

Unofficial Translation

AGRICULTURAL LAND REFORM ACT

B.E. 2518 (1975) ¹

BHUMIBOL ADULYADEJ, REX.

Given on the 14th day of February B.E. 2518 (1975)

Being the 30th Year of the Present Reign

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

Whereas it is expedient to enact a law on agricultural land reform.

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

Section 1. This Act shall be called the “Agricultural Land Reform Act B.E. 2518 (1975).”

Section 2.² This Act shall come into force from the day following the date of its publication in the Government Gazette.

Section 3. All the provisions of other laws, rules and regulations that are already provided in this Act or that are contrary to or inconsistent with the provisions of this Act shall be replaced by this Act.

Section 4. In this Act:

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

² Government Gazette, Volume 92, Part 54 (Special), page 10, dated 5 March B.E. 2518 (1975)

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“agricultural land reform” means the improvements concerning rights and holding of agricultural land, including allocation of places for living on such agricultural land, whereby the state brings its land or the land purchased or expropriated by it from the landowner who does not utilize his land by himself or who has land in excess of the right under this Act, for allocation to farmers who have no land of their own or who have little land insufficient for making a living and to farmers’ institutions for hire-purchase, lease or utilization with the assistance of the state in developing agricultural occupation, improvement of resources and factors of production as well as production and distribution;

“land reform area” means an area of land designated by the Royal Decree as an agricultural land reform area;

“state land” means all lands that are a state property or public domain under the Civil and Commercial Code and land in a national conserved forest approved by the Minister of Agriculture and Cooperatives for a person to live in or utilize under the law on national conserved forest.

“landowner” means a person having right to land under the Land Code;

“agriculture” means rice farming, farming, fruit farming, animal raising, aquaculture and other activities as prescribed by the Minister of Agriculture and Cooperatives in a notification published in the Government Gazette.

“farmer”³ means a person whose principal occupation is agriculture, and shall include those who are poor or who have finished agricultural study or who are children of farmers who have no agricultural land of their own and wish to carry on agricultural occupation as their principal occupation, pursuant to the rules and conditions prescribed in the Royal Decree;

“farmers’ institution” means a farmer group, agricultural cooperative or agricultural cooperative congregation under the law on cooperatives;

“agricultural land lease” means a lease or sublease with the consent of the lessor of agricultural land, regardless of whether or not such lease or sublease has written evidence, and includes a consent for use of land for agriculture with receipt of land rental and doing of any other juristic act for covering up such lease;

³ Section 4, definition of “farmer” amended by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

“land rental” means agricultural produce, money or any other property which is a consideration for land lease, and includes any other benefit that may be calculated in terms of money received directly or indirectly by the land lessor or other person in consideration of providing land lease;

“landowner who operates agriculture himself” means a landowner who carries on agricultural production by directly making investment and acquiring benefit from such production and is not the lessor of that land;

“persons in the same family” means the spouse and descendants who have not reached legal age; “competent officer” means a person appointed by the Minister to execute the duties under this Act;

“Board” means the Agricultural Land Reform Board;

“Provincial Land Reform Committee”⁴(Repealed).

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

Section 5.⁵ The Minister of Finance, Minister of Agriculture and Cooperatives and Minister of Interior shall be in charge of the enforcement of this Act and shall have the power to appoint competent officers and issue ministerial regulations for the implementation of this Act in respect of the powers and duties of each ministry.

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

CHAPTER I AGRICULTURAL LAND REFORM OFFICE

⁴ Section 4, definition of “Provincial Land Reform Committee” repealed by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

⁵ Section 5 amended by the Agricultural Land Reform Act (No. 2) B.E. 2519 (1976)

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Section 6. The Agricultural Land Reform Office, abbreviated to ALRO, shall be established in the Ministry of Agriculture and Cooperatives with the objective to implement agricultural land reform under this Act.

Section 7. ALRO shall be a public body equivalent to a department with the Secretary-General of the Land Reform Office being its head.

