

LAND READJUSTMENT ACT

B.E. 2547 (2004)<sup>1</sup>

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BHUMIBOL ADULYADEJ, REX.

Given on the 11<sup>th</sup> day of December B.E. 2547 (2004)

Being the 59<sup>th</sup> Year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to enact a law on land readjustment.

This Act contains certain provisions concerning the restriction of personal rights and freedoms, which, under Section 29, together with Section 35, Section 48 and Section 49 of the Constitution of the Kingdom of Thailand, can be done by virtue of the provisions of law.

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

**Section 1.** This Act shall be called the “Land Readjustment Act B.E. 2547 (2004).”

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

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

<sup>2</sup>Government Gazette, Volume 121, Special Part 81 Kor, page 1, dated 27 December B.E. 2547 (2004)

**Section 3.** In this Act:

“land readjustment” means the development of several plots of land by re-arrangement of land layout, improvement or construction of infrastructure and fair sharing of burden and distribution of return through cooperation between a private party and a private party or between a private party and the state, so as to achieve the more appropriate utilization of land in respect of transportation, economy, society, environment and community and in conformity with urban planning;

“land readjustment project” means a project created for land readjustment;

“Fund” means the Land Readjustment Fund;

“association” means an association established to proceed with land readjustment under this Act;

“landowner” means a person having right to land under the Land Code and includes a condominium owner under the law on condominium;

“Committee” means the Land Readjustment Committee;

“Provincial Committee” means the Provincial Land Readjustment Committee and includes Bangkok Land Readjustment Committee;

“competent officer” means a person appointed by the Provincial Committee to execute the duties under this Act;

“Local Officer” means

(1) Bangkok Governor for within Bangkok Metropolis area;  
 (2) president of provincial administration organization for within a provincial administration organization area:

(3) mayor for within a municipal area;

(4) president of tamboladministration organization for within a tambol administration organization area; =

(5) chief of local administrators of other local administration organizations prescribed by law as a local government service for within such local administration organization area;

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“Minister” means the Minister in charge of the enforcement of this Act.

**Section 4.** The Minister of Interior shall be in charge of the enforcement of this Act and shall have the power to issue ministerial regulations and notifications for the implementation of this Act.

Such ministerial regulations and notifications shall come into force upon their publication in the Government Gazette.

## CHAPTER I LAND READJUSTMENT COMMITTEE

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**Section 5.** There shall be the Land Readjustment Committee, comprising:

- (1) Minister of Interior, as Chairman;
- (2) Permanent Secretary for Interior, as Vice-Chairman;
- (3) Permanent Secretary for Finance, Permanent Secretary for Agriculture and Cooperatives, Permanent Secretary for Transport, Permanent Secretary for Natural Resources and Environment, Permanent Secretary for Industry, Attorney-General, Director of the Bureau of the Budget, Secretary-General of the National Economic and Social Development Board, Director-General of the Department of Lands, Director-General of the Treasury Department, Director-General of the Department of Local Administration, Secretary-General of the Agricultural Land Reform Office and Governor of the National Housing Authority, as members, and Director-General of the Department of Public Works and Town & Country Planning, as member and the secretary;
- (4) representative of the Lawyers Council of Thailand, Architect Council of Thailand, Council of Engineers, Board of Trade of Thailand and of the Federation of Thai Industries, as members;
- (5) fourland readjustment experts appointed by the Council of Ministers, as members.

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In appointing members under (5), the members under (1), (2), (3) and (4) shall jointly conduct selection pursuant to the rules and procedure prescribed by the Council of Ministers.

**Section 6.** The Committee shall have the powers and duties to:

- (1) stipulatesignificant policy, goal and measures concerning land readjustment:
- (2) give approval for the master plan and target area of land readjustment as proposed by the Provincial Committee;
- (3) set standard of land readjustment;
- (4) issue regulations concerning rules and procedure for application for land readjustment and approval for a project of the Provincial Committee;
- (5) prescribe rules and procedure concerning selection of expert members under Section 11 and Section 12;
- (6) issue regulations concerning subsidies or loans to government agencies, local administration organizations, state organizations and state enterprises in constructing or improving public utilities or public facilities supporting land readjustment;
- (7) issue regulations concerning allocation of money from the Fund for borrowing by a land readjustment project operator or to support a land readjustment project;
- (8) issue regulations concerning consideration of compensation, damages or other expenses in proceeding with land readjustment that requires advances from the Fund;
- (9) determine the qualifications and number of experts on property appraisal and rules for property appraisal in proceeding with a land readjustment project;
- (10) prescribe rules concerning receipts, expenditures, keeping and seeking returns of the Fund money;
- (11) issue regulations concerning use of state land, provision of other land to replace state land and expropriation of land in a land readjustment area;

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(12) issue regulations concerning registration of associations and examination of operation of associations;

(13) render decision on a land readjustment problem pursuant to a petition or appeal of a landowner or person having an interest in land in a land readjustment project;

(14) provide opinion or advice to the Council of Ministers concerning land readjustment;

(15) perform other acts concerning land readjustment to implement this Act.

In performing duties under this Section, the Committee may authorize the Department of Public Works and Town & Country Planning to act or prepare a proposal to the Committee for considering proceeding further;

**Section 7.** Expert members under Section 5 (5) shall hold office for a term of two years each.

In case of appointment of an expert member to replace a vacant position, the person appointed shall retain office for the duration of the unexpired term of the members already appointed.

A member whose term has expired may be reappointed for no more than two consecutive terms.

**Section 8.** Apart from retirement upon the expiration of the term of office under paragraph one of Section 7, an expert member under Section 5 (5) shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Council of Ministers due to faulty or dishonest performance or deficiency in ability;
- (4) becoming a bankrupt;

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- (5) becoming an incompetent or quasi-incompetent person;
- (6) having been imprisoned by a final court judgment, unless the offence is related to an act of negligence or a petty offence.

