Condominium Act, (No. 4), B. E. 2551 (2008)

Translation

BHUMIBOL ADULYADEJ, REX.
Given on the 27th February B. E. 2551 (2008);
Being the 63rd year of the present Reign.

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

Whereas it is expedient to revise the Law Governing Condominium;

This Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 33, Section 41 and Section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

Be it, therefore, enacted an Act by the King, by and with the advice and consent of National Legislative Assembly, as follows.

Section 1

This Act shall be called "Condominium Act, (No. 4), B. E. 2008"

Section 2

This Act shall come into force after the elapse of one hundred and twenty days following the date of its publication in the Government Gazette.

Section 3

The definition of the words “General Meeting,” “Board,” “Director” and “Manager” shall be added in between the words “Bylaws” and “Competent Official” in Section 4 of the Condominium Act, B. E. 2522 (1979).

““General Meeting” means an Ordinary General Meeting or an Extraordinary Meeting of joint owners, as the case may be,

“Board” means Condominium Corporate Board.

“Member” means a member of the Condominium Corporate Board.

“Manager” means a Manager of the Condominium Corporate”.

Section 4

The provisions under Section 6 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

“Section 6

A person who owns any land and building desiring to register such land and building to make it become a condominium in accordance with this Act shall submit an application for a registration of a condominium to the Competent Official all along with the following evidences and details:

(1) Land Title Deed,

(2) Condominium Plan including elements appurtenant to the access route linking public route,

(3) Details on the units, personal property and common property: such as; spaces, nature on the utilizations and other interests as set forth by the Minister,

(4) Ratio on the ownership of each unit owner in common property in accordance with Section 14,

(5) Certification of the applicant to the effect that the building requested for registration as the condominium is without any encumbrances except the mortgage of the building together with the land,

(6) Draft of the Bylaws of the condominium corporate,

(7) Other evidences set forth under Ministerial Regulation."

Section 5

The following provisions shall be added as Section 6/1 and Section 6/2 of Condominium Act, B. E. 2522:

"Section 6/1

In the case of a person with a freehold in the land and building in accordance with Section 6 has made the advertisements to sell the units in the condominium, such person must keep in his office copies of the advertising contents or pictures or letters of induction advertised to the general public regardless of in whichever the forms until all units are sold out and, in addition, at least, one set of copies of such documents must be forwarded to the condominium corporate for retention, as well.

Regarding the advertisements on the sales of the units in the condominium on the part relating to the evidences and details set forth under Section 6, the advertising contents and pictures must be identically corresponding to the evidences and details submitted along with the application for registration and must clearly indicate the details relating to common properties apart from being provided under Section 15.

The advertising contents and pictures or letters of induction shall be deemed to be an integral part of the Agreement to Sell a Unit or the Contract of Sale of a Unit, as the case may be. Should the meaning of any contents or pictures be contradictory to or inconsistent with the contents in the Agreement to Sell a Unit or the Contract of Sale of a Unit, the construction thereon shall be made in a manner advantageous to the party to buy or the party buying the unit.

Section 6/2

An Agreement to Sell a Unit or a Contract of Sale of a Unit between the person with freehold in the land and building under Section 6 and the party to buy or the party buying the unit shall be made in accordance with the form of the Agreement or Contract set forth by the Minister.

Any part of an Agreement to Sell a Unit or a Contract of Sale of a Unit under paragraph one which is not executed in accordance with the form of the Agreement or Contract set forth by the Minister and is not advantageous to the party to buy the unit or the party buying the unit, such part shall be unenforceable."

Section 6

Paragraph two of Section 7 of Condominium Act, B. E. 2522, shall be repealed.

Section 7

The provisions under Section 14 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 14

Ratio in the joint ownership in common property of a joint owner shall be in accordance with the ratio between the space of each unit and all spaces of the units of such condominium during the time of making the registration of the condominium in accordance with Section 6."

Section 8

The following provisions shall be added as (8), (9), (10) and (11) of Section 15 of Condominium Act, B. E. 2522:

"(8) Office of Condominium Corporate,

(9) Real estate purchased or acquired under Section 48 (1)

(10) Structures or systems built for security operations or environmental condition conservation within the condominium: such as; fire hazard preventive system, lighting, air ventilation, air-conditioning, water drainage, waste water treatment or refuse and waste disposal.

(11) Property which the money is used in accordance with Section 18 in looking after and maintenance."

Section 9

The following provisions shall be added and shall become Section 17/1 of Condominium Act, B. E. 2522:

"Section 17/1

In the case where a space in the condominium is set aside as a place to carry out the business, the system on entering and exiting such area shall be specifically set up in order to prevent the disturbance on the peaceful enjoyment of the joint owners.

No person shall be permitted to engage in any trade transactions in the condominium except it is a trade transaction in the area of the condominium designated in accordance with paragraph one."

Section 10

The provisions under Section 18 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 18

Joint owners shall jointly share the payments of expenses on tax and duty in accordance with the ratio of the freehold in common property under Section 14, by each joint owner.

