

The Ratchaphatsadu Land Act,  
B.E. 2562 (2019)

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His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun

Given on the 6<sup>th</sup> Day of March 2019,  
Being the 4<sup>th</sup> Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that,

Whereas it is expedient to revise the law on the Ratchaphatsadu land;

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

Section 1 This Act is called the "Ratchaphatsadu Land Act, B.E. 2562 (2019)".

Section 2<sup>1</sup> This Act shall come into force after one hundred and twenty days has passed following the date of its publication in the Government Gazette.

Section 3 The Ratchaphatsadu Land Act, B.E. 2518 (1975) shall be repealed.

Section 4 In this Act,

"Government agency" means an agency under the law on the reorganization of ministry, sub-ministry, department and government agency responsible for the administration of the general affairs of independent organizations under the Constitution or the Court or the public prosecution organization or the National Assembly.

"State agency" means a state enterprise, government organization, public organization, local administrative organization, autonomous state agency or other agencies established by law, excluding government agency.

"Committee" means the Ratchaphatsadu Land Committee.

"Minister" means the Minister having charge and control of the execution of this Act.

Section 5 The Minister of Finance shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations and Rules for the execution of this Act.

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<sup>1</sup> The Government Gazette, Vol. 136/Part 28 Kor/Page 1/9 March 2019.

Such Ministerial Regulations and Rules shall come into force upon their publication in the Government Gazette.

Chapter 1  
General provisions  
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Section 6 Ratchaphatsadu land are:

- (1) all types of government-owned immovable property;
- (2) the land which is specifically reserved for use for the State's benefits;
- (3) the land which is reserved for the Government's benefits under the law.

Section 7 The following immovable properties are not considered Ratchaphatsadu land:

- (1) waste land and land surrendered, abandoned or otherwise reverted to the State according the land law, excluding the waste land which is specifically reserved for use for the State's or for the government's benefits under the law;
- (2) immovable property, which is the domaine public of State, for public use or which is reserved for the common use by the people;
- (3) immovable property of state enterprises, which is a juristic person, and local administrative organizations;
- (4) immovable property of public organizations obtained through a donation or purchase or exchange from their income or asset without the use of the government's budget or subsidy;
- (5) immovable property of state educational institutes, which is a juristic person, obtained through a donation or purchase or exchange by the educational institutes' income or asset without the use of the government's budget or financial support;
- (6) immovable property of a government agency, which is established by law, obtained through a donation or purchase or exchange by the public organization's income or property without the use of the government's budget or subsidy;
- (7) immovable property which is exempted from being the Ratchaphatsadu land by a specific law.

Section 8 The Ministry of Finance shall hold the title over Ratchaphatsadu land.

The Treasury Department shall have the duties of administration, supervision and maintenance of Ratchaphatsadu land while its use and seeking for economic benefits shall be as prescribed by this Act.

Chapter 2  
The Ratchaphatsadu Land Committee  
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Section 9 There shall be a committee called the "Ratchaphatsadu Land Committee" consisting of the Minister of Finance as Chairperson, Permanent Secretary for Finance as Deputy Chairperson, Permanent Secretary for Defence, Permanent Secretary for Agriculture and Co-operatives, Permanent Secretary for Natural Resources and Environment, Permanent Secretary for Interior, Director-General of the Department of Lands, Director-General of the Department of Public Works and Town & Country Planning as ex-officio members and three qualified members appointed by the Minister from individuals with the knowledge, capability, expertise and experience in the fields of economics, land or immovable property development with the Director-General of the Treasury Department as member and secretary.

The Director-General of the Treasury Department shall appoint no more than two government officials of the Treasury Department as assistant secretaries.

Section 10 Qualified committee members must have the qualifications and none of the prohibited characteristics as follows:

- (1) being of Thai nationality;
- (2) being no less than thirty-five years of age;
- (3) not being a bankrupt or having been a dishonest bankrupt;
- (4) not being an incompetent or quasi-incompetent person;
- (5) not having been previously sentenced by a final judgement to imprisonment, except for the punishment of an offense committed through negligence or a misdemeanor;
- (6) not being a person who holds a political office, a member of a local assembly or a local administrator, a member or holder or a position responsible for the management of a political party, an advisor or officer of a political party;
- (7) not having been previously subjected to a forfeiture of property by a court sentence or order on the ground of having unusual wealth or unusual swelling of assets and properties;
- (8) not having been previously fired, expelled or dismissed from employment for malfeasance in office.

