

## Land Readjustment Act, B.E. 2547 (2004)

Translation

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Given on the 11th day of December B.E. 2547,

Being the 59th Year of the Present Reign.

Whereas it is deemed appropriate to promulgate the law governing Land Readjustment Act,

This Act contains certain provisions that restrict individual rights and freedoms, by virtue of the provisions of law under Section 29 in conjunction with Section 35, Section 48 and Section 49 of the Constitution of the Kingdom of Thailand.

### Section 1

This Act shall be called the "Land Readjustment Act, B.E. 2547 (2004)"

### Section 2

This Act shall come into force and effect from the day after the date of its announcement in the Government Gazette.

### Section 3

In this Act,

"Land Readjustment" means the implementation of development of many plots of land by land re-plotting, improving or constructing infrastructure, and jointly bearing the burdens and equitably distributing the returns. To this end, there shall be cooperation between the private sector and the private sector, or between the private sector and the public sector, with the objective of utilizing land more appropriately with regard to transportations, economics, social, the environment and communities, and so as to be in line with urban planning.

"Land Readjustment Project" means a project which is initiated for the purposes of Land Readjustment.

"Fund" means a Land Readjustment fund.

"Association" means an association that is established for the purpose of Land Readjustment in accordance with this Act.

"Land owner" means a person with rights in land, as provided for by the Land Code, and shall include a condominium owner as provided for by the Condominium Act as well.

"Committee" means the Land Readjustment Committee.

"Provincial Committee" means a Provincial Land Readjustment Committee, and shall also include the Bangkok Metropolitan Administration Land Readjustment Committee.

"Competent Authority" means a person whom the Provincial Committee has appointed to act as provided for by this Act.

"Local Competent Authority" means

- (1) The Governor of Bangkok Metropolitan Administration, with responsibility for the Bangkok Metropolitan Administration area;
- (2) Chairmen of provincial administrative organizations, with responsibility for provincial areas under provincial administrative organizations;
- (3) Mayors of municipalities;

- (4) Chairmen of sub-district administrative organizations, for areas under sub-district administrative organizations;
- (5) Heads of local administrative units of other local government agencies that have been designated by law as local government agencies within that local administrative area.

“Minister” means the minister in charge, as provided for by this Act.

#### **Section 4**

The Minister of the Interior shall be in charge, as provided for by this Act, and shall be authorized to issue ministerial regulations and notifications in compliance with this Act.

Ministerial regulations and notifications shall take effect when published in the Royal Gazette.

### **Chapter 1**

#### **Land Readjustment Committee**

#### **Section 5**

A Land Readjustment Committee shall be appointed and consist of:

- (1) the Minister of the Interior, as the chairman of the Committee;
- (2) the Permanent Secretary of the Ministry of Interior, as the deputy chairman of the Committee;
- (3) the Permanent Secretary of the Ministry of Finance, the Permanent Secretary of the Ministry of Agriculture and Cooperative, the Permanent Secretary of the Ministry of Transportations, the Permanent Secretary of the Ministry of Natural Resources and the Environment, the Permanent Secretary of the Ministry of Industry, the Attorney General, the Director General of the Bureau of the Budget, the Secretary General of the National Economic and Social Development Board, the Director General of the Department of Lands, the Director General of the Treasury Department, the Director General of the Department of Local Administration, the Secretary General of the Agricultural Land Reform Office, and the Governor of the National Housing Authority shall be Committee members, and the Director-General of the Department of Public Works and Town & Country Planning shall be a Committee member and secretary to the Committee;
- (4) Representatives from the Law Society of Thailand, the Council of Thai Architects, the Council of Engineers, the Thai Chamber of Commerce, and the Federation of Thai Industries shall be Committee members;
- (5) Four qualified persons relating to Land Readjustment who have been appointed by the Cabinet as Committee members.

In order to find and appoint Committee members under (5), Committee members under (1), (2), (3) and (4) shall jointly conduct searches in accordance with guidelines and criteria as provided for by the Cabinet.

#### **Section 6**

The Committee has the following powers and duties:

- (1) Formulate policies, establish goals and important measures relating to Land Readjustment;
- (2) Approve master plans and target areas for Land Readjustment, in accordance with recommendations provided by the Provincial Committee;
- (3) Establish standards for Land Readjustment;

- (4) Issue regulations concerning criteria and procedures to be used in applying for Land Readjustment, and establish project approval procedures for the Provincial Committee;
- (5) Establish criteria and procedures for recruiting qualified Committee members, pursuant to Section 11 and Section 12;
- (6) Issue regulations governing the disbursement of the Fund in support of, or loans to, government agencies, local administrative bodies, state agencies, and state enterprises for the purpose of building or improving public utilities or public facilities that are required to support Land Readjustment;
- (7) Issue regulations governing the appropriation of the Fund for disbursement as loans to Land Readjustment Project implementer, or in support of Land Readjustment Project;
- (8) Issue regulations governing payments that must be made as compensation, damages, or other expenses to be incurred during the implementation of Land Readjustment, for which advancements must be made from the Fund;
- (9) Establish the qualifications that property valuation experts must have, as well as the number of such experts that shall be retained, and criteria to be employed in valuating property for Land Readjustment implementation;
- (10) Establish criteria for receiving disbursements, making expenditures, safekeeping, and seeking benefits that can be obtained from the utilization of the Fund;
- (11) Issue regulations governing the utilization of public land, provide replacement of public land with other types of land, and the expropriation of land in the Land Readjustment area;
- (12) Issue regulations relating to the registration of the Association, and examine its operation;
- (13) Make final decision on problems of Land Readjustment pursuant to petitions or appeals by land owners or interested parties in Land Readjustment Project;
- (14) Provide opinions or advice to the Cabinet regarding Land Readjustment;
- (15) Conduct other activities involving Land Readjustment, in compliance with the provisions of this Act.

In the performance of its duties as provided for by this Section, the Committee may assign the Department of Public Works and Town & Country Planning to undertake the work or prepare and forward proposals to the Committee to review and take further action.

### **Section 7**

Qualified Committee members as referred to in Section 5 (5) shall have a term of office of two years.

In the event that a qualified Committee member is appointed to fill a vacant position on the Committee, the person so appointed shall have a term of office equivalent to the remaining term of the previous incumbent of the position.

Committee members who have reached the end of their term of office may be reappointed to the Committee, but for not more than two consecutive terms.

### **Section 8**

Apart from the term of office ending as stipulated in Section 7, Paragraph One, a qualified Committee member as referred to in Section 5 (5) shall vacate office upon:

- (1) Death;
- (2) Resignation;

- (3) The Cabinet requires the member to be dismissed for deficiencies, dishonesty in the performance of duties or inefficiency;
- (4) Bankruptcy;
- (5) Incompetency or quasi-incompetency;
- (6) The member is subject to a term of imprisonment under a final court judgment upholding a term of imprisonment, except for cases of imprisonment as a result of negligence or a petty offense.