**Section 9.** At least half of the total number of members shall form a quorum for their meeting.

If the Chairman is not present at the meeting or cannot perform his duties, the Vice-Chairman shall preside over the meeting. If the Vice-Chairman is not present or cannot perform his duties, the members present shall elect a member to be the chairman of the meeting.

Decisions at the meeting require a majority of votes. Each member shall have one vote. In the event of a tie, the chairman of the meeting shall cast an additional vote as the deciding vote.

Any member who has a personal interest in any matter may not attend the meeting to consider and vote on that matter.

**Section 10.** The Committee shall have the power to appoint sub-committees to conduct consideration, study, research or to perform any act as assigned by the Committee and Section 9 shall apply to meetings of the sub-committees *mutatis mutandis*.

## CHAPTER II

### PROVINCIAL LAND READJUSTMENT COMMITTEE

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**Section 11.** There shall be the Provincial Land Readjustment Committee, comprising

- (1) Provincial Governor, as Chairman;
- (2) Deputy Provincial Governor assigned by the Provincial Governor, as Vice-Chairman;

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(3) Chief of Provincial Agriculture and Cooperatives Office, Provincial Land Officer, Chief of Area Treasury Office, Chief of Provincial Industry Office, Chief of Provincial Natural Resources and Environment Office, Provincial Chief Public Prosecutor who is chief of Provincial Public Prosecutor Office, representative of the Department of Highways, representative of the National Housing Authority and representative of the provincial administration organization, as members, and Chief of Provincial Public Works and Town & Country Planning Office, as member and the secretary;

(4) representative of the Lawyers Council of Thailand, representative of Provincial Chamber of Commerce and representative of Provincial Federation of Thai Industries or, in case any province has no Provincial Federation of Thai Industries, representative of the Federation of Thai Industries, as members;

(5) three land readjustment experts appointed by the Provincial Governor, as members.

In appointing members under (5), the members under (1), (2), (3) and (4) shall jointly conduct selection pursuant to the rules and procedure prescribed by the Committee.

In case of proceeding with a land readjustment project in an area where there is the Provincial Land Reform Office or any local administration organization, Chief of Provincial Land Reform Office or the Local Officer of that locality shall also be a member.

In case of proceeding with a land readjustment project in any province overlapping the area of another province, the Local Officer of the overlapping locality shall also be a member.

**Section 12.** There shall be the Bangkok Land Readjustment Committee, comprising

(1) Bangkok Governor, as Chairman;  
 (2) Permanent Secretary for the Bangkok Metropolitan Administration, as Vice-Chairman;

(3) representative of the Office of the Attorney-General, the Office of the National Economic and Social Development Board, the Department of Lands, the Treasury

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Department, the Department of Public Works and Town & Country Planning, Office of Transport and Traffic Policy and Planning, Office of Natural Resources and Environmental Policy and Planning, National Housing Authority, Metropolitan Waterworks Authority and of Metropolitan Electricity Authority, as members, and Director of the Department of City Planning, Bangkok Metropolitan Administration, as member and the secretary;

(4) representative of the Lawyers Council of Thailand, the Board of Trade of Thailand and of the Federation of Thai Industries, as members;

(5) three land readjustment experts appointed by Bangkok Governor, as members;

In appointing members under (5), the members under (1), (2), (3) and (4) shall jointly conduct selection pursuant to the rules and procedure prescribed by the Committee.

In case of proceeding with a land readjustment project in Bangkok Metropolis area overlapping the area of any local administration organization, the Local Officer of that locality shall also be a member.

**Section 13.** The Provincial Committee shall have the powers and duties to:

(1) give approval for establishment of associations and supervise the operation of associations;

(2) prescribe measures and guideline for promotion and support of land readjustment;

(3) propose the master plan and target area of land readjustment of the province to the Committee for approval;

(4) appoint the association inspector and competent officers;

(5) coordinate a land readjustment project with the local main project;

(6) approve a land readjustment project proceeded within the province;

(7) propose opinion to the Fund Management Board concerning request for financial support from the Fund money;

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(8) propose opinion to the Committee concerning use of state land, provision of land to replace state land and expropriation of land in a land readjustment project area;

(9) consider fixing compensation or damages pursuant to the rules and procedure prescribed by the Committee;

(10) perform other acts concerning land readjustment to implement this Act.

An association inspector under (4) shall be appointed from a civil servant or official in other state agency, in accordance with the rules and procedure prescribed by the Committee;

**Section 14.** The provisions of Section 7, Section 8, Section 9 and Section 10 shall apply to the Provincial Committee *mutatis mutandis*.

### CHAPTER III

#### LAND READJUSTMENT ASSOCIATION

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**Section 15.** A land readjustment association may be established only by virtue of the provisions of this Act and shall have the main objective to proceed with a land readjustment project.

**Section 16.** In applying for registration of an association, the landowners who are to become members of the association shall elect not less than three persons as association promoters to file an application for registration with the Provincial Committee together with the following relevant documents:

(1) list of persons who are to become the association's members and the amount of lands of such persons and the amount of land to be readjusted pursuant to the rules prescribed by the Committee;

(2) two draft articles of association;

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- (3) other documents required by the Provincial Committee;

**Section 17.** The Provincial Committee shall have the powers and duties to effect registration and shall have the power to issue written order to concerned persons to explain facts or to submit documents in support of the consideration concerning association registration.

**Section 18.** The articles of association must have at least the following particulars:

- (1) name of the association;
- (2) objectives of the association;
- (3) address;
- (4) qualifications of members, members admission procedure and termination of membership;
- (5) admission and membership fees;
- (6) requirements concerning operation, accounting and finance of the association;
- (7) requirements concerning its general meeting;
- (8) requirements concerning its board of directors, i.e. number of directors, election, holding of office, vacation from office and meeting of the board of directors;
- (9) requirements concerning appointment, holding of office, vacation from office, powers, duties and responsibilities of the manager;
- (10) amendment to the articles of association and dissolution of the association.