Joint owners shall jointly share the payments of expenses incurred as a result of providing common services as well as equipments, appliances and facilities having for common utilizations and the expenses incurred as a result of the looking after, maintenance and operations of common property in accordance with the ratio of the freehold in common property under Section 14, by each joint owner or in accordance with the portion of the advantage upon the unit provided, however, that this shall be in accordance with the requirements set forth under the Bylaws.

A person with freehold in the land and building under Section 6 shall be the joint owner of the unit which the ownership in it has not yet been transferred to any person and shall jointly share the payments of the expenses under paragraph one and paragraph two for such particular unit, as well."

Section 11

The following provisions shall be added as Section 18/1 of Condominium Act, B. E. 2522:

"Section 18/2

In the case where a joint owner fails to make payments set forth under Section 18 with the prescribed time, such joint owner shall pay surcharge at the rate not exceeding twelve percents (12%) per year of the amount unpaid without compound interest charging provided, however, that this shall be in accordance with the requirements set forth under the Bylaws.

A joint owner with an amount in arrears under Section 18 from six months and upwards shall pay surcharge at the rate not exceeding twenty percents (20%) per year and may be suspended from receiving common services or using common property as set forth under the By-laws including the non-existence of the right to vote in the General Meeting.

The surcharge under paragraph one shall be deemed as the expenses under Section 18."

Section 12

The provisions under Section 19 *bis* of Condominium Act, B. E. 2522, which was revised by Condominium Act, (3rd Issue), B. E. 2542 (1999) shall be repealed and superseded by the following provisions:

"Section 19 bis

Each condominium shall have aliens or corporate as indicated under Section 19 holding ownerships in the units collectively not exceeding forty-nine percents (49%) of the spaces of the whole units in such particular condominium at the time of making the registration of such condominium in accordance with Section 6."

Section 13

The provisions under Section 19 *quadri* of Condominium Act, B. E. 2522, which was revised by Condominium Act, (3rd Issue), B. E. 2542 (1999) shall be repealed and superseded by the following provisions:

"Section 19 quadri

When the competent official receives documents and evidences in accordance with Section 19 *tri* and after checking such documents and evidences is of the view that they are correctly in accordance with Section 19 *tri* and that the ratio of holding the ownership in the units of aliens or corporate in accordance with Section 19 both by persons having already held and assignees not exceeding the prescribed rate set forth under Section 19 bis, such competent official shall proceed with the actions to register the rights and juristic acts in relation to the units in accordance with Chapter 4, for such aliens or corporate requesting to take such transfers."

Section 14

The provisions under (1) of Section 19 penta of Condominium Act, B. E. 2522, which was revised by Condominium Act, (3rd Issue), B. E. 2542 (1999) shall be repealed and superseded by the following provisions:

"(1) When an alien or a corporate indicated under Section 19 has acquired a unit through inheritance as a statutory heir or a legatee or by means of other respects, as the case may be, and upon summing up with the units having the aliens or corporate indicated under Section 19 having already held the ownerships in such condominium exceeding the rate prescribed under Section 19 *bis*."

Section 15

The provisions under paragraph one of Section 19 *nona* of Condominium Act, B. E. 2522, which was revised by Condominium Act, (3rd Issue), B. E. 2542 (1999) shall be repealed and superseded by the following provisions:

"Section 19 nona

Whoever acquiring the ownership in a unit while being a Thai nationality and, subsequently, such person loses his Thai nationality because of the renunciation, conversion, deprivation of nationality in accordance with the Law Governing Nationality and being an alien as indicated under Section 19, if desiring to continue having the ownership in the unit shall give a written notification to the competent official advising such competent official on the matter of losing the Thai nationality and must produce the evidence to substantiate his status of being an alien as indicated under Section 19 to the competent official within one hundred and eighty days from the date of losing the Thai nationality, but, if the entitlement to the ownership in the unit of such alien exceeds the rate prescribed und Section 19 *bis*, the unit in excess of the prescribed rate shall be disposed of within the period of not exceeding one year from the date of losing the Thai nationality. Should such disposition not be made within such prescribed period, the provisions under Section 19 *penta* shall apply *mutatis mutandis*."

Section 16

Section 19 twalif and Section 19 thrittene of Condominium Act, B. E. 2522, which was revised by Condominium Act, (2nd Issue), B. E. 2534 (1991) shall be repealed.

Section 17

The provisions under Section 29 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 29

Whoever desiring to register a right and juristic act in relation to a unit under this Act shall bring the Unit Document of Title for registration with the competent official.

In the case of an application for a registration of a right and a juristic act in a unit, the competent official shall accept the application for the registration of such unit and the juristic act only when such unit is free from any liabilities arising from the expenses under Section 18 which, in this connection, a Letter of Certification from the condominium corporate indicating that such unit is free from the very last liabilities must be produced.

The Manager shall issue the Letter of Certification that the unit is free from any liabilities in accordance with paragraph two to the joint owner within fifteen days from the date on which the request has been received provided that the joint owner has fully made the payment of the debt arising out of the expenses in accordance with Section 18.

The provisions under paragraph two shall not apply in the case of a registration of a right and a juristic act on an ownership transfer in a unit prior to the registration of the condominium corporate."