### **Section 9**

At a meeting of Committee members, there shall be a number of Committee members sufficient to constitute a quorum which must not be less than one half of the total number of Committee members.

If the Chairman of the Committee is not at the meeting or is unable to chair the meeting, the Deputy Chairman shall chair the meeting in his or her stead. If the Deputy Chairman is not at the meeting or is unable to chair the meeting, those Committee members who attend the meeting shall choose one of their members to chair the meeting.

Final decision made by the Committee meeting shall be passed by a majority vote, with each Committee member entitled to one vote. In the event of a tie, the Chairman of the meeting shall be accorded one more vote, which shall be the casting vote.

Any Committee member who has a personal interest in any matter shall not be permitted to deliberate upon and vote on that particular matter.

### **Section 10**

The Committee is empowered to appoint sub-Committees to review, study, research, or take any action that the Committee has assigned such sub-Committees to take; and in this regard, the provisions of Section 9 shall apply *mutatis mutandis* to meetings of sub-Committees.

## **Chapter 2**

### **Provincial Land Readjustment Committee**

#### **Section 11**

The Provincial Land Readjustment Committee shall be constituted and shall consist of:

- (1) The Provincial Governor as Chairman;
- (2) The Deputy Provincial Governor whom the Provincial Governor has assigned as Deputy Chairman;
- (3) The head of provincial agriculture and agricultural co-operatives, the provincial land office, the head of the local government treasury, the head of provincial industry, the head of provincial natural resources and the environment, the provincial public prosecutor who is the head of the provincial public prosecutor's office, a representative of the Highways Department, a representative of the National Housing Authority, and a representative of the provincial administrative organization, all of whom shall serve as Committee members, while the head of provincial office for public works and town & country planning shall serve as a Committee member and secretary to the Committee;
- (4) Representatives from the Law Society of Thailand, the provincial chamber of commerce, and the provincial industrial council or the Industrial Council of Thailand in the event that a province does not have a provincial industrial council, shall serve as Committee members;
- (5) Three qualified persons relating to Land Readjustment whom the Provincial Governor has appointed to serve as Committee members.

In appointing members pursuant to (5) above, Committee members in (1), (2), (3) and (4) shall jointly select qualified members in accordance with selection criteria and methods as stipulated by the Committee.

In the event that the Land Readjustment Project is implemented in any area where there is a provincial land reformation office, or a local government agency, the head of the provincial land reformation office or Local Competent Authority shall also serve as a Committee member.

In the event that the Land Readjustment Project in any province overlaps the territorial boundaries of any other province, the Local Competent Authority in the locality of overlap shall also serve as a Committee member.

## **Section 12**

The Bangkok Metropolitan Administration Land Readjustment Committee shall consist of:

- (1) The Governor of Bangkok Metropolitan Administration, who shall serve as Chairman;
- (2) The Permanent Secretary of Bangkok Metropolitan Administration, who shall serve as Deputy Chairman;
- (3) Representatives from the Office of the Chief Public Prosecutor, the Office of the National Economic and Social Development Board, the Land Department, the Treasury Department, the Department of Public Works and Town & Country Planning, the Office of Transport and Traffic Policy and Planning, the Office of Natural Resources and Environmental Policy and Planning, the National Housing Authority, the Metropolitan Waterworks Authority, and the Metropolitan Electricity Authority shall serve as Committee members; and the Director of the Bangkok Town & Country Planning Office shall serve as a Committee member and secretary to the Committee.
- (4) Representatives from the Law Society of Thailand, from the Board of Trade of Thailand, and from the Federation of Thai Industries to act as Committee members;
- (5) Three qualified persons in relation to Land Readjustment who have been appointed by the Bangkok Governor to act as Committee members;

As to the Appointment of the Committee members under (5), the Committee members under (1), (2), (3) and (4) jointly seek and select such members according to the regulations and procedures determined by the Committee.

In the event that implementation of the Land Readjustment Project in Bangkok Metropolitan area overlaps the area of any local government, the local competent authority of that area shall also be a Committee member.

## **Section 13**

The Provincial Committee shall have powers and duties as follows:

- (1) To approve the establishment of the Association and to control and oversee the operation of the Association;
- (2) To determine measures and guidelines of the Land Readjustment promotion and support;
- (3) To propose the Provincial Land Readjustment Master Plan and target areas to the Committee for its approval;
- (4) To appoint the Association Inspector and its staff members;
- (5) To harmonize the Land Readjustment Project with major projects of the locality;
- (6) To grant approval to the Land Readjustment Project implemented within the provincial locality;

- (7) To present an opinion to the Fund Management Committee in relation to a request for financial support from the Fund;
- (8) To present an opinion to the Committee in relation to the use of public land, provision of land to substitute for the public land, and land expropriation in the Land Readjustment Project;
- (9) To consider and determine prices for compensation or damages according to the regulations and procedures as provided for by the Committee;
- (10) To conduct other business in relation to the Land Readjustment Project in compliance with this Act.

As to the appointment of the Association Inspector under (4), he shall be appointed among civil servants or other government agencies in accordance with the regulations and procedure as provided for by the Committee.

#### **Section 14**

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

### **Chapter 3**

#### **Land Readjustment Association**

#### **Section 15**

The Land Readjustment Association shall only be appointed by virtue of the provisions of this Act and its main objective shall be on implementation of the Land Readjustment Project.

#### **Section 16**

As to an application for registration of the Association, the land owners who will be association members shall elect a group of at least three promoters to submit an application for the registration to the Provincial Committee together with related documents as follows:

- (1) A list of names of the persons who will be association members together with a number of pieces of land owned by the said persons and pieces of land which will be implemented for Land Readjustment according to the regulations provided for by the Committee;
- (2) Two copies of the draft by-laws of the Association;
- (3) Other documents as determined by the Provincial Committee.

#### **Section 17**

The Provincial Committee shall have powers and duties in registering and shall be empowered to issue a written order to summon a person concerned to give an explanation on a fact or send documents in support of consideration on registering the Association.

#### **Section 18**

The by-laws of the Association shall at least consist of items as follows:

- (1) The name of the Association;
- (2) The objectives of the Association;
- (3) The address of the Association;
- (4) The qualifications of members, methods of application for membership and termination of membership;
- (5) The rates of application fees and membership fees;
- (6) Provisions respecting the operation, accounting and finance of the Association;

- (7) Provisions respecting general meetings;
- (8) Provisions respecting the Board of Directors of the Association, such as a number of directors, election, term of office, termination of office and the Board meetings of the Association;
- (9) Provisions respecting the appointment, term of office, termination of office, determination of powers and duties and responsibilities of the manager;
- (10) Amendment to the by-laws and dissolution of the Association.