Section 11 Qualified committee members shall hold office for a term of three years.

Qualified committee members who vacate office upon the expiration of the term may be reappointed but shall not serve for more than two consecutive terms.

Upon the expiration of the term under paragraph one, if a new qualified committee member has not yet been appointed, qualified committee member who vacated office upon the expiration of his/her term shall remain in office and continue to perform his/her duties until the new qualified committee member takes office.

Section 12 In addition to vacating office upon the expiration of the term under section 11, qualified committee members shall also vacate office upon:

- (1) death;
- (2) resignation;

(3) being dismissed by the Minister due to negligence in the performance of duty, disgraceful behavior, or incapability;

(4) lacking any of the qualifications or having any of the prohibited characteristics under section 10.

Section 13 In the event where a qualified committee member vacates office before the expiration of his/her term, a replacement qualified committee member shall be appointed except when the remaining term of office is less than one hundred and twenty days, a replacement qualified committee member may not be appointed.

The appointed replacement committee member shall hold office for the remaining term of the member whom he/she replaces.

During the time when a qualified committee member vacates office before the expiration of his/her term, for whatever reason, and a new qualified committee member has not yet been appointed, the Committee shall consist of the remaining committee members.

Section 14 At a meeting of the Committee, the presence of no less than one-half of the total number of the Committee members is required to constitute a quorum.

If the Chairperson is not present or is unable to perform his/her duties at a committee meeting, the Deputy Chairperson shall preside over the meeting. In the event where both the Chairperson and Deputy Chairperson are not present or are unable to perform their duties, the committee members who are present at the meeting shall select among themselves one member to preside over the meeting.

The decision of a meeting shall be by a majority of votes and one committee member shall have one vote each. In case of equality of votes, the person presiding over the meeting shall have an additional vote as the casting vote.

At a meeting of the Committee, if any committee member is a stakeholder, whether directly or indirectly, in a matter being considered, such committee member shall be notified and shall not be entitled to attend the meeting when such matter is being considered.

Section 15 The Committee shall have the duties and power as follows:

(1) to determine policies on the management of Ratchaphatsadu land;

(2) to determine the criteria, procedures and conditions for the registration of Ratchaphatsadu land;

(3) to advise the Minister on the issuing of Ministerial Regulations on the criteria, procedures and conditions for the administration, supervision, maintenance, use and seeking for economic benefits in Ratchaphatsadu land;

(4) to determine the criteria, procedures and conditions for the registration of the Ratchaphatsadu land located outside the Kingdom of Thailand;

(5) to determine the criteria, procedures and conditions for the preparation of reports on the supervision, maintenance and use of Ratchaphatsadu land;

(6) to perform any other operations as prescribed by this or any other Acts, which are the duties or power of the Committee or any operation assigned by the Cabinet.

Section 16 The Committee may appoint a sub-committee to consider or perform any operation assigned by the Committee.

The provisions of section 14 shall apply, *mutatis mutandis*, to the meetings of a sub-committee.

### Chapter 3

#### Creating and keeping Ratchaphatsadu land registry

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Section 17 The Treasury Department shall have the duty of creating the Ratchaphatsadu land registry pursuant to the criteria, procedures and conditions prescribed by the Committee.

Section 18 For the purpose of the registration of Ratchaphatsadu land, the following practices shall be implemented:

(1) When Ratchaphatsadu land which is the domaine public of State for common use by the people ceases to be domaine public of State, and the new change of use is approved for a government agency or a state agency, the Department of Lands must promptly notify the Treasury Department for registering it in the Ratchaphatsadu land registry.

(2) For the Ratchaphatsadu land that has been specifically reserved for the State's benefits under the law, such Ratchaphatsadu land shall be registered in the Ratchaphatsadu land registry. When such government agency or state agency utilizes the said land, it must promptly notify the Treasury Department for the amendment of its particulars in the Ratchaphatsadu land registry.

(3) For the Ratchaphatsadu land obtained by a government agency or state agency other than the ones specified in (1) and (2), the original land documents, documents related to the acquisition of such Ratchaphatsadu land and particulars of such immovable property must be promptly submitted to the Treasury Department for registration.

Before the registration of Ratchaphatsadu land in paragraph one, the Treasury Department shall examine the acquisition and status of such land for accuracy pursuant to the criteria, procedures and conditions prescribed by the Committee.

