence having the punishment as a petty offence or an offence committed through negligence;
- (4) being removed by the Cabinet.

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

**Section 17.** In the meeting of the Committee, the presence of more than one half of the total number of members is required to constitute a quorum.

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

**Section 19.** The decision of the meeting shall be made by a majority of votes.

Each member has one vote. In the case of an equal number of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

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<sup>12</sup> Section 14 was amended by the Announcement of the Revolutionary Council No.334, dated 13<sup>th</sup> December, Buddhist Era 2515 (1972).

<sup>13</sup> Section 15 was amended by the Announcement of the Revolutionary Council No.334, dated 13<sup>th</sup> December, Buddhist Era 2515 (1972).



**Section 20.**<sup>14</sup> The Committee has the powers and duties as follows:

- (1) to lay down policies on land allocation for habitation and living of people according to their capacities;
- (2) to formulate plans of land tenure;
- (3) to reserve and develop land for allocation to the people;
- (4) to reserve or restrict public land, on which no person has the possessory right, for the common use of the people;
- (5) to approve land allocation projects of public bodies;
- (6) to control land allocation under this Code and other laws;
- (7) to perform acts relating to the land as assigned by the Cabinet;
- (8) to assign public bodies concerned to carry out any act relating to the powers and duties under this Section in lieu of the Committee as it may think fit:
- (9) to perform other acts as prescribed in this Code or other laws:
- (10) to lay down regulations or requirements which determine the rules or conditions relating to the land allocation or other activities under this Code.

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

**Section 21.** The Minister shall carry out acts in accordance with the resolution of the Committee and have the power to assign the public bodies concerned to carry out any acts in relation to the land allocation and, if it is possible, the public bodies concerned shall carry out, without delay, the acts in accordance with those assigned; and for the purpose of this Section, the officer of the said public bodies shall have the same powers and duties as the competent official as prescribed in this Code.

In assigning the powers to public bodies under the preceding paragraph, the Minister may allow the said public bodies to make a withdrawal from the budget of the Department of Lands to be spent in accordance with the lists of the said budget *in lieu of* the Department of Lands.

**Section 22.** The Minister and the competent official assigned by the Minister shall have the powers as follows:

- (1) to summon any person to give facts or opinions relating to the land allocation and to submit documentary evidence or other relevant things for the consideration of the Committee;
- (2) to enter any premises or land of public bodies, public or private organizations in order to examine any matter relating to the land allocation, and shall have the power to make factual inquiries, to call for documentary evidence or other relevant things from the person being in such place or land for inspection as it is necessary. In this regard, such person shall reasonably provide cooperation/facilitation to the Committee and the competent official.

**Section 23.** In exercising the powers and duties under this Code, the competent official and the officer of the public bodies having the same powers and duties as the competent official under Section 21 shall have an identification card and shall present it to the person concerned.

**Section 24.** The competent official and officer who carry out the duties under this Code shall be deemed as an official under the provision of the Penal Law.

**Section 25.**<sup>15</sup> For the purpose of land allocation or examination of the fertility of soil, the Committee may carry out a land survey.

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<sup>14</sup> Section 20 was amended by the Land Code Amendment Act (No. 3) B.E.2526 (1983)

When it is expedient to carry out a land survey in any locality, the Committee shall publish, in the Government Gazette, an announcement designating such locality as the area under survey and such announcement shall be conspicuously posted at the district office and the house of the Subdistrict Headman of the area on which the land survey is to be carried out. The said announcement of the Committee shall be annexed with a map estimating the land area prescribed under the survey. Such map shall be deemed as a part of the announcement.

**Section 26.** Within the area under survey under Section 25, any person who has the rights in land or who possesses the land situated in the area under survey shall have the following duties:

(1) to notify, within the period of time prescribed and published by the governor, the competent official of the locality where the land is situated in accordance with the forms and procedures prescribed by the Ministerial Regulation. In such case, the notification may be instead made by other person;

(2) to accompany or arrange other persons to accompany the competent official in order to indicate the land boundary in which he has rights or currently possesses after receiving a reasonable advanced notice from the competent official.

(3) to affix a signature certifying the actual results of such land survey performed by the competent official. In the case of arranging other persons to indicate the land boundary, such person shall affix his signature certifying the said land survey instead .

**Section 27.** Apart from the land being allocated under other laws by the official authorities or public organizations, the Director General shall have the power to allocate the public land, on which no person has the possessory right, for habitation and living of people, provided that it shall be in accordance with the regulations, requirements, stipulations and conditions prescribed by the Committee, including the following matters:

- (1) the amount of land to be apportioned for possession;
- (2) the rules for inquiry and selection of persons to take possession;
- (3) the procedures to be followed by the persons who take possession;
- (4) the rules on reimbursement of the capital that has been spent in the land and on levying certain fees;
- (5) the acts necessary for the land allocation.

The regulations, requirements, stipulations and conditions of the Committee shall be published in the Government Gazette.

**Section 27 bis.**<sup>16</sup> In the case where the person who possesses and utilizes the land or the person who successively possesses and utilizes the land has filed, before the day of coming into force of this Announcement of the Revolutionary Council, a request to extend the time for notifying the possession under the Act Promulgating the Land Code, B.E. 2497 (1954) and an order of the governor has not yet been made, the governor shall consider and make an order without delay, provided that the person who possesses and utilizes the land is not debarred from exercising the right under Section 27 ter of this Code.

**Section 27 ter.**<sup>17</sup> In the case where the governor has published the notification of locality and the commencement date of the survey under Section 58 paragraph two, any person who possesses and utilizes the land before the day of coming into force of this Code without document showing land ownership and fails to notify the possession of the land under Section 5 of the Act Promulgating the Land Code, B.E. 2497 (1954) or any person who waits for the order of extension to be made by the governor under

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<sup>15</sup> Section 25 was amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December , Buddhist Era 2515 (1972).

<sup>16</sup> Section 27 bis. was added by the Announcement of the Revolutionary Council, No. 96, dated 29th February Buddhist Era 2515 (1972).

<sup>17</sup> Section 27 ter. was amended by the Land Code Amendment Act (No. 4) B.E.2528 (1985).

Section 27 bis. but has continuously possessed and utilized such land up to the date of the survey or inquiry, wishes to have the rights in land, such person shall notify, within thirty days from the date of notification, the possession of the land to the competent official of the locality in which such land is situated. In cases where such person fails to do so within the specified time but accompanies or assigns a representative to accompany the competent official to conduct the cadastral survey on the date and time notified by the competent official, it is deemed that such person still wishes to acquire the rights in land.

For the purpose of this Section, the person who possesses and utilizes the land under paragraph one shall also include a person who successively possesses and utilizes the said land.

**Section 28.** The Committee shall have the power to appoint a Sub-Committee to assist the Committee in carrying out any act and consequently report to the Committee.

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

**Section 29.** In carrying out the act under the provisions of Section 27, the land acquired under the provisions of this Code is situated in any locality, the person having domiciled in the said locality shall have priority to acquire, buy, exchange, or hire-purchase such land. Only when there is remaining land, shall such land later be allocated to the persons having domiciled outside the said locality to acquire, buy, exchange, or hire-purchase the land.

**Section 30.**<sup>18</sup> After the land has been completely allocated to persons to take possession of such land, the competent official shall issue the pre-emptive certificates as evidence therein. When it appears to the competent official that the persons who possess the allocated land have already utilized the land and fully complied with the regulations, requirements, stipulations, and conditions prescribed by the Committee, the competent official shall issue a land right document to such persons without delay.

**Section 31.**<sup>19</sup> As regards the title deed or the certificate of utilization being subsequently issued after the pre-emptive certificate according to section 30 and section 33, the person who acquires the rights on such land are forbidden to transfer such land to other persons under the following circumstances:

(1) if the pre-emptive certificate is issued on or after 14th December B.E. 2515 (1972), the transfer of land is forbidden for a period of ten years from the date of receiving the Title Deed or the Certificate of Utilization;

(2) if the Pre-emptive Certificate is issued before 14th December B.E. 2515 (1972) and only in cases where the State has given the assistance of utilities and other assistance resulting from the land allocation, the transfer of land is forbidden for a period of five years from the date of receiving the title deed or the certificate of utilization.

The provisions of paragraph one shall not apply to cases where the land is devolved by succession or the land is transferred to public bodies, public organizations under the law on establishment of public organizations, or the State Enterprises being established by the Act, or transferred to the cooperatives for performance of the obligation with approval of the registrar of the cooperatives.

Within the non-transferrable period under paragraph one, such land shall not be subject to the execution of judgments..

**Section 32.** If any person possesses the land under the provisions of Section 30 but fails to comply with the regulations, requirements, stipulations, and conditions prescribed by the Committee, then the Director General shall have the power to remove such person from such land and, from the day of receiving the said order, the said person shall be deprived of the rights of entitlement under the rules and regulations forthwith.

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<sup>18</sup> Section 30 was amended by the Announcement of the Revolutionary Council, No. 334, dated 13th December Buddhist Era 2515 (1972).

<sup>19</sup> Section 31 was amended by the Land Code Amendment Act (No. 4) B.E.2528 (1985).

In cases where such person is dissatisfied with the order under the preceding paragraph, he shall have the right to appeal to the Minister within thirty days from the day of receiving the order. If no decision has been made by the Minister within sixty days from the receipt of the appeal, it shall be deemed that the Minister has made the order that such person be granted permission to further have the possessory right, provided that the existing regulations, requirements, rules and conditions of the Committee shall be further complied with.

The order of the Minister shall be final.

Section 33 In any locality where the Committee has not yet announced the area under survey according to this Chapter or where the area is composed of small parcels, the people shall apply for the right of pre-emption of land by complying with the regulations, requirements, rules and conditions prescribed by the Committee. Upon the permission from the competent official, the pre-emptive certificate shall be issued.