### **Section 19**

The Provincial Committee shall consider an application for registration and draft by-laws. If it deems that the application is correct according to Section 16 and the draft by-laws is correct according to Section 18, the Provincial Committee shall register the Association and issue a registration certificate to that Association, then, publicize the registration thereof in the Government Gazette.

In the event that the Provincial Committee rejects the registration of the Association, it shall, without delay, notify the applicant of its rejection order together with reasons of the rejection thereof in writing. The applicant for registration shall be entitled to appeal against the rejection order to the Committee by submitting a written appeal to the Provincial Committee within thirty days from the date of receipt of the rejection order.

The Committee shall decide on the appeal and shall, without delay, inform the applicant and the Provincial Committee of the decision on the appeal together with reasons thereof. The decision of the Committee shall be final.

The establishment of the Association shall be in effect upon its publication in the Government Gazette.

### **Section 20**

The Association which has been registered shall be a juristic person and the persons who sign their names for registration of the Association and the persons whose names are on the name list according to Section 16 (1) shall be deemed members of the Association from the date of its establishment.

In case of an increase of membership applied for by land owners or other persons after the Association has been established, they shall be deemed members upon having paid application fees and membership fees according to Section 18 (5) and the Association shall notify the Provincial Committee thereof in writing.

### **Section 21**

The group of promoters of the Association shall arrange for the first general meeting within thirty days from the date of establishment of the Association in order to elect a Board of Directors and to assign to the Board of Directors of the Association all activities.

The following general meeting shall be called by the Board of Directors of the Association at least once a year within ninety days from the year end of an accounting period of that Association.

### **Section 22**

The Board of Directors of the Association, which consists of directors who have been elected among members at the general meeting, shall carry out activities and shall be the representative of the Association in matters concerning a third party. In this regard, the Board of Directors of the Association may assign one or several directors to act on its behalf.

### **Section 23**

The Association shall make a report to the Provincial Committee on the operation, balance sheet, revenue and expenditure accounts which have been certified by an auditor within

ninety days from the last date of the accounting period and shall conspicuously announce the said report to members.

#### **Section 24**

The Association Inspector shall have the duty to examine the operation and finance of the Association in accordance with the requirement of the Provincial Committee by presenting an examination report to the Provincial Committee.

#### **Section 25**

The Provincial Committee or Association Inspector shall have the power to issue a written order to the Board of Directors of the Association, staff of the Association, or its members in order for them to give an explanation on the fact concerning the operation of the Association or to send documents relating to its operation or minutes of meetings of the Association.

#### **Section 26**

In compliance with this Act, the Provincial Committee or Association Inspector shall have the power to enter the office of the Association for examination during its working hours, and the persons concerned shall give facilitative assistance or aid, or an explanation to the person performing such an act as is deemed necessary.

#### **Section 27**

In the event that the Board of Directors of the Association, its manager, or staff causes damage to the Association and if it fails to lodge a complaint or take legal action, the Provincial Committee may order the Association Inspector to file a complaint or take legal action instead by having a public prosecutor represent in Court.

The so-doing under the previous paragraph may incur expenses; an advance of money shall be made from the Fund.

The Association shall pay the Fund or public prosecutor for expenses relating to the complaint, legal action or representation, as the case may be.

#### **Section 28**

If the general meeting of the Association passes its resolution which violates the law or by-laws of the Association, the Provincial Committee shall have the power to revoke that resolution.

#### **Section 29**

In the event that the Board of Directors of the Association acts improperly in carrying out its duties and, thereby, causing detriment to the benefits of the Association or members, or the Association is defective in finance or accounting according to the report under Section 23, or in the operation or finance according to the report on examination under Section 24, the Provincial Committee shall inform the Board of Directors of the Association in writing to remedy the defect according to the methods as determined by the Provincial Committee as well as to notify the members of the Association thereof.

The Board of Directors shall remedy the defect completely within thirty days from the date of acknowledgement of the notification. If the remedy fails to be completed within the specified time without reasonable causes, the Provincial Committee may issue an order as follows:

- (1) To dismiss the entire Board of Directors from its office or to dismiss the director involving in that particular matter from directorship;
- (2) To cease part of the act which causes the defect or impairs the benefits of the Association or members;
- (3) To temporarily stop the operation in order to carry out the remedy of that defect according to the methods and within the time specified by the Provincial Committee.



### **Section 30**

In the event that the Provincial Committee orders the entire Board of Directors of the Association to vacate office or some directors to remove from directorship according to Section 29, Paragraph Two (1), the Provincial Committee shall appoint a Board of Directors or new directors to be temporary replacement, as the case may be. In this regard, the so-doing shall comply with the regulations and procedures as provided for in the ministerial regulation.

### **Section 31**

The Association may dissolve as a result of one of the following grounds.

- (1) The by-laws of the Association requires that it must be dissolved;
- (2) The general meeting of the Association passes its resolution for dissolution with at least three-fourths of votes of all members;
- (3) The Association is bankrupt;
- (4) The Provincial Committee issues an order for dissolution according to Section 32.

The dissolution under (2) shall be agreed by creditors and approved by the Provincial Committee according to the regulations and procedures as provided for in the ministerial regulation.

### **Section 32**

The Provincial Committee shall have the power to issue an order for dissolution when it appears that:

- (1) The Association fails to commence its operation within one year from the date of its establishment or ceases its operation consecutively for one year or more; or
- (2) The operation of the Association is against the law or public good morals or may be harmful to public peace or state security.

### **Section 33**

As to the liquidation of the Association, the provisions of the Civil and Commercial Code governing liquidation of partnerships and companies shall apply *mutatis mutandis*.

The property of the Association which remains from payment of debts shall be divided equally and returned to members according to the regulations and procedures as provided for in the by-laws of the Association. If there is a remainder of property, it shall become property of the Fund.

### **Section 34**

The Provincial Committee shall publicize the dissolution of the Association in the Government Gazette.

## **Chapter 4**

### **General Provisions on Land Readjustment**

### **Section 35**

The following are persons who can implement Land Readjustment:

- (1) The Association;
- (2) The Department of Public Works and Town & Country Planning, National Housing Authority, and local administrative organizations;
- (3) Government agencies or any other juristic person established by the Government for Land Readjustment;
- (4) Any other government agency as provided for in the ministerial regulation.

The agencies under (2) shall implement Land Readjustment according to the Master Plan and target areas for the Provincial Land Readjustment.

### **Section 36**

As to the Land Readjustment Project made for approval according to Section 41, the Project initiator shall hold a meeting of land owners for discussions and opinions in order for the Project to be improved continuously including collecting and showing letters of consent of land owners conspicuously according to the form provided for by the Committee.