### Chapter 4

#### The use, reclamation and seeking for economic benefits in Ratchaphatsadu land

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Section 19 Ratchaphatsadu land shall be used for the State's benefits in compliance with the duties and power of government agencies and local administrative organizations.

A government agency and local administrative organization who wish to apply for the use of Ratchaphatsadu land under paragraph one shall notify the objectives of land use and enter into an agreement with the Treasury Department under the criteria, procedures and conditions specified in the Ministerial Regulations.

Section 20 Government agencies or local administrative organizations using Ratchaphatsadu land shall have the duty of using the Ratchaphatsadu land in accordance with the objectives and agreement that they made with the Treasury Department. They shall also have the following duties:

(1) to regularly maintain and keep Ratchaphatsadu land in suitable conditions and take precaution to prevent any encroachment or damage to the Ratchaphatsadu land;

(2) to prepare reports on the supervision, maintenance and use of Ratchaphatsadu land for submission to the Treasury Department in accordance with the rules prescribed by the Committee.

Section 21 In the case where there is any utilization, demolition or modification of Ratchaphatsadu land or any activity affecting the essence or status of Ratchaphatsadu land under the original objectives of use, the government agency or local administrative organization involved shall notify the Treasury Department for correction of particulars in the Ratchaphatsadu land registry.

In the event where a government agency or local administrative organization changes the objectives of its Ratchaphatsadu land use, it must notify and apply for a new agreement with the Treasury Department.

Section 22 The Treasury Department shall reclaim Ratchaphatsadu land from a government agency or local administrative organization in the following cases:

(1) no more use for Ratchaphatsadu land,

(2) unauthorized possession of Ratchaphatsadu land,

(3) failure to comply with section 20 or section 21,

(4) failure to use Ratchaphatsadu land within three years from the date on which it entered into an agreement with the Treasury Department.

In Case (3), the Treasury Department shall notify the government agency or local administrative organization to properly perform its duties within a reasonable period of time. In Case (4), the Treasury Department shall notify the said government agency or local administrative organization to provide reasons for not using the said Ratchaphatsadu land within the period of time prescribed by the Treasury Department.

After a reclamation of Ratchaphatsadu land by the Treasury Department, if the government agency or local administrative organization involved fails to return such land within the period of time prescribed by the Treasury Department, the Treasury Department shall present the matter to the Committee for final consideration and decision.

Section 23 In the event where there is a specific law granting a government agency or local administrative organization the power to administer, supervise, maintain and use Ratchaphatsadu land, such government agency or local administrative organization shall have the duty of preparing reports on the administration, supervision, maintenance and use of Ratchaphatsadu land to the Treasury Department in accordance with the rules prescribed by the Committee.

Section 24 For the Ratchaphatsadu land that has not been used for the benefits of a government agency or local administrative organization or that is in the possession of a government agency or local administrative organization but has not yet been in use by such government agency or local administrative organization, the Ministry of Finance shall be able to seek for economic benefits from it in accordance with the criteria, procedures and conditions prescribed by the Ministerial Regulations.

Section 25 Seeking for economic benefits in Ratchaphatsadu land must be executed for the government's benefits and shall be permitted for the following purposes:

- (1) to support the mission of a government agency or state agency;
- (2) to provide public benefits or charity, assistance to government officials or government official welfare;
- (3) to support any other operations as prescribed by the Committee.

Section 26 Seeking for economic benefits in Ratchaphatsadu land shall be in accordance with the criteria, procedures and conditions prescribed by the Ministerial Regulations and a lease agreement or reciprocal agreement other than a lease agreement with the Minister of Finance must be made.

Section 27 Seeking for economic benefits in Ratchaphatsadu land by those who are not government agency or state agency must be for the benefits of the government by taking the following issues into consideration:

- (1) objectives of seeking for economic benefits in Ratchaphatsadu land,
- (2) condition and location of such Ratchaphatsadu land,
- (3) current market rent,
- (4) other benefits in addition to the lease return,
- (5) value of immovable property on Ratchaphatsadu land which is already in or will be in the possession of the Ministry of Finance at the expiration of the agreement.

Section 28 Seeking for economic benefits in Ratchaphatsadu land with over five hundred million baht in value under section 27 must be approved by the Committee.

Application for the Committee's approval under paragraph one shall be in accordance with the criteria, procedures and conditions prescribed by the Ministerial Regulations. Such Ministerial Regulations must at least stipulate criteria on project proposal, agreement making, agreement administration, agreement revision, regulating and monitoring of the outcome and determination of lease rate or benefits other than lease payment.