Section 18

The provisions under Section 32 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 32

The Bylaws, at least, shall consist of the following material substances:

(1) Name of the condominium corporate in which the word "Condominium Corporate" must constitute the part thereof,

(2) Objects in accordance with Section 33,

(3) Location of the condominium corporate office which must be inside the respective condominium,

(4) The expense amount of the condominium corporate which a joint owner is required to pay in advance,

(5) Management of common property,

(6) The use of personal property and common property,

(7) Ratio of the freehold in common property which each unit joint owner has as specified in condominium registration application,

(8) Expense ratio where the payment is shared by joint owners in accordance with Section 18,

(9) Other statements prescribed under Ministerial Regulation.

An alteration on or an addition to the Bylaws which has already been registered can be made only by the resolution of the Joint Owner General Meeting and the Manager shall register such alteration or addition with the competent official within thirty days from the date on which the Joint Owner General Meeting has passed such resolution.

In the case where the competent official is of the view that such alteration or addition is not contradictory to the law, the competent official shall then register such alteration or addition thereof."

Section 19

The following provisions shall be added as Section 35/1, Section 35/2 and Section 35/3 of Condominium Act, B. E. 2522:

"Section 35/1

The Manager shall not be lower than full twenty-five years old and shall not possess the following prohibitions:

(1) A bankrupt,

(2) An incompetent or quasi-incompetent person,

(3) Used to be dismissed, removed or discharged from government service, government or private organization or agency on charge of misfeasance,

(4) Used to be imprisoned by final judgment except an offence committed through negligence or petty offence,

(5) Used to be removed from the capacity of a manager because of corruption or his conduct is detrimental or defective on morality.

(6) Having unpaid debt being the expenses under Section 18.

In the case where the Manager is a juristic person, the person acting on behalf such juristic person in the capacity of a manager shall as well have the qualifications and shall not possess the prohibitions described under paragraph one.

Section 35/2

The appointment of the Manager shall be in concordance with the resolution of the Joint Owner General Meeting in accordance with Section 49 and the Manager so appointed shall bring the evidences or Employment Agreement to the competent official for registration within thirty days from the date on with the Joint Owner General Meeting has passed the resolution.

Section 35/3

The Manager vacates office upon

(1) Death or the status of being a juristic person has come to an end,

(2) Resignation,

(3) The period prescribed under Employment Agreement has come to an end,

(4) Disqualification or possessing prohibitions set forth under Section 35/1,

(5) Failure to comply with the provisions under this Act or Ministerial Regulation issued under this Act or failure to comply with a condition set forth under the Employment Agreement and that the Joint Owner General Meeting has passed a resolution for removal in accordance with Section 49.

(6) The Joint Owner General Meeting has passed a resolution on the removal."

Section 20

The provisions under Section 36 and Section 37 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 36

The Manager shall have power and duties as follows:

(1) Carrying out operations in compliance with the objects set forth under Section 33, in accordance with the Bylaws or resolutions of the Joint Owner General Meeting or Board provided that all actions shall not be contradictory to the law.

(2) In the case of necessity and priority, the Manager with his own initiative shall issue order or proceed with any actions relating to the security of the condominium as a normal reasonable person shall secure and manage his own property.

(3) Providing security operations or taking actions in maintaining peace and order within the condominium.

(4) Acting as a representative of the condominium corporate.

(5) Arranging to have a monthly Receipt and Expenditure Account prepared and post it on the Bulletin Board to inform the joint owners within fifteen days from the end of the month and that such relevant Announcement shall be posted at least for a consecutive period of fifteen days.

(6) Suing for compulsory performance from a joint owner for overdue payment of expenses under Section 18 in excess of six months and over.

(7) Other duties prescribed under Ministerial Regulation.

The Manager shall perform his duties by own self except the business by the Bylaws or the resolution of the Joint Owner General Meeting in accordance with Section 49 (2) prescribing that the other person can be assigned to work on his behalf and that the person so assigned shall be present to perform duties in accordance with time set forth under the Bylaws.

Section 37

There shall be a Condominium Corporate Board consisting of members of not less than three persons but not exceeding nine persons appointed by the Joint Owner General Meeting.

The members shall hold office for two years each term. In the case where a member vacates office prior to the expiration of term or a member is additionally appointed during which the members having already been appointed still have a term in office, the member so appointed to take place or in addition shall have a term in office equivalent to the remaining term in office of the members having already been appointed.

Upon completion of the term in office in accordance with paragraph two, if new members have not yet been appointed, the members vacating office on the expiration of the term shall continue to perform their duties until the newly appointed members assume their duties.

A member vacating office may be re-appointed but shall not be eligible to hold office exceeding two consecutive terms unless other person cannot be found to hold office.

On the appointments of the members, the Manager shall register such appointments with the competent official within thirty days from the date on which the Joint Owner General Meeting has passed a resolution on such appointments."

Section 21

The following provisions shall be added as Section 37/1, Section 37/2, Section 37/3, Section 37/4, Section 37/5 and Section 37/6 of Condominium Act, B. E. 2522:

"Section 37/1

The following persons shall be eligible for an appointment as a member:

(1) A joint owner or his spouse,

(2) A statutory heir, custodian or curator in the case where a joint owner is a minor, incompetent or quasi-incompetent person, as the case may be.