**Section 19.** The Provincial Committee shall consider the application for registration and draft articles of association. If the application is considered proper under Section 16 and draft articles of association proper under Section 18, the Provincial

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Committee shall effect registration of the association and issue a certificate of registration to such association and the registration of the association shall be announced in the Government Gazette.

Where the Provincial Committee refuses to effect registration of the association, an order together with reasons therefor shall be notified in writing to the applicant without delay. The applicant shall be entitled to appeal in writing to the Committee against the refusal order, which shall be submitted to the Provincial Committee within 30 days from the date of receipt of the refusal order.

The Committee shall render decision on the appeal and notify its decision together with reasons therefor to the appellant and the Provincial Committee without delay. The decision of the Committee shall be final.

Establishment of an association shall become effective upon its announcement in the Government Gazette.

**Section 20.** A registered association shall be a juristic person, and the persons who sign to register the association and persons whose names appear in the list under Section 16 (1) shall be deemed to become members of the association from the date of establishment of the association.

Where landowners or other persons additionally apply for membership of the association after establishment of the association, they shall be deemed to be a member upon payment of admission fee and membership fee under Section 18 (5), and the association shall notify the same in writing to the Provincial Committee.

**Section 21.** The promoters of the association shall hold the first ordinary general meeting within 30 days from the date of establishment of the association to elect its board of directors and to assign all businesses to the board of directors.

The next ordinary general meeting shall be called by the board of directors of the association at least once a year within 90 days from the end of that association's fiscal year.

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**Section 22.** There shall be a board of directors of the association comprising directors elected by the general meeting from the members, to operate the association and to be representative of the association in affairs involving third parties. For this purpose, the board of directors may assign one or several directors to act on its behalf.

**Section 23.** The association shall report its operation, balance sheet and receipt-expenditure account certified by an auditor, to the Provincial Committee within 90 days from the end of its fiscal period, and shall openly announce such report to its members.

**Section 24.** The association inspector shall have the duty to audit the operation and finance of the association as required by the Provincial Committee and shall submit an audit report to the Provincial Committee.

**Section 25.** The Provincial Committee or association inspector shall have the power to issue written order requiring the association's board of directors, employees or members to explain facts concerning its operation or to submit documents concerning its operation or its minutes of meeting.

**Section 26.** In order to implement this Act, the Provincial Committee or association inspector shall have the power to enter the association's office during its office hours to conduct examination, and the persons concerned shall provide reasonable convenience, assistance or explanation to the person conducting examination.

**Section 27.** Where a director of the association, its manager or employee causes damage to the association, and if the association does not file a complaint or lawsuit, the Provincial Committee may order the association inspector to file a complaint or lawsuit instead, whereby the public prosecutor may be requested to represent it.

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If the steps taken under paragraph one incur expenses, they shall be advanced from the Fund money.

The association shall reimburse the expenses incurred in filing complaint, lawsuit or representation, to the Fund or the public prosecutor, as the case may be.

**Section 28.** If the general meeting of the association adopts a resolution that violates law or its articles, the Provincial Committee shall have the power to order revocation of such resolution.

**Section 29.** Where the board of directors of the association improperly performs its duties, which is prejudicial to the interest of the association or its members, or where the association is faulty concerning its finance or accounting pursuant to the report under Section 23 or concerning its operation or finance pursuant to the audit report under Section 24, the Provincial Committee shall notify the board of directors in writing to proceed with corrections pursuant to the procedure prescribed by the Provincial Committee and shall notify the association's members of the same.

The board of directors shall complete corrections within 30 days from the date of being so notified. If no corrections are completed within the said period without reasonable grounds, the Provincial Committee may order that:

- (1) the whole board of directors shall vacate office or any director involved with the matter shall vacate office;
- (2) part of the practice that causes fault or prejudice to the interest of the association or its members shall be stopped;
- (3) the operation shall be stopped temporarily to take steps to complete corrections of such fault pursuant to the procedure and within the period determined by the Provincial Committee.

**Section 30.** Where the Provincial Committee orders the whole board of directors of the association to vacate office or certain director to vacate office under

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paragraph two (1) of Section 29, the Provincial Committee shall appoint a board of directors of the association or a new director instead temporarily, as the case may be, in accordance with the rules and procedure provided in ministerial regulations.

**Section 31.** An association shall be dissolved upon any of the following events:

- (1) Dissolution pursuant to its articles of association;
- (2) The general meeting of the association adopts a resolution of dissolution by at least three-fourths of the votes of all its members;
- (3) The association becomes bankrupt;
- (4) The Provincial Committee orders its dissolution under Section 32.

Dissolution under (2) requires the approval of the creditors and of the Provincial Committee pursuant to the rules and procedure provided in ministerial regulations.

**Section 32.** The Provincial Committee shall have the power to order dissolution of an association when it appears that

- (1) the association does not commence its operation within one year from the date of its establishment or stops its operation continuously for one year or more;
- or
- (2) the operation of the association violates law or public good morals or may be dangerous to public peace or national security.

**Section 33.** Liquidation of an association shall be governed *mutatis mutandis* by the provisions of the Civil and Commercial Code regarding liquidation for dissolution of partnerships and companies.

The assets of the association remaining from payment of debts shall be distributed to its members pursuant to the rules and procedure provided in its articles. If there are remaining assets, they shall become the property of the Fund.

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**Section 34.** The Provincial Committee shall announce the dissolution of the association in the Government Gazette.