Section 8. ALRO shall have the powers and duties to implement agricultural land reform under this Act.

Section 9. A fund called the Agricultural Land Reform Fund shall be established in the Ministry of Finance. It shall comprise moneys and properties under Section 10 as its working capital and for expenses incurred in agricultural land reform.

Revenue received by ALRO from agricultural land reform shall be remitted into the Agricultural Land Reform Fund without having to remit it to the treasury as state revenue.

Spending money of the Agricultural Land Reform Fund shall only be made for agricultural land reform in accordance with the regulations prescribed by the Minister with the approval of the Ministry of Finance.

The Ministry of Finance shall keep the money of the Agricultural Land Reform Fund and shall disburse money therefrom for spending under this Act.

Section 10. The Agricultural Land Reform Fund comprises:

- (1) money received from the national budget;
- (2) money or other properties received from the government, sources within or outside the country, international organizations or other persons;
- (3) money received from the Farmer Aid Fund under the law on farmer aid fund;
- (4) money, interest or any benefits received by ALRO in connection with the implementation of agricultural land reform.

Section 11. Upon the Royal Decree designating a land reform area under Section 25 coming into force in any province, the Provincial Land Reform Office shall be established and attached to the Agricultural Land Reform Office, with

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powers and duties in implementing agricultural land reform as required by the Board and the Provincial Land Reform Committee.

Where any land reform area has been designated covering land in two provinces or more, the Board may authorize any Provincial Land Reform Office to have the powers and duties to implement agricultural land reform throughout such land reform area, regardless of whether or not there is a Land Reform Office in the relevant province.

The Agricultural Land Reform Office under Section 6 shall also perform the duties of the Bangkok Land Reform Office.

CHAPTER II AGRICULTURAL LAND REFORM BOARD AND PROVINCIAL LAND REFORM COMMITTEE

Section 12.⁶ There shall be the Agricultural Land Reform Board, comprising the Minister of Agriculture and Cooperatives as Chairman, Permanent Secretary for Agriculture and Cooperatives, Permanent Secretary for Commerce, Permanent Secretary for Interior, Permanent Secretary for Industry, Director-General Department, Director-General of the Department of Livestock Development, Director-General of the Royal Forest Department, Director-General of the Department of Fisheries, Director-General of the Land Development Department, Director-General of the Department of Agricultural Extension, Director-General of the Cooperative Promotion Department, Secretary-General of the Office of Agricultural Economics, Director-General of the Department of Provincial Administration, Director-General of the Community Development Department, Director-General of the Department of Lands, Director-General of the Department of Social Development and Welfare, Director-General of the Department of Industrial Promotion, Director-General of the Treasury Department, Director-General of the Comptroller General's Department, Director of the Bureau of the Budget, Manager of the Bank for Agriculture and Agricultural Cooperatives, Chairman of the Central Committee of Farmer Group of Thailand, Chairman of the Agricultural Cooperative Congregation of

⁶ Section 12 amended by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

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Thailand and Director-General of the Department of Marine and Coastal Resources*, as members and not more than nine other members appointed by the Council of Ministers, six of whom are farmers' representatives and not more than three of whom are qualified persons. The Secretary-General of the Agricultural Land Reform Office shall be a member and the secretary.

Upon the Royal Decree designating a land reform area under Section 25 coming into force in Bangkok Metropolis, the Board shall also function as the Provincial Land Reform Committee for Bangkok Metropolis.