(3) An agent of the condominium corporate in the case where the condominium corporate is a joint owner.

In the case where any unit's ownership holder consist of several joint owners, only one person shall be eligible for an appointment as a member.

Section 37/2

A person eligible for appointment as a member shall not possess the following prohibitions:

(1) A minor, an incompetent or quasi-incompetent person,

(2) Used to be relieved from the position of a member by the Joint Owner General Meeting or removed from being a manager because of corruption or his conduct is detrimental or defective on morality.

(3) Used to be dismissed, removed or discharged from a government service, government or private organization or agency on charge of misfeasance,

(4) Used to be imprisoned by final judgment except an offence committed through negligence or petty offence,

Section 37/3

In addition to vacating office on the expiration of term, a member vacates office upon

(1) Death,

(2) Resignation,

(3) Not being a person under Section 37/1 or having the prohibitions set forth under Section 37/2,

(4) The Joint Owner General Meeting has passed a resolution in accordance with Section 44, relieving him from the position.

Section 37/4

The Board shall elect a member as the Board Chairman and may elect a member as the Board Vice Chairman.

Section 37/5

The Board Chairman shall summon members for a Board Meeting and in the case where at least two members have submitted a request for summoning a Board Meeting; the Board Chairman shall schedule the date for such Meeting within seven days from the date of receiving such request.

Section 37/6

On the Board Meeting, there must be members of not less than a half of the total number of the members attending to Meeting to constitute a quorum.

On the Board Meeting, if the Board Chairman is not present at the Meeting or is unable to perform his duty, the Board Vice Chairman shall preside over the Meeting as the Meeting Chairman, but, if in the absence of the Board Vice Chairman or even in his presence, however, he is unable to perform his duty, the members in attendance shall elect a member to be the Chairman of the Board Meeting.

The Meeting decision shall be on the basis of the majority of votes. In casting votes, each member shall have one vote. In the case of an equality of votes, the Meeting Chairman shall have an additional vote as the casting vote."

Section 22

The provisions under Section 38 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 38

The Board shall have the power and duty as follows:

(1) Monitoring control over the condominium corporate managements,

(2) Appointing a member to assume duties of the Manager of the condominium corporate in the case where there is no Manager or the Manager is unable to perform normal duties in excess of seven days.

(3) Arranging the Board Meeting to be convened at least once every six months.

(4) Other duties prescribed under Ministerial Regulation."

Section 23

The following provisions shall be added as Section 38/1, Section 38/2 and Section 38/3 of Condominium Act, B. E. 2522:

"Section 38/1

The condominium corporate shall prepare a balance sheet at least once every twelve-month cycle which shall be deemed as accounting year of such condominium corporate.

The balance sheet under paragraph one must contain the particulars on the amount of properties and liabilities of the condominium corporate as well as receipt-expenditure account and audited by an auditor and then submitted to the Joint Owner General Meeting for approval within one hundred and twenty days from the date ending the accounting year.

"Section 38/2

The condominium corporate shall prepare an annual report showing operational result for submission to the Joint Owner General Meeting together with proposing the balance sheet and that photocopies of such documents shall be forwarded to joint owners at least seven days prior to the date scheduled for the Meeting.

Section 38/3

The condominium corporate shall maintain the annual report showing the operational result and balance sheet including Bylaws at the condominium corporate office to enable the competent official or joint owners for jointly review.

The condominium corporate shall maintain the annual report showing the operational result and balance sheet under paragraph one for a period of not less than ten years from the date of receiving approval from the Joint Owner General Meeting."

Section 24

The provisions under Section 42 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 42

The Manager shall arrange to have a General Meeting convened which shall be deemed to be the first Ordinary General Meeting within six months from the date of the registration of the condominium corporate in order that the Meeting can appoint the Board and consider for approval the Bylaws and the Manager having been registered in accordance with the application for the registration of the condominium corporate which has already been submitted.

In the case where the Ordinary General Meeting does not give the approval on the Bylaws or the Manager under paragraph one, the Ordinary General Meeting shall consider the alteration or modification on such Bylaws or Manager or removal thereof and then appoint a Manager, as well."

Section 25

The following provisions shall be added as Section 42/1, Section 42/2, Section 42/3 of Condominium Act, B. E. 2522:

"Section 42/1

The Board shall arrange to have the Ordinary General Meeting convened once a year within one hundred and twenty days from the date ending the accounting year of the condominium corporate to undertake the following businesses:

(1) Considering for approval the balance sheet,

(2) Considering the annual report,

(3) Appointing an auditor,

(4) Considering other matters.

Section 42/2

In the case of necessity, the following persons shall have the right to summon an Extraordinary General Meeting whenever required:

(1) The Manager,

(2) Board by its resolution exceeding a half of the Board Meeting,

(3) Joint owners of not less than twenty percents (20%) of the total votes of the joint owners signing to make a letter requesting the Meeting to be convened for submission to the Board. In this case, the Board shall arrange to have the Meeting convened within fifteen days from the date of receiving such request. Should the Board fail to have the Meeting convened within such prescribed time, The joint owners of the aforementioned number shall have the right to arrange to have such Extraordinary General Meeting convened by themselves by appointing a person from them to be their representative in issuing letters of summoning to attend the Meeting.