**CHAPTER IV**  
**GENERAL PROVISIONS CONCERNING LAND READJUSTMENT**

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**Section 35.** Persons who may proceed with land readjustment are as follows:

- (1) associations;
- (2) Department of Public Works and Town & Country Planning, National Housing Authority and local administration organizations;
- (3) state organizations or any other juristic persons established by the state for the purposes of land readjustment;
- (4) any other state organizations as provided in ministerial regulations.

The organizations under (2) shall proceed with land readjustment pursuant to the master plan and target area of land readjustment of the province.

**Section 36.** In preparing a land readjustment project for submitting for approval under Section 41, the project initiator shall continuously hold meetings of the landowners to discuss and hear their opinions for improvement of the project, and shall collect and clearly show letters of consent of the willing landowners on the form prescribed by the Committee.

In submitting a land readjustment project for approval under Section 41, letters of consent of landowners in the project shall be produced in support of the application, which must be not less than two-thirds of all landowners and they must own a total of not less than two-thirds of the amount of land in that area.

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In case of a condominium, only the land on which the condominium is located shall be calculated together with the land for common use or benefit of all condominium unit owners, and in counting of votes between such condominium and other landowners within the land readjustment project, such condominium shall be deemed one landowner, whereby the manager of the condominium juristic person shall vote pursuant to the resolution of the co-owners in case such condominium has been registered as a condominium juristic person.

**Section 37.** The land readjustment must be in conformity with the urban planning principle or the town plan under the law on town planning, as the case may be, and shall be proceeded to create things to benefit the public as appropriate to the condition of the community and future urban development.

**Section 38.** A landowner in a land readjustment area shall have right to the land re-allocated under the land readjustment project in the same manner as right to his original land and shall be exempt from all fees in the registration thereof.

The provisions of paragraph one shall apply to an immovable property owner in a land readjustment area *mutatis mutandis*.

**Section 39.** The land readjustment under this Act shall not be subject to the law on land allocation.

**Section 40.** Land readjustment on land intended for religious purposes under the Land Code requires the approval of the person looking after such religious land and the provisions of Section 36 shall not apply.

Land readjustment on land that belongs to a temple, is a temple ground or common church property shall be proceeded under the law on the clergy.

## CHAPTER V

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## SUBMISSION OF LAND READJUSTMENT PROJECT

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**Section 41.** A person who is to proceed with land readjustment must submit the land readjustment project to the Provincial Committee first, and may so proceed upon approval of the Provincial Committee.

Submission of a land readjustment project shall be made in accordance with the rules, procedure and conditions prescribed by the Committee in a notification published in the Government Gazette. The details of the project must at least comprise:

- (1) project name;
- (2) project operator name;
- (3) project office address;
- (4) steps and period of operation;
- (5) land readjustment master plan showing the area to implement land readjustment, which must at least show the map of roads, public utilities and public facilities, and details of lands of persons agreeing and disagreeing to the land readjustment;
- (6) obligations of other persons having an interest in the land for which an application is filed;
- (7) financial and expenses plan for proceeding with the land readjustment project;
- (8) other particulars as prescribed by the Committee.

For a land readjustment project in any area, if there is land or other immovable properties to be allocated for sale or state land or immovable properties needed to be used and the area provided as replacement, and demolition or removal of things made as public utilities or public facilities, these shall also be included as details of the project.

**Section 42.** For the purposes of completion of preparation of the land readjustment project under Section 41 or for the purposes of implementation of the land readjustment project, upon an application for survey being filed by the applicant for land

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readjustment, the Provincial Committee shall have the power to make an announcement designating the area to be surveyed for the purposes of the land readjustment project, and the announcement shall be posted openly at the office of the local administration organization in the area and in a conspicuous place in the area to be surveyed, at least 15 days before commencement of survey. The announcement shall be kept until completion of survey by dating on such announcement the date of posting the announcement. The person submitting the land readjustment project shall bear the expenses incurred in the announcement.

Within the area of the survey announcement under paragraph one, the competent officer and person performing work jointly with such person shall have the power to:

- (1) enter the place to do any acts necessary for the survey;
- (2) mark the level, scope or boundaries by planting posts or digging furrows or, where necessary, install mapping controls on the land of any person;
- (3) dig the ground, cut off roots, branches and to do other acts against things obstructing the survey as necessary.

Steps to be taken under paragraph two in a building or residence must be notified to the owner or possessor at least seven days in advance and shall take into account of causing the least damage to the immovable property owner or possessor, provided that this shall not prejudice the right of the injured person to receive compensation.

The person filing the application for survey shall bear the expenses and compensation arising from the survey. In case of inability to agree on the expenses and compensation, it shall be forwarded for consideration by the Provincial Committee pursuant to the rules prescribed by the Committee.

**Section 43.** Upon the land readjustment project being submitted to the Provincial Committee under Section 41, the competent officer shall post an announcement of such land readjustment project at a conspicuous place at the office of the local

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administration organization in the area and at a conspicuous place on the area where the land readjustment is to be proceeded, and shall, on the date of posting of the announcement, issue letters to landowners by mail with return receipt requested, and the person submitting the land readjustment project shall bear the expenses involved.

The announcement under paragraph one shall contain at least the following particulars:

- (1) name of the land readjustment project operator;
- (2) the area where the land readjustment project is to be proceeded;
- (3) address of the land readjustment project office;
- (4) budget required for operation;
- (5) land readjustment master plan;
- (6) other particulars specified by the Committee.

Landowners of the area of the land readjustment project shall notify their consent to the operation under Section 58 or file an objection or propose their opinion in writing to the competent officer within 30 days from the date of receipt of the letter under paragraph one.

Where it is necessary to change the public domain of the state for common use by the people in the land readjustment project, an interested person may propose his opinion in writing to the competent officer within 30 days from the date of posting of the announcement under paragraph one, in accordance with the rules and procedure prescribed by the Committee.

In considering the land readjustment project, the Provincial Committee must take into account all objections or proposals and invite landowners filing objections or proposals or interested person submitting a proposal under paragraph four to present facts and opinions in support of the consideration.

