

Town Planning Act, B.E. 2518

BHUMIBOL ADULYADEJ, REX.

Given on 5th February B.E. 2518

Being the 30th year of the present Reign

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

Whereas it is expedient to revise the law on town and country planning;

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

Section 1. This Act is called the "Town Planning Act, B.E. 2518".

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The Town and Country Planning Act, B.E. 2495 shall be hereby repealed.

All other laws, rules and regulations, in so far as they are herein provided, or are contrary hereto, or inconsistent herewith, shall be hereby replaced.

Section 4. In this Act:

"town planning" means the preparation, making and implementation of a general plan and a specific plan in the area of a town and related areas, or in the country in order to built or develop a new town or a part thereof or to replace a damaged town or a part thereof for the purpose of providing Government Gazette Vol. 92, Part 33, Special Issue, page 8, dated 13th February B.E. 2518, or improving sanitation, amenity and convenience, orderlines, beauty, use of property, public safety, and social security, of improving economy, social affair, and environment, of preserving a place and an object of interest or value in the field of art, architecture, history or antiquity, or of preserving natural resources, landscape of beauty or natural interest.

"general plan" means a plan, policy, and project, including a measure of general

control, to be used as guidance in the development and maintenance of a town and related areas, or of the country in the fields of use of property, communication and transport, public service, and environment, for the purpose of achieving the objective of town planning.

“specific plan” means a plan and operation project for the development or maintenance of a specific area, or related affairs in a town and related areas, or in the country, for the benefit of town planning.

“building” means a building under the law on the control of building construction, including every kind of structure or any other thing placed on, under, or over the surface of land or water.

“accessory space” means privately owned land arranged by a specific plan as a free space or for other public uses as well, such as pavement, foot-path, passage-way behind or beside a building, water-way, drain or sewer.

“open space” means the area of land specified in a general plan or a specific plan as a mainly free space and for a specified purpose.

“planning officer” in the case where a Royal Decree prescribing an area of land to be surveyed for the preparation or approval of a general plan and for a specific plan is enforced, means the planning officer as specified in the Royal Decree; in the case where a general plan is enforced, means the Director of the Office of Town Planning, or the local officer who prepares and makes the general plan; in the case where a specific plan is enforced, means the person who prepares and makes the specific plan.

“local officer” in a municipal area means the municipal council; in a *Sukha Phiban* area, means the *Sukha Phiban* council; in a *Changwat* administrative authority area, means the *Changwat* Governor, or *Nai Amphoe* entrusted by the *Changwat* Governor to act on his behalf; in the Bangkok Metropolitan area, means the Governor of Bangkok Metropolis, or the *Khet* Chief entrusted by the Governor of Bangkok Metropolis to act on his behalf.

“operation officer” means the local officer, or the State organization or State corporation, having the powers and duties, or so entrusted, to carry out the specific plan.

“local administrative authority” means a *Changwat* administrative authority, municipality, *Sukha Phiban* or Bangkok Metropolis.

"*Changwat Governor*" includes the Governor of Bangkok Metropolis, in case of the preparation and making of a general plan or a specific plan in the Bangkok Metropolitan area.

"Minister" means the Minister having charge and control of the execution of this Act.

Section 5. The Minister of Interior shall have charge and control of the execution of this Act, and shall have the power to issue Ministerial Regulations for the carrying out of this Act.

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

Chapter 1. Board of Town Planning

Section 6. There shall be a Board of Town Planning composed of the Under-Secretary of State for Interior as Chairman, Under-Secretary of State for Agriculture and Co-operatives, Under-Secretary of State for Communication, Under-Secretary of State for Industry, Director of the Budget Bureau, Secretary-General of the National Economic and Social Development Board, not more than seven qualified persons in the field of town planning or its directly related field and not more than seven representatives of independent institutes or organizations and other persons having interest to town planning, as members. The Director of the Office of Town Planning is the member and secretary.

In case of the preparation, making or approval of a general plan or a specific plan in the Bangkok Metropolitan area, the Under-Secretary of State for Bangkok Metropolis shall also be a member.

The Cabinet shall appoint members under paragraph one from qualified persons, representatives of independent institutes or organizations and other persons, and such members appointed from representatives of independent institutes or organization and other persons must not be government officials or local authority officials holding a permanent position or receiving a salary.

Section 7. The Board of Town Planning shall have the powers and duties concerning town planning as provided in this Act, and shall have the duty to advise the units having duties concerning town planning on various matters relating to town planning.

Section 8. The Board of Town Planning shall have the powers to appoint one or several

sub-committees to act or decide on matters within its powers and duties or to assist in any operation as entrusted, and then to report back to the Board. Section 11 and Section 12 shall apply hereto *mutatis mutandis*.

Section 9. The members of the Board of Town Planning appointed by the Cabinet shall hold office for a term of two years.

In the case of appointment of a member of the Board during the term of office of the members already appointed, notwithstanding whether it be an additional appointment or a replacement, the person so appointed shall hold office for the remaining term of the members already appointed.

A member of the Board of Town Planning who vacates office may be re-appointed.

Section 10. Apart from vacating office at the end of the term under Section 9, the member appointed by the Cabinet vacates office upon:

- (1) death;
- (2) resignation;
- (3) dismissal by the Cabinet;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) being sentenced to a term of imprisonment by a final judgement of the court except for a petty offence or an offence committed through negligence.

Section 11. At a meeting of the Board of Town Planning, the presence of not less than one-half of the total number of members is required to constitute a quorum.

Where the Chairman is absent at a meeting, the members present shall elect a member to preside over the meeting.

Section 12. A decision of the meeting shall be by majority of votes.

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

Section 13. The Office of Town Planning shall act in accordance with the resolution of the Board of Town Planning. In case of an activity under the powers and duties of other unit or

person under this Act or any other law, the Office of Town Planning shall speedily inform such unit or person of the resolution of the Board of Town Planning, and shall follow up the result of the conduct of the affair of such unit or person, and then shall report back to the Board of Town Planning without delay.

Chapter 2. Survey for the Preparation and Making of a General Plan or a Specific Plan

Section 14. In the preparation and making of a general plan or a specific plan, a Royal Decree prescribing the area of land to be surveyed for the preparation and making of a general plan or a specific plan may be issued.

Such Royal Decree shall specify:

- (1) the purpose of the survey in the preparation and making of the general plan or the specific plan;
- (2) the planning officer;
- (3) the locality to be surveyed, with an attached map showing the area to be surveyed;
- (4) the duration of the enforcement of the Royal Decree, which must not extend beyond five years.

Section 15. During the duration of the enforcement of the Royal Decree prescribing the area of land to be surveyed, the planning officer shall have the following powers:

- (1) to make as entry as may be necessary for the survey;
- (2) to prescribe the area of land intended to be the area of a general plan or of a specific plan;
- (3) to prescribe rules on the use of property, for the purpose of the preparation and making of the general plan or the specific plan, upon approval by the Board of Town Planning;
- (4) to make the level, limit and boundary markings as may be necessary;
- (5) to require a government unit, State organization, or State enterprise to forward a map or a plan showing the area of land as may be necessary, for the purpose of the preparation and making of the general plan or the specific plan.

Provided that he shall not enter a building, the ground of a house or a fenced garden adjoining a dwelling house, except when permitted by the owner or the occupier of the im-

movable property, or when the owner or the occupier of the immovable property has been notified of the affair to be conducted not less than three days before the beginning of such act.

Section 16. The Royal Decree issued under Section 14 shall lapse upon the issuance of a Ministerial Regulation enforcing the general plan, or upon the enforcement of an Act enforcing the specific plan, as the case may be, in the area in the said Royal Decree.

Chapter 3. Preparation and Making of a General Plan

Section 17. A general plan consists of:

- (1) the purpose of the preparation and making of the general plan;
- (2) a map showing the general planning area;
- (3) a plan made up in one or several copies, with prescription, containing every or some of the following important matters:
 - (a) a plan prescribing the use of property as classified;
 - (b) a plan showing open spaces;
 - (c) a plan showing communication and transport project;
 - (d) a plan showing public utility project;
- (4) details accompanying the plans;
- (5) policy, measure and method of implementation of the general plan.

Section 18. Where the preparation and making of a general plan for any locality is considered appropriate, the Office of Town Planning may prepare and make the general plan for such locality, or the local officer of such locality may prepare and make the general plan of his own for the locality. In the case where the local officer prepares and makes the general plan of his own, a prior consent from the Board of Town Planning is required.

If the area of such general plan overlaps the areas of several administrative localities, the Board of Town Planning may order the Office of Town Planning or the local officer of one locality or those of the localities concerned, to prepare and make the general plan, and may prescribe the amount of the expense to be paid *pro rata* by the local administrative authority of each locality.

In the case where the local officer requests the advice of the Office of Town Planning in the preparation and making of the general plan, the Office of Town Planning shall cooperate with the local officer as requested.

Section 19. Upon the preparation and making of a general plan in any locality, the Office of Town Planning shall notify the local officer of such locality of it, and such local officer shall give the Office of Town Planning his opinion thereon.

In the preparation and making of any general plan, the Office of Town Planning or the local officer, as the case may be, shall cause it to be advertised in order to inform the public of it, and shall cause at least two meetings to be held in order to hear the public opinion in the locality where such general plan is to be prepared and made. In such hearing of the public opinion, it may be prescribed that only the representatives of the public, as may be appropriate, are allowed to attend the meeting. The rules, methods and conditions for the advertisement, the meeting and the expression of opinion shall be prescribed by a Ministerial Regulation.

Section 20. When the local officer has prepared and made a general plan, he shall forward it to the Office of Town Planning for consideration. If the Office of Town Planning considers it appropriate to modify or alter the general plan, it shall notify the local officer of it, and also of its reason. If the local officer does not agree with the opinion of the Office of Town Planning, he shall notify the Office of Town Planning of his reason, whereupon the Office of Town Planning shall proceed under Section 22 without delay.

Section 21. In any *Changwat* where a general plan is prepared and made, the *Changwat* Governor shall appoint a General Planning Advisory Board composed of a representative of the local administrative authority, a representative of the Office of Town Planning, and not fewer than ten but not more than fifteen representatives of other government units and other persons as deemed appropriate, with the duty to give advice and opinion concerning the general plan to be prepared and made by the Office of Town Planning or the local officer.

In the case where a general plan to be prepared and made covers the area of two *Changwat* or more, the Board of Town Planning shall appoint a General Planning Advisor Board.

The Minister shall lay down regulations concerning the appointment of the General Planning Advisory Board and the performance of duty thereof.

The provisions on the meeting in Chapter 1 shall apply *mutatis mutandis* to the meeting of the General Planning Advisory Board.

Section 22. The Office of Town Planning shall submit the general plan prepared and made by the Office of Town Planning or the local officer to the Board of Town Planning for consideration. In the case where the Office of Town Planning is of the opinion that it is appropriate to

modify or alter the general plan prepared and made by the local officer but the local officer does not agree to it, the opinion of the Office of Town Planning and the reason of the local officer in so disagreeing shall be submitted at the same time.