Section 42/3

On summoning to the General Meeting, written letters indicating the place, date, tie and Meeting agendas and the matters to be presented to the Meeting together with reasonable details shall be made and forwarded to the joint owners at least seven days prior to the Meeting date."

Section 26

The provisions under Section 43 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 43

At a General Meeting, there must be the Meeting attendees with the collective votes of not less than one fourth of the total number of the votes to constitute a quorum.

In case co-owners present in the meeting do not constitute the quorum as specified in First Paragraph, a new meeting shall be convened within fifteen days from the day convening in the previous time; the latter general meeting has no enforcement that the quorum shall be constituted.

The Manager or spouse of the Manager shall be prohibited to chair the General Meeting."

Section 27

The provisions under Section 47, Section 48 and Section 49 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 47

A joint owner may give a written proxy to the other person in casting the vote on his behalf, however, a proxy shall not be permitted to receive such written proxy to cast the votes in a meeting in excess of three units.

The following persons shall be prohibited to receive a proxy to cast the vote on behalf of a joint owner:

(1) Board members and their spouses,

(2) The Manager and his spouse,

(3) Staffs or employees of the condominium corporate or contractors of the condominium corporate,

(4) Staffs or employees of the Manager in the case where the Manage is a corporate.

Section 48

A resolution on the following matters must have the votes of not less than a half of the total votes of the joint owners:

(1) A purchase of real estate or acceptance as a gift of real estate with the encumbered charge being the common property,

(2) A disposition of common property being the real estate,

(3) A permission to a joint owner to build, decorate, make a change in, alteration on or addition to his own unit at his own expenses which adversely affect the common property or the external features of the condominium,

(4) An alteration on or a change in the Bylaws relating to the use or management of the common property,

(5) An alteration on or a change in the ratio of the common expenses in the Bylaws defined under Section 32 (8),

(6) A construction deemed to be a change in, addition to or modification on the common property,

(7) An arrangement for the exploitation from the common property.

In the case where the joint owners attending a meeting does not constitute the number set forth under paragraph one, a new meeting shall be summoned within fifteen days from the date of summoning the preceded meeting and that a resolution relating to the matter provided under paragraph one in this new meeting must receive the votes of not less than one third of the joint owners' total votes.

Section 49

A resolution relating to the following matters shall receive the votes of not less than one fourth of the joint owners' total votes:

(1) Appointment or removal of the Manager,

(2) Stipulation on the business which the Manager has the power to assign the other person to carry out on his behalf."

Section 28

The following provisions shall be added as Chapter 6/1 – Competent Official, Section 60/1, Section 60/2 and Section 60/3 of Condominium Act, B. E. 2522.

"Chapter 6/1

Competent Official

Section 60/1

In performing in accordance with this Act, the competent official shall have the power as follows:

(1) Conveying a letter to any person calling for such person to make a statement, give explanation on the facts or else make a written explanation or submit documents, accounts, registers or any evidences to support a consideration or a check on the performance in compliance with this Act.

(2) Entering the land and building requested for registration as a condominium or the land, building or premises being the common property of the condominium in order to make inquiries on the facts, verify documents or evidences to support the consideration or check the performance in compliance with this Act.

(3) Attaching documents, accounts, registers or evidences for the benefit of verifications and proceeding the case under this Act.

On performing duty under (2), the competent official shall not act in a manner of threatening or search in accordance with Criminal Procedure Code.

On performing duty under paragraph one by the competent official, related person(s) shall provide reasonable facilitations to such competent official.

Section 60/2

On performing duty, the competent official must produce his identification card to related person(s).

The identification card of the competent official shall be in accordance with the form set forth by the Minister.

Section 60/3

On performing duty in accordance with this Act, the competent officials shall be the official in accordance with the Criminal Code."

Section 29

The provisions under Section 62 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions:

"Section 62 – The provisions of Land Code under Chapter 11 – Fees, shall apply to the levies of fees under this Act *mutatis mutandis*."

Section 30

The following provisions shall be added as Chapter 8 – Penalty, Section 63, Section 64, Section 65, Section 66, Section 67, Section 68, Section 69, Section 70, Section 71, Section 72 and Section 73 of Condominium Act, B. E. 2522:

"Chapter 8

Penalty

Section 63

A person having an ownership in the land and building in accordance with Section 6, whoever violating paragraph one of Section 6/1 or paragraph one of Section 6/2 shall be liable for punishment of a fine not exceeding one hundred thousand Baht.

Section 64

Whoever violating paragraph two of Section 6/1 shall be liable for punishment of a fine from fifty thousand Baht up to one hundred thousand Baht.

Section 65

Whoever violating Section 17/1 shall be liable for punishment of a fine not exceeding fifty thousand Baht and an additional fine not exceeding five thousand Baht per day throughout the period of such violation.

