

Town Planning Act (No. 2)

B.E. 2525 (1982)

BHUMIBOL ADULYADEJ, REX;

Given on the 22 th February, B.E. 2525;

Being the 37 th Year of the Present Reign

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

Whereas it is expedient to amend the law on town planning.

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

Section 1. This Act shall be cited as “Town Planning Act (No. 2), B.E. 2525 (1982)”

Section 2^[1]. This Act shall come into force from the day following the date of its publication in the Royal Government Gazette.

Section 3. The provisions of Section 23 Section 24 and Section 25 of the Town Planning Act, B.E. 2518 (1975) shall be nullified and shall be replaced with the followings:

Section 23 Upon approval from the Town Planning Board, the Department of Public Works and Town & Country Planning* or the local officer who prepared such comprehensive plan shall arrange for public notification of the map indicating the boundary of the comprehensive plan in order to notify the public in a prominent location at the district office or municipal district office of the Bangkok Metropolitan Administration or district office or office of local administrative authority** and public place within the boundary of the such comprehensive plan for the time period of no less than ninety days, provided that the date of notification shall be indicated in such notification.

Such notification shall notify stakeholders to inspect the plan and the regulation of such comprehensive plan at the Department of Public Works and Town & Country Planning* or the office of local officer who prepared such comprehensive plan. The procedures of public notification shall comply with the Rules of the Ministry of Interior.

^[1] Government Gazette, Vol. 99/Part 33/Special Issue, Page 9/5th March B.E. 2525 (1982).

Section 24 If, within ninety days from the date of notification under Section 23, any stakeholders makes an appeal in writing to the Department of Public Works and Town & Country Planning* or the local officer requesting for amendment, change or repeal of any regulation regarding the land use of such comprehensive plan, regardless of whether the Department of Public Works and Town & Country Planning* or the local officer agree with such appeal, the Department of Public Works and Town & Country Planning* or the local officer, as the case may be, shall submit such appeal with its opinion to the Town Planning Board. In case an appeal is submitted by the local officer, it shall be proceeded through the Department of Public Works and Town & Country Planning*.

In case where the Town Planning Board agrees with the appeal, the Town Planning Board shall order the Department of Public Works and Town & Country Planning* or the local officer, as the case may be, to amend, change or repeal such regulation in the comprehensive plan. If it disagrees with the appeal, it shall dismiss such appeal.

Section 25 As the period of ninety days from the date of notification under Section 23 has elapsed and stakeholders make any appeal to amend, change or repeal the regulations regarding the land use of such comprehensive plan, or an appeal was made but the Town Planning Board has rejected such appeal, or the Town Planning Board has ordered relevant authority to amend, change or repeal such prescription and the Department of Public Works and Town & Country Planning* or the local officer, as the case maybe, has already complied with such order, the Department of Public Works and Town & Country Planning* shall submit the comprehensive plan to the Minister to promulgate the Ministerial Regulations enforcing such comprehensive plan.

Section 4. The provision of Section 57 of the Town Planning Act, B.E. 2518 (1975) shall be nullified and shall be replaced with the followings:

Section 57. In case where an individual who is the building owner has received the notification to demolish or relocate the building, has not exercised the right to appeal under Section 70, or has exercised the right to appeal but the Appellate Committee rejects such appeal, the building owner shall comply with the order of the operation officer or the appellate decision within the specified period of thirty days from the date acknowledging the order or the appellate decision.

If the building owner has not begun the demolition or relocation of the building, or has begun the demolition or relocation in part but it is certain that the demolition or relocation of the building will not be completed within the period specified in the order, the operation officer shall notify the building owner in writing. If such person still neglects to comply with the order within the period specified in the order, which shall not be less than fifteen days, without reasonable grounds, the operation officer shall have power to enter the land and demolish or relocate such building with expenses to be paid by the building owner. The expenses may be deducted from the remuneration under Section 59 which may be paid to such building owner. The operation officer shall be economical in its performance and the expenses charged to the building owner shall not exceed the remuneration under Section 59.

When the expenses has been calculated, the operation officer shall notify the building owner in writing. The building owner who disagrees with the calculation of the expenses shall have the right to appeal under Section 70.

Section 5. If the specified peroid for advertising of the map indicating the boundary of the comprehensive plan under Section 23, the specified period to make an appeal in writing to amend, change or repeal the prescription regarding the utilization land of comprehensive plan under Section 24, and the specified peroid which the Department of Public Works and Town & Country Planning* shall submit the comprehensive plan to the Minister under Section 25 of the Town Planning Act B.E. 2518 (1975) have not expired before the date of entry into force of this Act, such specified peroid shall be continued under Section 23, Section 24 and Section 25 of the Town Planning Act B.E. 2518 (1975) amended by this Act for ninety days form the date of enforcement of this Act.

Section 6. The Minister of Interior shall be in charge under this Act.

Countersigned by:
General Prem Tinsulananda
Prime Minister

Remark :- Ratio legis for the publication of this Act: whereas it is expedient to amend the Town Planning Act B.E. 2518 (1975) by extending the duration for the public notification of the map indicating the comprehensive plan zone, the submission of application to amend or change or repeal the prescription regarding the land use in a comprehensive plan by stakeholders, and the submission of a comprehensive plan by the Town Planning Office to the Minister, from sixty days to ninety days so that people have more time for the submission of application, and by amending and correcting the name of the Board and the reference of Section number in Section 57, the enactment of this Act is required.