Section 13.⁷ Subject to paragraph two of Section 12, upon the Royal Decree designating a land reform area under Section 25 coming into force in any district in any province, there shall be a provincial agricultural land reform committee in that province, called the "Provincial Land Reform Committee", comprising the Provincial Governor as Chairman, Chief of Provincial Agriculture Office, Chief of Provincial Livestock Development Office, Chief of Provincial Forest Office, Chief of Provincial Fisheries Office, representative of the Royal Irrigation Department, representative of the Land Development Department, Chief of Provincial Cooperative Office, Chief of Provincial Commerce Office, Provincial Land Officer, District Officer and Assistant District Officer who is chief of sub-district in an area where there is agricultural land reform, Chief of Provincial Development Office, representative of the Department of Social Development and Welfare, Chief of Provincial State Property Office, Chief of Provincial Industry Office, representative of the Bank for Agriculture and Agricultural Cooperatives, and four farmers' representatives in that province appointed by the Minister and representative of the Department of Marine and Coastal Resources, as members, and Chief of Provincial Land Reform Office shall be a member and the secretary.

Section 14. The members appointed under Section 12 and Section 13 shall hold office for a term of two years each.

Where a member is appointed while the term of the already appointed member has not expired, the person appointed as replacement shall

⁷ Section 13 amended by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

retain office for the duration of the unexpired term of the members already appointed.

A member who has vacated office may be re-appointed.

Section 15. A member appointed must not directly or indirectly have an interest in a contract made with ALRO or in any transaction made for ALRO.

Section 16. Apart from retirement upon the expiration of the term of office under paragraph one of Section 14, a member appointed shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Council of Ministers or the Minister, as the case maybe, having power to appoint that member;
- (4) having a prohibited characteristic under Section 15.

Section 17. At least half of the number of members shall form a quorum for their meeting.

If the Chairman is not present at the meeting or cannot perform his duties, the members present shall elect one of them to be the chairman of the meeting.

Section 18. Decision at the meeting requires a majority of votes. Each member shall have one vote. In the event of a tie, the chairman of the meeting shall cast an additional vote as the deciding vote.

Section 19. The Board shall have the powers, duties and responsibilities to prescribe policies, measures, rules or regulations concerning the performance of land reform by ALRO and to control the administration of ALRO as well as the powers, duties and responsibilities to:

- (1) procure state land for use in agricultural land reform;
- (2) consider designating a land reform area under Section 25, purchasing or expropriating land under Section 29 and determining the area of land

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for long-term lease or hire-purchase by farmers or farmers' institutions under Section 30;

(3) consider designating the layout and allocation of plots of land in a land reform area;

(4) consider approving an agricultural land reform plan and project and the budget of ALRO for proposing to the Minister;

(5) determine the plan for production and distribution of agricultural produce in a land reform area to raise the income, and protect the interest, of farmers or farmers' institution;

(6) determine the plan to promote and take care of agriculture in a land reform area including agricultural land consolidation, improvement of efficiency of production and quality of agricultural produce as well as the welfare, public utilities, education and public health of farmers;

(7) prescribe rules, procedure and conditions for selecting farmers and farmers' institutions entitled to acquire land from agricultural land reform as well as the form of lease and hire-purchase agreements to be entered into with the farmers or farmers' institutions who acquire land;

(8) prescribe regulations concerning utilization of land and compliance with the agricultural produce production and distribution plan, to be complied with by the farmers and farmers' institutions who acquire land from agricultural land reform;

(9) prescribe, with the approval of the Minister, rules and procedure concerning borrowing by farmers and farmers' institutions in a land reform area from ALRO and conditions of borrowing;

(10) prescribe rules concerning management of assets and liabilities of farmers and farmers' institutions who acquire land from agricultural land reform and to supervise other businesses within a land reform area;

(11) follow up the performance of ALRO to ensure its compliance with the plan and project approved and to prescribe measures to solve problems arising from its performance;

(12) prescribe other businesses and regulations related to the performance of ALRO or supporting or related to the objective of agricultural land reform.