**Section 44.** In considering particulars concerning a land readjustment project, if the Provincial Committee deems that such particulars are not proper, the

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Provincial Committee shall have the power to order the person submitting the land readjustment project to make corrections.

**Section 45.** In case of fire or other accident causing serious damage to buildings, if the Local Officer considers it appropriate to proceed with land readjustment, the Local Officer shall propose his opinion together with a map showing the area of fire or other accident to the Provincial Committee within 30 days from the date of the fire or other accident. If the fire or other accident area is within the jurisdiction of the Local Officer of more than one locality, the Local Officer of the locality concerned shall jointly consider the matter and propose his opinion to the Provincial Committee.

Submission of opinion together with map showing the fire or other accident area under paragraph one shall be deemed a submission of a land readjustment project under Section 41 and the Provincial Committee shall complete its consideration within 60 days from the date of receipt of the opinion, and the provisions of Section 43 shall apply *mutatis mutandis*.

The land readjustment under this Section shall not be subject to paragraph two of Section 35 and the Local Officer may authorize a government agency or state enterprise under Section 35 (2) or state organization under Section 35 (3) and (4) to proceed instead.

**Section 46.** In considering giving approval for a land readjustment project, the Provincial Committee may require the person submitting the land readjustment project to provide security for the security and protection of those involved or to revise the land readjustment project or may impose any details or conditions.

The rules for consideration regarding the security under paragraph one shall be as prescribed in ministerial regulations.

**Section 47.** The Provincial Committee shall complete its consideration of the land readjustment project within 180 days from the date of receipt of the application for

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proceeding with the land readjustment project and correct and complete documents, unless the applicant for proceeding with the land readjustment project requests subsidy or loan from the Fund and indicates that it does not wish to proceed with the land readjustment project if no money is received from the Fund pursuant to the request, whereby the consideration shall be completed within 180 days from the date of the resolution of the Fund Management Board.

After the Provincial Committee adopts a resolution approving or disapproving the land readjustment project, Chief of Provincial Public Works and Town & Country Planning Office or Director of Department of City Planning, Bangkok Metropolitan Administration, as the case may be, shall notify such resolution to the applicant for proceeding with the land readjustment project within 15 days from the date of the resolution.

Where the Provincial Committee disapproves the land readjustment project, the person submitting the project shall be entitled to file an appeal to the Committee within 30 days from the date of being informed of the order, and the Committee shall complete its consideration within 90 days. The decision of the Committee shall be final.

After the Provincial Committee approves the land readjustment project, it shall be announced in the Government Gazette.

**Section 48.** If any land readjustment project requests subsidy or loan from the Fund, the Provincial Committee shall propose such project to the Fund Management Board for considering approving the request, by providing opinion on the suitability of the project in support of the consideration by the Fund Management Board.

**Section 49.** If the land readjustment project operator wishes to change any particular of the project or procedure in the land readjustment project already approved, it shall file an application together with the project map or procedure to be changed, to the Provincial Committee for consideration and approval.

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In changing the particular of the project that results in a change in the project area, the provisions of Section 43 shall apply *mutatis mutandis*.

Consideration for giving approval for change of the land readjustment project shall be governed by Section 46 *mutatis mutandis*.

**Section 50.** From the date of the notification under paragraph one of Section 51, the land that the landowner must surrender to the land readjustment project operator for the purposes of the project shall be deemed preferential debt as expenses for common benefit.

The land readjustment project operator shall have preferential right over the immovable property provided to the landowner under the project as if it were preferential right in the purchase value of the immovable property.

The prescription of the claim that the land readjustment project operator has against the landowner shall be interrupted from the date of the letter of demand for payment of debt sent from the land readjustment project operator.

## CHAPTER VI

### IMPLEMENTATION OF LAND READJUSTMENT PROJECT

**Section 51.** After the Provincial Committee has approved the land readjustment project, the land readjustment project operator shall announce the land readjustment area, date, time and place for holding meeting of the landowners in the land readjustment area at a conspicuous place at the local administration organization office in that area and at a conspicuous place in the land readjustment area for at least 15 days, with the date of posting of the announcement being indicated in that announcement.

Subject to paragraph one of Section 40, after the Provincial Committee approves the land readjustment project and after the announcement under paragraph one, all landowners in the land readjustment area shall have the duty to perform any acts as provided in that land readjustment project. If there is a transfer of right to land, the

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transferee shall assume both rights and obligations that the transferor has had with that land readjustment project.

**Section 52.** On the date of meeting of landowners, an advisory board of that land readjustment project shall be established, comprising representative of the Provincial Committee, landowners from election among landowners themselves, and experts appointed by the Provincial Committee.

In electing the advisory board of the land readjustment project from landowners, there shall be representatives of landowners or immovable property owners diversified according to various different groups pursuant to the regulations prescribed by the Committee.

The advisory board of the land readjustment project elected by the landowners under paragraph one shall vacate office upon:

- (1) no longer being a landowner in the land readjustment area; or
- (2) removal by the signatures of not less than two-thirds of the

landowners.

In case of land readjustment conducted by an association, an advisor to the land readjustment project under paragraph one may not be a director of the association at the same time.

The number of advisors, election procedure, term of office, by-election, quorum and performance procedure shall be in accordance with the rules and procedure provided in ministerial regulations.

The advisory board of the land readjustment project shall receive remuneration from the land readjustment project operator pursuant to the rate prescribed in ministerial regulations.

**Section 53.** The advisory board of the land readjustment project shall have the duties to provide advice to the land readjustment project operator in setting the temporary plan, determination of new plots of land and amount of compensation, appraisal

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of price of land and immovable properties, land management, seeking benefit for the land readjustment project, financial plan of the land readjustment project and to do any other acts necessary for the land readjustment.