Section 23. Upon approval by the Board of Town Planning, the Office of Town Planning or the local officer preparing and making the general plan shall cause the posting up of a notice of the map showing the area of the general plan at a conspicuous place at the *Khet* or *Khucaeng* Office of Bangkok, or the *Amphoe* office, the local administrative authority office, and a public place within the area of such general plan for not less than sixty days. The date of the posting up shall also be entered in such notice.

Such notice shall contain an invitation to interested persons to go and examine the plans and prescriptions of the general plan at the Office of Town Planning, or the Office of the local officer preparing and making such general plan. The method of giving notice shall be in accordance with the rule of the Ministry of Interior.

Section 24. If, within sixty days from the date of the posting up of the said notice under Section 23, any interested person requests the Office of Town Planning or the local officer preparing and making such general plan, in writing, to modify or alter or cancel the prescription concerning the use of property in such general plan, whether or not the Office of Town Planning or the local officer agrees with such request, the Office of Town Planning or the local officer, as the case may be, shall submit such request together with his opinion to the Board of Town Planning. In the case of submission by the local officer, it shall be processed through the Office of Town Planning.

In the case of approval of the request by the Board of Town Planning, the Board of Town Planning shall order the Office of Town Planning or the local officer, as the case may be, to modify or alter or cancel the said prescriptions in such general plan. In the case of disapproval thereof, the Board of Town Planning shall disallow the request.

Section 25. If, after sixty days from the date of the posting up of the said notice under Section 23, an interested person has not requested modification or alteration or cancellation of the prescription concerning the use of property in such general plan, or has so requested but such request has been disallowed by the Board of Town Planning, or modification or alteration or cancellation of the said prescription has been ordered by the Board of Town Planning, and the Office of Town Planning or the local officer, as the case may be, has done as ordered, the Office of Town Planning shall submit the general plan to the Minister in order that a Ministerial Regulation enforcing such general plan may be issued.

Chapter 4. Enforcement of General Plan

Section 26. The enforcement of a general plan shall be effected by a Ministerial Regulation.

The Ministerial Regulation under paragraph one must contain the items under Section 17 and shall be in force for not more than five years.

Section 27. In the area where a Ministerial Regulation enforcing the general plan has been in force, no person shall use the land differently from that prescribed in the general plan nor act in contravention of the prescriptions of such general plan.

The provisions of paragraph one shall not apply to the case where the occupier of the land has already used the land before the coming into force of the Ministerial Regulation enforcing the general plan, and will continue to so use the land when the Ministerial Regulation enforcing the general plan is in force. But if the Board of Town Planning is of the opinion that such use of land is in contravention of the policy of the general plan in important matters concerning sanitation, public safety and social security, it has the power to prescribe rule, method and condition under which the owner or the occupier of the land must modify, alter or suspend such use of the land within a reasonable time. In the prescription of the said rule, method and condition, the Board of Town Planning shall have regard for the activities for which the land is utilizing, nature of the land and other property relating to the land, investment benefit received or nuisance suffered by the public from such activities, in which case the Board of Town Planning shall invite the owner or the occupier of the land to show facts and to express opinion.

When the rule, method and condition in paragraph two have been prescribed, the Board of Town Planning shall notify the owner or the occupier of the land thereof, and the owner or the occupier of the land has the right to appeal under Section 70.

Chapter 5. The Preparation and Making of a Specific Plan

Section 28. A specific plan consists of:

- (1) the purpose of the preparation and making of the specific plan;
- (2) a map showing the boundary of the specific plan;
- (3) a town plan or an area plan made up in one or several copies, containing all or some of the following important matters:

- (a) a plan showing the prescription on the use of land classified into categories of activities together with the boundary dividing land into categories and zones;
 - (b) a plan showing communication and transport project together with the details showing the limit and size of public ways;
 - (c) a plan showing the details of public utility project;
 - (d) a plan showing open spaces;
 - (e) a plan showing prescription on the level of land;
 - (f) a plan showing the area of the location of a place or object of interest or value in the field of art, architecture, history or antiquity to be conserved, maintained or repaired;
 - (g) a plan showing the area of natural resources, or of landscape of beauty or natural interest, including tree or group of trees, to be conserved or maintained;
- (4) details and explanation accompanying the plans under (3) including the category and kind of the building the construction of which may or may not be permitted;
- (5) prescription of what to be done or not to be done, in accordance with the purpose of the specific plan, in every or some of the following matters:
- (a) limit and size of accessory spaces;
 - (b) category, kind, size, and number of the buildings the construction of which may or may not be permitted;
 - (c) category, kind, size, number and description of dilapidated buildings or those in objectionable condition or are likely to cause danger to the dwellers or passers-by, demolition or removal of which is to be ordered by the local executive board of town planning under Section 55;
 - (d) use of the building, construction or alteration of which has been permitted, in a different way from that originally applied for, for which a permit from the local officer must be obtained.
 - (e) size and plot of the land to be permitted as the site of building for various uses specified in the specific plan, including the area of the land prescribed as free space for the specified uses;
 - (f) conservation, maintenance or repair of place or object of interest or value in the field of art, architecture, history or antiquity;
 - (g) preservation of free spaces;
 - (h) conservation or maintenance of tree or group of trees;
 - (i) demolition, removal or alteration of building;

- (j) other matters, as may be necessary, in accordance with the objective of the specific plan;
- (6) details specifying the land or other immovable property to be expropriated, together with the name of the legal owner or the legal occupier of the property, and the map showing the boundary of the land or other immovable property expropriated for the purpose of town planning in order to be used as public highway under Section 43 (1);
- (7) details specifying the land or other immovable property to be expropriated, together with the name of the legal owner or the legal occupier of the property, and the map showing the boundary of the land or other immovable property expropriated for other purposes of town planning under Section 43 (2);
- (8) details and map specifying the land or other immovable property which is *domain public*, or that owned, occupied or maintained by the Ministry, Sub-Ministry, Department, *Changwat*, local administrative authority, or State organization, which is to be used as public highway or for other purposes of town planning;
- (9) other map, plan or detail as may be necessary.

Section 29. Where there is a Ministerial Regulation enforcing a general plan in any locality, the local officer of such locality shall prepare and make a specific plan or he may request the Office of Town Planning to do so. The specific plan must be consistent with the general plan.

In any locality where there is no Ministerial Regulation enforcing a general plan, the Minister may order the Office of Town Planning or the local officer to prepare and make a specific plan.

In the case where the local officer prepares and makes the specific plan, he shall submit the principle thereof to the Board of Town Planning for prior approval, in which case the local officer may express his opinion to or request advice from the Office of Town Planning concerning the preparation and making of the specific plan.

Section 30. In the case where the local officer is to prepare and make the specific plan under Section 29, he shall post up notice showing the estimated area where the specific plan is to be prepared and made, at a conspicuous place at the *Khet* or *Khucaeng* Office of Bangkok Metropolis, or the *Amphoe* Office, the local administrative authority office, and public place within the area where such specific plan is to be prepared or made.

Section 31. In the case where the Office of Town Planning prepares and makes the specific plan as ordered by the Minister, or as requested by the local officer under Section 29, it shall forward the map showing the estimated area where the specific plan is to be prepared and made to the local officer to be posted up at a conspicuous place in accordance with Section 30.

Section 32. In the notice showing the estimated area where the specific plan is to be prepared and made under Section 30 and Section 31, there shall contain an invitation to the owner or the occupier of the land, or the person having the right to construct building on the land owned by another person, to submit opinion as well as intention to improve the land in the area shown, in writing to the local officer or the Office of Town Planning, as the case may be within forty-five days from the date of the posting up thereof.

The local officer or the Office of Town Planning may notify the person submitting the opinion and intention under paragraph one that he may give additional opinion.

Section 33. In the preparation and making of any specific plan, the Office of Town Planning or the local officer, as the case may be, shall cause it to be advertised in order to inform the public of it and shall cause at least two meetings to be held in order to hear the public opinion in the locality where such specific plan is to be prepared and made. In such hearing of the public opinion, it may be prescribed that only the representatives of the public, as may be appropriate, are allowed to attend the meeting. The rules, method and conditions for the advertisement, the meeting and the expression of opinion shall be prescribed by a Ministerial Regulation.

Section 34. If the owner or the occupier of the land, or the person having the right to construct building on the land owned by another person, as the case may be, intends to subdivide the land or construct a building for the purpose of education, public health or public utility in the area as posted up under Section 30 or Section 31, he shall notify the local officer or the Office of Town Planning, as the case may be, in writing, of the said intention, sending also the project thereof.

Section 35. Upon receipt of the letter showing the intention under Section 32 or Section 34, the local officer or the Office of Town Planning may approve or disallow the proposal, or may require, in writing, the person showing the intention to sub-divide the land or to construct the building, to modify the project of the sub-division of the land or of the building construction in accordance with the principle approved by the Board of Town Planning under Section 29 within thirty days from the date of the receipt of the letter showing the intention. The owner or the occupier of the land who does not approve of the disallowance or requirement for the

modification has the right to appeal under Section 70.

Section 36. Where the local officer or the Office of Town Planning considers that the subdivision of the land and the category of the building to be constructed are in accordance with the principle approved by the Board of Town Planning under Section 29, the local officer or the Office of Town Planning may require the person showing the intention under Section 34 to enter into a contract to sub-divide the land or to construct the building as agreed. In case of a contract with the person having the right to construct building on the land owned by another person, approval by the legal owner and the legal occupier of the land must be obtained. The contract entered into with the local officer or Office of Town Planning shall consist of the plan of the building area and the details of the building to be constructed.

The method of submission of the plan under paragraph one shall be in accordance with the rule prescribed by the Ministry of Interior.

Section 37. The preparation and making of the specific plan shall be consistent with the contract under Section 36, and regard shall be had for building construction within the duration for which the Royal Decree prescribing the area of land to be surveyed for the preparation and making of the specific plan has been issued.

Section 38. In the case where the local officer prepares and makes the specific plan under Section 29, the specific plan shall be sent to the Office of Town Planning for consideration. If the Office of Town Planning does not agree to the specific plan and the local officer cannot amend the specific plan in order that it be consistent with the opinion of the Office of Town Planning, the Office of Town Planning shall submit it to the Board of Town Planning for the final decision.

Section 39. In the case where the Office of Town Planning prepares and makes the specific plan under the order of the Minister or the request of the local officer under Section 29, the specific plan shall be sent to the local office for consideration. If the local officer does not agree to the specific plan and the Office of Town Planning is of the opinion that it cannot amend the specific plan in order that it be consistent with the opinion of the local officer, the Office of Town Planning shall submit it to the Board of Town Planning for the final decision.

Section 40. Upon approval by the Board of Town Planning of the specific plan made by the local officer or the Office of Town Planning, the Office of Town Planning shall submit the specific plan to the Minister in order that an Act enforcing such specific plan may be enacted.

Chapter 6. Enforcement of Specific Plan

Section 41. The enforcement of a specific plan in any locality shall be effected by Act. Unless provided otherwise by the Act enforcing the specific plan, each Act shall be in force for not more than five years.