As to the proposal of the Land Readjustment Project for approval according to Section 41, letters of consent of at least two-thirds of all land owners in the Project shall be presented in support of an application therefore and the land owners shall possess land in the aggregate of at least two-thirds of the land in that vicinity.

In case of a condominium, computation shall be made only to the land on which the condominium is situated including the land for common use or common interest for the whole condominium owners. As well, in counting of votes between such a condominium and other land owners within the Land Readjustment Project, it shall be deemed that such a condominium is one land owner by having the manager of the condominium juristic person be the voter in accordance with the resolution of the joint owners in the event that such a condominium has been registered as condominium juristic person.

### **Section 37**

Land Readjustment shall be in conformity with the principle of the town and country planning or town planning, as the case may be. As well, public facilities shall be made available to public use as necessary for community environment and for future town development.

### **Section 38**

The land owners in the Land Readjustment area shall have the right in the land plots after the Land Readjustment Project in the same manner as the right vested in the land plots before the Land Readjustment Project, and shall be granted exemption of all registration fees.

The provisions of the previous paragraph shall apply mutatis mutandis to the owners of real estate in the Land Readjustment area.

### **Section 39**

The implementation of Land Readjustment under this Act is not subject to the law governing land allocation.

### **Section 40**

The implementation of Land Readjustment in the area which is meant for religious affairs under the Land Code shall obtain prior approval of the caretaker of that land for religious affairs and the provisions of Section 36 shall not apply.

The implementation of Land Readjustment in the area belonging to temples, monasteries or common religious property shall be done according to the law governing monk council.

## **Chapter 5**

### **Proposal of Land Readjustment Project**

### **Section 41**

A person who implements Land Readjustment shall, in the first place, propose the Land Readjustment Project to the Provincial Committee and shall not proceed with the implementation until having obtained approval of the Provincial Committee.

The proposal of the Land Readjustment Project shall comply with the criteria, procedure and conditions as provided for by the Committee and shall be publicized in the Government Gazette. The details of the Project shall comprise at least the following:

- (1) The name of the Project;
- (2) The name of the person implementing the Project;
- (3) The address of the Project office;
- (4) The procedures and time of implementation;
- (5) The Land Readjustment Master Plan in which the area for implementation of Land Readjustment is shown with at least a road system lay-out plan, a public facilities system and details of the land plots of persons who agree and disagree to Land Readjustment;
- (6) Obligations in which other persons have interests in the land plots of which applications have been lodged;
- (7) The financial plan and operating costs in the Land Readjustment Project implementation;
- (8) Other requirements as provided for by the Committee.

In any area of the Land Readjustment Project, if there is land or other real estate to be disposed of, or public land or real estate needed to be acquired for use including the area made available as replacement area, and details of demolition or removal of things that are made for public facilities, all of the aforesaid information shall also be specified as details of the Project.

#### **Section 42**

In the interest of Land Readjustment accomplishment according to Section 41 or for the benefits of Land Readjustment implementation, upon receiving an application for a survey from an applicant for implementation of Land Readjustment, the Provincial Committee is empowered to announce and set the area to be surveyed for the Land Readjustment Project implementation by posting an announcement thereof in a conspicuous place at the local administrative office in that district and at the surveyed site at least fifteen days prior to commencement of the survey, and the announcement shall remain posted until the survey is completed. As well, the date of posting of the announcement shall be stated. In this regard, the person proposing the Land Readjustment Project shall be responsible for expenses concerning the announcement.

Within the site where there is the survey announcement under the previous paragraph, a competent official and a person performing such an act together with him shall have powers as follows:

- (1) To enter the site to do things necessary for the survey;
- (2) To make leveling marks, lining out or boundary lines by marking with stakes or digging line trenches. In the event that it is necessary to make topographic evidence pins in the land of any person, they shall be empowered to make such evidence pins as is necessary;
- (3) To dig the soil, to cut roots and boughs and to do such other acts against obstacles to the survey as is necessary.

Notification of the acts under Paragraph Two in a house or dwelling place shall be made at least seven days in advance to the owner or possessor, and it shall be taken into account that the owners or possessors of real estate shall be least affected with damage.

However, the damage-stricken person shall not be deprived of the right to obtain compensation.

The applicant for the survey shall defray expenses and compensation for damage caused by the survey. In case of inability to mutually agree on the matter of expenses and

compensation for damage, it shall be presented to the Provincial Committee for consideration of that matter according to the regulations as provided for by the Committee.

### **Section 43**

When the implementer proposed the Land Readjustment Project to the Provincial Committee under Section 41, the competent official shall arrange for announcement of that Land Readjustment Project in a conspicuous place at the local administrative office in that district and at a clearly seen place in the site where Land Readjustment shall take place. As well, letters of notification thereof shall be sent to the land owners by registered mail on the date of posting of the announcement. Also, the implementer who proposes the Land Readjustment Project shall defray expenses therefore.

The announcement under the previous paragraph shall contain the following items:

- (1) The name of the implementer of the Land Readjustment Project;
- (2) The site where the Land Readjustment Project shall take place;
- (3) The address of the Office of the Land Readjustment Project;
- (4) The operating budget;
- (5) The Land Readjustment Master Plan;
- (6) Other items as provided for by the Committee.

The land owners in the area of Land Readjustment Project shall notify the competent authority of their consent to the implementation under Section 58 or their objections or their opinions in writing within thirty days from the date of receipt of the letters of notification according to Paragraph One.

In case of necessity to change public property of the Kingdom for common use of the citizens in the Land Readjustment Project, interested persons may propose their opinions in writing to a competent authority within thirty days from the date of posting of the announcement under Paragraph One, according to the regulations and procedures as provided for by the Committee.

In consideration of Land Readjustment Project, the Provincial Committee shall present all objections or proposals and shall invite the land owners, who submit their objections or proposals, or the interested persons, who submit their proposals under Paragraph Four, to demonstrate the facts and opinions in support of the consideration thereof.

### **Section 44**

In consideration of items concerning the Land Readjustment Project, if the Provincial Committee finds that the said items are incorrect, it shall be empowered to order the Land Readjustment proposer to correct the items.

### **Section 45**

In case of fire or any other catastrophe which causes great damage to buildings, if the local competent authority finds it necessary to implement the Land Readjustment Project, he shall propose his opinion together with a map showing the area of fire or any other catastrophe to the Provincial Committee within thirty days from the date the fire or catastrophe took place. If the area of fire or catastrophe is in more than one jurisdiction of a local competent authority, the local competent authorities concerned shall jointly consider and propose their opinions to the Provincial Committee.