Section 66

An alien or a corporate deemed by law to be an alien whoever fails to notify a competent official on the *factum* provided under paragraph two of Section 19 *penta*, Section 19 *septem*, Section 19 *octo*, Section 19 *novem*, Section 19 *decem* and Section 19 *linquere* within the prescribed time, shall be liable for punishment of a fine not exceeding ten thousand Baht and an additional fine not exceeding five hundred Baht per day throughout the period of such violation.

Section 67

Whoever holding an ownership in a unit in the capacity of an owner on behalf of an alien or a corporate deemed by law to be an alien notwithstanding whether or not such alien or corporate shall have a right to hold an ownership in a unit under this Act, shall be liable for punishment of imprisonment not exceeding two years or a fine not exceeding twenty thousand Baht or both and that the provisions under paragraph 4 of Section 19 *penta* shall apply *mutatis mutandis*.

Section 68

Whoever failing to comply with paragraph three of Section 29 and Section 36 (5) shall be liable for punishment of a fine not exceeding fifty thousand Baht and an additional fine not exceeding five hundred Baht per day throughout the period of improperly compliances.

Section 69

Any manager violates or does not observe under Section 32, Second Paragraph, Section 35/2, Section 37, Fifth Paragraph and Section 42 First Paragraph, the punishment shall be a fine of not more than five thousand baht.)

Section 70

The Board Chairman whoever failing to comply with Section 37/5 and Section 38 (3) shall be liable for punishment of a fine not exceeding five thousand Baht.

Section 71

Any condominium corporate violating or failing to comply with Section 38/1, Section 38/2 and Section 38/3 shall be liable for punishment of a fine not exceeding ten thousand Baht.

In the case where a condominium corporate commits an offence under paragraph one, the respective Manager shall be liable for punishment provided for under paragraph one, as well, unless otherwise it can be proved that he takes no part in committing such offence.

Section 72

A joint owner whoever carrying on a construction, decoration of, modification on, change in or addition to his unit in violation of Section 48 (3) shall be liable for punishment of a fine not exceeding one hundred thousand Baht.

Section 73

Whoever failing to comply with an order of, obstructing against or failing to provide facilitation to a competent official performing duty under Section 60/1 shall be liable for punishment of imprisonment not exceeding three months or a fine not exceeding six thousand Baht or both."

Section 31

The provisions under Section 14, Section 15 and Section 18 of Condominium Act, B. E. 2522 which have been revised by this Act shall not apply to the stipulation on the ownership ratio of the common property, assets deemed to be the common property and the fixing on the rate of the joint owners' common expenses in the condominium registered as a condominium previously or prior to the date on which this Act has been put into force.

Section 14, Section 15 and Section 18 of Condominium Act, B. E. 2522, shall still continue to be effective for condominiums registered as condominiums previously or prior to the date on which this Act has been put into force.

Section 32

The provisions under Section 17/1 and Section 65 of Condominium Act, B. E. 2522 which have been revised by this Act shall not apply to the condominiums registered as condominiums containing unit(s) used in carrying on trading business previously or prior to the date on which this Act has been put into force.

Section 33

The Bylaws then being enforceable on the date on which this Act has been put into force shall still continue to be enforceable to the extent that they are not contradictory to or inconsistent with this Act and that the condominium corporate shall take steps to make the revisions or amendments to make them compatible with this Act within three hundred and sixty days from the date on which this Act has been put into force.

Section 34

The Manager or condominium corporate members holding office as of and on the date on which this Act has been put into force shall continue to hold office until the expiration of the term in office as stipulated under the Bylaws or until the Joint Owner General Meeting will appoint a new Manager or new members, as the case may be.

Section 35

The rates of fees and expenses annexed to Condominium Act, B. E. 2522, shall be cancelled and superseded by the rates of fees and expenses annexed to this Act.

Section 36

The Interior Minister shall take charges and controls over the executions in compliance of this Act.

Counter-signed by General Suryuth Chulanond as Prime Minister

Remarks: The reason for promulgating this Act is: Whereas the Condominium Act, B. E. 2522 has been in force for quite a long time and it appears that many rules and details, practically, cannot be put into force and are not adequate for use in providing protections over the people purchasing the condominium units for dwelling purpose, therefore, it is expedient to revise the provisions under this Act in order to solve the problem arising out of the law enforcements and to provide protections over the people purchasing the condominium units for dwelling purpose, with more efficiency including the expediency to reasonably adjust the rates of fees and expenses. Therefore, it is necessary to enact this Act.

Condominium Act (No. 3) B.E. 2542 (1999)

Translation

BHUMIBHOL ADULYADEJ REX.
Given on the 12 nd Day of April, B.E. 2542
Being the 54 th Year of the Present Reign

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

Whereas it is expedient to amend the law governing condominium.

This Act has some provision concerning Section 29 and Section 48 of the Constitution of Kingdom of Thailand prescribing that the limitation of right and liberty of a person shall be done by virtue of law.

BE IT ENACTED BY THE KING, by and with the advice and consent of the National Assembly, as follows:

Section 1

This Act shall be called the "Condominium Act (No. 3) B.E. 2542 (1999)".