When the duration under paragraph (1) has ended, if the local officer or the Office of Town Planning considers it expedient to extend the duration for the enforcement of the Act, it shall submit its opinion to the Board of Town Planning for consideration in order that an Act extending the duration of the enforcement of the specific plan be enacted. The Act extending the duration thereof may prescribe amendment to the specific plan suitable to the condition and environment that have changed.

Section 42. During the enforcement of the Act enforcing the specific plan in any locality, if the local officer or the Office of Town Planning is of the opinion that the condition and environment in the area of the specific plan have changed and that it is expedient to make suitable amendment to the prescriptions or details of the specific plan as provided in the Act enforcing the specific plan, the local officer or the Office of Town Planning shall submit the proposed amendment to the Board of Town Planning. If the Board of Town Planning approves the amendment, and such amendment does not change the prescriptions and details of the specific plan in the part concerning the expropriation of land or other immovable property, or the demolition or removal of building, or does not cause any other expropriation of land or immovable property or demolition or removal of other building, the Board of Town Planning shall report to the Minister in order that a Ministerial Regulation amending the specific plan be issued.

Section 43. Where the Act enforcing a specific plan in any locality has been enacted, the land or other immovable property owned or occupied by a private individual and the expropriation of which is prescribed in the Act enforcing the specific plan, if:

- (1) to be used as public highway, it shall be deemed to be expropriated under the law on public highway; and the provisions of the said law shall apply *mutatis mutandis* to the expropriation, except where specifically provided for in the Act enforcing the specific plan;
- (2) to be used for other purposes of town planning, it shall be deemed to be expropriated under the law on the expropriation of immovable property; and the provisions of the said law shall apply *mutatis mutandis* to the expropriation, except where specifically provided for in the Act Enforcing the specific plan.

In both cases, the Director of the Office of Town Planning, or the *Changwat* Governor of the locality specified in the Act enforcing the specific plan shall be the expropriation officer, and the boundary of the land or other immovable property to be expropriated as contained in the map appended to the Act enforcing the specific plan shall be deemed the boundary of the land or other immovable property expropriated.

In the case where an Act enforcing the specific plan is enacted within five years from the date of the enforcement of the Royal Decree prescribing the area of land to be surveyed under Section 14, the compensation to be paid to the owner or the occupier of the property expropriated under this section, if the Act enforcing the specific plan has not otherwise prescribed it, shall be prescribed according to the fair price of the property expropriated as of the date of the enforcement of the said Royal Decree.

In the case where an Act enforcing the specific plan is enacted without the said Royal Decree having been issued or after five years from the date of the enforcement of the Royal Decree and the Act enforcing the specific plan does not otherwise prescribe the compensation, it shall be prescribed according to the fair price of the property expropriated as of the date of the enforcement of the Act enforcing the specific plan.

In case of an expropriation of immovable property for improvement in accordance with the specific plan, when the operation officer has made the improvement and intends to let such immovable property or to secure benefit therefrom, he may do so, but he may not do an act causing transfer of ownership therein.

Transfer of ownership in the said immovable property expropriated for improvement may be made by enacting an Act.

Section 44. In the case where it is necessary to take possession of the immovable property expropriated under Section 43 (1), the operation officer shall make agreement with the owner, the occupier of the caretaker of the immovable property concerning the time prescribed for the taking of possession thereof.

In the case where it is necessary to take possession of the immovable property expropriated under Section 43 (2) and the Act enforcing the specific plan provides that the operation officer may take possession of the immovable property before paying or making compensation in accordance with the law on the expropriation of immovable property, the provisions in paragraph one shall apply *mutatis mutandis* hereto but the time prescribed for the operation officer or the person entrusted by him to take possession thereof must not be less

than thirty days from the date of the letter showing the intention of taking the possession of the immovable property.

In the case where the owner or the occupier of the immovable property under Section 43 (2) cannot be found, and the letter showing the intention cannot be sent to the owner or the occupier of the immovable property, the date prescribed for the taking of possession must not be less than thirty days from the date of the posting up of notice which is posted up at the place where such immovable property is situated.

After the time prescribed under paragraph two or paragraph three has elapsed, the operation officer or the person entrusted by him shall have the power to take possession of such immovable property even through the compensation has not yet been paid.

Section 45. The Minister shall have the power to issue Ministerial Regulations prescribing:

- (1) details of the various prescriptions under the Act enforcing the specific plan;
- (2) rules and methods of practice in accordance with the Act enforcing the specific plan.

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

Section 46. All by-laws or municipal regulations issued by virtue of the law on the control of building construction, the law on public health, the law on the maintenance of cleanliness and orderliness of the country, the law on the control of burial place and crematorium, or of other laws relating to the use of land or other immovable property in force in the locality where the Act enforcing the specific plan is enforced, in so far as already provided in the Ministerial Regulations issued under Section 45 or in contravention of or inconsistent with the Ministerial Regulation issued under Section 45, shall be replaced by the Ministerial Regulations issued under Section 45.

Section 47. In any locality where an Act enforcing the specific plan is enforced but a Royal Decree enforcing the law on the control of building construction has not yet been issued, the Royal Decree enforcing the law on the control of building construction shall be deemed to be issued for the area of such specific plan, including the area within one kilometre from the boundary of the specific plan.

In the area within one kilometre from the boundary of the specific plan where the

law on the control of building construction is enforced under paragraph one, the local officer having the power to grant permit for the construction, alteration, addition or repair of building under the law on the control of building construction, shall submit principles to the local executive board of town planning for consideration, and the *Changwat* Governor shall ensure that the performance of duty by the local officer is in accordance with the principles prescribed by the local executive board of town planning.

Section 48. In the locality where the Act enforcing a specific plan is in force, a person shall not use the land or modify or alter the immovable property differently from that prescribed in the Act enforcing the specific plan or in the Ministerial Regulations issued under Section 42 or Section 45.

Section 49. In the case where the specific plan includes the area of several local administrative authorities, the Minister may issue a Ministerial Regulation empowering only local officer of any local administrative authority to grant permit for the construction, alteration, addition or repair of building. In such case the said local officer shall have the power to grant permit for the construction, alteration, addition or repair of building throughout the area of such specific plan under the law on the control of building construction.

Chapter 7. The Local Executive Board of Town Planning

Section 50. In the locality where the Act enforcing a specific plan is in force, there shall be a local executive board of town planning, composed of the following persons:

- (1) In the Bangkok Metropolitan area, the Governor of Bangkok Metropolis as Chairman, representatives of the Ministry of Public Health, the Treasury Department, the Public Prosecution Department, the National Housing Authority, the Industrial Co-operative Authority of Thailand, and of the Office of Town Planning, the land officer of Bangkok Metropolis, the Chief of the Town Planning Division of Bangkok Metropolis, not more than four qualified persons in the field of town planning or its directly related field and not more than four representatives of independent institutes or organizations and other persons having interest to town planning appointed by the Minister, as members;
- (2) in the area of other *Changwat*, the *Changwat* Governor as Chairman, the *Changwat* Public Works officer, the *Changwat* Revenue officer, the *Changwat* Chief-Physician, the *Changwat* Public Prosecutor, the *Changwat* land officer, not more than three persons qualified in the field of town planning or its

directly related field and not more than three representatives of independent institutes or organizations and other persons having interest in the town planning appointed by the Minister, as its members.

In the case of proceeding in any municipal or any *Sukha Phiban* area, the Mayor of the municipality or the Chairman of the *Sukha Phiban* of such locality shall also be the member, and in the case of proceeding outside the municipal or the *Sakha Phiban* area, *Nai Amphoe* of such locality shall also be member.

The members appointed from the representatives of independent institutes or organizations and other persons must not be government officials or local authority officials holding a permanent position or receiving salary.

The Chairman of the local executive board of town planning shall appoint a member or any person secretary of the board.

Section 51. The local executive board of town planning shall have the following powers and duties:

- (1) to consider and issue order concerning the arrangement of privately owned land to be used as accessory space under the specific plan;
- (2) to approve the grant of accessory space as *domaine public*;
- (3) to consider and issue order concerning the demolition, removal or alteration of the building which is required to be demolished removed or altered under the specific plan;
- (4) to hear, and give decision on the appeal submitted to the local executive board of town planning;
- (5) to carry out matters in accordance with the powers and duties provided in this Act.

Section 52. The members of the local executive board of town planning appointed by the Minister shall hold office for a term of two years.

In the case of appointment of a member of the local executive board of town planning during the term of office of the members already appointed, notwithstanding whether it be an additional appointment or a replacement, the person so appointed shall hold office for the remaining term of the members of the local executive board of town planning already appointed.

A member of the local executive board of town planning who vacates office may be re-appointed.

Section 53. Section 10, Section 11 and Section 12 shall apply *mutatis mutandis* to the local executive board of town planning.

Chapter 8. The Demolition, Removal or Alteration of Building

Section 54. In the case where the Act enforcing the specific plan prescribes for the demolition, removal or alteration of building, the operation officer shall make details showing the demolition, removal or alteration of building for the consideration of the local executive board of town planning.

Section 55. The local executive board of Town Planning shall consider the reason and details of the demolition, removal or alteration of building, to ensure that they conform with the specific plan. In so doing, it may request opinion from the Office of Town Planning, or it may order the operation officer to re-make the details.

Where the local executive board of town planning issues any order after due consideration, the operation officer shall notify the owner of the occupier of the building concerned, in writing of the order of the local executive board of town planning and of the action to be taken in accordance with such order, not less than sixty days before the date the action is taken, and shall also send relevant details of the demolition, removal or alteration of the building. But the owner or the occupier of the building who does not approve of the order of the local executive board of town planning has the right to appeal under Section 70.

Section 56. If the building to be demolished, removed or altered is *domaine public* or State property under the occupation or care of any government unit, the *Chagwat* Governor shall accordingly modify the governor at unit concerned therewith in writing and the said government unit shall modify the local executive board of town planning of its consent or objective there is a dispute between the government unit and the local executive board of town planning, it shall be submitted to the Board of Town Planning for a final decision.

Section 57. In the case where the private individual, who is the owner of the building having been notified in writing of the requirement to demolish or remove the building, has not exercised the right to appeal under Section 70 or has exercised such right but the appeal is dismissed by the Board of Town Planning, the owner of the building must comply with the order of the operation officer or the decision of the appeal within thirty days from the date of the receipt thereof.

If the owner of the building does not commence to demolish or remove the building or has partly demolished or removed the building but it is apparent that the demolition or removal of the building will not be completed within the time prescribed in the order, the operation officer shall send a written reminder to the owner of the building. If such person still neglects to take action in accordance with the order within the time prescribed therein, which must not be less than fifteen days without a good reason, the operation officer shall have the power to enter the land, and to demolish or remove such building, charging the owner of the building for the expense. The expense may be deducted from the compensation under Section 57 payable to the owner of such building. In the demolition or removal of the building, the operation officer must carry it out economically, and the expense to be charged on the owner of the building must not exceed the compensation under Section 59.

Upon computation of expense, the operation officer shall notify the owner of the building, in writing of it. The owner of the building who does not agree therewith has the right to appeal under Section 70.