Regarding the price of Ratchaphatsadu land under paragraph one, in case of land, the valuations of the immovable property on such land shall be used for the collection of real property transfer fees under the Land Code.

Section 29 Seeking for economic benefits in Ratchaphatsadu land pursuant to section 27 that began from the date on which this Act comes into force shall be exempted from observing the law on private investments in state undertakings, except for the seeking for economic benefits of Ratchaphatsadu land in any infrastructure and public service projects with certain project value as prescribed by the Ministerial Regulations, which must be executed in accordance with the law on private investments in state undertakings.

## Chapter 5

### The transfer of ownership and change of use in Ratchaphatsadu land

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Section 30 A transfer of ownership of Ratchaphatsadu land, which is the domaine public of State used for special benefits of the State, shall be enacted as an act and a map specifying the boundary of such Ratchaphatsadu land shall be annexed thereto.

Section 31 A transfer of ownership of Ratchaphatsadu land, which is not the domaine public of State used for special benefits of the State, shall be in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations and must seek an approval from the Cabinet, except for the cases under section 32 or a transfer of ownership of Ratchaphatsadu land for the benefits in compliance with the law on agricultural land reform or the law on immovable property expropriation or for the use in government agency's or state agency's projects that the Cabinet has approved and determined specific procedures and methods for the transfer. A transfer of ownership of Ratchaphatsadu land shall be in accordance with the relevant law or as prescribed by the Cabinet.

Section 32 Ratchaphatsadu land, which is not the domaine public of State used for special benefits of the State, which is obtained through donation and has not been utilized within the period specified by the donor or within five years of the date of such donation, the donor or his/her successor is entitled to apply for a return of such land.

In applying for a return of land under paragraph one, the donor or his/her successor must apply to the Ministry of Finance within five years of the expiration date of the prescribed period under paragraph one in accordance with the forms, criteria and procedures prescribed by the Ministerial Regulations.

Section 33 The Committee shall consider the application in section 32 and shall submit its opinion to the Minister for consideration and decision. The applicant must be notified of the decision within one hundred and eighty days of the receiving date of the application.

The Minister's decision shall be final.

Section 34 Ratchaphatsadu land which is the domaine public of State ceases to be domaine public of State only when the Ministry of Finance no longer wishes to reserve it for the State's specific benefits. Such change must be enacted as a royal decree and a map specifying the boundary of such Ratchaphatsadu land shall be annexed thereto.

Section 35 Change of use in the Ratchaphatsadu land that the government has a reservation shall be permitted when the Ministry of Finance does not wish to continue such reservation or prohibition. Such change must be enacted as a royal decree and a map specifying the boundary of such Ratchaphatsadu land shall be annexed thereto.

## Chapter 6

### Ratchaphatsadu land located outside the Kingdom of Thailand

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Section 36 In this chapter:

"Ratchaphatsadu land" means all types of immovable property which are the State properties that the Thai government obtained ownership and which are located outside the Kingdom of Thailand.

Section 37 An ambassador, consul general or person holding a position in the same capacity as the ambassador or consul general, has the duties of supervising, maintaining and using the Ratchaphatsadu land located in a country or zone under his/her responsibility, except for the cases specified in section 38.



Section 38 In the case where a government agency is located outside the Kingdom of Thailand and uses a plot of Ratchaphatsadu land, the head of such government agency shall have the duties of supervising, maintaining and using such Ratchaphatsadu land.

Section 39 The persons specified in section 37 and section 38, as the case may be, shall prepare reports on the supervision, maintenance and use of Ratchaphatsadu land in his/her responsibility for submission to the Treasury Department in accordance with the criteria, procedures and conditions prescribed by the Committee.

Section 40 The Treasury Department shall have the duties of creating the Ratchaphatsadu land registry in accordance with the criteria, procedures and conditions prescribed by the Committee.

Section 41 A transfer of ownership of Ratchaphatsadu land must be approved by the Cabinet in accordance with the criteria, procedures and conditions prescribed by the Ministerial Regulations.

#### Chapter 7 Property located outside the Kingdom of Thailand

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Section 42 In this Chapter:

“Property outside the Kingdom of Thailand” means the rights to possess or utilize immovable property located outside the Kingdom of Thailand, which was obtained through a diplomatic channel or an agreement between the Thai government and the government of the country in which such immovable property is located.