**Section 54.** The land readjustment project operator shall, with the approval of the advisory board, prepare a temporary plan, determine utilization of land for the time being during the course of land readjustment so as to minimize the impacts on the landowners during the construction, removal or modification, and, where necessary for safety of life or body, there must be a plan for removal of landowners to reside or carry on utilization at other place.

Impacts from temporary relocation or damage to utilization or business during the course of the land readjustment project shall be taken into account as compensation on the basis of fairness and benefit gained by each party.

**Section 55.** For land and immovable properties that are state properties of a government organization, public organization or organization transfer of which is specifically protected by law and that are located in the land readjustment area, regardless of whether or not it is public domain of the state, if the land readjustment project operator needs to use them in the land readjustment, the operator shall submit the matter to the Committee for its consideration.

In the consideration by the Committee, representative of the organization in charge of looking after such land or immovable properties must be invited to participate in the consideration.

After the Committee approves the use of land or immovable properties under paragraph one in the land readjustment project, it shall take the effect of withdrawal of the status of such land's public domain of the state without having to proceed with withdrawal or transfer under the Land Code, the law on state property or other law applicable to that land, and the land readjustment project operator shall have the power to use the land under the following conditions:

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(1) The land that is public domain of the state for common use by the people but the people have ceased to utilize that land or the land has changed from the status of being land for common use by the people and is not vested in any person;

(2) Land that is public domain of the state for common use by the people and the people still utilize that land but another plot of land has been provided for common use by the people instead, and the same has been announced in the Government Gazette;

(3) Land that is public domain of the state for use exclusively for the benefit of the state or land reserved or restricted but the government service no longer wishes to reserve or restrict it, and the same has been approved by the Council of Ministers;

(4) Land of a government organization under the law on establishment of government organizations or under a specific law, or land of a public organization under the law on public organizations, and the same has been approved by the Council of Ministers;

(5) Land of other organizations of the state established by a specific law and it has been approved by such organization.

**Section 56.** The land readjustment project operator may change the condition of land and immovable properties under Section 55 to be in whatever form pursuant to the land readjustment project approved by the Provincial Committee. However, after project completion the amount of the state land in total must not be less than the original amount. In case of land and immovable properties under Section 55 (3), (4) and (5), the provisions of Section 62 and Section 63 shall apply *mutatis mutandis*.

Use of other types of state land for public utilities or public facilities must be made in the same ratio as that of use of private land, in accordance with the rules and procedure prescribed by the Committee.

**Section 57.** Where it is necessary to develop an area to be more appropriate, the state may expropriate immovable properties for use in any land

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readjustment project, whereby the law on expropriation of immovable properties shall apply *mutatis mutandis*.

**Section 58.** In the area of a land readjustment project approved by the Provincial Committee, the land readjustment project operator or person authorized by it shall be entitled, without the consent of the landowner, to

(1) enter the place to make demolition, removal or modification of a building and to do other necessary acts on the land of person willing to participate in the land readjustment project;

(2) enter the place to survey, construct roads, water drainages, water treatment system and to do any other acts involving land readjustment;

(3) mark the level, scope and boundaries;

(4) proceed to divide or consolidate land plots and do any juristic acts concerning real right or lease right on behalf of a landowner in the land readjustment project area, subject to the objectives of such land readjustment project.

Steps to be taken in a building or land where a person lives must be notified to its owner or possessor in advance for a reasonable period but not less than seven days unless consented by such person. Demolition, removal or alteration of public utility controlled by a state organization must be coordinated with that organization by allowing time for the owner or possessor of the land or immovable property or state organization in charge of such public utility to notify back whether or not he wishes to do so himself.

**Section 59.** For the purposes of construction, removal or alteration of a building or anything for land readjustment, the land readjustment project operator or person authorized by it shall be entitled to enter the place to temporarily make use of or possess land that is not a residence of any person and located close to land in the land readjustment project area under the following conditions:

(1) Such use or possession is needed for survey, construction, removal or alteration of a building or anything for land readjustment;

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(2) The land readjustment project operator or person authorized by it has notified the landowner in writing for a reasonable period but not less than seven days, unless the landowner cannot be contacted, whereby an announcement shall be posted at the area of that land, district or khet office, kamnan office and village headman office of the locality where such land is located for a consecutive period of at least 15 days, and the date, time and the steps to be taken shall also be indicated.

Where steps taken under this Section cause damage to the landowner or holder of other rights, such person shall be entitled to claim compensation from the land readjustment project. If no agreement can be reached on the compensation, it shall be submitted to the Provincial Committee to consider pursuant to the rules prescribed by the Committee.

**Section 60.** During the course of land readjustment, a landowner may not apply for registration of right and any juristic act that requires survey, unless approved by the Provincial Committee.

**Section 61.** For appraisal of property price in proceeding with the land readjustment project, the advisory board of the land readjustment project shall provide property price appraisal experts so that the property price appraisal result can be used to calculate the average.

The qualifications, number of property price appraisal experts and rules for appraisal under paragraph one shall be as prescribed by the Committee.

**Section 62.** The price of land of each original landowner shall be appraised as the basis for allocating new plots of land to those landowners whereby the price, upon completion of the project, of the new plot of land to be acquired must not be lower than the original basis price, unless otherwise consented by such landowner.

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**Section 63.** The new plot of land allocated to a landowner in the land readjustment project must have its environment, location, form of land plot and land utilization similar to those of the original land.

**Section 64.** The size of a new plot of land allocated must not be too small to the extent that impairs the standard of living or the environment.

The size of land that will be the smallest plot that may be allocated shall be in accordance with the rules provided in ministerial regulations.

If a landowner previously has land that is smaller than the size provided in the ministerial regulations under paragraph two, a new plot of land may not be allocated to replace the original plot of land if it will be substantially unfair to other landowners in case land is to be shared to such person, provided that approval therefor is received from the Provincial Committee.