It shall be deemed that the proposals of opinions together with a map showing the area of fire or catastrophe under the previous paragraph are the Land Readjustment Project proposal according to Section 41, and the Provincial Committee shall complete its consideration within sixty days from the date of receipt of the opinions and the provisions of Section 43 shall apply *mutatis mutandis*.

The implementation of the Land Readjustment under this Section is not subject to Section 35, Paragraph Two, and the local competent authority may assign a public sector or state enterprise under Section 35 (2) or government agencies under Section 35 (3) and (4) to be Implementer instead.

#### **Section 46**

In consideration of approval of the Land Readjustment Project, the Provincial Committee may demand the Land Readjustment proposer to provide collateral for security and protection over persons concerned or to amend the Land Readjustment Project, or it may determine any specifications or conditions.

The criteria for consideration on the collateral under the previous paragraph shall be in compliance with the provisions in the ministerial regulation.

#### **Section 47**

The Provincial Committee shall complete its consideration on the Land Readjustment Project within one hundred and eighty days from the date of receipt of the application for the Land Readjustment Project implementation with complete and correct documentation, provided that the applicant for Land Readjustment Project implementation requests financial subsidy or loan from the Fund and informs that one does not wish to implement the Project if without obtaining the Fund as requested, consideration thereof shall be completed within one hundred and eighty days from the date the executive board of the Fund passes its resolution.

In the event that the Provincial Committee gives an order for disapproval of the Land Readjustment Project, the Land Readjustment proposer is entitled to appeal to the Committee within thirty days from the date of acknowledgement of the order, the Committee shall complete its consideration within ninety days. The decision of the Committee shall be final.

Upon having approved the Land Readjustment Project, the Provincial Committee shall publicize it in the Government Gazette.

#### **Section 48**

In case of any Land Readjustment Project requesting financial subsidy or loan from the Fund, the Provincial Committee shall propose the said Project to the executive board of the Fund for consideration and approval of the request for financial subsidy or loan by showing its opinion in relation to the appropriateness of the Project to be in support of the consideration of the executive board.

#### **Section 49**

If the Land Readjustment Project implementer wishes to amend an item in the Project or a method of implementation in the Land Readjustment Project which has been approved, an application together with the Project lay-out plan or method to be amended shall be submitted to the Provincial Committee for consideration and approval.

In an amendment to the item in the Project which results in a change of the Project area, the provisions of Section 43 shall apply *mutatis mutandis*.

In consideration and approval of the amendment to the Land Readjustment Project, Section 46 shall apply *mutatis mutandis*.

#### **Section 50**

From the date of the announcement under Section 51 Paragraph One, the land, to be renounced by a land owner to the Land Readjustment Project implementer in the interest of the Land Readjustment Project implementation, shall be deemed a preferential debt as expenses for common interest.

The Land Readjustment Project implementer shall have the preferential right over the real estate, which has been arranged for the land owner under the Land Readjustment Project, as if it were preferential right in the value of purchase and sale of the real estate.

The statute of limitation of claim, which the Land Readjustment Project implementer is entitled to have against the land owner, shall cease from the date the implementer sends notice demanding debt repayment.

## **Chapter 6**

### **Land Readjustment Project Implementation**

#### **Section 51**

When the Provincial Committee has approved the Land Readjustment Project, the Land Readjustment Project implementer shall post an announcement of the area of the Land Readjustment Project implementation, date, time, and meeting place of owners of the land in the Project implementation area conspicuously at the local administrative office in that district and at a clearly seen place in the implementation site of the Land Readjustment for at least fifteen days and the date of the announcement shall also be stated.

By virtue of Section 40 Paragraph One, when the Provincial Committee has approved the Land Readjustment Project and has made such an announcement as stated in the previous paragraph, the land owners in the implementation area of the Land Readjustment shall have duties to do any acts as provided for in the Land Readjustment Project, and in case of ownership transfer of the land, a transferee of ownership shall obtain both the rights and duties which bind upon a transferor with the Land Readjustment Project.

#### **Section 52**

On the date of a meeting of land owners, a Land Readjustment Project Advisory Board shall be appointed for that Land Readjustment Project. It shall consist of a representative(s) from the Provincial Committee, land owners who have been elected among land owners themselves, and a qualified person(s) appointed by the Provincial Committee.

As to the Land Readjustment Project Advisory Board members elected among the land owners, arrangement of representatives shall be made from variety of owners of the land or real estate by equal diversification among groups according to the regulations as specified by the Committee.

The Land Readjustment Project Advisory Board members who have been elected among the land owners under Paragraph One shall vacate office when:

- (1) They are not the owners of the land in the Land Readjustment implementation area; or
- (2) At least two-thirds of land owners sign up for them to vacate office.

In the event that the Land Readjustment is implemented by the Association, the Land Readjustment Project Advisory Board members under Paragraph One shall not, at the same time, be members of the Association.

The number of the Advisory Board members, election method, term of office, by-election, quorum and implementation method shall be in accordance with the criteria and procedures as provided for in the ministerial regulation.

The Land Readjustment Project Advisory Board shall receive remuneration from the Land Readjustment Project implementer at the rate as provided for in the ministerial regulation.

#### **Section 53**

The Land Readjustment Project Advisory Board shall have the duties of giving advice to the Land Readjustment Project implementer in determining a temporary plan, land re-plotting disposition, compensation amounts, assessment of prices of land and real estate, land management, acquisition of benefits for the Land Readjustment Project, a financial plan of the Project, and any other act as is necessary for Land Readjustment.

## **Section 54**

The Land Readjustment Project implementer, with the approval of the Land Readjustment Project Advisory Board, shall make a temporary plan, determination on the use of land during the Land Readjustment implementation in order that the land owners shall be least affected, as much as possible, by the construction, removal or modification. As well, in case of necessity for life or physical safety, a removal plan for the land owners to dwell or make use of land at some place else shall be made.

Repercussions from the removal of temporary dwelling or detriment of the use of land or business during the Land Readjustment Project implementation shall be taken into consideration as compensation to one another in accordance with fairness and to the benefits of all parties.

## **Section 55**

The land and real estate which belong to the Kingdom, Government organizations, public organizations or agencies which have the law governing specific transfer protection in the Land Readjustment area, regardless of whether it is public property of the Kingdom or not shall be submitted to the Board for consideration, if the Land Readjustment Project implementer needs to use that property for Land Readjustment.

As to the consideration of the Board, a representative of the agency responsible for care-taking of that land or real estate shall be invited to participate in the consideration.