Section 58. In the case where the private individual, who is the owner or the occupier of the building, having been notified of the requirement to alter the building, does not commence to alter the building, or has partly altered the building but it is apparent that the alteration will not be completed within the time prescribed in the order, the operation officer shall send a written reminder to the owner or the occupier of the building. If such person still neglects to take action in accordance with the order within the time prescribed therein, which must not be less than fifteen days, without a good reason, the operation officer shall make a report to the local executive board of town planning in order to cancel such alteration order and to give a demolition or removal order for the building. Section 57 shall apply *mutatis mutandis* to the demolition or removal of the building and to the charging of the owner or occupier for the expense.

Section 59. Where the local executive board of town planning has ordered the owner to demolish, remove or alter the building under Section 57, or Section 58, the operation officer, with the approval of the local executive board of town planning, shall prescribe a fair compensation to be paid to the following persons:

- (1) if it is a building that cannot be removed, the compensation shall be paid to the owner of the building already constructed on the day of the enforcement of the Act enforcing the specific plan.
- (2) if it is a building or a part thereof that can be demolished and moved, the compensation shall be paid to the owner of the building already constructed

on the day of the enforcement of the Act enforcing the specific plan. The said compensation shall be prescribed only for the costs of the demolition, the transport and the reconstruction;

- (3) the tenant of the land or the building, which is required to be demolished or removed, who has a lease or a contract in writing and registered with the competent official, which can be enforced under the Civil and Commercial Code and such evidence had been made before the day of the enforcement of the Act enforcing the specific plan, or made after such day with permission of the local officer, and such lease has not been suspended on the day the local officer orders the demolition or removal of the building, the compensation for such lease shall be prescribed only for the damage actually suffered by the tenant on account of having to vacate the land or the building before the suspension of the lease;
- (4) the person having the right under Section 1349 or Section 1352 of the Civil and Commercial Code and losing the right of way, or the right to lay down water-pipe, drainage-pipe, electric wire or other similar installation through the land where the building is required to be demolished or removed, when such person has already paid compensation to the owner of the land for the use of such right.

The operation officer shall notify the person having the right to receive compensation, in writing, of the amount of the compensation. The person having the right to receive the compensation who does not agree with the said amount of compensation has the right to appeal under Section 70.

Section 60. The operation officer shall provide suitable temporary dwelling for the person under Section 59 (1), (2) or (3) to reside in as may be necessary but for not less six months and not more than one year, where the said person cannot find a dwelling for himself. In prescribing the compensation under Section 59, regard may be had as to the provision of temporary dwelling.

Where it is deemed appropriate, the operation officer may allow extension of residence for not more than six months.

Section 61. In the case where the operation officer provides a new land or building for the said person under Section 60 by means of a hire-purchase or lease, and the said person is willing to reside in the newly provided land or building, the operation officer shall set aside the compensation payable under Section 59 for payment of the hire-purchase or lease. In case of

a hire-purchase, the amount of money set aside shall be as agreed upon by the operation officer and the said person. In case of a lease, the operation officer shall set aside the money for the rent of one year and six months. The remaining amount of money from the amount set aside shall be paid to the said person. In this matter, the operation officer shall notify the said person, in writing, of the amount of money set aside and the remaining amount of money. The said person who does not agree there with has the right to appeal under Section 70.

In the case where land is provided for construction by the said person himself, the operation officer shall give assistance and facilities for the construction of building on the land provided.

Section 62. In the case where the local executive board of town, planning orders the arrangement of land, as accessory space, the operation officer shall pay the compensation as prescribed by the local executive board of town planning to the owner or the occupier of the said land who has to lose certain right concerning the use of land on account of such arrangement of the land or of being subjected to the burden of having to act or refrain from acting in accordance with the prescriptions concerning the land so arranged.

In prescribing the compensation under paragraph one, the local executive board of town planning shall consider the extent of the loss or limitation of the burden of having to act or to refrain from acting, as well as the benefit to be received by the owner or the occupier of the land in using the accessory space. Provided that the compensation prescribed must not be above the price of the land. For the purpose of the computation of the price of the land under this section, Section 64 concerning the fair price for transfer shall apply *mutatis mutandis*.

The local executive board of town planning shall notify the owner or the occupier of the land, in writing, of the prescription of compensation. The owner or the occupier of the land who does not approve thereof has the right to appeal under Section 70.

Section 63. The land arranged to be an accessory space shall be exempted from local rate for the part so arranged.

Section 64. Where any owner of an accessory space who intends to grant the accessory space as *domaine public* while receiving compensation, if the local executive board of town planning is of the opinion that the accessory space has been used mainly for public benefit, it shall accept such accessory space as *domaine public*; and the operation officer shall pay compensation to the owner at the price provided by the Act enforcing the specific plan. Where it is not so provided, it shall be prescribed at the equivalent price of the land transferred as is fair on the

day of the enforcement of the Royal Decree prescribing the area of land to be surveyed, notwithstanding whether or not the said Royal Decree is still in force.

Where there is no such Royal Decree, or where the Act enforcing the specific plan comes into force after five years from the date of the enforcement of such Royal Decree, and the Act enforcing the specific plan does not prescribe the compensation otherwise, the compensation shall be prescribed at the equivalent price of the land transferred as is fair on the date of the enforcement of the Act enforcing the specific plan.

The provisions of paragraph one and paragraph two shall not apply to the case of the grant, happening after five years from the date of the enforcement of the Act enforcing the specific plan. In such case, if the Act enforcing the specific plan does not prescribe the compensation otherwise, the compensation shall be as agreed upon, which must not be below the fair price of the land under paragraph one or paragraph two, as the case may be.

Section 65. In the computation of compensation under Section 64, if construction or arrangement has been made in order to make an accessory space under the plan and detail permitted by the local officer before the grant is made, the operation officer shall pay compensation for the expense for the said construction or arrangement in addition to the compensation payable on account of the grant, except where the operation officer himself pays for the expense. The additional compensation payable under this section shall be prescribed by the local executive board of town planning, as it may deem appropriate, having regard also to the benefit of the owner or the occupier, public benefit, the condition at the time of the grant of the thing built, or arranged or constructed.

Section 66. In the case where the local executive board of town planning has prescribed the amount of the compensation payable or where the compensation prescribed has been paid to the owner or the occupier of the land under Section 62, the compensation already prescribed or paid shall be deducted from the compensation for the grant under Section 64.

Section 67. In arranging the land as an accessory space, if it is necessary to construct or arrange in accordance with the plan and detail prescribed by the local officer, at the request of the owner or the occupier of the land, the operation officer may, if he deems appropriate, carry out the construction or arrangement charging such owner or such occupier for the expense.

In charging for the expense under paragraph one, if the construction or the arrangement made by the operation officer is only for the benefit of the owner or the occupier so requesting, the total expense for the construction or the arrangement shall be charged. If it is

also for public benefit, the operation officer will pay for the total expense, or for part of the expense, as he may deem appropriate, while the owner of the land shall pay for the rest.

Section 68. Where in the implementation of the specific plan it is necessary to use the land of any person in the area of not more than one kilometre from the boundary of the specific plan, the planning officer has the right to arrange for the building or laying of water-pipe, drainage-pipe, electric wire or other similar installation on, under or above the land of each person if such land is not where a house is situated, by notifying the owner or the occupier of the land concerned, in writing, sending therewith the plan of the proposed use of land, not less than thirty days before the action is taken.

In acting under paragraph one, the planning officer shall prescribe a fair compensation for such use of land to be paid to the owner or occupier of the land, and shall notify the owner or the occupier of the land concerned, in writing, of it without delay.

The owner or the occupier, who does not approve of the action under paragraph one, or of the prescription of the compensation under paragraph two, has the right to appeal under Section 70.

Section 69. In an ordinary case, the local officer of the locality where the specific plan is enforced shall be the operation officer. But the Minister, upon the advice of the Board of Town Planning, may appoint a State organization or State corporation, having the powers or duties or being entrusted therewith, operation officer in such locality.

Chapter 9. Appeal

Section 70. The person having the right to appeal may appeal within thirty days from the date of the receipt of the order or the written notification in the following cases:

- (1) the prescription of the rule, method and condition for the use of land under Section 27 paragraph two;
- (2) the disallowance or requirement concerning the project of the sub-division of the land or of the building construction under Section 35.
- (3) the order of the demolition, removal or alteration of the building under Section 55;
- (4) the charging for the expense in the demolition or removal of the building under Section 57 paragraph two or Section 58;
- (5) the prescription of the amount of the compensation under Section 59;

- (6) the setting aside of the compensation under Section 61;
- (7) prescription of the amount of the compensation under Section 62;
- (8) the arrangement for building or laying of water-pipe, drainage-pipe, electric wire or other similar installation under Section 68 paragraph one, and the prescription of the amount of compensation for the use of land under Section 68 paragraph two.

The appeals under (4) and (6) shall be submitted to the local executive board of town planning and those under (1), (2), (3), (5), (7) and (8) shall be submitted to the Board of Appeal.

Upon the decision of the local executive board of town planning or the Board of Appeal, as the case may be, if the appellant is not satisfied therewith, the appellant shall have the right to submit the case to the Administrative Court which one month from the date of the knowledge of such decision. Where the Administrative Court has not been established under the Construction, the provisions of this paragraph shall not apply.

Section 71. There shall be a Board of Appeal composed of the Minister as Chairman, the Director-General of the Public Prosecution Department, a person qualified in the field of town planning, a persons qualified in law, a person qualified in economics, as members. The Chairman of the Board of Appeal shall appoint a member or any person secretary of the Board.

The Cabinet shall appoint qualified persons members of the Board. The member who is a qualified person may not at the same time be a member of the Board of Town Planning or a member of a sub-committee of the Board of Town Planning.

Section 72. The Board of Appeal shall have the powers and duties to hear and give decision on the appeal submitted to it.

Section 73. The Board of Appeal shall have the power to appoint one or several sub-committees to do any act within its powers or to assist in any operation as entrusted, except to give decision on appeal, and Section 11 and Section 12 shall apply *mutatis mutandis* hereto.

Section 74. The members of the Board of Appeal appointed by the Cabinet shall hold office for a term of two years. Members vacating office at the end of the term may be re-appointed.

In the case of appointment of a member of the Board of Appeal during the term of

office of the members already appointed, the person so appointed shall hold office for the remaining term of the members already appointed.

Section 75. Section 10, Section 11 and Section 12 shall apply *mutatis mutandis* to the Board of Appeal.

Section 76. The rule and method of submission of the appeal and the procedure for deciding the appeal shall be prescribed by a Ministerial Regulation.

Section 77. During the appeal, the appellant, the owner or the occupier of the land or building, the person having the right of occupation over the land of another person, the planning officer, the local executive board of town planning, the local officer or the operation officer, as the case may be, shall not carry out or do any act which is the subject matter of the appeal.

Chapter 10. Miscellaneous

Section 78. In the performance of duty, the local officer, the planning officer, the operation officer and the member of the local executive board of town planning shall have the right to issue a letter requiring the person concerned to appear and give explanation or to forward an evidential document or other thing as may be necessary for the performance of duty, for consideration.