### Chapter 3

#### Delimitation of Rights in Land

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(The provisions of section 34 – section 49 were repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January 2502 (1959).)

**Section 34.**<sup>20</sup> From the day of coming into force of this Code, any person shall have the rights in land as follows:

- |                          |                       |
|--------------------------|-----------------------|
| (1) land for agriculture | not exceeding 50 rai; |
| (2) land for industry    | not exceeding 10 rai; |
| (3) land for commerce    | not exceeding 5 rai;  |
| (4) land for habitation  | not exceeding 5 rai;  |

unless otherwise provided in this Code.

**Section 35.**<sup>21</sup> The Minister shall have the power to delimit zones for commerce and habitation, provided that it shall be published in the Government Gazette. In the said zones, any person shall not acquire the rights in land for agriculture and industry.

**Section 36.**<sup>22</sup> The delimitation of zones under Section 34 shall not affect the person who has had the rights in land before the day of coming into force of this Code, and the following lands:

- (1) land of the public bodies, government organizations and cooperatives;
- (2) land being used for the locations of hospitals, schools, colleges, universities and monasteries.

**Section 37.**<sup>23</sup> Subject to Section 39 and Section 43 to Section 48, any person having the rights in land for agriculture, land for industry or land for habitation, as the case may be, having an area equal to or more than the right specified in Section 34 shall not be entitled to acquire the rights in land in whatsoever locality of land, unless such person has disposed of the existing rights in land,

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<sup>20</sup> Section 34 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

<sup>21</sup> Section 35 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

<sup>22</sup> Section 36 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

<sup>23</sup> Section 37 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

he shall then have a new rights in land but the total rights in land do not exceed those specified in Section 34. Notwithstanding , the said right in land may be acquired by sale, gift, prescription or any ways otherwise than those provided by Section 729 or Section 1308 of the Civil and Commercial Code and by way of inheritance.

**Section 38.**<sup>24</sup> Any person who has the land having its area exceeding his right as specified in Section 34 shall: –

(1) notify the competent official in the locality where the land is situated as to the category and amount of land under his rights in land within the time limit prescribed by the Minister and published in the Government Gazette.

The said notification shall be in accordance with the forms and procedures prescribed by the Ministerial Regulation;

(2) notify the competent official in accordance with the forms and procedures prescribed in the Ministerial Regulation, of any changes in the rights in land, when performing any juristic acts.

**Section 39.**<sup>25</sup> Subject to Section 36, any person who has acquired the rights in land under the provisions of Section 729 of the Civil and Commercial Code after the coming into force of this Code, and after combining its area with the area of the existing land, thus rendering his rights in land being exceed that provided by Section 34, such person shall dispose of the excess land within a period of seven years from the day he acquired the rights in land. If such person fails to dispose of the excess land, the Director General shall have the power to dispose the excess of the said land to other persons.

**Section 40.**<sup>26</sup> In the case where the rights in land jointly belongs to several persons, such land shall be divided, in proportion to the rights being entitled to each person, under the provisions of this Code.

**Section 41.**<sup>27</sup> Any person having a husband, wife or child may acquire or hold the rights in land for the benefit of such person to the extent that such person is entitled to under this Code.

In such case, the wife, husband or parents shall notify the particulars as stipulated in Section 38 (1) to the competent official within a period of one hundred and eighty days; in the case of acquiring the rights in land after the coming into force of this Code, the particulars shall be notified to the competent official within a period of sixty days from the day of acquiring the said rights in land, so that the rights in land shall consequently be deemed to be for the benefit of the husband, wife or child, as the case may be. In such case, it shall be deemed that the husband, wife or child holds the rights in land by himself under this Code.

If the said husband, wife or child under paragraph one dies, the person, who holds the said rights for the benefit of the husband, wife or child, as the case may be, shall cease to hold such rights from the day the husband, wife or child dies, and the provisions of Section 39 shall apply *mutatis mutandis*.

If the said husband, wife or child under paragraph one wishes to acquire or hold the rights in land for himself, the person who holds the rights for benefit of the husband, wife or child, as the case may be, shall cease to hold such rights for the benefit of such person, to the extent that such person acquires or holds the rights for himself, from the day the said husband, wife or child holds such rights in land for himself, and the provisions of Section 39 shall apply *mutatis mutandis*.

The provisions of this Section shall not affect on acquisition by way of inheritance.

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<sup>24</sup> Section 38 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

<sup>25</sup> Section 39 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

<sup>26</sup> Section 40 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

<sup>27</sup> Section 41 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

**Section 42.**<sup>28</sup> A child *sui juris* may acquire or hold the rights for the benefit of his parents, if his parents consent, to the extent that his parents are entitled to under the provisions of this Code, and the provisions of Section 41 paragraph two, paragraph three, paragraph four and paragraph five shall apply *mutatis mutandis*.

The provisions of this Section shall not apply to cases where the father or mother is an alien.

**Section 43.**<sup>29</sup> The Committee may, as it thinks fit, grant permission for the acquisition of the land if notified by the owner that it is used for the public benefit, public charity or public utility.

**Section 44.**<sup>30</sup> The Committee may, as it thinks fit, grant permission for the acquisition of the land, if notified by the owner that it is used for the cemetery of his family, with the area of not exceeding one rai, except in the case of necessity, the Committee may grant permission to the acquisition of a greater area of land than that stipulated, as much as necessary, but not exceeding one rai.

**Section 45.**<sup>31</sup> Any person, acquiring the rights in land having an area more than that permitted by this Code and the area of the excess land is not exceeding half of the area that he is entitled to under the provisions of this Code, may apply to the Committee for permission to retain the rights in the excess land. In the case where the committee is of the opinion that the excess land cannot be utilized by other persons or is not worthwhile to be used, or, that if it is disposed of, it shall unreasonably be detrimental to the occupation of the person having the rights, the Committee may grant such permission.

**Section 46.**<sup>32</sup> If the land for agriculture in any locality is of little benefit for agriculture and it is expedient to entitle any person to have the rights in land exceeding 50 rai, a Royal Decree may be enacted to entitle the person to have the rights in land in excess of 50 rai but shall not exceed 100 rai.

**Section 47.**<sup>33</sup> Any person, wishing to have the rights in land for agriculture greater than that permitted by Section 34 or Section 46 of this Code shall, if he can show that he is able and has enough resources to utilize the land as well as being able to organize the utilization by himself, file a request to the competent official, annexed therewith the relevant evidence. After having made the inquiry by the competent official, the matter shall be submitted to the Committee for decision.

The Committee may grant permission, with conditions, to the applicant to have the rights in land as it thinks fit. In cases where the applicant fails to comply with the conditions, the Committee may order that the land be disposed of, wholly or partially, within a period of one year. If the applicant fails to dispose of the land within the specified period, the Director General shall have the power to dispose of such land.

**Section 48.**<sup>34</sup> Any person, wishing to have the rights in land for industry greater than that permitted by this Code, shall, if he can show that the industrial operation or the expansion of such industrial operation really necessitates to utilize more area of land than that is permitted, file a request to the competent official, annexed therewith the relevant evidence. After having made the inquiry by the competent official, the matters shall be submitted to the Committee for decision.

The Committee may grant permission, with conditions, to the applicant to have the rights in land as it thinks fit. In cases where the applicant fails to comply with the conditions, the Committee may order that the land be disposed of, wholly or partially,

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<sup>28</sup> Section 42 has now been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January 2502 (1959).

<sup>29</sup> Section 43 has now been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January 2502 (1959).

<sup>30</sup> Section 44 has now been repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January 2502 (1959).

<sup>31</sup> Section 45 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

<sup>32</sup> Section 46 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

<sup>33</sup> Section 47 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

<sup>34</sup> Section 48 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

within a period of one year. If the applicant fails to dispose of the land within the specified period, the Director General shall have the power to dispose of such land.

**Section 49.**<sup>35</sup> Subject to Section 39, Section 47 and Section 48, any person who has the land having the area exceeding that permitted by the law in violation of this Code shall dispose of the excess land within a period of one year from the day on which he has received the notification of the competent official that there was such a violation. If he fails to dispose of the said land within the specified period, the Director General shall have the power to dispose of such land.

**Section 50.** In exercising the power of the Director General to dispose of the land under the provisions of this Code, the Director General shall have the power to dispose of it by means of sale or hire-purchase in accordance with the rules and procedures prescribed in the Ministerial Regulation, and the Director General shall have the power to levy a fee at the rate not exceeding five percent of the disposal price. If the land cannot be disposed of within a period of two years, the Director General shall, by the approval of the Minister, have the power to sell such land on installments within a period of ten years.

By virtue of the power under the provisions of paragraph one, the Director General may, if he thinks fit, divide the land into several parcels for the purpose of disposal.

**Section 51.** In the case where the Director General is to exercise the power to dispose of the land under this Code, the person having the rights in the disposable land shall make an agreement with the competent official as to which parcel or which part of the land shall be disposed of. If the agreement cannot be made, the matter shall be submitted to the Committee for decision.

**Section 52.** In the case where the Director General considers it appropriate to exercise the power to dispose of the land, the competent official shall notify the person having the rights in land not less than thirty days in advance. When such a period of time elapses, the competent official shall make an agreement with the person having the rights in land as to the price of such land. If the agreement on the price of such land cannot be made, the provisions relating to the valuation of immovable property by an arbitrator under the law on expropriation of immovable property shall apply *mutatis mutandis*.

The price of the land to be agreed upon or decided by an arbitrator shall be the actual market price existing as of the date on which the competent official has notified the person having the rights in land that the Director General is to exercise the power to dispose of such land.