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Section 20. The Provincial Land Reform Committee shall have the powers, duties and responsibilities to prescribe measures and procedure for performance of the Provincial Land Reform Office and shall have the powers, duties and responsibilities to:

(1) consider approving the plan, project and expenses of the Provincial Land Reform Office for proposing to the Board;

(2) follow up the performance of the Provincial Land Reform Office to ensure its compliance with the plan and project approved and to solve problems arising from its performance;

(3) consider the result of performance to improve the plan, project, budget and practice of the Provincial Land Reform Office;

(4) prepare the expenditure budget pursuant to each agricultural land reform project for proposing to the Board;

(5) deal with the finance of, and other businesses concerning, agricultural land reform in accordance with the rules, regulations, or resolutions of the Board or as assigned by it;

(6) stipulate rules or regulations concerning the performance of the Provincial Land Reform Office in so far as they are not contrary to or inconsistent with the rules, regulations or resolutions of the Board;

Section 21. The Board or the Provincial Land Reform Committee shall have the power to appoint one or several sub-committees to consider matters or perform any task as assigned by the Board or the Provincial Land Reform Committee.

Meetings of a sub-committee shall be governed by the provisions of Section 17 *mutatis mutandis*.

Section 22. Within 90 days from the end of every budgetary year, the Minister shall publish in the Government Gazette the report on receipts and expenditures of ALRO. After the State Audit Commission has audited the receipt-expenditure report under paragraph one, an audit report shall be submitted to the Council of Ministers for further forwarding to the National Assembly for its information.

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Section 23. The competent officer shall have the power to inspect agricultural operation, utilization or other businesses under this Act on the land within a land reform area between sunrise and sunset and shall show his identity card to those concerned, and the landowner or land possessor or those concerned shall provide reasonable assistance. The identity card shall be in accordance with the form prescribed by the Minister and published in the Government Gazette.

Section 24. The Chairman, members, sub-committee members, Secretary-General of the Agricultural Land Reform Office, Deputy Secretary-General of the Agricultural Land Reform Office and competent officers shall be an official under the Criminal Code.

CHAPTER III IMPLEMENTATION OF AGRICULTURAL LAND REFORM

Section 25. The designation of an area in any locality as a land reform area shall be made by a Royal Decree.

The Royal Decree under paragraph one shall be attached by a map showing the boundaries and identifying the localities within the land reform area. Such map shall be deemed part of the Royal Decree.

The designation of an area as a land reform area under paragraph one shall be made only for the land where agricultural land reform is to be implemented, except where necessary, it may be based on the area of a tambol or district, whereby the land reform area shall be designated by prioritizing the areas of a district where there is a great number of farmers who are landless to operate agriculture or have little land insufficient for making a living or have to lease land to operate agriculture and where there is low production per rai. Where the land reform area is based on the area of tambol or district, it shall include only the area outside municipality or sanitation area.⁸

⁸ Paragraph three of Section 25 amended by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

Agricultural land reform shall be carried out without delay and agricultural land shall be surveyed and projects shall be set up to implement agricultural land reform in every province throughout the Kingdom, which shall be completed within three years from the effective date of this Act.

Section 25 bis.⁹ If the lands acquired by ALRO are small plots and are not located within a land reform area, ALRO shall have the power to allocate such lands to farmers or farmers' institutions under Section 30 as if they were lands in a land reform area without having to designate the lands in that locality as a land reform area under Section 25.

Section 26.¹⁰ Upon the Royal Decree designating a land reform area coming into force in any locality,

(1) if in such land reform area there is land that is the public domain of the state for use in common by the people but the people has ceased utilizing such land or such land has changed from the status of being land for use in common by the people or if the people still utilize such land or such land has not changed from the status of being land for use in common by the people, after another plot of land has been provided for common use by the people instead by announcing the same by the Board in the Government Gazette, the Royal Decree designating such land reform area shall take the effect of withdrawal of such land's status of public domain of the state without having to effect withdrawal under the Land Code, and ALRO shall have the power to put that land into the agricultural land reform;

(2) If in such land reform area there is land that is public domain of the state for use specifically for the benefit of the state or land that is reserved or restricted according to the requirements of the government service, upon consent by the Ministry of Finance, such Royal Decree designating the land reform area shall take the effect of withdrawal of such land's status of public domain of the state