Section 79. In the performance of duty, the local officer planning officer, operation officer, the member of local executive board of town planning and the official under the local officer, official under the planning officer, official under the operation officer, or official under the member of the local executive board of town planning shall have the power to enter the land or building in the locality where there is a Ministerial Regulation enforcing the general plan, or the locality where an Act enforcing the specific plan is in force between sunrise and sunset, in order to make inquiry or to request the inspection of an evidential document or other thing concerned from the owner, the occupier or the caretaker of such land or building, or to carry out any act as may be necessary while care must be taken so as not to cause any damage. Where damage is caused by the said act, the local officer, the planning officer, the operation officer or the member of the local executive board of town planning, as the case may be, shall prescribe compensation for the damage to be paid to the person suffering therefrom.

In the case where it is necessary to carry out a survey, the owner, the occupier or the caretaker of the land or boilding shall be notified of it not less than seven days in advance of such survey.

In the performance of duty, the local officer, the planning officer, the operation officer, the member of the local executive board of town planning and the official under the local officer, the official under the planning officer, the official under the operation officer, or the official under the member of the local executive board of town planning shall produce his identity card or letter showing his position and duties to the person concerned.

Section 80. For the purpose of the execution of this Act, the local officer, the planning officer, the operation officer, the member of the local executive board of town planning, and the official under the local officer, the official under the planning officer, the official under the operation officer, or the official under the member of the local executive board of town planning shall be the competent official under the Penal Code.

Section 81. The official authorized by the operation officer has the power to enter the land or building in the locality where the Act enforcing the specific plan is in force, in order to examine, repair, maintain or cleanse the water-pipe, drainage-pipe, electric wire, or other similar installation, or to inspect the condition of the upon space between sunrise and sunset.

In the performance of duty, the official under paragraph one shall produce his identity card and letter showing his position and duties as well as the letter of authorization to carry out the said act from the operation officer to the person concerned.

Section 82. The owner, occupier or caretaker of the land or building must give facilities as may be reasonable to the local officer, the planning officer, the operation officer, the member of the local executive board of town planning, and the official under the local officer, the official under the planning officer, the official under the operation officer, or the officila under the member of the local executive board of town planning in the performance of their duty.

Chapter 11. Penalties

Section 83. Any person who violaies or fails to comply with Section 27 or Section 45 shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding ten thousand Baht, or to both.

Upon request by the local officer, the Court may order the offender to modify the altered condition of the immovable property as prescribed in the general plan or the specific plan within a prescribed time, or may empower the local officer to make any arrangement in order to make alteration or modification in accordance with the general plan or the specific plan and to charge the owner or the occupier of the immovable property for the expense actually

and economically incurred.

Section 84. Any person

- (1) who does not appear and give the explanation, or forward the evidential document or the thing concerned as required in the letter of the local officer, the planning officer, or the member of the local executive board of town planning under Section 78, or refuses to give an explanation or gives a false explanation,
- (2) who obstructs or does not give facilities to the local officer, the planning officer, the operation officer, the member of the local executive board of town planning, and the official under the local officer, the official under the planning officer, the official under the operation officer, or the official under the member of the local executive board of town planning in the exercise of their duty under Section 15 or Section 82, or
- (3) who violates the order of demolition or removal of the building, or the building, or the decision on the appeal under Section 57.

shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding three thousand Baht, or to both.

Countersigned by

Sanya Dharmasakti

Prime Minister

附属資料6. タイ国耕地整理法

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FROM THE THAI VERSION

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AGRICULTURAL LAND CONSOLIDATION ACT
B.E. 251"

BHUMIBOL ADULYADEJ REX.

Given on the 6th September B.E. 2517
Being the 29th year of the Present Reign

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

Whereas it is expedient to have a law on agricultural land consolidation ;

Be it, therefore, enact by the King, by the advice and consent of the National Legislative Assembly, as follows ;

SECTION 1. This Act is called "Agricultural Land Consolidation Act B.E. 2517".

SECTION 2. This Act shall come into force on and from the day following the data of its publication in the Government Gazette.

SECTION 3. All other laws, rules and regulations insofar as they are provided in this Act, or are contrary to or inconsistent with the provisions of this Act, shall be replaced by this Act.

SECTION 4. In this Act

"Land Consolidation" means full development of every plot of arable land in order to increase production and reduce cost, by the pooling of several plots of land in the same area in order to plan new land consolidation, irrigation and drainage systems, construction of roads or paths for conveyance in the farms, ground levelling, soil maintenance, planning of production and distribution of agricultural produce, inclusive of exchanging, transferring and accepting transfer of rights to the land, land hire-purchase and such others in connection with land consolidation and land allocation for dwelling purposes.

"Agriculture" means paddy cultivation, plantation, orchard, animal rearing, aquatic animal breeding aviary, rearing of Tachardia Lacca, mushroom growing, and such other as prescribed by the Minister of Agriculture

and Cooperatives through publication on the Government Gazette.

"Areas of Land Consolidation Programme" means areas of land prescribed by the Royal Decree to be the Areas of Land Consolidation Programme.

"Changwat Land Consolidation Committee" also includes the Bangkok Metropolis Land Consolidation Committee.

"Landowner" means the person possessing the rights in land under the Land Code.

"Competent Official" means the person appointed by the Minister for the execution of this Act.

"Minister" means the Minister in charge and control of execution of this Act.

SECTION 5. The Minister of Agriculture and Cooperatives and the Minister of Interior shall be in charge and control of execution of this Act, and be empowered to appoint competent officials and issue Ministerial Regulations for the execution of this Act insofar as they relate to the power and duties of each Ministry.

The Ministerial Regulations shall become effective after its publication in the Government Gazette.

Chapter 1

Land Consolidation Committee

SECTION 6. There shall be a Central Land Consolidation Committee for Agriculture called "Central Land Consolidation Committee" consisting of the Minister of Agriculture and Cooperatives as Chairman, the Under-Secretary of State for Agriculture and Cooperatives as Vice-Chairman, the Under Secretary of State for Interior as Vice-Chairman, the Director-General of Royal Irrigation Department, the Director-General of Agricultural Promotion Department, the Director-General of Land Development Department, the Director-General of Agricultural Technics Department, the Director-General of Cooperatives Promotion Department, the Director-General of Local Administration Department, the Director-General of Public Prosecution Department, the Director-General of Land Department, the Director-General of Community Development Department, the Director-General

of Highways Department, the Director of Budget Bureau, the Secretary-General of National Economic and Social Development Board, Manager of the Bank for Agriculture and Cooperatives as members, and not more than five other members appointed by the Cabinet; and the head of Central Land Consolidation Office shall be member and Secretary.

SECTION 7. When a Royal Decree prescribing areas for land consolidation programme under Section 24 is enacted for any area of Bangkok Metropolis, a land Consolidation Committee for Agriculture shall be formed for Bangkok Metropolis under the name of "Bangkok Metropolis Land Consolidation Committee" consisting of Bangkok Metropolis Governor as Chairman, Deputy Bangkok Metropolis Governor, Bangkok Metropolis Under-Secretary, Bangkok Metropolis Agriculture Officer, Bangkok Metropolis Land Officer, Representative of Royal Irrigation Department, Representative of Land Development Department, Representative of Cooperative Promotion Department, Representative of Public Prosecution Department, Representative of Town Planning Bureau, District Officer of the area of Land Consolidation, Representative of the Bank for Agriculture and Cooperatives as members, and not more than five other members appointed by the Minister from among the land owners in the land consolidation area; and head of the Central Land Consolidation Office shall be member and Secretary.

SECTION 8. When a Royal Decree prescribing areas for land consolidation programme under Section 24 is enacted for any Changwat, a Land Consolidation Committee for Agriculture shall be formed for the Changwat concerned under the name of "Changwat Land Consolidation Committee" consisting of the Changwat Governor as Chairman, Deputy Changwat Governor, Changwat Public Prosecutor, Changwat Land Officer, Changwat Agriculture Officer, Changwat Cooperatives Officer, Changwat Development Officer, Representative of Royal Irrigation Department, Representative of Land Development Department, Representative of Highways Department, Representative of the Bank for Agriculture and Cooperatives, Nai Amphoe and Deputy Nai Amphoe who is the officer in charge of King-amphoe where there is land consolidation as members and not more than five other members appointed by the Minister from among the land owners in the land consolidation area; and head of the Changwat Land Consolidation Office shall be member and Secretary.

SECTION 9. Committee members appointed under Sections 6, 7 or 8 shall hold office for a term of two yeas.

In case there is an appointment of committee members while the appointed members are still in office, either as an addition or a replacement, the persons so appointed shall hold office for such remaining period as the those members holding office.

A retiring committee member is eligible for re-appointment.

SECTION 10. Apart from retiring upon expiry of the term of office under Section 9 paragraph one, the members shall retire upon

- (1) death;
- (2) resignation;
- (3) being ordered by the Cabinet or the Minister to retire, as the case may be;
- (4) bankruptcy;
- (5) becoming incompetent or quasi-incompetent;
- (6) being imprisoned by final judgement, except for offence through carelessness or petty offence.

SECTION 11. The quorum of the Committee Meeting requires the attendance of not less than one-half the total number of members.

If the Chairman is not present at the meeting or is unable to carry out his duties, the Vice-Chairman elected by the meeting shall act as the Chairman of the meeting.

If the Chairman and the Vice-Chairman are not present at the meeting or are unable to carry out their duties, the members present shall elect one among their number to be the Chairman of that meeting.

SECTION 12. Majority votes form the resolution of the meeting.

Each member has one vote. In the case of tie in votes, the Chairman of the meeting shall have an additional vote as a casting vote.

SECTION 13. In general the Central Land Consolidation Committee empowered to supervise the activities of the Central Land Consolidation Office and of the Changwat Land Consolidation Office, and to

- (1) lay down land consolidation programme in various localities and set up plan of execution,
- (2) consider the fixing of areas of land consolidation programme

to be submitted to the Minister for issuance of notification under Section 25,

(3) proceed with land consolidation in the land consolidation programme area,

(4) submit proposal to the Minister relating to the purchase of land or expropriation of land in the area of land consolidation programme under Section 32,

(5) approve the planning of plots land, irrigation and drainage systems and construction of roads or paths for conveyance in the farms, ground levelling, exchanging and transferring of rights to the land, land hire - purchase, and such other in connection with land consolidation in the areas of land consolidation programme as proposed by the Changwat Land Consolidation Committee,

(6) set up rules and procedures for assessing land and other property thereon in the areas of land consolidation programme,

(7) approve budget expenditure for land consolidation in the areas of land consolidation programme as proposed by the Changwat Land Consolidation Committee,

(8) approve the definition of certain part of the land as state property for public use or for the sole use of the state, under Section 43,

(9) make decision in connection with the problem of land consolidation according to the petition or appeal of the landowner or any person having interest in the land in the areas of land consolidation programme under Section 34 and 38,

(10) submit opinion or advice to the Minister regarding the appointment of head of Changwat Land Consolidation Office under Section 19, and in matters concerning land consolidation,

(11) lay down rules and regulations in connection with work, finance, and other activities concerning land consolidation of the Central Land Consolidation and Changwat Land Consolidation Office,

(12) perform other activities concerning land consolidation for execution of this Act.