**Section 53.** From the day the competent official makes the notification under Section 52, the Director General shall have the power to possess the land forthwith and the person having the rights in land, dependents, hirers, persons being granted a right of habitation, and any other persons residing on the said land shall vacate the said land within a period of one year.

In the case where the contract of hire of the land has been made, such contract shall be extinguished on the day the competent official notifies the person having the rights in land that the Director General is to exercise the power to dispose of such land.

**Section 54.** When there is a disposal of the land of any person under the provisions of this Code by means of hire-purchase or sale by installments, the Director General shall completely pay, by installments, the price of the land to the person having the rights in land within the following period:

- (1) for the disposal of the land under Section 39, payment by installments shall be made within five years;
- (2) for the disposal of the land under other sections, payment by installments shall be made within ten years.

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<sup>35</sup> Section 49 was repealed by the Announcement of the Revolutionary Council No. 49, dated 13th January, Buddhist Era 2502 (1959).

For the payment by installments, interest at the rate of three percent per annum of the outstanding amount shall be paid by the buyer or hire-purchaser to the former person having the rights in land.

**Section 55.** In the case of a sale or hire-purchase of land under the provisions of Section 50, if the buyer or hire-purchaser fails to comply with the conditions specified in the contract of sale or hire-purchase, as the case may be, the Director General shall have the power to demand restitution for the land. In such case, the rights of the said land shall be vested in the Department of Lands on the day the buyer or hire-purchaser knew or ought to have known of such restitution.

#### Chapter 4

#### Issuance of Land Right Document

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**Section 56.<sup>36</sup>** Subject to Section 56/1, the forms, rules, and procedures for issuance of the Pre-emptive Certificate, the Certificate of Utilization, the Certificate of Land Examination, or the Title Deed, including the Certificate of Substitution thereof shall be in accordance with the Ministerial Regulation.

**Section 56/1.<sup>37</sup>** In issuing the Title Deed or the Certificate of Utilization for the land with its area adjoining, overlapping or locating in the area of public land, having a aerial photo map or enlarged aerial photograph, the competent official shall proceed only if it is examined with the earliest aerial photo map or enlarged aerial photograph, as may be available through official authority, that the land is eligible for the issuance of the Title Deed or the Certificate of Utilization or examined by other procedures, provided that it shall be in accordance with the rules prescribed by the Director General.

**Section 57.<sup>38</sup>** The Title Deed and the Certificate of Utilization shall contain the essential particulars as follows: name, last name, address of the person having the rights in land, the location of the land, the area of the land, and the diagram of such land specifying the adjoining boundaries in four directions. The provincial land officer, the provincial branch land officer, or the land officer assigned by the Director General shall affix a signature and stamp with the seal of the land officer's position. They shall also contain the index for registration.

The Title Deed and the Certificate of Utilization shall be made in duplicate whereby one of the counterparts is given to the person having the rights in land and the other is kept at the land office. For the copy kept at the land office, it may be reproduced into photographic images or other forms through information technology system; in such cases, it is deemed as original.<sup>39</sup>

**Section 58.<sup>40</sup>** If the Minister considers it expedient to issue the Title Deed or the Certificate of Utilization in any province and in any year, the Minister shall publish in the Government Gazette a notification specifying the provinces in which the cadastral survey or the inquiry of land utilization is to be conducted in that year. The provincial boundaries specified by the Minister shall not include the locality classified by the official authority to be the area of permanent forest.

Upon the publication of the Minister under paragraph one, the governor shall specify the locality and the commencement date of the field survey and shall post such notices at the land office, the district office, the minor district office, and the Sub-District Headman and Village Headman offices for a period of not less than thirty days before the commencement date of the survey.

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<sup>36</sup> Section 56 was amended by the Land Code Amendment Act (No.11) B.E.2551 (2008).

<sup>37</sup> Section 56/1 was added by the Land Code Amendment Act (No.11) B.E.2551 (2008).

<sup>38</sup> Section 57 was amended by the Land Code Amendment Act (No.4) B.E.2528 (1985).

<sup>39</sup> Section 57 paragraph two was amended by the Land Code Amendment Act (No.10) B.E.2550 (2007).

<sup>40</sup> Section 58 was amended by the Land Code Amendment Act (No.4) B.E.2528 (1985).



Upon the notification of the governor under paragraph two, the person under Section 58 bis. paragraph two or the representative of such person shall accompany the competent official or the person assigned by the competent official to conduct the cadastral survey or make the inquiry of the land utilization in his land on the date and time as appointed by the competent official.

In conducting the field survey to make the inquiry of the land utilization for issuing the Certificate of Utilization, the land officer shall have the power to appoint a person who has been trained to make the inquiry of the land utilization to be the officer making the said inquiry in lieu thereof.

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

**Section 58 bis.**<sup>41</sup> When the cadastral survey or the inquiry of the land utilization under Section 58 has been completed, the competent official shall issue the Title Deed or the Certificate of Utilization, as the case may be, to the person as prescribed by paragraph two, provided that the land possessed by such person is capable of being issued the Title Deed or the Certificate of Utilization under this Code.

The persons to whom the competent official may issue the Title Deed or the Certificate of Utilization under paragraph one are as follows:

(1) the person having evidence showing his claim for the possession of land , Pre-emptive Certificate, Squatter's Certificate, Certificate of Utilization, Certificate of Ownership *in lieu of* Title Deed, the Pre-occupation Certificate stamped "Already Put to Use", or the person having rights under the law on land allocation for living;

(2) the person having complied with Section 27 ter;

(3) the person possessing and utilizing the land after the day of coming into force of this Code and having no Pre-emptive Certificate, Squatter's Certificate nor any evidence to show that he is the person having rights under the law on land allocation for living.

For the purpose of this Section, The person having evidence showing his claim for the possession of land under paragraph two (1) shall include the person who possesses and utilizes the land in succession of such person.

For the person under paragraph two (2) and (3), the Title Deed or the Certificate of Utilization, as the case may be, shall be issued to such person for an area of not more than fifty rai. Should the area be more than fifty rai, the approval of the governor shall be granted on an individual basis in accordance with the regulation prescribed by the Committee.

Within ten years from the date of the receipt of the Title Deed or the Certificate of Utilization under paragraph one, the person under paragraph two (3) who acquires such rights in land are forbidden to transfer the land to other persons, except by way of inheritance or being transferred to the public bodies, public organizations under the law on establishment of the public organizations, the State Enterprises established by the Act, or the cooperatives for performing an obligations with the approval of the registrars of the cooperatives.

Within the non-transferable period under paragraph five, such land shall not be subject to the execution of judgments.

**Section 58 ter.**<sup>42</sup> If the Minister considers it expedient that the Title Deed be issued for land having the Certificate of Utilization with an enlarged aerial photograph in any locality, the Minister shall publish in the Government Gazette, for a period of not

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<sup>41</sup> Section 58 bis. was amended by the Land Code Amendment Act (No.4) B.E.2528 (1985).

<sup>42</sup> Section 58 ter was amended by the Land Code Amendment Act (No.4) B.E.2528 (1985).

less than thirty days in advance, a notification specifying such locality and the date on which the process of issuing the Title Deed will be commenced.

In preparing a map for issuing the Title Deed under paragraph one, the evidence relating to the enlarged aerial photograph being used with the Certificate of Utilization shall be rectified in accordance with the theoretical basis of photogrammetry without having conducted the cadastral survey, except in the case of necessity for the competent official to conduct the cadastral survey.

Upon the date on which the process of issuing the Title Deed is commenced, as published by the Minister under paragraph one, any registration of the rights and juristic acts relating to such land that requires a cadastral survey to be conducted by using an enlarged aerial photograph shall be suspended; except in the case of necessity which the competent official may grant permission on an individual basis, provided that it shall be in accordance with the regulation prescribed by the Committee.

The title deed under this Section shall be issued to the person whose name appears in the Certificate of Utilization as the person having the right thereon.

When any Title Deed is completely prepared and ready to be distributed, the land officer shall notify the date of distribution of the Title Deed to the person having the right to receive it, and the Certificate of Utilization for the said land shall then be deemed annulled from the distribution date as specified by such notification and the annulled Certificates of Utilization shall be returned to the land officer, except in case of loss.

**Section 59.**<sup>43</sup> In the case where the person having the possessory right applies, on an individual basis, for the issuance of a Title Deed or Certificate of Utilization, whether or not there has been the publication of the Minister under Section 58, the competent official may, if it is considered expedient, conduct the issuance of the Title Deed or the Certificate of Utilization, as the case may be, in accordance with the rules and procedures prescribed in this Code.

For the purpose of this Section, the person having the possessory right under paragraph one shall include the person who possesses and utilizes the land in succession of the person having the evidence showing his claim for the possession of land.

**Section 59 bis.**<sup>44</sup> A person having possessed and utilized the land before the date of coming into force of this Code without having a document showing land ownership and fails to notify of the possession under Section 5 of the Act Promulgating the Land Code, B.E. 2497 (1954), but not including the person who fails to comply with Section 27 ter, if it is of necessity to apply, on an individual basis, for the issuance of the Title Deed or the Certificate of Utilization, the competent official may, if it is considered expedient, proceed with the issuance of the Title Deed or the Certificate of Utilization, as the case may be, in accordance with the rules and procedures prescribed in this Code, provided that its area shall not exceed fifty rai. If otherwise, the approval of the governor shall be obtained in accordance with the regulation prescribed by the Committee.

For the purpose of this Section, the person who possesses and utilizes the land under paragraph one shall include any person who has possessed and utilized the land in succession of the said person.