Section 2

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

Section 3

The provision of Section 19 (5) of the Condominium Act B.E. 2522 (1979) amended by the Condominium Act (No. 2) B.E. 2534 (1991) shall be repealed and replaced by the following provisions:

"(5) Aliens or juristic persons deemed by Thai law to be aliens, who have brought into the Kingdom foreign exchange or withdrawn the money from the non-resident Baht account or withdrawn the money from the foreign currency deposit account."

Section 4

The provision of Section 19 bis of the Condominium Act B.E. 2522 (1979) amended by the Condominium Act (No. 2) B.E. 2534 (1991) shall be repealed and replaced by the following provisions:

"Section 19 bis In each condominium, aliens or juristic persons stated in Section 19 may have ownership in a condominium unit, when added together, must not exceed forty nine percent of the total space of all units in that condominium at the time of applying for the condominium to be registered under Section 6.

Any condominiums whereby an aliens or juristic person under Section 19 holding the ownership in condominium units in a proportion exceeding as allowed by paragraph one, such condominium shall be situated in the area of Bangkok Metropolis, municipal area or local public administrative area specified in the Ministerial Regulation; and the land, where the condominium is situated including the land allotted for common use, shall not exceed 5 rai.

The acquisition of ownership under paragraph two of the alien or juristic person under Section 19 shall be in compliance with the rules, procedures and conditions provided in the Ministerial Regulation."

Section 5

The provision of Section 19 tri (5) of the Condominium Act B.E. 2522 (1979) amended by The Condominium Act (No. 2) B.E. 2534 (1991) shall be repealed and replaced by the following provisions:

"(5) Aliens and juristic persons under Section 19 (5) shall present the evidence of bringing foreign exchange into the Kingdom or the evidence of withdrawing money from the non-resident Baht account or withdrawing from the foreign currency deposit account to the amount not less than the price of the condominium units intended to buy."

Section 6

The provision of Section 19 quarter of the Condominium Act B.E. 2522 (1979) amended by the Condominium Act (No. 2) B.E. 2534 (1991) shall be repealed and replaced by the following provisions:

"Section 19 quarter the competent official shall receive the documents and evidences submitted according to Section 19 tri and verify accordingly. if it is found that they are correct subject to the provisions of Section 19 tri and that the proportion of ownership in condominium units held by aliens or juristic persons under Section 19, who is already had ownership in condominium unit or that applying for receiving the transfer of the ownership of the condominium units, not exceeding the proportion as allowed by Section 19 bis paragraph two and three, the competent official shall proceed with the registration of rights and juristic act concerning the condominium unit in accordance with Chapter 4 in favor of the alien and juristic person who is a transferee."

Section 7

The provision of Section 19 quinque (1) of the Condominium Act B.E. 2522 (1979) amended by the Condominium Act (No. 2) B.E. 2534 (1991) shall be repealed and replaced by the following provisions:

"(1) Aliens or juristic persons under Section 19 obtaining the condominium unit devolved upon him by statutory right or by will or by other means as the case may be, when added to the condominium units, in that condominium, having been already held by aliens and/or juristic persons under Section 19 exceeding the proportion as specified in Section 19 bis paragraph one or not complying with the rules under Section 19 bis paragraph two and paragraph three."

Section 8

The provision of Section 19 novem paragraph one of the Condominium Act B.E. 2522 (1979) amended by the Condominium Act (No. 2) B.E. 2534 (1991) shall be repealed and replaced by the following provisions:

"Section 19 novem Any person who obtains an ownership in a condominium unit whist enjoying the Thai nationality and subsequently loses it because of relinquishment, change or annulment of the Thai nationality, in accordance with the nationality laws and consequently becomes an alien under Section 19 and if he wishes to continue to hold the ownership in the condominium unit, he shall have to notify in writing to the competent official of the loss of his Thai nationality. He must also present the evidence proving that he is an alien under Section 19, to the competent official within one hundred and eighty days from the date of the loss of his nationality. However, if the ownership in condominium unit of that person exceeding the proportion as allowed by Section 19 bis paragraph one or not complying with the rules under Section 19 bis paragraph two and paragraph three, such person shall dispose of the excess unit(s), which is not under the aforesaid rules, within one year form the date of the loss of this Thai nationality. If he failed to dispose of within the said time, the provisions of Section 19 quinque, paragraph four shall apply *mutatis mutantis*.

Section 9

On the completion of 5 years as from the date of this Act comes into force, the provisions of Section 19 bis, paragraph two of the Condominium Act B.E. 2522 (1979) which amended by this Act shall be repealed.

After the 5 year period comes to an end as from the date of this Act comes into force under paragraph one, aliens and juristic persons obtaining the condominium unit by virtue of Section 19 bis, paragraph two or aliens and juristic persons receiving the ownership transferred from the formers may continue holding the condominium units, even the holding exceeding the proportion prescribed in Section 19 bis, paragraph one.

Section 10

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

Countersigned by Mr. Chuan Leekpai as Prime Minister

Condominium Act B.E. 2522 (1979)

Translation

Somdet Phra Paramintharamaha Bhumibol Adulyadej
Enacted on the 21st Day of April B.E. 2522
Being the 34th Year of the Present Reign.

Where as the Assembly of the People's Representatives has passed a resolution that it is deemed expedient to promulgate the law on condominium.