When the Board approves that the land or real estate under Paragraph One shall be used in the Land Readjustment Project, the approval shall be in effect as withdrawal of status from such land as public property of the Kingdom, without having to proceed with withdrawal of status or transfer pursuant to the Land Code, the law governing the land of Crown Property or other law relating to such land. Also, the Land Readjustment Project implementer shall be empowered to use the land under the following conditions:

- (1) The land which is public property of the Kingdom for common use by citizens but the citizens stop making use of that land or which has been transformed from being the land for common use by citizens and which does not belong to any person;
- (2) The land which is public property of the Kingdom for common use by citizens and the citizens still make use of that land, but another land plot has been provided as replacement for common use by citizens, and the announcement thereof has been publicized in the Government Gazette;
- (3) The land which is public property of the Kingdom for the benefits of the Kingdom in particular or which is reserved or restricted and which the government does not want to reserve or restrict any longer, and the Cabinet has given approval thereto;
- (4) The land of governmental organizations under the law governing establishment of governmental organizations or under specific law or public organizations under the law governing public organizations, and the Cabinet has given approval thereto;
- (5) The land of other public organizations which have specifically set up laws upon having been granted approval by such public organizations.

## **Section 56**

The Land Readjustment Project implementer may alter the status of land and real estate under Section 55 to be whatever according to the Land Readjustment Project to which approval of the Provincial Committee has been granted. However, after complete implementation, the aggregate area of total public land shall not be less than that before Land Readjustment. In case of the land or real estate under Section 55 (3), (4) and (5), the provisions of Section 62 and Section 63 shall apply *mutatis mutandis*.

The utilization of other categories of public land for public utilities or public facilities must be in the same ratio as the utilization of private land, according to the criteria and procedures as stipulated by the Land Readjustment Committee.

### **Section 57**

In the event that it becomes necessary to make the land development processes more appropriate, the State may expropriate any real estate for use in the Land Readjustment Project. In this regard, the law governing expropriation of real estate shall apply, *mutatis mutandis*.

### **Section 58**

In the Land Readjustment Project area which has been approved by the Provincial Committee, the Land Readjustment implementer or designated person has the right to engage in the following activities without having to obtain the consent of the land owners:

- (1) To enter onto the land of those who have voluntarily participated in the Land Readjustment Project in order to dismantle, move, or modify buildings, as well as to do anything else that is necessary;
- (2) To enter onto the land in order to conduct surveys, delineate boundaries, construct roads, construct water drainage systems, construct water purification systems, and to do any other thing that is related to Land Readjustment;
- (3) To make signs to indicate levels, boundaries, and boundary lines;
- (4) To take any action necessary to divide up land, consolidate land, and execute any legal documents involving rights in rem, or leasing rights, on behalf of the owners of land that lies within the Land Readjustment Project area, under the objectives of the Land Readjustment Project.

When implementation takes place in a building or on land which is inhabited by people, the owner or party in possession of the land must be informed in a timely manner, in any case not less than seven days in advance, except where the consent of the owner or possessor has been obtained. As for instances involving the process of dismantling, moving, or modifications of public utilities that are under the control and supervision of government agencies, there must be coordination with the relevant government agencies beforehand. In this regard, a time limit shall be provided for the owner or possessor of the land or real estate, or government agencies responsible for the control and supervision of the said public utilities, to respond as to whether they wish to carry out the process by themselves or not.

### **Section 59**

In the interest of the construction, moving, or modification of buildings or any other thing for the purpose of Land Readjustment, the Land Readjustment Project implementer, or designated person shall be entitled to enter onto and temporarily use or take possession of the nearby land plot that is not the dwelling of any person and that is close to the land within the Land Readjustment Project, under the following conditions:

- (1) The utilization or taking possession is necessary for the purpose of surveying, constructing, moving, or modifying a building or buildings, or any thing, for Land Readjustment;
- (2) The Land Readjustment Project implementer, or designated person, has informed the land owner in writing reasonably well in advance, but not less than seven days beforehand; but in circumstances where it is not possible to contact the land owner, a written notice must be posted at the place where the land is located, at the district office, at the sub-district office and the office of the village head of the locality in which the land is situated, such notice to be posted continuously for a period of not less than fifteen days, and in which notice must be contained information as to the date, time and activity to be undertaken.



In the event that any action taken pursuant to this Section causes damage to the land owners or other right holders, those persons shall be entitled to demand compensation from the Land Readjustment Project; and if no agreement can be reached as to the amount of compensation, the Provincial Committee shall determine the amount of compensation in accordance with criteria as provided for by the Land Readjustment Committee.

#### **Section 60**

During implementation of the Land Readjustment Project, the land owner shall not be permitted to file an application for registration of any rights or legal acts that require delineation of the land, except in those cases where the approval of the Provincial Committee has been obtained.

#### **Section 61**

As to the appraisal of property in the implementation of Land Readjustment Project, the Land Readjustment Project Advisory Board shall arrange for the appointment of experts in relation to the appraisal of land, in order that the results of appraisal of land can be used in the computation for finding out average value.

The qualifications, numbers of experts in relation to the appraisal of land, and the criteria to be used in appraising land pursuant to Paragraph One above, shall be as determined by the Committee.

#### **Section 62**

The appraisal of land plots of each original land owner shall be used as the basis for determining the new plots of land that such owners shall be entitled to.

The price of a new plot of land that such an owner shall receive at the time the Land Readjustment Project is completed shall not be less than the original price that has been used as the basis, provided that the consent of the owner of the land has been obtained.

#### **Section 63**

The new plot of land that is allocated to an owner of land in the Land Readjustment Project must have an environment, location, plot configuration and land utilization that are similar to the original plot of land.

#### **Section 64**

The new plots of land that have been readjusted must not be so small as to reduce the quality of life or cause harm to the environment.

What size is to constitute the smallest permissible plot of land shall be determined according to criteria as established in the ministerial regulation.

If an owner of land has title to a plot of land that is originally smaller than what has been established in the ministerial regulation pursuant to Paragraph Two above, such owner may not be allocated a new plot of land if to do so would be extremely unjust to other owners of land, in the event that the said owner of land was apportioned a plot of land under the Land Readjustment Project. However, any refusal to apportion land under such circumstances must be with the approval of the Provincial Committee.

In the event that an owner of land as referred to in Paragraph Three is not allocated a new plot of land, such owner of land shall be entitled to opt for a condominium unit in a condominium building to be built on the land, which is of similar value to the land; or such owner of land may receive monetary compensation therefore. When providing monetary compensation, over and above the value of the land for which compensation is paid, compensation must also cover costs to be incurred in relocating to another place of habitation, as well as the psychological effects of losing one's property and original way of life.

The owner of land may initially accept monetary compensation as provided for in Paragraph Four above, and still reserve the right to appeal to the Committee. The decision of the Committee shall be final.

## **Section 65**

An owner of land might not be allocated a new plot of land if an agreement to that effect has been entered into with the owner of land.

## **Section 66**

Lease-holding rights or other rights in rem as vested in the original plot of land or condominium building shall be deemed to have been transferred and constitute new lease-holding rights or other rights in rem in the land or new condominium building from the time of implementation of the land or condominium readjustment; and in those instances where there is documentary evidence in the form of registration, the competent authority shall correct the registration accordingly.