**Section 59 ter.**<sup>45</sup> In issuing the Title Deed or the Certificate of Utilization, if it appears that the land area derived from the newly conducted survey differs from that specified in the claim certificate under Section 5 of the Act Promulgating the Land Code, B.E. 2497 (1954), the competent official may consider issuing the land right document for the land having area that has actually been utilized in accordance with the regulation prescribed by the Committee.

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<sup>43</sup> Section 59 was amended by the Announcement of the Revolutionary Council, No.96, dated 29<sup>th</sup> February, Buddhist Era 2515 (1972).

<sup>44</sup> Section 59 bis was added by the Announcement of the Revolutionary Council, No.96, dated 29<sup>th</sup> February, Buddhist Era 2515 (1972).

<sup>45</sup> Section 59 ter. was added by the Announcement of the Revolutionary Council, No.96, dated 29<sup>th</sup> February, Buddhist Era 2515 (1972).

**Section 59 quarter**<sup>46</sup> In issuing the Title Deed under Section 58 bis, Section 58 ter, and Section 59, if the former land right document contains a list of encumbrances or a change to the person having the rights in land during the process of issuance of the Title Deed, the said list shall be carried forward and recorded as well in the Title Deed.

**Section 59 quinque**<sup>47</sup> With respect to the issuance of the Title Deed under Section 58 bis and Section 59, it shall be deemed that the former land right document is annulled and shall be returned to the land officer except in case of loss.

**Section 60**<sup>48</sup> In issuing the Title Deed or the Certificate of Utilization, if there is any dispute relating to the rights of each party, the competent official or the land officer, as the case may be, shall have the power to make inquiry and settlement. If the dispute can be settled, the proceed shall be carried on accordingly, but if no settlement can be made, the Chief of Provincial Land Office or the Chief of Provincial Branch Land Office shall have the power to consider and make an order as they think fit.

After any order is made by the Chief of Provincial Land Office or the Chief of Provincial Branch Land Office, the parties in the dispute shall be notified in writing for acknowledgement, and the dissenting party shall file a lawsuit within sixty days from the day of acknowledging such order.

In the case of taking an action to court, the process shall be suspended. After the court passes a final judgment or order, the process shall be carried on accordingly. If no action is instituted within such period of time, the process shall be carried out in accordance with the order of the Chief of Provincial Land Office or the Chief of Provincial Branch Land Office, as the case may be.

**Section 61**<sup>49</sup> In the case where it appears that there is an error or illegality in issuing the Title Deed or the Certificate of Utilization, registering of the rights and juristic acts relating to immovable property, or in recordmaking the registered particulars of immovable property, the Director General or either the Deputy Director General or the Inspector who is authorized by the Director General shall have the power to order revocation or amendment thereof.

Before carrying out actions under paragraph one, the Director General or the person authorized by the Director General under paragraph one shall set up an inquiry committee, having the power to call for the Title Deed, the Certificate of Utilization, the document registering of the rights and juristic acts, the document recording the registered particulars of immovable property, or any other related documents for consideration as well as to notify the interested persons for the purpose of giving them a chance to submit an objection. If there is no such objection within a period of thirty days from the date of receiving the notification, it shall be regarded as there being no objection at all.

The inquiry committee on the error or illegality of the issuance of the Title Deed or the Certificate of Utilization shall, at the least, consist of the administrative official and the representative of the council of the local administrators or the local administrator of the locality where the land is situated, as members.

The inquiry under paragraph two shall be carried out until completion and be submitted, within sixty days from the day on which the inquiry is ordered, to the Director General or the person authorized by the Director General under paragraph one. In the case where the inquiry cannot be completed within the said stipulated period of time, the inquiry committee shall submit a report stating the grounds on which the inquiry could not be completed to the Director General or the person authorized by the Director

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<sup>46</sup> Section 58 quarter. was added by the Land Code Amendment Act (No.4) B.E.2528 (1985).

<sup>47</sup> Section 58 quinque. was added by the Land Code Amendment Act (No.4) B.E.2528 (1985).

<sup>48</sup> Section 60 was amended by the Land Code Amendment Act (No.4) B.E.2528 (1985).

<sup>49</sup> Section 61 was amended by the Land Code Amendment Act (No.11) B.E.2551 (2008).

General under paragraph one for the extension of inquiry period . The Director General or the person authorized by the Director General under paragraph one shall grant the extension as necessary but not exceeding sixty days.

The Director General or the person authorized by the Director General under paragraph one shall completely determine the report of inquiry within fifteen days from the day of receiving the report from the inquiry committee under paragraph four. After the Director General or the person authorized by the Director General under paragraph one makes any determination, it shall be carried out accordingly.

In carrying out the revocation or amendment under the provisions of this Section, if the Title Deed or the Certificate of Utilization has not been obtained, it shall be deemed that such Title Deed or Certificate of Utilization is lost and the land officer shall issue a Certificate of Substitution for further action.

If there is explicit evidence that the error arose from writing or typing and the interested person has given consent in writing, the land officer shall have the power and duty to correct it.

In the case where the court has passed a final judgment or order to make any revocation or amendment to some extent, the land officer shall execute such judgment or order in accordance with the procedures prescribed by the Director General.

The setting up of the inquiry committee, the inquiry, the notification to the interested persons for the purpose of giving them a chance to submit an objection and the determination for revocation or amendment shall be in accordance with the rules and procedures prescribed by the Ministerial Regulation.

**Section 62.** As regards all cases instituted in relation to the ownership of the land having a Title Deed, when the court has tried and adjudicated them until they are finalized, the court shall notify the result of the judgments which are final or orders to the land officer of the locality where the land is situated. **Section 63.** In the case where the Title Deed of any owner is damaged, defective or lost by any means, the owner may apply for its Certificate of Substitution.

After having issued the Certificate of Substitution, the former Title Deed shall be annulled unless the court orders otherwise.

In applying for the Certificate of Substitution for the Pre-emptive Certificate, the Certificate of Utilization or the Certificate of Land Examination, the aforementioned provisions shall apply *mutatis mutandis*.

**Section 64.**<sup>50</sup> In the case where the Title Deed, the Certificate of Land Examination, the Certificate of Utilization or the Pre-emptive Certificate, which is kept at the land office, is damaged, defective or lost, the competent official under Section 71 shall have the power to demand such land right document from the person having the rights in land for consideration and reproduction thereof based upon the existing evidence.

## Chapter 5 Cadastral Survey

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**Section 65.** The cadastral survey for the issuance of Title Deed shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

**Section 66.** For the purpose of the survey, the competent official and workmen shall have the power to enter into the land of the person having the rights in land or the possessor during daytime but the person having the rights in land shall be notified

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<sup>50</sup> Section 64 was amended by the Land Code Amendment Act (No.2) B.E.2521 (1978).

in advance of such entry. The person having the rights in land or the possessor of the land shall reasonably provide facilitation to the competent official.

In the case where a mapping control mark must be erected on the land of any person, the competent official shall have the power to erect such mapping control mark as it is necessary.

In conducting the survey, the competent official shall, if it is necessary and expedient, have the power to dig, cut and trim branches, or do any acts to the things that obstruct the survey to the extent necessary, provided that consideration must be taken that such acts shall cause the least damage to the owner.

**Section 67.** When the competent official has made boundary marks or erected a mapping control mark in any place, no person, except the competent official, shall destroy, alter, move or remove the said boundary mark or mapping control mark, unless permission of the land officer has been granted.

**Section 68.** When any person is of necessity to perform any acts under Section 67, a request shall be filed with the land officer for permission.

In the case where the land officer refuses to grant permission, the land owner shall have the right to lodge an appeal with the Minister within fifteen days from the day he has known of the refusal order. In such case, the Minister shall make an order within sixty days from the day of receiving the appeal. The order of the Minister shall be final.

If the Minister fails to make the order within the period of sixty days as in the said preceding paragraph, it shall be deemed that the permission has been granted.

**Section 69.** When it is expedient to resurvey according to the cadastral map in any locality, the governor shall notify to the person having the rights in land for acknowledgement not less than fifteen days in advance. Such notification shall be made in writing posted in the vicinity of the land for the acknowledgement of the person concerned and a notice, stating the date and time of the examination, shall be, in addition, delivered to the person having the rights in land. The person having the rights in land shall guide the competent official in conducting the resurvey.

The person having the rights in land under the preceding paragraph may appoint a representative to accompany the competent official during the examination in lieu of thereof.

As for the land being resurveyed, the competent official shall have the power to issue a new Title Deed to replace the original one which shall then be annulled and returned.

**Section 69 bis.<sup>51</sup>** Any person having the rights in land wishing to resurvey his land on an individual basis shall lodge an application together with the Title Deed with the land officer and the competent official shall conduct the resurvey accordingly.

In conducting the survey, if it appears that the possession of the land is inconsistent with that which appears in the map or the area of land stipulated in the Title Deed, the land officer shall, after the persons having the rights in adjoining land certify the boundaries, have the power to make corrections to the map or the area of land in order that it shall correspond with the actual facts, except in the case of collusion or for evasion of the law.

In the case where it is not possible to contact the person having the rights in adjoining land to maintain the boundaries, or the said person having been contacted but failing to appear, or having been presented but refusing to certify the boundaries without making objection to the survey, the competent official shall notify in writing to such person to affix his signature or to make objection

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<sup>51</sup> Section 69 bis. was amended by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

within thirty days after the day the notice has been sent. If the person having the rights in adjoining land does not perform any act within the stipulated period of time and the applicant gives the certification that he did not indicate the boundaries encroach on adjoining land and also gives consent for any corrections of the map or the area of land in order that it shall correspond with the actual facts, the land officer shall carry out the acts under paragraph two without having any certification of the boundaries.