SECTION 14. Changwat Land Consolidation Committee is empowered in general to supervise the activities of Changwat Land Consolidation Office, and to

(1) arrange for survey of land found suitable to be included in the areas of land consolidation programme, and investigate the willingness of landowners as to whether or not the land consolidation will be allowed to proceed, and make a record of their agreement or disagreement,

(2) assess the value of the land and property thereon in the areas for land consolidation programme according to the rules and procedures prescribed by the Central Land Consolidation Committee,

(3) prepare budget for expenditure for each Land Consolidation Programme for submission to the Central Land Consolidation Committee,

(4) consider the planning of plots of land, irrigation and drainage systems and construction of roads or paths for conveyance in the farms, ground levelling, exchanging, transferring of rights to the land, hire-purchasing of land and such other in connection with land consolidation in the areas of land consolidation programme for submission to the Central Land Consolidation Committee,

(5) hold a meeting of landowners and persons holding the right to receive land in the areas of land consolidation programme, in order to explain the aim, method of land consolidation right, duty, responsibility and the benefits to be derived by the landowners or persons holding the right to receive land, and conclude agreement concerning land consolidation,

(6) carry out investigation and make decision on petition, compromise or redeem mortgage or sale of land with right of redemption under Sections 34, 35 and 36,

(7) administer financial matter and others in connection with land consolidation according to the rules and regulations or the resolutions of the Central Land Consolidation Committee or the assignment of the Central Land Consolidation Committee,

(8) lay down rules or regulations concerning the performance of Changwat Land Consolidation Office insofar as not to conflict with or contradictory to the rules and regulations of the Central Land Consoli-

dation Committee,

(9) appoint, permanent officials for areas of land consolidation programme as proposed by the Changwat Land Consolidation Office.

(10) Carry out other activities concerning land consolidation to comply with the objective of land consolidation.

SECTION 15. The Central Land Consolidation Committee or Changwat Land Consolidation Committee are empowered to appoint sub-committees to study, analyse, or perform any act assigned by the Central Land Consolidation Committee or by the Changwat Land Consolidation Committee, and Section 11 and 12 shall apply for the meeting of the Sub-committees mutatis mutandis.

Chapter 2

Land Consolidation Office

SECTION 16. Central Land Consolidation Office shall be established in the Ministry of Agriculture and Cooperatives with power to execute land consolidation and to perform the duty prescribed by the Central Land Consolidation Committee, and shall have the duty to control Changwat Land Consolidation Office in the execution of this Act.

The Central Land Consolidation Office shall also serve as Bangkok Metropolis Land Consolidation Office.

SECTION 17. When a Royal Decree Prescribing areas of land consolidation programme under Section 24, is enacted for any locality, the Minister is empowered to issue a notification in the Government Gazette establishing the Changwat Land Consolidation Office with authority to proceed with the land consolidation as prescribed by the Central Land Consolidation Committee and Changwat Land Consolidation Committee.

In case the prescribed areas of Land Consolidation Programme covering the land in two Changwat is amalgamated under the same project the Central Land Consolidation Committee may assign either Changwat Land Consolidation Office to authoritatively carry out land consolidation for the entire project, there is a not with standing whether or not land consolidation office in the Changwat concerned, and the Changwat Land

Official and Nai Amphoe and his deputy, who is chief of the King-amphoe in the Changwat, Amphoe, King-amphoe concerned, shall join the Changwat Land Consolidation Committee according to the provisions of Section 8.

SECTION 18. There shall be a head of the Central Land Consolidation Office, appointed by the Minister of Agriculture and Cooperatives from officials attached to the Ministry, with power to administer the affairs of the Central Land Consolidation Office according to the rules and regulations, policy and project, as assigned by the Central Land Consolidation Committee, and to command the competent officials of the Central Land Consolidation Office.

The head of Central Land Consolidation Office shall be empowered to supervise the Changwat Land Consolidation Office.

SECTION 19. There shall be a head of the Changwat Land Consolidation Office, appointed by the Minister of Agriculture and Cooperatives, from officials attached to the Ministry, with power to administer the affairs of the Changwat Land Consolidation Office according to the rules and regulations, policy and project, as assigned by the Changwat Land Consolidation Committee and to command the competent officials of the Changwat Land Consolidation Office.

SECTION 20. There shall be appropriate number of competent officials to carry out the work of the Central Land Consolidation Office and Changwat Land Consolidation Office.

SECTION 21. For the benefit of carrying out land consolidation the Ministry of Agriculture and Cooperatives shall be empowered to :

(1) have property right, to own, possess, acquire, buy, hire, hire-purchase loan, allocate, distribute, mortgage, pledge, exchange, accept transfer, accept the transfer of right of hire or of hire-purchase, in any respect of land or other property,

(2) give loan, to lend, rent, hire-purchase, extend credit, accept mortgage, pledge, transfer, transfer of right of hire or of hire-purchase, in any respect of land or other property.

SECTION 22. In activities concerning outside person, the Minister of Agriculture and Cooperatives, with advice of the Central Land Consolidation Committee, shall assign the head of the Central Land Consolidation

Office or head of the Changwat Land Consolidation Office to act on behalf of the Ministry of Agriculture and Cooperatives.

SECTION 23. All the land and other property acquired, in any manner, under this Act or acquired through expropriation under this Act, shall be used only for the purpose of land consolidation and shall be considered as property of the Ministry of Agriculture and Cooperatives and the Ministry shall have the power to transfer same to private citizen.

Qualifications of citizen entitled to apply for the said transfer, including the principles and procedures of accepting transfer and the act of transfer shall be prescribed by Ministerial Regulations.

Chapter 3

Effecting Land Consolidation

SECTION 24. A Royal Decree shall prescribe land area in any locality as the area of land consolidation programme.

In the Royal Decree under paragraph one, there shall be mentioned the land or immovable property within the area of land consolidation programme together with a list of names of rightful owners or possessors and a map showing the area of land consolidation programme as addendum to the said Royal Decree. Such map shall be held as a part of the Royal Decree.

SECTION 25. For the purpose of enacting the Royal Decree under Section 24, the Minister shall have the power to publish in the Government Gazette declaring the locality to be surveyed as area of land consolidation programme. Such notification shall include a brief map indicating the locality to be surveyed as area of land consolidation programme in addendum thereto. The said map shall be held as a part of the notification.

Within the area of the map in addendum to the notification of the Minister under paragraph one, the competent officials or persons working in co-operation with competent officials shall be empowered to:

(1) enter and conduct the necessary survey but must first so inform the owner or the possessor of the land.

(2) mark the level, boundary or boundary line by staking or digging

of trench line, and if necessary, to be empowered to construct marking pins as demarcation on the land of any person.

Whenever necessary and appropriate, the competent official shall have the power to dig, cut, trim branches and perform other acts to clear obstructions in the area of survey, provided consideration is given in regard to causing the minimum of damage to the owner or possessor of immovable property.

SECTION 26. Within a period of five years after the notification by the Minister under Section 24, no person shall, in any manner, sell or cause any encumbrance on the land in the area to be surveyed as area of land consolidation programme or perform any act which may cause a rise in the assessment price of such land except with a written approval from the Central Land Consolidation Committee or person authorized by the Central Land Consolidation Committee.

In case where an act to raise the assessment price of land in such land has been committed without approval under paragraph one, the Changwat Land Consolidation Committee shall not include such raise in assessment value in assessing the land and property on such land.

If such act committed is in the form of property which may cause damage or obstruction to land consolidation, the Changwat Land Consolidation Committee shall have the power to issue a written order to the owner or possessor of such land to demolish same within a prescribed period of time. In case of non-compliance by the owner or possessor of land, the Changwat Land Consolidation Committee shall have the power to carry out the demolition wherein the owner or possessor of such land may not claim for damages and shall also pay for the cost of such demolition.

SECTION 27. In case the Royal Decree under Section 24 has not been enacted for any Changwat and the Central Land Consolidation Committee deems it fit to consolidate any locality in such Changwat, the committee or its authorized person shall conduct a polling of opinion, to find out the willingness of every owner or possessor of land in such locality, on whether or not to proceed with land consolidation make a record of their agreement or disagreement.

SECTION 28. In case such polling of willingness of the land owners under Section 14 (1) or Section 27 has been conducted, if in such locality a majority of over one-half of all the land owners shall agree, procedures to issue notification under Section 25 may be effected.

SECTION 29. When the Royal Decree prescribing the area of land consolidation programme has been enacted in any locality, the Changwat Land Consolidation Committee shall issue a notice to every land owner, mortgagee, buyer with right of redemption or holder of certificate of right in the land in such area of land consolidation programme to bring or forward the certificate of right in the land together with document of ownership in such land to the committee at a place prescribed and within a prescribed period of time.

SECTION 30. The Changwat Land Consolidation Committee shall proceed with the following in the area of land consolidation programme :

(1) assess the value of land and other property in every plot of land in the area of land consolidation programme and classify them into classes in accordance with the value of the land.

(2) determine a detailed project concerning land consolidation, setting out the residential area and utility activity for the common interest.

(3) determine the plot of land to be given to the original owner and person entitled to receive land in the consolidated land.

(4) perform other acts in connection with the consolidation of land.

SECTION 31. Within the area of land consolidation programme, competent officials or persons working in co-operation with competent officials shall have the following power :

(1) to enter as necessary to conduct land consolidation.

(2) to enter and conduct a survey for determining a new planning of plots of land, to proceed with the construction of irrigation and drainage systems, construction of roads or paths for conveyance in the farms, to level and grade the land and other activities concerning land consolidation.

(3) to mark levels, boundaries or boundary lines.

When necessary and appropriate, the competent officials have the power to cut down or fell trees, plants, fences or such other as required

for the activity of land consolidation.

In carrying out activities under paragraph one and paragraph two, entry into buildings, courtyards, or fenced areas within the compound of houses of residence is prohibited except with the permission of the owner or possessor of such immovable property or when such owner or possessor has been notified concerning such activity for not less than three days in advance.

SECTION 32. If the owner of land within the area of land consolidation programme is unwilling to allow the land consolidation activity to proceed or does not express agreement or disagreement under Section 14 (1) or Section 27, or does not make use of the land for any purpose by himself or through a lessee, the Minister of Agriculture and Cooperatives shall have the power to purchase such land for the purpose of consolidation of land.

If the owner of land in paragraph one refuses to sell the land or offers to sell at a higher price than the assessed value under Section 14 (2), and the Minister of Agriculture and Cooperatives deems it necessary to acquire such land or immovable property, expropriation of the said land or property shall be effected whereby the law concerning expropriation of land shall be applied *mutatis mutandis*.

SECTION 33. The Changwat Land Consolidation Committee shall post the notification of the Royal Decree prescribing the area of land consolidation programme inclusive of stating the documental evidence of rights in every plot of land at the Office of Bangkok Metropolis, District Office, Sub-district Office, Changwat Office, Amphoe Office, or King-amphoe Office, Tambon Office, as the case may be, and at public places in the area of land consolidation programme and shall proceed with the activity of land consolidation in accordance with such documental evidence.

SECTION 34. Person with vested interest is entitled to inspect the documental evidence and raise objection against same in regard to rights in land under Section 33 by submitting a petition to the Changwat Land Consolidation Committee within sixty days from the date of the posting of notice.