Where no new plot of land is allocated to the landowner under paragraph three, such landowner shall be entitled to choose to hold ownership of a condominium unit with similar price or to receive compensation in money. In paying money, apart from the price of land paid, compensation may be fixed for expenses in relocation and mental impact from loss of property and original living conditions.

The landowner may choose to receive the compensation under paragraph four first and reserve his right to appeal to the Committee. The decision of the Committee shall be final.

**Section 65.** It is permissible to not allocate the new plot of land to the landowner if there is such an agreement with the landowner.

**Section 66.** Lease rights or real rights involving original land or condominium shall be deemed to be transferred to be lease rights or real rights involving the new land or condominium from the date of allocation of the new land or condominium.

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In case there is registration evidence, the competent officer shall revise the register accordingly.

**Section 67.** When the result of the new land or condominium readjustment is not consistent with the objective of the land or condominium lease or the exercise of the right over the original plot of land, the land or condominium lessee or person holding right over the land can terminate such lease or cancel such right over the land, and shall be entitled to demand the money paid in entering into the lease agreement or the fees for exercise of such right from the land readjustment project operator pursuant to the rules and procedure provided in ministerial regulations.

**Section 68.** All expenses incurred in land readjustment shall be shared proportionately among landowners. For land or structures vested in the state, the state shall assist in the expenses involved.

The benefit additionally gained from the land readjustment project shall be shared among the landowners in the land readjustment project area, land readjustment project operator and co-investors fairly to every party.

**Section 69.** Compensation to each other shall not be required if under the land readjustment project every landowner acquires land whose price increases or decreases equally. However, if the price of land has increased or decreased unequally, the party gaining benefit in the greater proportion or acquiring land whose price has increased, as the case may be, shall pay compensation according to the difference received by him, to the land readjustment project, and the person gaining benefit in the lesser proportion or acquiring land whose price has decreased shall be entitled to compensation from the land readjustment project.

Payment of compensation according to the increased difference or receipt of compensation from the land readjustment project shall be in accordance with the rules and procedure provided in ministerial regulations.

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**Section 70.** When the construction and physical arrangements of the land readjustment project is completed or is about to be completed, the land readjustment project operator and its advisory board shall agree on the determination of new plots of land and the amounts of compensation as well as the opinions of all landowners and propose them to seek approval from the Provincial Committee.

After approval by the Provincial Committee, the competent officer shall announce the map of new plots of land and the said amounts of compensation at a conspicuous place at the local administration organization office in the area and at a conspicuous place in the land readjustment project area for not less than 15 days for review by persons concerned, and shall, on the date of posting of the announcement, send a letter to landowners by mail with return receipt requested, and the person submitting the land readjustment project shall bear the expenses involved.

A landowner who disagrees to the determination of the map of new plots of land and the amount of compensation shall be entitled to appeal to the Committee within 30 days from the date of receipt of the letter under paragraph two. The decision on the appeal rendered by the Committee shall be final.

**Section 71.** The competent officer under the Land Code and the competent officer under the law on condominium shall issue a land right document for land under the map of new plots of land or condominium title deed and registrations involved in conformity with the land readjustment project pursuant to the rules and procedure provided in ministerial regulations.

In case of change of land between state land and private land, the competent officer under the Land Code shall have the power to issue a land title deed or certificate of utilization of state land for exchange to a landowner in the land readjustment project.

Upon issuance of a land right document for the new plot of land, the original land right document shall be cancelled.

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**Section 72.** All properties created under the land readjustment project so as to become state property shall be vested in the state and be under the control and supervision of the relevant agency from the date the competent officer under the Land Code issues a land right document under Section 71.

Subject to Section 56, the new plot of land and immovable properties provided to replace state property under Section 55 shall retain their original status before the land readjustment, from the date of announcement of termination of the land readjustment project in the Government Gazette.

**Section 73.** If the law or circumstances has changed or if there is significant event that will affect the land readjustment, whether or not there is a request from the land readjustment project operator, the Provincial Committee shall, with the approval of the Committee, have the power to order alteration of the land readjustment project. If there is problem and obstacle to land readjustment to the extent that the land readjustment project cannot be continued, the Provincial Committee may order a revocation of the approval for the land readjustment project.

In case of an order of alteration of the land readjustment project, if the land readjustment project operator notifies its intention to no longer be operator of such land readjustment project, in addition to confiscation of security or imposition of penalty if it is so provided in the granting of approval under Section 46, the land readjustment project operator may not request the return of all the things already constructed in the land readjustment project, and the Provincial Committee shall issue an order designating another person wishing to continue the project to be the land readjustment project operator as replacement, and the original land readjustment project operator shall be entitled to receive from the land readjustment project fair compensation for all the things lawfully constructed by it.

Before the new land readjustment project operator commences its performance, the original land readjustment project operator still has the duty to carry out

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the original land readjustment project insofar as it is not contrary to or inconsistent with the order of alteration of the land readjustment project.

In case of an order revoking approval for the land readjustment project, all steps being taken shall be discontinued, and the land readjustment project operator shall arrange for every party to resume their original status. If it is not possible, the land readjustment project operator shall pay compensation for the damage arising.

**Section 74.** Upon termination of a land readjustment project, there shall be liquidation whereby the provisions of Section 33 shall apply *mutatis mutandis*, and a report shall be given to the Provincial Committee within 30 days from the date of completion of the liquidation.

The Provincial Committee shall announce the termination of the land readjustment project in the Government Gazette.

## CHAPTER VII LAND READJUSTMENT FUND

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**Section 75.** A fund called the “Land Readjustment Fund” shall be established in the Department of Public Works and Town & Country Planning, with the objective to support land readjustment and shall comprise the following moneys and properties:

- (1) money transferred from the working capital for urban land readjustment under the Expenditure Budget Act for the Budget Year of B.E. 2536 (1993);
- (2) government subsidy;
- (3) service charges and penalties collected under this Act;
- (4) money or other properties donated;
- (5) money, interest or any other benefits arising from the Fund;
- (6) money and other properties vested in the Fund.