The contact or notification to the person having the rights in the adjoining land under paragraph three shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

If it appears that there is an objection, the land officer shall have the power to make inquiry and compromise by considering the map evidences. If an agreement can be made, the performance shall be carried out as settled, provided that there is no collusion for evasion of the law. Should the agreement not occur, the parties shall be notified to file a lawsuit within ninety days from the day of receiving the notification. If no case has been filed within the said period, it shall be deemed that the applicant has no wish to have the further resurvey.

In the case where the person having the rights in land wishes to have the area of land under the Certificate of Utilization examined on an individual basis, such person shall file a request together with the Certificate of Utilization of such land with the land officer, and the provisions of paragraph two, paragraph three, paragraph four, and paragraph five shall apply *mutatis mutandis*.

**Section 70.** For the purpose of the survey, the competent official shall have the powers as follows:

(1) to summon the person having the rights in adjoining land to maintain the boundaries and to affix his signature to acknowledge the boundaries of his land;

(2) to summon any person concerned to give statements or deliver documents or any other evidence relating to the inquiry.

**Section 70 bis.**<sup>52</sup> The provisions of Section 66 and Section 70 shall apply *mutatis mutandis* to the inquiry of the land for issuing the Certificate of Utilization and the examination of the area of land under the Certificate of Utilization.

## Chapter 6

### Registration of Rights and Juristic Acts

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**Section 71.**<sup>53</sup> The land officer shall be the competent official for registering rights and juristic acts in relation to immovable properties under the Civil and Commercial Code for immovable property situated in the locality of the provincial land office or its branch land office.

In the case where the provincial land office or its branch land office has adopted the information system and communication technology for registering rights and juristic acts, the land officer shall be the competent official for registering rights and juristic acts in relation to immovable properties under the Civil and Commercial Code through the information and communication technology system for any immovable property in the locality of other provincial land offices or the branch land offices as well,

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<sup>52</sup> Section 70 bis. was amended by the Land Code Amendment Act (No. 2) B.E. 2521 (1978).

<sup>53</sup> Section 71 was added by the Land Code Amendment Act (No. 4) B.E. 2528 (1985).

except in the case where the registration thereof requires an announcement or a survey, provided that it shall be in accordance with the rules and procedures published in the Government Gazette by the Director General.<sup>54</sup>

**Section 72.<sup>55</sup>** Any person wishes to register rights and juristic acts in relation to immovable property under the Civil and Commercial Code, the parties thereto shall present the land right document to the competent official under Section 71.

In applying for the registration of rights and juristic acts under paragraph one for the land having the Title Deed, the Certificate of Land Examination or the Certificate of Utilization, the parties may lodge an application with the competent official at the Department of Lands or any land office for the registration with the competent official under Section 71 thereof, except in the case where the registration thereof requires an announcement or a survey.

**Section 73.** When it appears to the competent official that the juristic act lodged by the parties for registration is a void act, no registration shall be made by the competent official.

If the juristic act lodged by the parties for registration appears to be a voidable act, the registration may be made only when the party who may suffer damage insists on the registration.

**Section 74.** In proceeding with the registration of rights and juristic acts by the competent official under Section 71, the competent official shall have the power to make inquiry of the parties and summon a person concerned to give statements or deliver any relevant evidential documents as it is necessary, and then proceed further with the registration as the case may be appropriate.

In the case where there is a reasonable ground to believe that the application for registration of rights and juristic acts is an act of evasion of the law or that the land has been bought for the benefit of an alien, the order of the Minister shall be required. The order of the Minister is final.

**Section 75.<sup>56</sup>** In registering rights and juristic acts in relation to land having the Title Deed or the Certificate of Utilization, the competent official shall record the terms of agreement or make a contract relating thereto, as the case may be, and shall then record the essential contents into the Title Deed or the Certificate of Utilization; the counterparts for the land office and for the land owner shall contain identical contents.

**Section 76.** In the case of applying for the registration of rights and juristic acts in relation to the land that the competent official has made the inquiry, surveyed and marked its boundaries but it has not been issued a Title Deed, the application shall be filed with the competent official under the provisions of Section 71.

The said registration under the preceding paragraph shall be made in record in the Certificate of Land Examination, provided that it shall be in accordance with the procedures for the registration of rights and juristic acts relating to the land having the Title Deed *mutatis mutandis*.

**Section 77.** Unless otherwise provided in this Code, the registration of rights and juristic acts relating to land or other types of immovable property shall be in accordance with the rules and procedures prescribed in the Ministerial Regulations.

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<sup>54</sup> Section 71 paragraph two was amended by the Land Code Amendment Act (No.10) B.E. 2550 (2007).

<sup>55</sup> Section 72 was amended by the Land Code Amendment Act (No.4) B.E. 2528 (1985).

<sup>56</sup> Section 75 was amended by the Land Code Amendment Act (No.4) B.E. 2528 (1985).

**Section 78.** The application for the registration of rights and juristic acts relating to the land acquired under Section 1382 of the Civil and Commercial Code or otherwise than by juristic act for the land having the Title Deed shall be in accordance with the rules and procedures prescribed in the Ministerial Regulation.

**Section 79.**<sup>58</sup> Any person having the rights in land who wishes to divide the land into several parcels or consolidate several parcels into one shall lodge an application together with the land right document with the competent official under Section 71.

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

**Section 80.**<sup>60</sup> In the case of removing a mortgage or redeeming a sale with a right of redemption of a land having land right document or other immovable property, if the mortgagee or the buyer has made written evidence that there has already been removal or redemption, the person having the right of removal or redemption or having the rights in the said immovable property shall present the document showing the removal or redemption to the competent official for the registration of such removal or redemption.

After the competent official has inspected and found it to be correct, such removal or redemption shall be registered in land right document or in the registry of rights and juristic acts relating to immovable property.”

**Section 81.**<sup>61</sup> . In applying for registration of rights and juristic acts relating to immovable property acquired by way of inheritance, the person receiving the inheritance shall present the evidence relating to the land or land right document or the evidence relating to other immovable property together with the evidence of receiving the inheritance to the competent official under Section 71. If land right document is kept by another person, the competent official shall have the power to call for the said land right document.

After the competent official has made the inquiry of evidence and believes that the applicant is the heir, a announcement in writing shall be conspicuously posted, for a period of thirty days, separately at the land office, district office (khet) or district office or minor district office, the office of the municipality, the office of the subdistrict administrative organization, subdistrict office or the office of the subdistrict headman, the office of the village headman of the locality in which the immovable property is situated, and in the vicinity of the immovable property. The competent official shall send the said notification (notice) to persons who are specified as the heirs by the applicant and are not present on the day of lodging the application to the extent possible. If no heir being entitled to the inheritance makes an objection within the specified period of time in notification (notice) and there is evidence to believe that the applicant is entitled to the inheritance, the competent official shall carry out the registration according to the evidence of entitlement produced by the applicant in accordance with the rules and procedures prescribed in the Ministerial Regulations.”

In cases where the heir being entitled to the inheritance makes an objection, the competent official shall have the power to make an inquiry to the parties and summon any person to give statements or order him to deliver the relevant documents as necessary, and shall make a settlement. If the settlement is not agreed upon, the competent official shall make an order as it thinks fit.

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<sup>58</sup> Section 79 was amended by the Announcement of the Revolutionary Council, No.334, dated 13<sup>th</sup> December, Buddhist Era 2515 (1972).

<sup>60</sup> Section 80 was amended by the Land Code Amendment Act (No.13) B.E. 2556 (2013)

<sup>61</sup> Section 81 was amended by the Land Code Amendment Act (No.13) B.E. 2556 (2013)



After making any order, the competent official shall notify the parties for acknowledgement and instruct the dissenting party to file a lawsuit within sixty days after being notified. If such party fails to file a lawsuit and present to the competent official the evidence showing the filing of the plaint, together with a copy of such plaint, claiming the right of inheritance within such period of time, it shall proceed in accordance with the order of the competent officer.

In the case where the heir files a lawsuit within the specified period of time under paragraph four or another heir being entitled to the inheritance has, before the competent official registers the rights and juristic acts of the acquisition by way of inheritance, filed a lawsuit relating to the right of inheritance, the competent official shall, if that person presents to the competent official evidence showing that the plaint has been filed together with a copy of such plaint, suspend the registration thereof and shall subsequently carry out the act in accordance with the final judgment or order of the court.

**Section 82.<sup>62</sup>** Any person wishing to have the name of the (executor or) administrator of an estate registered on land right document or wishing to have the name of the (executor or) administrator of an estate apparently registered in the registration of rights and juristic acts relating to immovable property, shall lodge an application, and present such land right document or evidence relating to other immovable property together with the evidence showing that he is the (executor or) administrator of estate, to the competent official under Section 71. If such person is the administrator appointed by the Court, the competent official shall proceed with the registration as requested. But if such person is the administrator of an estate by other means, the competent official shall make an inquiry and examine the evidence, provided that the provisions of paragraph two of Section 81 shall apply mutatis mutandis. If no one makes an objection, the competent official shall register the name of the (executor or) administrator of the estate on such land right document or in the registration of rights and juristic acts relating to other immovable property. If there is an objection, the registration shall be suspended and let the parties file a lawsuit with the court. After the court has passed a final judgment or order, the registration shall be carried out in accordance therewith.

In cases where the administrator of an estate whose name appears on land right document lodges an application for the registration of the rights in land or an application for the registration of the rights in land together with other immovable property including such land for the heir, or the administrator of an estate whose name appeared in the registry of rights and juristic acts relating to the immovable property lodges an application for the registration of the rights in other immovable property for the heir, the competent official shall carry out the registration as requested without notification under Section 81.

In cases where the trustee of the trust lawfully established files as a trustee an application for the registration, the competent official shall, having inquired the evidence, carry out the registration as requested.”