⁹ Section 25 bis added by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

¹⁰Section 26 amended by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

without having to effect withdrawal under the law on state property and ALRO shall have the power to put that land into the agricultural land reform;

(3) If in such land reform area there is land that is public domain of the state and is waste land or land surrendered or abandoned or otherwise vested in the state under the land law, and such land is located outside a permanent forest area pursuant to the resolution of the Council of Ministers, ALRO shall have the power to put that land into the agricultural land reform;

(4) If it is land in a national conserved forest area, upon the Council of Ministers adopting a resolution to proceed with agricultural land reform in any part of the national conserved forest area, when ALRO is to put any plot of land in that part to implement agricultural land reform, the Royal Decree designating the land reform area shall take the effect of withdrawal of the status of national conserved forest of such plot of land, and ALRO shall have the power to put that land into the agricultural land reform without having to effect withdrawal under the law on national conserved forest.

For the purposes of implementation of agricultural land reform under (4), the competent officer under this Act shall be a competent officer under the National Conserved Forest Act and shall have the power to provide lease of land that is such national conserved forest, and the rental received shall be vested in the Agricultural Land Reform Fund.

Section 27. Upon the Royal Decree designating a land reform area coming into force in any locality, within the land reform area the competent officer or any person performing work jointly with the competent officer shall have the power to:

(1) enter the place and do any necessary acts to conduct survey, provided that the landowner or land possessor must be informed of the same in advance;

(2) make boundary marks by planting posts or digging a track. If it is necessary to erect mapping controls on the land of any person, he shall have the power to do so.

Where necessary and appropriate, the competent officer shall have the power to dig the ground, cut off branches and do other acts against anything that

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obstructs the survey, taking into account how to minimize the damage to the immovable property owner or possessor.

The landowner or land possessor and persons concerned shall provide reasonable assistance.

Section 28. Within the period of three years from the effective date of the Royal Decree designating land reform area under Section 25, no person shall by any means dispose of, or create any encumbrances over, the land in the land reform area, unless the written permission is received from the Board or person authorized by it.

Where ALRO purchases or expropriates such land, if there is any act in violation of the provisions of paragraph one, and it is a property or thing that causes damage or obstructs the agricultural land reform, the Board or person authorized by it shall have the power to order in writing the landowner or land possessor to remove the same within the specified period, failing which the Board or person authorized by it shall have the power to proceed with removal whereby such owner or possessor may not claim any damages and shall bear expenses incurred in such removal.

Section 29. In a land reform area, if the Board considers that land in any zone should be proceeded with agricultural land reform, ALRO shall have the power to purchase or expropriate the land as follows:

(1) For one or several plots of land with a total area exceeding 50 rai of which one or several persons in the same family are owners who operate agriculture themselves, ALRO shall have the power to purchase or expropriate the land that exceeds 50 rai;

(2) If the land mentioned in (1) has a total area exceeding 100 rai and the landowner who operates agriculture himself uses it for raising large animals pursuant to the kind, number and conditions prescribed by the Minister in a notification published in the Government Gazette, ALRO shall have the power to purchase or expropriate the land that exceeds 100 rai.

If any landowner wishes to operate agriculture himself on the land exceeding that referred to in (1) or (2) and can demonstrate that he has already operated agriculture on the land himself in excess of that referred to in (1) or (2) for not less than one year before the effective date of this Act and that he has the

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capability and factors to utilize that land agriculturally and he will operate agriculture on that land himself, he shall file a petition with the competent officer together with evidence in support of the petition. Upon investigation by the competent officer, a report shall be given to the Board. If the Board considers it appropriate to give permission, the Board shall prescribe conditions for permission and propose the same for consideration by the Minister. If the Minister approves of the same, permission shall be given to the petitioner to continue to have right to that land, provided that it must not exceed 1,000 rais. If the petitioner who has been granted right to such land fails to comply with the conditions prescribed by the Board, ALRO shall have the power to purchase or expropriate the land additionally acquired, for use in the agricultural land reform.