Section 43 The Treasury Department shall have the duty of creating a registry of the property located outside the Kingdom of Thailand in accordance with the criteria, procedures and conditions prescribed by the Committee.

Section 44 The administration, supervision, maintenance, use, preparation of reports and transfer of property located outside the Kingdom of Thailand shall be executed, *mutatis mutandis*, in accordance with the provisions of Chapter 6.

#### Chapter 8 Punishment

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Section 45 Any person who enters Ratchaphatsadu land to take hold or take possession of all or parts of Ratchaphatsadu land without any legal right or to act in any way that interferes with the normal utilization of Ratchaphatsadu land or to act in any way that causes damage or degradation to Ratchaphatsadu land shall be punishable by an imprisonment term not exceeding five years or a fine not exceeding one hundred thousand baht or both.

In the event where a person has been found to have committed an offense under this section, the Court shall have the power to order a removal of the culprit as well as his/her employee, subcontractor, representative and dependent from the Ratchaphatsadu land.

All the equipment, tools, vehicles or machines used by the offender to commit the offense or as a tool to achieve the outcome of the offense shall be confiscated regardless of whether they belong to the offender or not or whether any person is punished under the Court's ruling or not.

Section 46 In the event where an offender under section 45 is a juristic person, if the offense committed by such juristic person is caused by an order or an act of any director or manager or person responsible for the operation of such juristic person, or in the event where the person with the duties of ordering or carrying out such act fails to order or carry out such act to the extent that it causes the juristic person to commit the offense, such person shall also be punishable by the penalty for such offense.

#### Transitional Provisions

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Section 47 All the Ministerial Regulations or Rules that exist before the date on which this Act comes into force shall continue to be in force as long as they are not contrary to or in conflict with the provisions of this Act until the Ministerial Regulations or Rules issued pursuant to this Act come into force.

Section 48 During the time when a qualified committee member under section 9 has not been appointed, the Committee shall consist of the qualified committee members under section 9 who shall perform the duties of the Committee under this Act until a new qualified committee member is appointed. However, this period must not be longer than one hundred and twenty days from the date on which this Act comes into force.

Section 49 Seeking for economic benefits in Ratchaphatsadu land that has already been in progress or is to be implemented under the law on private investments in state undertakings before the date on which this Act comes into force shall continue in accordance with the criteria, procedures and conditions prescribed by the Ministerial Regulations issued under the provisions of section 28. This shall apply except in the case where an invitation for private investments in state undertakings has already been issued, such process shall continue under the law on private investments in state undertakings until an agreement on such investment has been signed with the selected private organization, after which utilization of the Ratchaphatsadu land shall proceed in accordance with the criteria, procedures and conditions prescribed by the Ministerial Regulations issued under the provisions of section 28.

In the event where there is a problem in the performing of the task in paragraph one, the Committee shall consider and have the final decision.

Section 50 Any ongoing project of Ratchaphatsadu land that is in progress under section 72 of the Private Investments in State Undertakings Act, B.E. 2556 (2013), the Committee established under this Act shall perform duties in lieu of the Committee established under section 72 of the Private Investments in State Undertakings Act, B.E. 2556 (2013).

Countersigned by  
General Prayuth Chan-ocha  
Prime Minister

Note :- The rationale behind the promulgation of this Act is that whereas the Ratchaphatsadu Land Act, B.E. 2518 (1975) which has long been in force contains certain provisions that are incompatible with the current situations, causing ineffective and inflexible management and utilization of Ratchaphatsadu Land. At present, there is no state agency responsible for the duties of administration, supervision and maintenance of the lands which are reserved for or prohibited from the use for the State's specific benefit or the government's benefit under the law, resulting in problems of encroachment into such lands. In addition, there are no criteria for the management of Ratchaphatsadu land and properties located outside the Kingdom of Thailand. It is, therefore, deemed expedient to revise the said Act in order to determine the criteria, procedures and conditions for the management of Ratchaphatsadu land that are appropriate and compatible with the existing economic and social situations as well as the government's policies. In cases of necessity, the Ratchaphatsadu land Committee must be established to perform the duties of determining policies on the management of Ratchaphatsadu land to ensure maximum benefits to the government in Ratchaphatsadu land utilization and to determine penalties for the encroachment of Ratchaphatsadu land for the purpose of preserving state lands for the government's future benefits. It is, therefore, necessary to enact this Act.

Punika/Thanabodi/prepared  
11 March 2019

Pojana/checked  
12 March 2019