

Ministerial Regulation**Prescribing principle, procedure and condition for land acquisition to be used as alien living quarter B.E. 2545 (2002)****Translation**

By virtue of the provision in Section 15 of the Act on Land Code Declaration B.E. 2497 and 96 Bis of Land Code with amendments by the Act on Amendment of Land Code (issue no. 8) B.E. 2542 which is the Act having some provisions concerning restriction of right and freedom of persons, in which Section 29 in addition to Section 35, 48 and Section 50 of the Constitution of the Kingdom of Thailand has prescribed it can be done by virtue of the legal provisions, the Minister of Finance issues the ministerial regulation as follows:

Clause 1

The aliens wishing to acquire land as living quarter without relying on the treaty provision specifying to have ownership in real estate, must bring money to invest in business or venture in any of the following categories:

- (1) Buying Thai government bond, Bank of Thailand bond, state enterprise bond, or bonds of which Ministry of Finance guarantees capital or interest.
- (2) Investment in real estate mutual fund, real estate mutual fund for rectifying problem in financial institution system or mutual fund for rectifying problem in financial institution system which have been established under law governing securities and securities exchange.
- (3) Investment in share capital of juristic person being granted investment promotion under law governing investment promotion.
- (4) Investment in business proclaimed by the Board of Investment to be eligible to apply for investment promotion under law governing investment promotion.

The investment amount in the business or venture under paragraph one must not be less than forty million baht and such investment shall be maintained for not less than five years.

Clause 2

The land acquired by aliens under Clause 1 must be located in Bangkok Metropolitan, Pattaya City or municipal area or located in area specified as living quarter area under law governing town planning and must be outside military safety area under law governing military safety area.

Clause 3

Application for permit of land acquisition under Clause 1, shall be submitted as per Form Tor 4 annexed to this ministerial regulation to the competent officer under Section 71 together with document and evidence stipulated in Form Tor 4.

Clause 4

When the competent officer under Section 71 considers, upon receiving the application together with document and evidence under Clause 2 and has them verified, that the documents are all right and the applicant is an alien under principle to acquire land under Clause 1, the officer shall forward the related document and evidence to the director general for proposing to the minister.

Clause 5

When the minister has considered with order whatsoever, the competent officer under Section 71 shall inform the result of consideration in writing to the license applicant by sending to his residence in Thailand as stipulated in the Form Tor 4.

Clause 6

The permitted applicant must utilize that land for own living quarter and family with no contradiction to moral, tradition or good ways of life of the community in that locality.

Clause 7

The permitted applicant must inform land utilization as living quarter to the competent officer under Section 71 for acknowledgement within sixty days from the date starting land utilization.

Clause 8

Having been informed in writing from the competent officer under Section 71, the permitted applicant is obliged to suitably facilitate the competent officer to oversee land utilization to be in line with principle and condition specified by law.

Clause 9

If the permitted applicant withdraws the investment in the business or venture under Clause 1 prior to the end of investment term under Clause 1 paragraph two, he must inform the competent officer under Section 71 in writing within sixty days from date of investment withdrawal.

Given on 11th January B.E. 2545

Sombat Uthaisang

Deputy Minister of Interior

Acting for Minister of Interior

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