Where any landowner has demonstrated that he has already operated agriculture on the land himself by more than 1,000 rais for not less than one year before the effective date of this Act and wishes to continue to operate agriculture himself on that land, the Board shall consider the matter pursuant to the following criteria:

- a. Substantial investment has been made in agricultural operation on that land and such investment is made with promotion by the state;
- b. It is an operation to develop modern agricultural technology or there is still high demand for it within the country or for export;
- c. In order to continue the operation, it must help develop agriculture and assist farmers in respect of factors of production, to promote agricultural produce and agricultural industry widely in terms of demonstration and it is a market that directly purchases agricultural produce from farmers;
- d. After completion of fifteen years, if a farmers' institution wishes to, and can, become a shareholder in that business, the landowner must allow the farmer's institution to hold shares in that business by at least 60% of its total shares, in accordance with the procedure and details prescribed by the Board.

If the Board considers it appropriate to grant permission, it shall prescribe conditions for permission and forward the same for consideration by the Minister. If the Minister approves, permission shall be granted for the petitioner to continue to have right to that land. If the petitioner who has been granted right to that land fails to comply with the conditions prescribed by the Board, ALRO shall

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have the power to purchase or expropriate the land additionally acquired, for use in the agricultural land reform.

(3) For any plot of land, if its owner does not use it to operate agriculture himself or does not use it to operate any agriculture or operates little agriculture or operates agriculture in part merely to show his right to the land, ALRO shall have the power to purchase or expropriate the part of such land that exceeds 20 rais.

If the landowner under (3) wishes to operate agriculture himself and can demonstrate that he has the capability and factors to utilize that land agriculturally and he will operate agriculture on that land himself, he shall file a petition with the competent officer together with evidence in support of the petition. Upon investigation by the competent officer, a report shall be given to the Board or person authorized by the Board to consider permitting the petitioner to continue to have right to the land according to the size under (1) or (2), as the case may be, and the Board shall prescribe conditions for the permission. If the person granted right to that land fails to comply with the conditions, ALRO shall have the power to purchase or expropriate that land for use in the agricultural land reform.

The provisions of this Section shall not apply to lands that belong to public bodies, state organizations, state enterprises, farmers' institutions or lands prescribed in ministerial regulations.

In purchasing land under this Section, if the landowner wishes to sell his land in whole, ALRO shall have the power to purchase it.¹¹

Section 30.¹² For all lands or immovable properties acquired by ALRO, ALRO shall have the power to allocate them to farmers or farmers' institutions in accordance with the rules, procedure and conditions prescribed by the Board according to the size of holdings of those lands as follows:

(1) the amount of not more than 50 rais for a farmer and persons in the same family who operate agriculture other than raising large animals under (2);

¹¹ Paragraph three of Section 29 added by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

¹² Section 30 amended by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

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(2) the amount of not more than 100 rais for a farmer and persons in the same family who operate agriculture of raising large animals as prescribed in the notification of the Minister of Agriculture and Cooperatives;

(3) the amount of land deemed appropriate by the Board for a farmers' institution, taking into account the type and nature of operation of that farmers' institution.

In proceeding under paragraph one, if it is an allocation to farmers and it is land whose right is prohibited from transfer as prescribed by the Board, it shall be allocated for lease by farmers. In other case, it shall be allocated for lease or hire-purchase by a farmer according to the intention of the farmer.

If it is an allocation to a farmers' institution, then it shall be allocated for lease by the farmers' institution. If the lands acquired by ALRO belong to the state and are held by a farmer in excess of the amount provided in paragraph one before the time specified by the Board, upon such farmer filing a petition and agreeing to pay rental or land compensation at the rate or increment specified by the Board for the excess land under paragraph one, the Board shall allocate the land for lease or acquisition by the farmer, as the case may be, according to the amount that the farmer can hold but it shall in total not exceed 100 rais. In fixing the rate of rental or land compensation, consideration shall be given to the period and manner of acquisition of that land by the farmer, his capability to utilize it, type of agriculture and utilization already made to that land.