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The moneys or other properties under paragraph one shall be remitted into the Fund without having to remit them to the treasury as state revenue.

**Section 76.** The Land Readjustment Fund shall be a juristic person.

**Section 77.** The Fund shall have the power to do any acts within the scope of its objective under Section 75, including:

- (1) holding ownership, having possessory right and real rights;
- (2) creating rights or doing any juristic acts within and outside the Kingdom;
- (3) providing loans to land readjustment project operators;
- (4) investing to seek return from the Fund's properties;
- (5) doing other acts relating to or in connection with the implementation of the Fund's objective.

**Section 78.** In any transaction involving third parties, the Chairman of the Fund Management Board shall act on behalf of the Fund and the Office. In this connection, the Chairman of the Fund Management Board may, with the approval of the Fund Management Board, authorize the Director-General of the Department of Public Works and Town & Country Planning or any Fund Management Board member to act on his behalf.

**Section 79.** The Fund money shall be spent for the following:

- (1) to be loans to land readjustment project operators;
- (2) to be subsidies or loans to government agencies, local administration organizations, state enterprises or other state organizations in constructing or improving public utilities or public facilities supporting land readjustment;
- (3) for research, training, advertisement, and distribution of information concerning land readjustment;

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(4) to be advances for compensation or damages in proceeding with a land readjustment project under this Act;

(5) to be expenses in managing the Fund.

In providing credit facility to a land readjustment project, the Committee may designate a state financial institution to assist in so doing.

**Section 80.** There shall be a Fund Management Board, comprising the Permanent Secretary for Interior, as Chairman, Director-General of the Comptroller General's Department, Director-General of the Department of Public Works and Town & Country Planning, representative of the Bureau of the Budget, representative of the Office of the National Economic and Social Development Board and three experts relating to the Fund appointed by the Council of Ministers, as members, and representative of the Department of Public Works and Town & Country Planning, as member and the secretary.

The provisions of Section 7, Section 8, Section 9 and Section 10 shall apply to the Fund Management Board *mutatis mutandis*.

**Section 81.** The Fund Management Board shall have the duties to:

(1) manage and control the performance of the Fund to ensure compliance with this Act;

(2) prescribe rules, procedure and conditions on various matters under Section 77 with the approval of the Committee;

(3) prescribe regulations concerning management of the Fund Office;

(4) approve annual budget for the operation of the Fund and of the Fund Office;

(5) supervise, follow up and evaluate the result of spending of the Fund money and to report the same to the Committee;

(6) perform duties pursuant to the regulations prescribed by the Committee or as assigned by the Committee;

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**Section 82.** The accounting of the Fund shall be in accordance with the international principle, with internal audit concerning finance, accounting and supplies of the Fund, and the audit result shall be reported to the Committee at least once a year.

**Section 83.** The Office of the Auditor General of Thailand shall audit the receipt-expenditure report of the Fund every year. Thereafter an audit report shall be prepared and submitted to the Council of Ministers and the National Assembly.

#### CHAPTER VIII PENAL PROVISIONS

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**Section 84.** Any person who obstructs the performance of the Provincial Committee or association inspector under Section 26 or competent officer or person authorized by him or performing work jointly with the said person under paragraph two of Section 42 or land readjustment project operator or person authorized by a land readjustment project operator under Section 58 (1), (2) or (3) shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding 10,000 baht, or both.

**Section 85.** Any person who removes, damages or destroys marks made under paragraph two (2) of Section 42 or Section 58 (3) shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding 20,000 baht, or both.

#### TRANSITORY PROVISIONS

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**Section 86.** An association with the objective to proceed with a land readjustment project and established under the Civil and Commercial Code before or on the effective date of this Act who wishes to become an association under this Act shall file an application with the Committee within 90 days from the effective date of this Act.

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The Committee shall have the power and duty to consider effecting registration of an association filing application under paragraph one and the provisions of Chapter 3 Land Readjustment Association shall apply *mutatis mutandis*.

If the Committee effects registration as an association under this Act, the relevant documents and evidence shall be sent to the Provincial Committee of the locality where the office of the association is located for the purposes of supervision of that association.

**Section 87.** An operator of a land readjustment project that exists before or on the effective date of this Act who wishes to have such land readjustment project deemed as a land readjustment project under this Act shall file an application with the Committee within one year from the effective date of this Act.

The Committee shall have the power and duty to consider granting approval for the project under paragraph one and the provisions of Chapter 5 Submission of Land Readjustment Project shall apply *mutatis mutandis*, except the announcement under Section 43.

If the Committee grants approval for that land readjustment project, the relevant documents and evidence shall be sent to the Provincial Committee of the locality for further proceeding and the remaining steps shall be taken in accordance with this Act until completion of the project. However, this shall not affect the steps under the land readjustment project already taken before the effective date of this Act.

**Section 88.** Any steps taken under the plan or project approved for spending the working capital for urban land readjustment before the effective date of this Act shall be continued until completion pursuant to the approved plan or project. In case of a project that needs to be continued and to seek approval for spending the working capital for urban land readjustment, it shall be proceeded under this Act to the extent that does

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not affect the approved original plan or project, until completion pursuant to the approved plan or project.

Remittance of money back to the working capital for urban land readjustment shall be made to the Land Readjustment Fund.

**Section 89.** Rules, regulations, or orders of the Ministry of Interior or of the Department of Public Works and Town & Country Planning prescribing rules and procedure concerning land readjustment shall continue to be effective insofar as they are not contrary to or inconsistent with this Act.

Countersigned by

*Police Lieutenant Colonel Thaksin Shinawatra*

Prime Minister

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