In case a petition is submitted under paragraph one, the Changwat

Land Consolidation Committee shall have the power to investigate and summon any person to give testimony, or to forward the documents concerned, as necessary, and decide and issue as appropriate and notify such decision in writing to the persons concerned.

Any person concerned feeling dissatisfied with the decision under paragraph two is entitled to file an appeal to the Central Land Consolidation Committee within thirty days from the date of receipt of notice of decision. When the Central Land Consolidation Committee has passed a decision on such petition, it shall notify the decision in writing to the person concerned.

During the submission of the objection or filing of appeal, the Changwat Land Consolidation Committee may proceed with the consolidation of land.

SECTION 35. If any original plot of land within the area of land consolidation programme as mortgaged before the notification of the Minister under Section 25, the mortgage shall not foreclose on the mortgage except with the permission in writing from the Changwat Land Consolidation Committee, and the Changwat Land Consolidation Committee shall proceed to achieve a compromise in order that the owner of such land may redeem the mortgage or to find ways to achieve an agreement of changing the mortgage to that, on the new plot of land which the owner of land, the mortgagor, will receive according to the land consolidation programme.

If the owner of land is unable to redeem or change the mortgage under paragraph one, the Minister of Agriculture and Cooperatives or person authorized by the Minister shall effect the redemption of the mortgage wherein it shall be held that the redeemer of mortgage is the recipient of rights of mortgage or the mortgage of the new plot of land which the mortgagor will receive under the land consolidation programme.

In case the parties to the agreement agree to change the mortgage to that on the new plot under paragraph one, the registration of redemption of mortgage and the new mortgage shall receive exemption from registration fees payable under the Land Code.

SECTION 36. If any original plot of land within the area of land consolidation programme has been sold with right of redemption before

the notification of the Minister under Section 25 and the seller with right of redemption or person prescribed in Section 497 of the Civil and Commercial Code is still entitled to redeem such property, the Changwat Land Consolidation Committee shall proceed to effect a compromise wherein the person with the right of redemption may redeem such property or so that the entitled person agree to relinquish such right in writing. In case the entitled person refuses to relinquish such right and is unable to redeem such property, the Minister of Agriculture and Cooperatives or the person authorized by the Minister shall have the power to effect the redemption of such property and it shall be held that the person redeeming such property is the recipient of rights of the buyer or the buyer with right of redemption of the new land which the seller will receive under the land consolidation programme.

SECTION 37. In the area of land consolidation programme, the Changwat Land Consolidation Committee shall arrange for the construction of irrigation and drainage systems, of roads or paths for conveyance in the farms and other utilities for the use in common interest of every owner of the plots of land.

The land used under paragraph one shall be calculated and deducted from the value of assessment of land and other property of each plot of land in proportion to the value of assessment before the determining of new plots of land under Section 30 (3), regardless whether such land used came from any plot of land.

The value of land and any other property on each plot of land after deduction under paragraph two shall be held as the nett value of land for determining the new plots of land under Section 38.

SECTION 38. In determining new plots of land under Section 30 (3) the Changwat Land Consolidation Committee shall arrange so that each of the original owner receives land in the original plot or in part of the original plot or arrange for the new plot to be as near as possible to the original plot and, as far as possible, for the value of the new plot of land to be near or close to the nett value of the original plot of land. In this connection, the Changwat Land Consolidation Committee shall call a meeting of the landowners to come to an agreement concerning

the determining of new plots of land under the said principles.

When agreement is reached in determining the new plots of land under paragraph one, the Changwat Land Consolidation Committee shall post the plan of the new plots together with the list of names of the owners of land at Bangkok Metropolis Office, District Office, Sub-district Office or at the Changwat Office, Amphoe or King-amphoe Office, Tambon Office, as the case may be and at public places in the area of land consolidation programme.

Agreement to exchange lands may be made whereby the owners of the land concerned shall give a written notice to the Changwat Land Consolidation Committee within thirty days of such posting. Upon approval of the Changwat Land Consolidation Committee, the said exchange of lands may be made.

In case the owners of land cannot reach agreement in regard to the exchange or in case the Changwat Land Consolidation Committee refuses to sanction the exchange, the said owners are entitled to submit a protest and file an appeal, whereby the provisions of Section 34 shall apply mutatis mutandis.

The decision of the Central Land Consolidation Committee shall be final.

SECTION 39. The value of land and any other property on the land which the owner of each plot contributes for common use under Section 37, paragraph one shall not exceed seven per cent of the original assessed value.

If the value of land and any other property used under Section 37 paragraph one exceeds seven per cent of the original assessed value, the Ministry of Agriculture and Cooperatives shall compensate each of such owner by paying for the part in excess or seven per cent of the original assessed value.

SECTION 40. After determining new plots of land under Section 38, any land owner receiving land and any other property on the land with a value higher or lower than the nett value of the original land, such owner shall pay or receive the difference in compensation under the principles, procedures and conditions prescribed by the Central Land

Consolidation Committee.

SECTION 41. When the Changwat Land Consolidation Committee has determined the new plots of land to be allocated to the original owner or person entitled to receive such land under land consolidation programme under Section 30 (3), competent officials under the Land Code shall proceed to issue certificate of right to the land for the land within the area of land consolidation programme in accordance with the principles and procedures proscribed in the Ministerial Regulations.

Such issuance of certificate of right to the land under paragraph one shall receive exemption from fees.

When certificate of right on the land has been issued under paragraph one the old certificate or right to the land shall be cancelled.

SECTION 42. If the Ministry of Agriculture and Cooperatives is involved in any activity which the law requires a registration of immovable property or property right in regard to the immovable property within the area of land consolidation programme, the Ministry shall be exempted from fees for such registration.

SECTION 43. When the Royal Decree prescribing the area of land consolidation programme is enacted :

(1) If the area of land consolidation programme includes state owned public property for common use or for use only by the state or land which the public has ceased to use or which has transformed from land for public use and does not fall into the ownership of any person, the Royal Decree prescribing the area of land consolidation programme shall have the effect of relinquishing the state of being a state owned public property of the said land without resorting to procedures under the Land Code and such land shall become the property of the Ministry of Agriculture and Cooperatives for use in land consolidation.

If the land relinquished under (1) paragraph one is a land for common use or land for the sole use of the state, the Changwat Land Consolidation Committee shall arrange for such portion of land to remain for the purpose of public use or for the sole use of the state. If it is unable to arrange such land to be for the common use of the public or the sole use of the state the Changwat Land Consolidation Committee

shall arrange for another plot of land in replacement thereof.

After having arranged for any part of the land to remain state owned public property for common of the public or for the sole use of the state or having arranged for other plot to be the state owned public property for common use by the public or for the sole use by the state in replacement under paragraph two, the Changwat Land Consolidation Committee, with the approval of the Central Land Consolidation Committee, shall notify same in the Government Gazette with a brief map showing the boundaries of such part of land in addendum thereto.

(2) If such area of land consolidation programme includes land which is state owned public property which has become overgrown and vacant or land which has been expropriated or abandoned or reverted to state land through other notification under the Land Code and the state of such land comprises of several small plots of land, such land shall become the property of the Ministry of Agriculture and Cooperatives for use in land consolidation.

SECTION 44. Within five years from the date of receipt of certificate of right to the land in the area of land consolidation programme, the owner of land receiving such right to the land shall not transfer such right to other person except through inheritance or transferring to a cooperative or farmers group in which one is a member or transferring to the Ministry of Agriculture and Cooperatives for the purpose of land consolidation or when being granted permission to do so from the Central Land Consolidation Committee in writing.

Within the period of time under paragraph one land in the area of land consolidation programme is not subject to enforcement of a litigation.

SECTION 45. No landowner or recipient of right to the land in the area of land consolidation programme shall use the land for any purpose other than agriculture, or to erect any building or do any act to such land which may cause damage to the land consolidation except with a written permission from the Changwat Land Consolidation Committee.

In case of violation of paragraph one, the Changwat Land Consolidation Committee shall have the power to order the violator to demolish, return same to its former state or refrain from such act within a prescribed

period of time. If the violator does not comply, the Changwat Land Consolidation Committee shall demolish same or return same to its original state whereby the violator may not claim for any damages and shall also pay for such demolition or the returning to its former state.

SECTION 46. The Central Land Consolidation Committee shall determine the principles and procedures in collecting expenses for the consolidation of land in the area of land consolidation programme from the owner of land or recipient of right to the land as follows :

(1) All the expenses for the construction of irrigation and drainage systems, the construction of roads and paths of conveyance in the farms and public utilities for common use of owner of land or the recipient of rights to the land, shall be collected from the owner or recipient of rights to the land to assist in the defrayment of expenses which the government has paid in accordance with the rate which the Central Land Consolidation Committee prescribes from the actual expenses, whereby the owner or recipient of rights to the land shall pay same in yearly installments of not less than ten per cent of the amount and the first installment shall be due in the third year from the year of completion in accordance with the land consolidation programme at the latest. The government shall assist in such expenses at not less than ten per cent.

(2) All expenses in levelling and grading of land and other activities in the land of the owner or recipient of rights to the land, in the event the authority undertakes same, the owner or the recipient of rights to the land shall repay at the rate prescribed by the Central Land Consolidation Committee from actual expenses whereby the owner of land or the recipient of rights to the land shall repay in installments the same as in (1).

In case of necessity, the Central Land Consolidation Committee shall consider reducing the amount of money or extending the period of repayment under (1) and (2) as it deems appropriate.

SECTION 47. All the owners or recipients of rights to the land or cooperatives of farmer groups in the area of land consolidation programme, as the case may be, shall pay the expenses for repair and maintenance of the irrigation or drainage systems, roads or paths of conveyance to the farms and other utilities for common use including the expenses in

providing water, under the principles and procedures and at the rate prescribed by the Central Land Consolidation Committee.

SECTION 48. For the purpose of conducting a survey, investigation and carrying out land consolidation under this Act, the Central Land Consolidation Committee, the Changwat Land Consolidation Committee and competent officials shall have the following power:

(1) to enter into land or any premises within the area of land consolidation programme.

(2) to issue summons for any person to give testimony or to forward any document in connection with the activity of land consolidation as necessary.

SECTION 49. In carrying out its duty under Section 25, Section 31 and Section 48 (1), the land consolidation committee member or competent official shall perform same during the hours of sunrise to sunset whereby the owner or the recipient of rights to the land shall accord due facility and in this connection, the competent official shall show the identity card to the person concerned.

The identity card shall be in accordance with the form prescribed by the Minister through publication in the Government Gazette.

SECTION 50. If any land within the area of land consolidation programme is transferred to any person under Section 44, the transferee has the duty to assume the payment of expenses in consolidating the land under Section 46 and the cost of repair and maintenance under Section 47 on behalf of the transferor until such is paid in full and it shall be held that the said expenses are inherent right registered under the Civil and Commercial Code.