In allocating the land to the farmer under paragraph three, if the farmer has possessed such land before 1967 (B.E. 2510), only fees for transfer and survey as well as land improvement and development by ALRO shall be collected according to the amount prescribed by the Board for the part of land that does not exceed 50 rais.

In addition to allocation of land to a person under (1), (2) and (3), ALRO shall have the power to allocate land or immovable property to any person to lease, hire-purchase, purchase or utilize for use in other activities that support or are related to land reformas prescribed in the notification of the Minister of Agriculture and Cooperatives published in the Government Gazette, according to the size of holding of land deemed appropriate by the Board, which must not exceed 50 rais. The rules, procedure and conditions for granting permission or for compliance by the

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person granted permission shall be as specified by the Board with the approval of the Council of Ministers.

Allocation of land for lease or hire-purchase under this Section shall not be subject to the law on lease or hire-purchase control, and the right of such lease or hire-purchase shall only be transferred or inherited in accordance with the rules, procedure and conditions prescribed by the Board.

Section 31. If any farmer wishes to have right to land or to lease land for agriculture in excess of that provided in Section 30 (1) or (2) and can demonstrate that he has the capability and factors to agriculturally utilize the land additionally requested, and he will operate agriculture on that land himself, he shall file a petition with the competent officer together with evidence in support of the petition.

After investigation by the competent officer, the petition together with a memorandum of result of investigation shall be submitted to the Board.

The Board shall have the power to consider permitting the petitioner to have right to land or to lease land as deemed appropriate provided that the amount of the additional land does not exceed the amount of land provided in Section 30 (1) or (2) and conditions may be imposed. If the permittee fails to comply with the conditions, the Board shall have the power to order withdrawal of the permission and to purchase or expropriate the land or order cancellation of lease of such land in whole or in part as deemed appropriate, and such land shall then be used in the agricultural land reform.

Section 32.¹³ If ALRO acquires any plot of land by purchase or expropriation or under Section 25 bis for use in the agricultural land reform, the right of the lessee of such plot of land under the lease agreement or under the law on lease of land for agriculture shall come to an end.

Section 33. Upon the Royal Decree designating land reform area coming into force in any locality, the competent officer shall notify all landowners who have agricultural land located within the land reform area to declare the

¹³ Section 32 amended by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

number of plots of land, size of each plot of land, location and utilization of every plot of land owned by them, to the competent officer within 90 days in accordance with the form and procedure prescribed by the notification of the Minister published in the Government Gazette.

Section 34. In expropriating land or immovable property for agricultural land reform under this Act, the law on expropriation of immovable property shall apply mutatis mutandis. For land expropriated under paragraph one, ALRO or person authorized by ALRO shall have the power to take possession of such land for proceeding with agricultural land reform immediately.

Section 35.¹⁴ Payment of the price of land or immovable property purchased under this Act shall be made in cash or cash and government bond in accordance with the rules and procedure prescribed in the Royal Decree.

Payment of compensation for land or immovable property expropriated under this Act shall be made in part in cash and the balance shall be paid by government bond in accordance with the rules and procedure prescribed in the Government Gazette.

The Ministry of Finance shall, with the approval of the Council of Ministers, have the power to issue government bonds to pay for the price or compensation under paragraph one and paragraph two and shall have the power to fix interest rate, redemption time, conditions and procedure for issuance of government bonds by announcing the same in the Government Gazette.

The government bonds under paragraph three shall, upon the due date, be paid out of the Agricultural Land Reform Fund.