## **Section 67**

Where the results of land or condominium readjustment are not in line with the objectives of leasing of land or condominiums, or with the purpose of exercising of the rights over the land plot before readjustment, the leaseholder of the land or condominium, or the right holder over the land, may terminate the lease of or cancel the rights over the land. In this regard, the leaseholder or right holder shall be entitled to a refund of money that has been spent in executing the said lease agreement, or agreement to exercise the right over the land, with such refund to come from the Land Readjustment Project implementer, pursuant to criteria and procedures as stipulated in the ministerial regulation.

## **Section 68**

All expenses incurred in the Land Readjustment shall be proportionally shared by the owners of land. On the part of land or buildings which become property belonging to the state, the state shall also assist in paying for expenses incurred.

The additional benefits that accrue from the implementation of Land Readjustment Project shall be proportionately given to the land owners in the Land Readjustment Project area, the Land Readjustment Project implementer, and joint investors, with fairness to all parties.

## **Section 69**

There shall be no compensation among the parties involved in Land Readjustment if, pursuant to the Land Readjustment Project, all the owners of land involved in the project have received land the value of which has increased or decreased in equal proportions; but if the value of land has increased or decreased in unequal proportions, the party that has benefited in a greater proportion, or has received land of higher value, as the case may be, shall compensate the Land Readjustment Project in an amount equivalent to the difference between the original value of the land and the benefit that the party has obtained; and the person that has, proportionally, benefited less or has received land of lesser value, shall be entitled to receive compensation from the Land Readjustment Project.

Payment of compensation according to the difference which has increased or receipt of compensation from the Land Readjustment Project shall be in accordance with criteria and procedures as set out in the ministerial regulation.

## **Section 70**

When all construction works and the physical implementation of Land Readjustment Project have been completed, or nearly completed, the Land Readjustment Project implementer and Land Readjustment Project Advisory Board shall come to an agreement on determination of the new land plots after the Land Readjustment and the amounts of compensation, together with the views of all the land owners, and present the whole for approval by the Provincial Committee.

After the Provincial Committee gives its approval, the competent authority shall, for a period of not less than fifteen days, openly post an announcement on the new land plots planning after the Land Readjustment and the amounts of compensation at the office of the local administrative office and at a place where it is clearly visible within the Land

Readjustment Project area, in order that interested persons may examine the announcement. Owners of land shall also be notified by registered mail on the day that the announcement is posted, and the Land Readjustment Project implementer shall be responsible for expenses incurred in the said undertaking.

Owners of land, who disagree to the determination on the new land plots planning after the Land Readjustment and the amounts of compensation, are entitled to appeal to the Committee within thirty days from the date of receipt of the notification pursuant to Paragraph Two. The decision rendered by the Committee shall be final.

### **Section 71**

The competent authority as provided for in the Land Code and the competent authority as provided for in the Condominium Act shall issue title deeds to the land plots according to the new land plots planning after the Land Readjustment, or title deeds to condominium units; and such registrations relating thereto in compliance with the Land Readjustment Project, in accordance with criteria and procedures stipulated in the ministerial regulation.

In the event that there are any changes between public land and private land, the competent authority as provided for in the Land Code shall be authorized to issue new land title deeds, or documents certifying the utilization of private land, for exchanging with owners of land in the Land Readjustment Project.

After documentation has been issued attesting to rights over new plots of land after the Land Readjustment, all documentation attesting to rights over the original plot of land before the Land Readjustment shall be rescinded.

### **Section 72**

All of the properties created in the Land Readjustment Project which are intended to be public property, shall become state property and fall under the supervision of the relevant government agencies from the date the competent authorities as provided for in the Land Code issue documentation attesting to rights in the land, as stipulated in Section 72.

Subject to the provisions of Section 56, new plots of land and real estate that have been prepared as substitutes for state property as stipulated in Section 55, shall have the same legal status as it existed before the Land Readjustment commencing from the date of announcement of the end of the Land Readjustment Project in the Government Gazette.

### **Section 73**

In the event that the law or circumstances have changed, or there is an important event that will affect the Land Readjustment, regardless of whether or not a request has been made by the Land Readjustment Project implementer, the Provincial Committee, with the approval of the Committee, shall have power to order an amendment to the Land Readjustment Project; and in the event that there are problems and obstacles to the Land Readjustment such that further implementation thereof becomes impossible, the Provincial Committee may rescind the approval for the Land Readjustment Project.

In case of the order for the amendment to the Land Readjustment Project, if the Land Readjustment Project implementer does not wish to continue any longer with implementation of the Land Readjustment Project, in addition to forfeiting the guaranty or determining a penalty if such a penalty or guaranty has been imposed as part of the approval process pursuant to Section 46, the Land Readjustment Project implementer shall not be permitted to reclaim all the things that have been made in the Land Readjustment Project; and the Provincial Committee shall issue an order to set forth another person who wishes to continue with implementation of the Land Readjustment Project instead of the former implementer of the Land Readjustment Project. In this regard, the former Land Readjustment Project implementer shall have the lawful right to receive compensation from the Land Readjustment Project according to fairness for all the things that the former implementer has made in the Project.

Before commencing work, the former implementer of the Land Readjustment Project shall remain to have the duty to carry out the original work of implementation of the Land

Readjustment Project, to the extent that such continuation of work is not in conflict with the order for the amendment to the Land Readjustment Project.

In the event that approval of the Land Readjustment Project is rescinded, all works on the project must cease, and the Land Readjustment Project implementer must ensure that all parties are restored to their original status. Should this not be possible, the Land Readjustment Project implementer shall pay compensation for any damages that have been sustained.

#### **Section 74**

When the Land Readjustment Project comes to an end, liquidation shall be carried out and the provisions of Section 33 shall apply *mutatis mutandis*, and it shall be reported to the Provincial Committee within thirty days from the date of completion of the liquidation.

The Provincial Committee shall announce the end of the Land Readjustment Project in the Government Gazette.

### **Chapter 7**

#### **Land Readjustment Fund**

#### **Section 75**

A fund shall be established which shall be called the "Land Readjustment Fund", to be administered by the Department of Public Works and Town & Country Planning. The Fund, of which the objective is to be spent for expenses in support of the Land Readjustment, comprises the following monies and properties:

- (1) Monies that have been transferred from the Revolving Fund for Urban Land Readjustment, pursuant to the Annual Expenditure Budget Act for Fiscal Year B.E. 2536 (A.D. 1993);
- (2) Monies subsidized by the Government;
- (3) Monies from service fees and penalties imposed under this Act;
- (4) Other monies or properties given by donators;
- (5) Money, interest, or any other benefit arising out of the Fund;
- (6) Other sums of money and properties that vest in the Fund.