**Section 83.<sup>63</sup>** Any person, having an interest in the land that may file a lawsuit for the enforcement of the registration or alteration of the register, wishes to record the caveat on land, such person shall lodge an application with the competent official under Section 71.

After the competent officer has inquired the evidential document presented by the applicant, the competent official shall, if it is reasonable to believe such document, record the caveat on such land for a period of thirty days from the date of making an order to record the caveat. Upon the expiry of such period, the caveat shall be deemed to come to an end and the said person shall not be able to re-record such caveat under the same ground.

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<sup>62</sup> Section 82 was amended by the Land Code Amendment Act (No.13) B.E. 2556 (2013)

<sup>63</sup> Section 83 was amended by the Land Code Amendment Act (No.9) B.E. 2543 (2000).

If the interested person objects that the caveat is unlawful, the competent official shall have the power to inquire the evidence to the extent that is necessary. In the case where there is reasonable ground to believe that the caveat made is unlawful, the competent official shall have the power to remove such caveat and notify the caveator for acknowledgement.

## Chapter 7

### Delimitation of Rights in Land for Religious Purpose

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**Section 84.** The acquisition of land by monasteries, Roman Catholic churches, Christian foundations, or mosques shall be approved by the Minister and the amount of land acquired shall not exceed 50 rai.

Where it is expedient, the Minister may approve the acquisition of land having an area greater than the amount prescribed in paragraph one.

The provisions of this Section shall have not affect the acquisition of the land that has been acquired before the date of coming into force of this Code and, the acquisition of the land of a mosque in accordance with the provisions of Islamic law in the provinces where the judicial officers (Justice Datoh) exist.

**Section 85.** In the case where a juristic person acquires the land having the area greater than the amount specified by the provisions of Section 84, such juristic person shall, after the coming into force of this Code, dispose of the said land within five years. If such juristic person fails to dispose of the said land within the specified period of time, the Director General shall have the power to dispose of such land, and the provisions on the enforcement of land disposal under Chapter 3 shall apply *mutatis mutandis*.

## Chapter 8

### Delimitation of Rights in Land of Aliens

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**Section 86.** An alien may acquire land by virtue of the provisions of a treaty entitling the ownership of immovable property and subject to the provisions of this Code.

Subject to Section 84, an alien may acquire land for habitation or purpose of commerce, industry, agriculture, cemetery, public charity, or religion, provided that it shall be in accordance with the conditions and procedures prescribed in the Ministerial Regulation and shall be granted permission by the Minister.

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

- |   |                       |
|---|-----------------------|
| (1) for habitation per family,            | not exceeding 1 rai.  |
| (2) for commercial purpose,               | not exceeding 1 rai.  |
| (3) for industrial purpose,               | not exceeding 10 rai. |
| (4) for agricultural purpose per family,  | not exceeding 10 rai. |
| (5) for religious purpose,                | not exceeding 1 rai.  |
| (6) for public charity purpose,           | not exceeding 5 rai.  |
| (7) for cemetery purpose per family line, | not exceeding ½ rai.  |

Any alien wishing to have the rights in land for industrial purpose at the amount greater than that prescribed in (3), the Cabinet may, if it thinks fit, grant permission for the acquisition of the land greater than the prescribed amount with certain conditions, and the provisions of Section 48 shall apply *mutatis mutandis*.

**Section 88.** The provisions of Section 87 shall not affect the land of the alien, the area of which is greater than that prescribed in Section 87, being acquired before the date of coming into force of this Code. An alien, who has the land having the area less than that prescribed or who has disposed of his previous land, may acquire additional land, provided that the total amount of land shall not exceed than that prescribed by Section 87.

**Section 89.** An alien, being granted permission to acquire land for a particular purpose, shall use the land for that particular purpose only. The use for other purposes is not permitted unless it has been permitted otherwise, provided that the area of the land shall not exceed the limitation prescribed under Section 87. If the land shall not be used as permitted, the notification shall be made by the grantee in accordance with the forms and procedures prescribed in the Ministerial Regulation within thirty days from the date of not using such land.

Any alien who wishes to use land for purposes other than that which is permitted, shall re-apply for permission to the Minister in accordance with the forms and procedures prescribed in the Ministerial Regulation. The Minister shall have the power to grant the said permission if he thinks fit.

**Section 90.** Any alien who is granted permission to acquire and use land for any purpose and no longer uses the said land or has used the same for other purposes without having been granted another permission, shall dispose of such land within the period of time prescribed by the Director General, which is not less than a hundred and eighty days but not longer than one year. If such period of time elapses, the Director General shall have the power to dispose of such land.

**Section 91.** An alien who has been granted permission to use land for any particular purpose shall, if he has been granted new permission to use the land for another purpose with less amount of land, dispose of the excess land within the time period stipulated by the Director General which is not less than a hundred and eighty days but not longer than one year. If such period of time elapses, the Director General shall have power to dispose of such land.

**Section 92.** An alien who is granted permission to acquire land under the provisions of Section 87 paragraph two shall, if he fails to comply with the conditions prescribed by the Cabinet, dispose of land acquired with permission in excess of the area prescribed within the period of time stipulated by the Director General which is not less than one hundred and eighty days but no longer than one year. If such period of time elapses, the Director General shall have the power to dispose of such land.

**Section 93.** An alien who has acquired land by way of inheritance as a statutory heir may be permitted by the Minister to acquire such land, provided that the total area of land combined with the existing land shall not exceed the area prescribed under the provisions of Section 87.

**Section 94.** An alien who has acquired land unlawfully or without permission shall dispose of all such land within the period of time stipulated by the Director General which is not less than one hundred and eighty days but no longer than one year. If no such disposal occurs, the Director General shall have the power to dispose of such land and the provisions on the enforcement of the disposal of land under the provisions of Chapter 3 shall apply *mutatis mutandis*.

**Section 95.** Any person who has acquired land while holding Thai nationality, but later changes his nationality to become an alien shall still have the right to hold land for the area that other aliens are eligible for; the excess land shall be disposed of, and the provisions of Section 94 shall apply *mutatis mutandis*.

**Section 96.** If it appears that any person acquires land as an owner but is acting on behalf of an alien or a juristic person under the provisions of Section 97 or Section 98, the Director General shall have the power to dispose of such land and the provisions of Section 94 shall apply *mutatis mutandis*.

**Section 96 bis.**<sup>64</sup> The provisions relating to the acquisition of land by aliens by virtue of the provisions of a treaty under Section 86 paragraph one shall not apply to the alien who brings in capital for investment in the amount prescribed in the Ministerial Regulations, which is not less than forty million Baht, provided that the area of land acquired for the purpose of habitation shall not exceed one rai and shall be granted permission by the Minister.

The acquisition of land by aliens under paragraph one shall be in accordance with the rules, procedures, and conditions prescribed in the Ministerial Regulations. The Ministerial Regulation shall contain at least the following essential contents:

(1) The category of business in which the alien makes an investment shall be of benefit to the economy and society of the country or that which is published by the Board of Investment as eligible for the application of the investment promotion under the law on promotion of investment.

(2) The period of maintaining the investment shall not be less than three years.

(3) The land that aliens may acquire shall be within the locality of the Bangkok Metropolitan Administration, the city of Pattaya, the municipality, or the zone designated to be the habitation area under the law on town and country planning.

**Section 96 ter.**<sup>65</sup> The alien who is granted permission to acquire land under Section 96 bis. shall, if he fails to comply with the rules or conditions prescribed in the Ministerial Regulation under Section 96 bis. paragraph two, dispose of the land being under his rights within the period of time stipulated by the Director General which is not less than one hundred and eighty days but no longer than one year. If such period of time elapses, the Director General shall have the power to dispose of such land.

If the alien who is granted permission to acquire land under Section 96 bis. fails to use such land for the purpose of habitation within two years from the day of registering the acquisition, the Director General shall have the power to dispose of such land.

## Chapter 9

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

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**Section 97.** The following juristic persons shall have the rights in land as if they are aliens:

(1)<sup>66</sup> limited companies or public limited companies having registered share capital held by aliens of more than forty nine percent of the registered capital or having alien shareholders of more than half of the total number of shareholders, as the case may be.

For the purpose of this Chapter, certificates of share to bearer issued by any limited company shall be deemed that they are held by the alien.

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<sup>64</sup> Section 96 bis. was added by the Land Code Amendment (No.8) Act B.E. 2542 (1999).

<sup>65</sup> Section 96 ter. was added by the Land Code Amendment Act (No.8) B.E.2542 (1999)

<sup>66</sup> Section 97(1) was amended by the Land Code Amendment Act (No.6) B.E.2535 (1992).

(2)<sup>67</sup> limited partnerships or registered ordinary partnerships in which an alien brings a contribution more than forty nine percent of the total capital or those having alien partners more than half of the total number of partners, as the case may be.

(3) associations including cooperatives having alien members more than one-half of the total number of members or carrying out activities particularly or mainly for the benefit of aliens.

(4) foundations having their objectives particularly or mainly for the benefit of aliens.

(5)<sup>68</sup> any juristic person under this Section having its manager or director being an alien.

**Section 98.**<sup>69</sup> In the case where a juristic person, as provided in Section 97, holds shares or brings a contribution, as the case may be, in another juristic person according to the provisions under Section 97, such other juristic person shall be deemed as an alien.

**Section 99.**<sup>70</sup> In the case where the juristic persons under Section 97 or Section 98 shall acquire or dispose of the rights in land, the provisions of Chapter 8 shall apply *mutatis mutandis* and such juristic persons shall have the duties and liabilities the same as those provided for aliens and ordinary people.

**Section 100.** In the case where any juristic person has acquired the land at a time whilst its condition is not subject to the provisions of Section 97 and Section 98, if subsequently such juristic person comes within the scope of the provisions of Section 97 or Section 98, the provisions of Section 95 shall apply *mutatis mutandis*.

