

**LAND DEVELOPMENT ACT (NO. 2),
B.E. 2558 (2015).**

BHUMIBOL ADULYADEJ, REX.

Given on the 21st September B.E. 2558 (2015)

Being the 70th 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 land development.

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

Section 1. This Act is called the “Land Development Act (No. 2), B.E. 2558 (2015)”.

Section 2. This Act shall come into force after the lapse of sixty days from
the date of its publication in the Government Gazette* .

Section 3. The definition of “Public utility” shall be added between the
definitions of “Buyer of allotted land” and “Public service” in section 4 of the Land
Development Act, B.E. 2543 (2000).

“Public utility” means the facility rendered by the land allotter for common
use of the buyers of allotted land under the contract or project layout licensed.

Section 4. The provisions of section 7 of the Land Development Act, B.E.
2543 (2000) shall be repealed and replaced by the following:

* Translated by Mr. Panitarn Vacharaprechaskul under contract for the Office of the
Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation
by the Office of the Council of State.

* Published in the Government Gazette, Vol. 132, Part 92 a, dated 25th September, B.E.
2558 (2015).

“Section 7. There shall be the Central Land Development Committee consisting of the Permanent Secretary for Interior as Chairperson, the Attorney General, the Director-General of the Department of Provincial Administration, the Director-General of the Royal Irrigation Department, the Director-General of the Department of Public Works and Town & Country Planning, the Secretary-General of the Consumer Protection Board, the Secretary-General of the Office of Natural Resources and Environmental Policy and Planning, and six qualified persons appointed by the Minister from the persons having knowledge and capability in the field of real estate development, town planning, community administration, or law, as Members.

The Director-General of the Department of Lands shall be Member and secretary, and shall appoint not exceeding two government officials of the Department of Lands as assistant secretaries.

Not less than half of the qualified Members under paragraph one shall be appointed from representatives of operators of business concerning real estate development.”

Section 5. The provisions of section 13 paragraph one of the Land Development Act, B.E. 2543 (2000) shall be repealed and replaced by the following:

“Section 13. There shall be a Provincial Land Development Committee in each *Changwat* as follows:

(1) in Bangkok Metropolitan, there shall be the Bangkok Metropolitan Land Development Committee consisting of the Director-General of the Department of Lands or Vice Director-General of the Department of Lands entrusted by the Director-General of the Department of Lands as Chairperson, representative of the Royal Irrigation Department, representative of the Department of Public Works and Town & Country Planning, representative of the Department of the Office of Natural Resources and Environmental Policy and Planning, representative of the Office of the Attorney General, representative of the Bangkok Metropolitan Administration, and four qualified persons appointed by the Permanent Secretary for Interior as Members, and the representative of the Department of Lands as Member and secretary;

(2) in each of other *Changwats*, there shall be a Provincial Land Development Committee consisting of *Changwat* Governor or Vice *Changwat* Governor entrusted by *Changwat* Governor as Chairperson, representative of the Royal Irrigation Department, Provincial Chief Public Prosecutor, Chief of Provincial Office of the Department of Public

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Works and Town & Country Planning, Deputy *Changwat* Governor, Chief Executive of the Provincial Administrative Organization, and four qualified persons appointed by the Permanent Secretary for Interior as Members, and the Chief of Provincial Office of the Department of Lands as Member and secretary.”

Section 6. The provisions of section 28 of the Land Development Act, B.E. 2543 (2000) shall be repealed and replaced by the following:

“**Section 28.** Upon having granted a license for Land Development to any person, the Committee shall expeditiously submit the license, together with the layout, project, and procedure on consideration of granting license by the Committee to the competent official of the locality where the Land Development is situated in order to record in the title deed or certificate of utilization, within fifteen days from the date of receiving the license from the Committee, that such land is under Land Development project. And after having issued title deeds or certificates of utilization to the land which has already been allotted into small pieces of land, there shall be recorded in each of the title deed or certificate of utilization. In respect of the land which is public utility and the land which is used for public services, there shall be recorded that such pieces of land is public utility or used for public services in accordance with the layout and project licensed for Land Development, as the case may be.

Section 7. The following provisions shall be added as section 43/1 of the Land Development Act, B.E. 2543 (2000):

“**Section 43/1.** No land which is public utility shall be transferred unless it is transferred under this Act or the law on expropriation of immovable property.”

Section 8. The provisions of section 44 of the Land Development Act, B.E. 2543 (2000) shall be repealed and replaced by the following:

“**Section 44.** The land allotter shall be released from the duty of maintaining public utility under section 43 upon performing any of the following operation after the period prescribed for the land allotter to be responsible for maintaining public utility under section 23 (5) respectively, as follows:

(1) the buyers of allotted land establish a housing estate juristic person under this Act or juristic person under other law for accepting transfer of such property to be

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managed and maintained within the period determined by the land allotter which must not be less than one hundred and eighty days from the date of information by the land allotter;

(2) the land allotter has been permitted by the Committee to perform any operation for maintaining public utility or to carry out the registration of transferring such property to be property of public interest.

The operation under paragraph one shall be in accordance with the rule prescribed by the Committee, however, the land allotter must also be obliged to be responsible for a part of the maintenance expenditure thereof.

Upon the registration of a housing estate juristic person establishment under (1) by the Chief of Provincial Office of the Department of Lands or the Chief of Provincial Branch Office of the Department of Lands, the property of public utility shall belong to the housing estate juristic person, and the competent official shall record such matter in the title deed or certificate of utilization. If the title deed or certificate of utilization is not found, it shall be deemed to be lost and the competent official shall issue its substitute for further proceeding.”

Section 9. The provisions of section 50 paragraph two of the Land Development Act, B.E. 2543 (2000) shall be repealed and replaced by the following:

“Subject to the rule and procedure prescribed by the Central Land Development Committee, in respect of the default payer of maintenance fee and public facility management fee for three months or more, his or her access to service or right in public utility may be suspended; and in case of more than six months default of payment, the competent official has the power to suspend the registration of right and juristic act on the allotted land of the default payer until the default payment is completely paid.”

Section 10. As for the licensee or transferee of license under the Announcement of the National Executive Council, No. 286, dated 24th November, B.E. 2515 (1972), or the transferee of ownership on the land which is public utility but still there is no establishment of housing estate juristic person, if he or she has subsequently taken action under section 70 of the Land Development Act, B.E. 2543 (2000), and the housing estate juristic person has already been established, the property which is public utility shall belong to the housing estate juristic person, and the competent official shall record the matter on the title deed or certificate of utilization thereof. If the title deed or certificate of utilization

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is not found, it shall be deemed to be lost and the competent official shall issue its substitute for further proceeding.

Section 11. The Minister of Interior shall have charge and control of the execution of this Act.

Countersigned by

General Prayut Chan-o-cha

Prime Minister

Office of the Council of State

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