Section 36. The Board shall fix the compensation taking into account the acquisition, fertility and location of the land or immovable property in conjunction with the value of the main agricultural produce that can be produced from the land in that locality, in order for fairness to society and to farmers who are to bear the cost of land or immovable property to be paid to ALRO.

¹⁴ Section 35 amended by the Agricultural Land Reform Act (No. 2) B.E. 2519 (1976)

The competent officer shall notify in writing the amount of compensation to the landowner or person entitled to receive the compensation. If the landowner or person entitled to receive the compensation does not agree to the amount of such compensation, he shall be entitled to lodge an appeal under Section 40.

Paragraph three¹⁵ (Repealed)

Section 36 bis¹⁶ All lands or any immovable properties acquired by ALRO under this Act or otherwise acquired for the purposes of agricultural land reform shall not be deemed a state property, and ALRO shall hold ownership thereof for use in the agricultural land reform.

The competent officer under the Land Code shall have the power to issue a land right document for ALRO's land under paragraph one upon request by ALRO.

Section 37. No possessive prescription may be set up against ALRO for land or immovable property acquired by ALRO under this Act.

Section 38. If ALRO is involved in any transaction whereby the law requires registration of immovable property or real right pertaining to immovable property in the agricultural land reform, ALRO shall be exempt from fees for such registration.

Section 39. Land whose right is granted to a person through agricultural land reform may not be divided or assigned to other person except inheritance to legal heirs or transfer to a farmers' institution or to ALRO for the purposes of agricultural land reform, in accordance with the rules, procedure and conditions prescribed in ministerial regulations.

¹⁵ Paragraph three of Section 36 repealed by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

¹⁶ Section 36 bis added by the Agricultural Land Reform Act (No. 3) B.E. 2532 (1989)

CHAPTER IV
APPEAL

Section 40. If any landowner or owner of immovable property or person entitled to compensation wishes to lodge an appeal, he shall do so to the Appeal Committee within 30 days from the date of receipt of the written notification under Section 36.

Section 41. There shall be an Appeal Committee, comprising Permanent Secretary for Justice as Chairman, one legal expert, one land expert, one agricultural economics expert, and one florae expert as members. The Chairman shall appoint a member or any person as secretary to the Committee.

The Council of Ministers shall appoint the experts as Appeal Committee members. An expert member may not be a member or sub-committee member in the Board or the Provincial Land Reform Committee.

Section 42. The Appeal Committee shall have the powers and duties to make decision on an appeal filed with it, and shall complete making decision on an appeal within 90 days from the date of receipt of the appeal. If the appellant is not satisfied with the decision, he may file a legal action with the Administrative Court within one month. If the Administrative Court has not been established under the provisions of the Constitution, the said provision shall not apply.

Section 43. The Appeal Committee shall have the power to appoint one or several sub-committees to do any act within the power of the Appeal Committee or to provide any assistance as assigned, except making decision on an appeal, and the provisions of Section 17 and Section 18 shall apply *mutatis mutandis*.

Section 44. An Appeal Committee member appointed by the Council of Ministers shall hold office for a term of two years each. An Appeal Committee member who has retired upon the expiration of the term of office may be reappointed.

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Where an Appeal Committee member is appointed while the term of the already appointed members has not expired, the person appointed as replacement shall retain office for the duration of the unexpired term of the Appeal Committee members already appointed.

Section 45. Section 16, Section 17 and Section 18 shall apply to the Appeal Committee mutatis mutandis.

Section 46. The rules and procedure for filing an appeal and procedure for making decision on an appeal shall be prescribed by ministerial regulations.

CHAPTER V PENAL PROVISIONS

Section 47. Any person who obstructs or fails to provide assistance to the competent officer under Section 23 or Section 27 shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding 1,000 baht, or both.

Section 48. Any person who violates or fails to comply with the notification of the Minister issued under Section 33 shall be liable to a fine not exceeding 1,000 baht.

Countersigned by
SanyaDharmasakti
Prime Minister

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