## Chapter 10

### Land Trade<sup>71</sup>

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**Section 101.** Any person wishing to operate land trade shall be granted permission on an individual basis of land by the Minister in accordance with the rules and procedures prescribed in the Ministerial Regulation.

In granting such permission the Minister may impose any conditions thereof.

**Section 102** In the case where the person operating land trade under Section 101 fails to comply with the conditions or is unable to complete the sale, exchange or hire-purchase of all parcels of land within a period of three years from the date of receiving the permission, the Director General shall have the power to dispose of the land and shall apply the provisions on the enforcement to dispose of such land under Chapter 3 *mutatis mutandis*.

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<sup>67</sup> Section 97(2) was amended by the Land Code Amendment Act (No.6) B.E.2535 (1992).

<sup>68</sup> Section 97(5) was repealed by the Announcement of the Revolutionary Council, No. 49, dated 13th January Buddhist Era 2502 (1959).

<sup>69</sup> Section 98 was amended by the Land Code Amendment Act (No.6) B.E.2535 (1992).

<sup>70</sup> Section 99 was amended by the Land Code Amendment Act (No.12) B.E.2551 (2008).

<sup>71</sup> Chapter 10, Land Trade, Section 101 to Section 102 were repealed by the Land Code Amendment Act (No.12) B.E.2551 (2008).

## Chapter 11

### Fees

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**Section 103.**<sup>72</sup> In carrying out the issuance of the land right document, the survey, the registration of rights and juristic acts, or any other activities in connection with immovable property, the fees and expenses shall be levied as prescribed in the Ministerial Regulation but not more than the rates provided in the Schedule annexed to this Code.

In the case of issuing the title deed or the certificate of utilization under Section 58, only the following fees shall be levied: a fee for the issuance of the title deed, a fee for the issuance of the certificate of utilization, a fee for boundary marks, and a fee for the appointment of the grantee, in the case of having the power of attorney, as the case may be, however the person having the rights in land may obtain the title deed or the certificate of utilization even though the fee has not been paid, provided that the competent official shall evidentially make a record of such unpaid\_fees in the title deed or the certificate of utilization. If the application for registration of rights and juristic acts is filed for the first time, the applicant shall bear the unpaid fees.<sup>73</sup>

In the case of issuing the title deed under Section 58 ter., the fees and expenses shall be exempted.<sup>74</sup>

**Section 103 bis.**<sup>75</sup> In the case of registering the rights and juristic acts in relation to the immovable property to be donated for the official authorities, fees shall be exempted.

**Section 104.**<sup>76</sup> In the case of applying for the registration of rights and juristic acts relating to the transfer of ownership or the possessory right on land or immovable property, the applicant shall bear the registration fee calculated on the capital valuation under Section 105 quinque.

In applying for the registration of rights and juristic acts relating to the immovable property in other cases than that prescribed in paragraph one, the applicant shall bear the registration fee calculated on the actual amount of capital declared by the applicant.

**Section 105.**<sup>77</sup> There shall be a Valuation Committee consisting of the Permanent Secretary for Interior as Chairman , the Director General of the Department of the Local Administration or his representative, the Director General of the Revenue Department or his representative, the Director General of the Department of Public Works and Town & Country Planning or his representative\*, the Director General of the Treasury Department or his representative\*, the Director of the Fiscal Policy Office or his representative, and not more than four qualified persons appointed by the Minister as members, and the Director of the Bureau of the Property Valuation as member and secretary.

**Section 105 bis.**<sup>78</sup> The members appointed by the Minister shall hold office for a term of three years.

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

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<sup>72</sup> Section 103 was amended by the Land Code Amendment Act (No.2) B.E.2521 (1978).

<sup>73</sup> Section 103 paragraph two was amended by the Land Code Amendment Act (No.4) B.E.2528 (1985).

<sup>74</sup> Section 103 paragraph three was added by the Land Code Amendment Act (No.4) B.E.2528 (1985).

<sup>75</sup> Section 103 bis. was added by the Announcement of the Revolutionary Council, No.10, dated 8th November 2520 (1977).

<sup>76</sup> Section 104 was amended by the Land Code Amendment Act (No.9) B.E.2543 (2000).

<sup>77</sup> <sup>75</sup> Section 105 was amended by the Land Code Amendment Act (No.5) B.E.2534 (1991).

<sup>78</sup> Section 105 bis. was added by the Land Code Amendment Act (No.5) B.E.2534 (1991).

**Section 105 ter.**<sup>79</sup> Apart from vacating office on the expiration of the term under Section 105 bis., the member appointed by the Minister shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister;
- (4) being an incompetent or quasi-incompetent person or becoming bankrupt;
- (5) being sentenced to imprisonment by a final judgment or a lawful order except for an offence committed through negligence or a petty offence.

In the case of vacating office before the expiration of the term, the Minister shall appoint another person to replace such vacating member.

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

**Section 105 quarter.**<sup>80</sup> At the meeting of the Valuation Committee, the presence of not less than one half of the total number of members is required to constitute a quorum.

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

A decision of a meeting shall be made by a majority of votes.

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

**Section 105 quinque.**<sup>81</sup> The Valuation Committee shall have the powers and duties as follows:

(1) To determine the rules and procedures for the determination of the capital valuation of the immovable properties for the purpose of levying of fees for registration of rights and juristic acts under this Code.

(2) To approve the determination of the capital valuation proposed by the provincial sub-committee for the use in levying fees for registration of rights and juristic acts relating to the immovable property situated within the territories of such province.

(3) To consider matters relating to the levying of the fees for registration of rights and juristic acts as requested by the Department of Lands.

(4) To appoint a sub-committee to consider or perform any acts as assigned by the Valuation Committee and report thereto.

(5) To perform other activities as prescribed in this Code or other laws.

The appraised capital value as approved by the Valuation Committee under (2) shall be posted conspicuously at the provincial land office, the branch land office, and the district office or district office or minor district office.

**Section 105 sex.**<sup>82</sup> In each province, there shall be a provincial sub-committee consisting of the governor as Chairperson, the Deputy Governor, the provincial revenue officer, and not more than three qualified persons appointed by the Valuation Committee as members, and the provincial treasury officer\* as member and secretary.

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<sup>79</sup> Section 105 ter. was added by the Land Code Amendment Act (No.5) B.E.2534 (1991).

<sup>80</sup> Section 105 quarter. was added by the Land Code Amendment Act (No.5) B.E.2534 (1991).

<sup>81</sup> Section 105 quinque. was added by the Land Code Amendment Act (No.5) B.E.2534 (1991).

<sup>82</sup> Section 105 sex. was added by the Land Code Amendment Act (No.5) B.E.2534 (1991).

The provincial sub-committee of the Bangkok Metropolitan consists of the Permanent Secretary for the Bangkok Metropolitan Administration as Chairman, the representative of the Department of Provincial Administration, the representative of the Revenue Department, Chief of Bangkok Metropolitan Land Office, and not more than three qualified persons appointed by the Valuation Committee as members, and the Director of the Bureau of the Property Valuation as member and secretary.

Section 105 bis., Section 105 ter., and Section 105 quarter. shall apply *mutatis mutandis* to the provincial sub-committee .

**Section 105 septem.**<sup>83</sup> The provincial sub-committee shall have the duty to determine, for submission to the Valuation Committee for approval, the appraised value of capital to be used in levying the fees for the registration of rights and juristic acts relating to the immovable property situated in the vicinity of the province or any locality of such province.

**Section 105 octo.**<sup>84</sup> After having published the appraised capital value for any province, if it subsequently appears that, in any vicinity of such province, there has been considerable discrepancy between the market price of immovable properties and the aforesaid appraised capital value, the provincial sub-committee shall revise without delay the appraised capital value for such locality for submission forthwith to the Valuation Committee for its approval.

**Section 106.**<sup>85</sup> If the competent official is of the opinion that the amount of the capital as stated is lesser than a reasonable amount, the competent official shall have the capital value appraised by relying on the evidence or the regulation prescribed by the Minister. If no settlement is made, the competent official shall have the power to submit the matter together with his opinion to the provincial sub-committee. After the provincial sub-committee has determined the appraised capital value, the competent official shall then proceed accordingly. If the applicant is dissatisfied with the determination, the competent official shall suspend the matter and the applicant shall then file, through the competent official, an appeal against such determination with the Valuation Committee. After the Valuation Committee has made any determination, it shall be final but only on that particular case. Unless the parties to the dispute lodge an application for the registration with the temporary fees as stipulated by the provincial sub-committee having been paid, the competent official shall carry out the registration forthwith. Nonetheless, the appeal shall proceed. After the Valuation Committee makes any decision, it shall be carried out accordingly.

## Chapter 12

### Penalties

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**Section 107.**<sup>86</sup> Any person, failing to accompany the competent official, or not assigning a representative, to conduct the cadastral survey or make the inquiry of the utilization of his land under Section 58 or Section 69, or violating or not complying with Section 26 or Section 70, shall be liable to a fine not exceeding five hundred Baht.

**Section 108.**<sup>87</sup> Any person violates Section 9 before the date of coming into force of this Announcement of the Revolutionary Council, the competent official or the person assigned by the competent official shall have the power to notify the said person in writing requesting such person to comply with the rules prescribed by the Committee. If the said person neglects or fails to comply with the said rules, the competent official shall make an order in writing to such person to vacate the land and/or remove any

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<sup>83</sup> Section 105 septem. was added by the Land Code Amendment Act (No.5) B.E.2534 (1991).

<sup>84</sup> Section 105 octo. was added by the Land Code Amendment Act (No.5) B.E.2534 (1991).