Any sums of money or other properties as referred to in Paragraph One above shall be remitted directly to the Fund without first going to the Ministry of Finance as revenue of the State.

#### **Section 76**

The Land Readjustment Fund shall be a juristic person.

#### **Section 77**

The Fund is empowered to engage in activities in pursuit of the objective as stated in Section 75. Such powers of the Fund include:

- (1) Ownership holding, tenancy, and rights in rem;
- (2) Creating rights or doing any legal acts, both within and outside the Kingdom;
- (3) Giving a loan to the Land Readjustment Project implementer;
- (4) Making investments and seeking benefits out of properties of the Fund;
- (5) Doing other acts that are relating to or in connection with accomplishment in accordance with the objective of the Fund.

## **Section 78**

With regard to any activities involving third parties, the Chairman of the Executive Board of the Fund shall act on behalf of the Fund and the Office. In so doing, the Chairman of the Executive Board of the Fund may assign the Director General of the Department of Public Works and Town & Country Planning, or any member of the Executive Board of the Fund, to act on his behalf, with approval by the Executive Board of the Fund.

## **Section 79**

Monies from the Fund shall be spent for the following activities:

- (1) To be a loan to the Land Readjustment Project implementer;
- (2) To be a subsidy or a loan to government agencies, local administrative organizations, state enterprises, or other state agencies, for the purpose of constructing or making improvements to public utilities or public facilities as infrastructure to support Land Readjustment;
- (3) To support research, training, public relations and dissemination of information about the Land Readjustment;
- (4) To be advances for compensation or damages in the implementation of the Land Readjustment Project pursuant to this Act;
- (5) To be spent as expenses in management of the Fund.

As to the credit extended to the Land Readjustment Project, the Board may determine that a financial institution of the state provides assistance in considering and proceeding with the credit extension scheme.

## **Section 80**

An Executive Board of the Fund shall be established, which Board shall consist of the Permanent Secretary of the Ministry of Interior, who shall be the Chairman of the Board; the Comptroller General; the Director General of the Department of Public Works and Town & Country Planning; a representative of the Budget Bureau; a representative of the National Economic and Social Development Board; and three qualified persons on Fund operations whom the Cabinet have appointed as Board members; and a representative of the Department of Public Works and Town & Country Planning, who shall serve as a Board member and secretary to the Board.

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

## **Section 81**

The Executive Board of the Fund has the following duties:

- (1) To manage and control; the operation of the Fund to be in accordance with the provisions of this Act;
- (2) To establish criteria, procedures, and conditions pertaining to various matters pursuant to Section 77, with the approval of the Committee;
- (3) To determine regulations relating to the management of the Fund Office;
- (4) To approve the annual budget for the operation of the Fund and the Fund Office;
- (5) To control, follow up, and evaluate results of the utilization of sums drawn from the Fund, and make a report to the Committee;
- (6) To perform its duties in accordance with regulations as provided for by the Committee, or as assigned by the Committee.

## **Section 82**

The accounting of the Fund shall be done in accordance with internationally accepted accounting principles, with internal audits conducted covering finances, accounting, and

storekeeping of the Fund. The results of the audit shall be reported to the Committee at least once a year.

### **Section 83**

The Office of the Auditor General of Thailand shall conduct annual audits of the report on monies received and spent. After having completed its audit, the Office of the Auditor General of Thailand shall report the results of its audit to the Cabinet and Parliament.

## **Chapter 8**

### **Penalties**

### **Section 84**

Anyone who obstructs the work performance of the Provincial Committee or Association Inspector pursuant to Section 26, or the competent authority or person assigned by the competent authority, or any person jointly acting together with the said person as stipulated in Section 42, Paragraph Two, or the Land Readjustment Project implementer, or person assigned by the Land Readjustment Project implementer pursuant to Section 58 (1), (2) or (3), shall be subject to a term of imprisonment not to exceed six months, or a fine not to exceed ten thousand Baht, or both.

### **Section 85**

Anyone who moves, causes damage to, or destroys signs that have been made pursuant to Section 42, Paragraph Two (2), or Section 58 (3), shall be subject to a term of imprisonment not to exceed one year, or a fine not to exceed twenty thousand Baht, or both.

## **Transitional Provisions**

### **Section 86**

An association of which the objectives are to implement the Land Readjustment Project and which has been established pursuant to the Civil and Commercial Code prior to or on the date this Act is in effect shall, if it wishes to become Association under this Act, submit an application therefore to the Committee within ninety days from the date this Act takes effect.

The Committee shall have powers and duties to decide whether or not to register an association that has submitted the application pursuant to the previous paragraph and the provisions of Chapter 3 on Land Readjustment Association shall apply *mutatis mutandis*.

If the Committee has registered an association pursuant to this Act, the relevant documentation shall be sent to the Provincial Committee in the locality where the association's office is situated, in order that steps can be taken for the control and supervision of the association thereafter.

### **Section 87**

A Land Readjustment Project implementer prior to or on the date this Act takes effect, who would like one's Land Readjustment Project to be classified as Land Readjustment Project pursuant to this Act, shall submit an application to the Committee within one year from the date this Act takes effect.

The Committee shall have powers and duties to review and approve of the Project referred to in the previous paragraph and the provisions of Chapter 5, on Proposals of Land Readjustment Project, shall apply *mutatis mutandis*; but in so doing, the announcement pursuant to Section 43 shall be exempted.

If the Committee approves of the Land Readjustment Project, documentation attesting to such approval shall be sent to the Provincial Committee of the applicable locality for further processing; and the remaining procedures under this Act shall be carried out until completion of the Project, but in doing so, it must not adversely impact on the Land Readjustment Project implementation that has been done prior to the date on which this Act takes effect.

### **Section 88**

Any implementation in accordance with a plan or project, for which approval has been granted to utilize monies from the Revolving Fund for Urban Land Readjustment prior to the date this Act takes effect, shall continue until its completion according to the plan or project that has been approved. If it is a project that must be implemented on a continuous basis and it is necessary to file a request for utilization of the Revolving Fund for Urban Land Readjustment, the steps shall be taken in accordance with this Act to the extent that there is no adverse impact on the original plan or project that has been approved, until completion is reached according to the plan or project that has been approved.

Any monies to be returned to the Revolving Fund for Urban Land Readjustment shall be remitted to the Land Readjustment Fund.

### **Section 89**

Rules, regulations or orders of the Ministry of Interior or the Department of Public Works and Town & Country Planning that stipulate the criteria and procedures pertaining to Land Readjustment shall continue to be effective to the extent that they do not conflict with the provisions of this Act.

Countersigned by

Pol. Lt. Col. Thaksin Shinawatra

Prime Minister

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