Chapter 4

Penal Provisions

SECTION 51. Any person

(1) not according due facility to member of Central Land Consolidation Committee, Changwat Land Consolidation Committee, Member or Competent official while performing the duty under Section 25, Section 31 or Section

48 (1) as the case maybe ;

(2) refusing to give testimony or forward document or any other
Section called for under Section 29 or Section 48 (2) ;

shall be punishable by fine not exceeding two thousand baht.

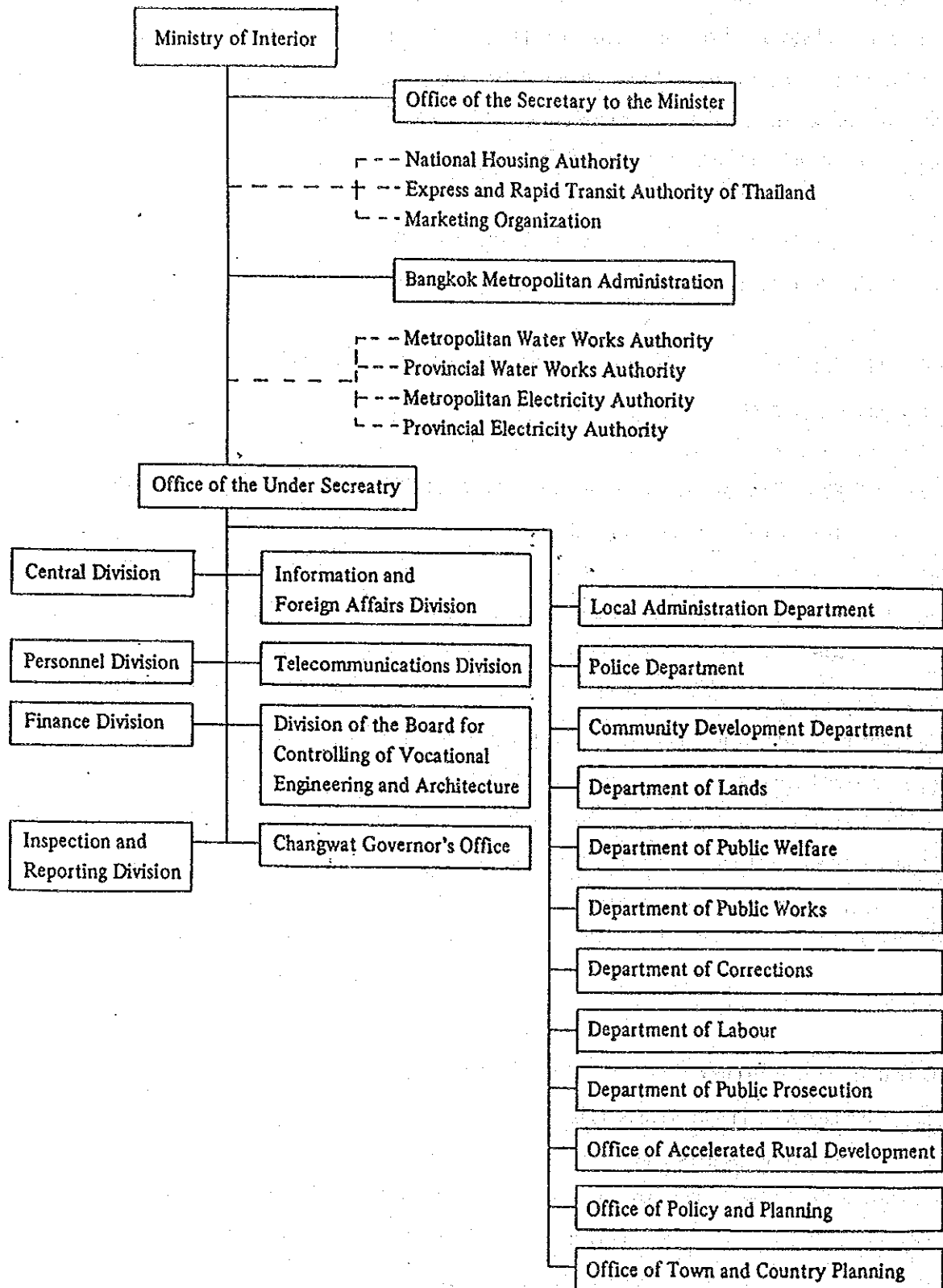
SECTION 52. Any person violating Section 45 paragraph one shall
be punishable by fine not exceeding two thousand baht.

Counter - signature :

SANYA THAMMASAKDI

Prime Minister.

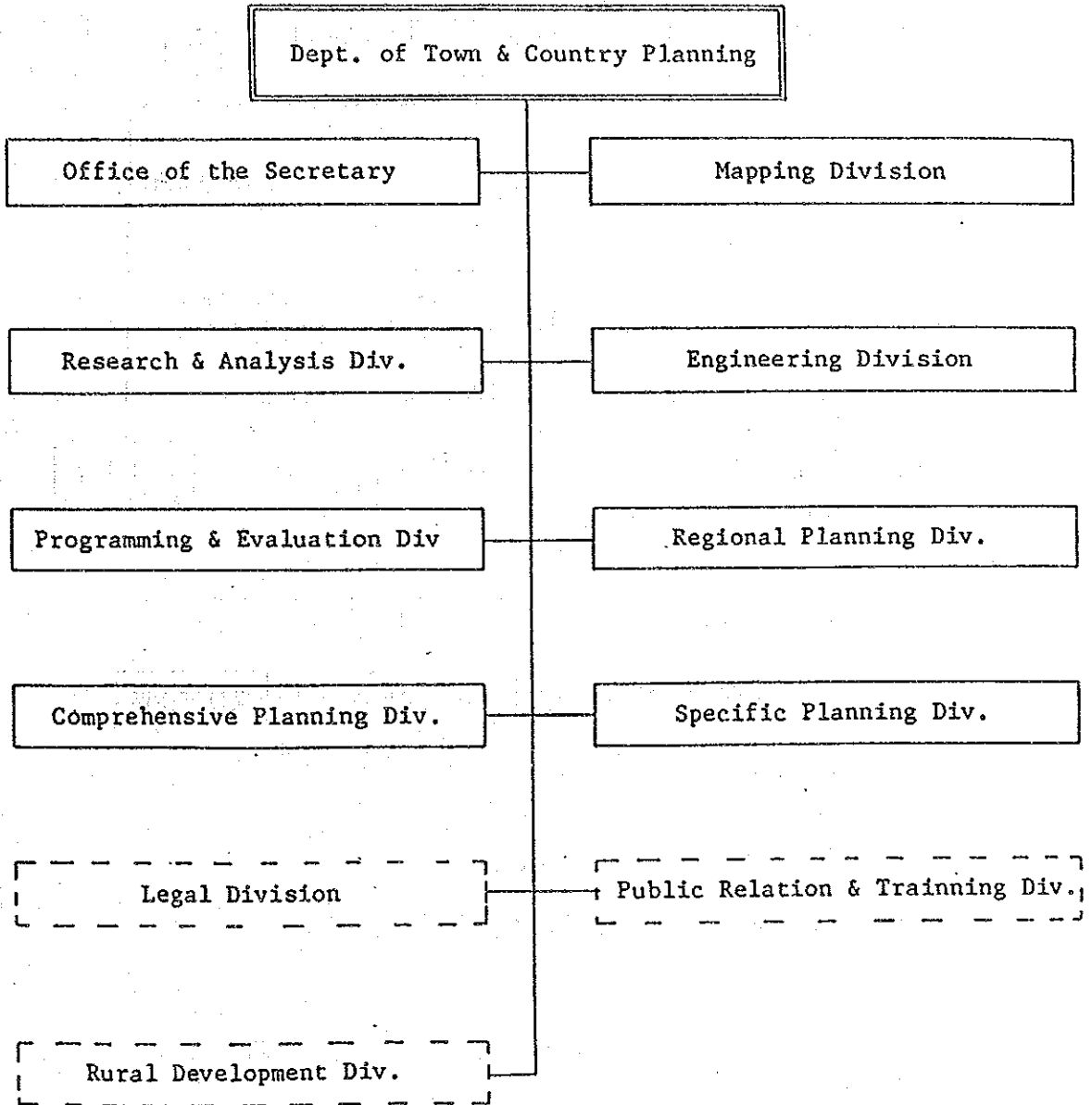
内務省組織図




附屬資料 7. 關係機關組織圖

D T C P 組織圖

Organization Chart
Department of Town and Country Planning
Ministry of Interior



 - Internal Division

附属資料 8. 収集資料リスト

1. 現況図 (S = 1 : 10,000) 12枚1組
2. 現況図 (S = 1 : 4,000) 6枚1組
3. 公 図
 - (1) B. M. A作成(ラマ9世通り建設時)
 - (2) バンカピ区の部分図(S = 1 : 4,000土地局事務所より)
4. 地価公示
 - (1) バンコク全体の概略地価公示資料
 - (2) 上記のナコンパトム市版(サンプル)
5. バンコク総合計画図(1 : 75,000)
6. サコンサワン地域チャオピヤ川コアン島の開発事業データ
7. 高速道路・高速鉄道資料
 - (1) 全体計画図
 - (2) 調査対象地区の詳細計画図(ジャンクション・車庫等)
 - (3) 事業進捗計画表
 - (4) 地質調査データ(ETA施行地区)
8. Steering Committee構成案(Counter Part List.)

附屬資料 9.

Steering Committee Member

Land Readjustment Steering Committee Member are listed follows:

- | | |
|--|--------------------|
| 1. Deputy Permanent Secretarys | Chairman |
| 2. D.T.C.P Director-General | Vice-Chairman |
| 3. Secretary-General of the Office of the National Economic and Social Development Board or Representative | Member |
| 4. Director-General of the Department of Lands or Representative | Member |
| 5. Director-General of the Public Works Department or Representative | Member |
| 6. Secretary-General of the National Environment Board or Representative | Member |
| 7. Secretary-General of the Agricultural Land Reform Office or Representative | Member |
| 8. Director-General of the Office of Policy and Planning Ministry of Interior or Representative | Member |
| 9. Director of the Budget Bureau or Representative | Member |
| 10. Director of the Office of the Consumer Protection Board or Representative | Member |
| 11. Director of the Office of BMA Policy and Planning or Representative | Member |
| 12. The Interior Ministry's Legal Advisor or Representative | Member |
| 13. The Senior Expert in City Planning, DTCP | Member |
| 14. General Manager of the Metropolitan Electricity Authority or Representative
General Manager of the Provincial Electricity Authority or Representative | Member |
| 15. General Manager of the Metropolitan Waterworks Authority or Representative
General Manager of the Provincial Waterworks Authority or Representative | Member |
| 16. Governor of the National Housing Authority or Representative | Member |
| 17. Director of the Telephone Organization of Thailand or Representative | Member |
| 18. Director of Local Self-Government Affairs Division, the Department of Local Administration or Representative | Member |
| 19. Representatives of Relevant Municipalities | Member |
| 20. Representatives of the Association Siamese Architecture under H.M. the King's Patronage | Member |
| 21. Representatives of the Engineering Institute of Thailand under H.M. the King's Patronage | Member |
| 22. Expert Member | Member |
| 23. Expert Member | Member |
| 24. Representative of the Land Readjustment Counterpart Team | Member & Secretary |