<sup>85</sup> Section 106 was repealed by the Land Code Amendment Act (No.5) B.E.2534 (1991).

<sup>86</sup> Section 107 was amended by the Announcement of the Revolutionary Council, No. 96, dated 29th February 2515 (1972).

<sup>87</sup> Section 108 was amended by the Announcement of the Revolutionary Council, No. 96, dated 29th February 2515 (1972).



buildings thereon within the stipulated period of time. If failing to comply with the said order of the competent officials, the said person shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding five thousand Baht or both.

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

**Section 108 bis.**<sup>88</sup> From the date of coming into force of this Announcement of the Revolutionary Council, any person violating Section 9 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding five thousand Baht or both.

If the offence under paragraph one is committed to the Public Domain of the State for the common use of the people or for the special use of the State, the person committing such offence shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding ten thousand Baht or both.

If the offence under paragraph two is committed to the land having an area more than fifty rai, the person committing such offence shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding twenty thousand Baht or both.

In a case where any person is convicted under this Section, the Court may give an order in the judgment that the offender, workmen, contractors, representatives and dependents of the said person shall vacate the land.

Any equipment, tools, beasts of burden, vehicles, or machinery which is used in the commission of an offence or used as a tool to obtain results in connection with the offence shall be forfeited wholly, whether there be any person convicted by the judgment or not.

**Section 108 ter.**<sup>89</sup> Any person, obstructing or failing to provide facilitation to the competent official in exercising their duty under Section 66, shall be liable to a fine not exceeding one thousand Baht.

**Section 109.** Any person, violating or failing to comply with Section 38, Section 67, or Section 74, shall be liable to a fine not exceeding two thousand Baht or imprisonment for a term not exceeding three months or both.

**Section 110.** Any person, violating or failing to comply with Section 89, shall be liable to a fine not exceeding three thousand Baht or imprisonment for a term not exceeding six months or both.

**Section 111.**<sup>90</sup> Any person, violating or failing to comply with Section 86, shall be liable to a fine not exceeding twenty thousand Baht or imprisonment for a term not exceeding two years or both.

**Section 112.** Any juristic person who

(1) acquires land in violation of the provisions of this Code;

(2) uses land for other purposes than that permitted;

(3) uses land contrary to the conditions prescribed by the Cabinet under Section 99, in conjunction with Section 87 paragraph two;

(4) fails to notify of non-use of land as provided in Section 99 in conjunction with Section 89; or

(5)<sup>91</sup> (Repealed) trades the land in violation of section 101, or fails to comply with the conditions of section 102

shall be liable to a fine not exceeding fifty thousand Baht.

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<sup>88</sup> Section 108 bis. was amended by the Announcement of the Revolutionary Council, No. 96, dated 29th February 2515 (1972).

<sup>89</sup> Section 108 ter. was added by the Announcement of the Revolutionary Council, No. 96, dated 29th February 2515 (1972).

<sup>90</sup> Section 111 was amended by the Land Code Amendment Act (No.12), B.E. 2551 (2008).

<sup>91</sup> Section 112 (5) was repealed by the Land Code Amendment Act (No.12), B.E. 2551 (2008).

**Section 113.** Any person, acquiring land on behalf of an alien or juristic person under Section 97 or Section 98, shall be liable to a fine not exceeding twenty thousand Baht or imprisonment for a term not exceeding two years or both.

### Schedule of Fees and Expenses Annexed to the Land Code<sup>92</sup>

1. Application fee for concession; per application	500 Baht;
2. Concession fee per year; per rai	20 Baht;
The fraction of one rai shall be calculated as one rai:	
3. Fee for issuance of the certificate of utilization	
(1) for an area not exceeding 20 rai: per parcel	30 Baht;
(2) for an area exceeding 20 rai: the excess per rai	2 Baht;
The fraction of one rai shall be calculated as one rai;	
4. Fee for inquiry or examination of its area in relation to the certificate of utilization	
(1) on a parcel basis: per parcel	30 Baht;
(2) on a daily basis: per day	30 Baht;
(3) making a copy or reproduction of a map; per parcel	30 Baht;
(4) land area calculation or estimation (Sob Sae); per parcel	30 Baht
(5) distance measurement: per parcel	10 Baht;
5. Fee for issuance of the Title Deed	
(1) for an area not exceeding 20 rai: per parcel	50 Baht;
(2) for an area exceeding 20 rai: the excess per rai	2 baht;
The fraction of one rai shall be calculated as one rai:	
6. Fee for cadastral survey in relation to the Title Deed	
(1) on a parcel basis: per parcel	40 Baht;
(2) on a daily basis: per day	40 Baht;
(3) making a copy or reproduction of a map; per parcel	30 Baht;
(4) land area calculation or estimation (Sob Sae): per parcel	30 Baht
(5) land measurement: per plot	10 Baht;
7. <sup>93</sup> Fee for registration of rights and juristic acts	
(1) In the case of having capital value, it shall be levied at the rate of two percent of the assessed value for the registration of rights and juristic acts of the transfer of ownership or the possessory right on land or immovable property.	
In other cases, it shall be two percent of the amount of capital value actually declared by the applicant	
The fraction of a hundred shall be calculated as one hundred.	
(2) In the cases of no capital value: per parcel	1,000 Baht;
8. Fee for application for the acquisition of land by an alien: per application	500 Baht;
Permission fee: per rai	100 Baht;
The fraction of one rai shall be calculated as one rai.	

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<sup>92</sup> Schedule of Fees and Expenses Annexed to the Land Code was amended by the Land Code Amendment Act (No.2) B.E. 2521 (1978).

<sup>93</sup> Schedule of Fees and Expenses Annexed to the Land Code 7 was amended by the Act Amending the Land Code (No. 2), B.E. 2521 (1978).

9. <sup>94</sup> (Repealed)Application fee for the acquisition of land for the purpose of land trade, each permission	500 Baht
permission per rai	20 Baht
The fraction of one rai shall be calculated as one rai	
10. Miscellaneous fees	
(1) application fee: per parcel	5 Baht;
(2) making copies of documents including documentary evidence in civil cases copied by the competent official;	
For the first hundred words or not exceeding a hundred words:	10 Baht;
For every subsequent one hundred words	5 Baht;
The fraction of one hundred shall be calculated as one hundred.	
(3) certifying document copies: per copy	10 Baht;
(4) examining the land record : per parcel	10 Baht;
(5) recording the caveat on land: per parcel	10 Baht;
(6) power of attorney: per case	20 Baht;
(7) issuing of certificate of substitution for a title deed or other land right document ; each copy	50 Baht;
(8) announcement : per parcel	10 baht;
(9) boundary marks : each mark	15 Baht;
If it is field survey or resurvey for the whole sub-district for the issuance of a title deed will be calculated per parcel:	
each parcel	60 Baht;
(10) <sup>95</sup> examining records of survey, registration, valuation or other information; each time	100 Baht;
(11) <sup>96</sup> making copies from computer storage media or other electronic media or other copies: each copy	50 Baht;
11. <sup>97</sup> Expenses	
(1) Traveling expenses for officers, competent officials and workmen hired for conducting a survey in relation to a title deed or making an inquiry or examining the area in relation to a certificate of utilization ; per application	
	To be paid in a lump sum in accordance with the rules of the Ministry of Interior with approval of the Ministry of Finance

<sup>94</sup> Schedule of Fees and Expenses Annexed to the Land Code 9. was amended by the Act Amending the Land Code (No. 12), B.E. 2551 (2008).

<sup>95</sup> Schedule of Fees and Expenses Annexed to the Land Code 10 (10). was added by the Act Amending the Land Code (No. 9), B.E. 2543 (2000).

<sup>96</sup> Schedule of Fees and Expenses Annexed to the Land Code 10 (11). was added by the Act Amending the Land Code (No. 9), B.E. 2543 (2000).

<sup>97</sup> Schedule of Fees and Expenses Annexed to the Land Code 11. was amended by the Act Amending the Land Code (No. 7), B.E. 2541 (1998).

- (2) Allowance for officers,  
 competent officials and workmen hired for conducting a survey in  
 relation to a title deed or making an inquiry or examining  
 the area in relation to a certificate of  
 utilization ; per application
- To be paid in a lump sum  
 in accordance with the rules of  
 the Ministry of Interior with  
 approval of the Ministry of  
 Finance
- (3) Commission for local administrative officers or the representatives in  
 conducting a survey in relation to a title deed or making an  
 inquiry or examining the area in relation to a certificate of  
 utilization: per person, per day 100 Baht;
- (4) Other expenses incurred in conducting a survey in relation to  
 a title deed or making an inquiry or examining the area in relation  
 to a certificate of utilization
- To be paid in a lump sum  
 in accordance with the rules  
 of the Ministry of Interior with  
 approval of the Ministry of  
 Finance
- (5) Fee for posting notice or announcement  
 paid to the person posting such notice or announcement: per parcel 20 Baht;
- (6) Fee for witness: per person 20 Baht;

Schedule of Remuneration Annexed to the Land Code<sup>98</sup>

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Remuneration for granting permission

(1) Under Section 9(1); per rai	1,000 Baht per year
(2) Under Section 9(2) or Section 9(3)	
(a) Sand digging or sucking; per cubic meter	28 Baht
(b) Soil or laterite or others digging: per rai	10,000 Baht per year
or per cubic meter	10 Baht

**Remarks :-** The reasons for the promulgation of this Act and the Land Code are as follows: At present, there are several laws on land being in force, it is expedient to compile and revise these laws so as to assist the State to allocate the land to the greater extent for the benefit of the State and the people.

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<sup>98</sup> Schedule of Remuneration Annexed to the Land Code was amended by the Land Code Amendment Act (No.7) B.E.2541 (1998).