Be it therefore enacted by the King, by and with the advice and consent of the Assembly of the People's Representatives, as follows:

Section 1

This Act is called “The Condominium Act B.E. 2522”

Section 2

It shall come into force after 180 days has elapsed from its publication in Government Gazette.

Section 3

All other laws, regulations and rules, in so far as they deal with matters govern by the said Acts, or are inconsistent with its provisions, shall be repealed.

Section 4

In this Act

“Condominium” means the building that can be separated into units for individual ownership which include personal and common properties.

“Personal property” means condominium unit and other construction or land provided for individual unit.

“Unit” means part of the building that is separated to be owned by individual.

“Common property” means part of the building that is not the unit such as land on which the building is constructed or other properties provided for common use

“Certificate of Condominium Ownership” means important document that certifies ownership of personal property and common property

“Co-owner” means the owner of condominium unit

“Condominium” means the condominium registered under this condominium act

“Regulation” means the rules of the condominium

“Official” means the state officer appointed by the Ministry to enforce this act

“Minister” means the Minister who is in charge of this act.

Section 5

The Ministry of Interior shall have power to issue Ministerial Regulations under the “Condominium Act B.E. 2522” with regard to the appointment of executing officers including the designation of fees not exceeding the Schedules annexed to this Act, and on other executions to serve the Ministerial Regulations issued.

Such Ministerial Regulations shall come into force upon being published in the Government Gazette.

Condominium Registration

Section 6

Owner of land and building, who wants to register such property to be a condominium under the provision of this Condominium Act, shall file the application of registration with the official supporting by the following documents:

1. Land title deed
2. Building map
3. Ownership ratio to common property held by individual owner under Section 14
4. Description of unit, personal property and common property
5. Testimonial of the applicant to certify that the building being applied for registration is not mortgaged except that such mortgage was made to the building with the land altogether
6. Other evidence prescribed under Section 7

Section 7

After the Official received the application of registration under Section 6, if it appears to have the mortgage creditor, or the preferential creditor over the land and building on the land title deed, the registration official shall announce such application and to serve on the application to the creditors thereof to contact the official with supporting documents within thirty days from the date of being notified.

To execute under this Act, the official has the power to enter into the land and building for inspection during the period between sunrise and sunset and to power to order any person to testify or to submit any necessary documents. The official shall be regarded as the official under criminal act.

After the official is of satisfaction that the land is free from any binding, or the mortgage creditor has no objection against registration of condominium, the official shall accept the application.

However, if the building has been mortgaged without the land, the application shall not be accepted for registration. In such case the official shall notify without delay the applicant of the reason denying the application.

In case the registration is accepted, the registration of any condominium shall be published in the Government Gazette.

Section 8

The application of registration under Section 7 shall be subject to the procedures under this Act.

Section 9

After the application accepted by the official, the land title deed presented under Section 6 shall be forwarded to the local land official of the jurisdiction over such condominium is situated within fifteen day after the registration has been made. The land title deed shall be recorded as being under this Condominium Act. In case the land is mortgaged, and the mortgage creditor concurred to the registration, such land title deed shall be kept at the Land Department by endorsing such concurrence at the back of the deed under the provision in Section 7 paragraph three and with the amount of money the mortgage creditor shall be paid by each condominium unit under Section 22.

Section 10

When the registration completed and the endorsement was made under Section 9, no further legal act or recording of rights against such land deed shall be made, except for the provision under this Act. Any further obligation registration of the condominium shall not be made.

Section 11

If the official has denial order to reject the application of registration, the applicant has the right to appeal such order by filing the motion in writing to the Ministry within thirty day after the order is notified to him.

The appeal motion shall be considered by the Minister within sixty day after the receipt of such appellant, and the Ministry judgment shall be final.

Condominium Ownership

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Section 12

The condominium ownership is indivisible.

Section 13

Unit owner has the ownership right in his personal property and the co-ownership right in the common property.

Unit floor, connecting walls separating units shall be deemed as shared property between the two units thereto. Utilization of such property shall be governed by the Regulation.

Unit owner shall not conduct any act against his personal property that may impact the construction structure, protection system, or any other restrictions prescribed in the Regulation.

Section 14

Ownership of the common property partly held by unit owner shall be in line with the ratio represented by each condo unit to the overall value of all units in the condominium building upon the time of registration under Section 6.

Section 15

Following properties shall be deemed as common property:

1. Land on which is building is constructed
2. Land provided for common utilization
3. Structure and construction of the building to protect the damage of the condominium
4. Building or part of the building and equipment provided for common use
5. Machines and tools provided for common use
6. Facilities and services provided for common use
7. Other properties provided for common use or common interests

Section 16

Common property which is immovable property shall not be sued or mortgaged or executed for auction sale separately from the personal property.

Section 17

Management and utilization of common property shall be compliant to the Regulation or this Condominium Act.

Section 18

Co-owners shall contribute all relevant expenses occurred from the services provided, expense from maintenance of tools, equipment, calculated from the ownership ratio set forth in the Regulation. Co-owners shall contribute all duties and taxes; repair and maintenance costs of the common property based on the ratio represented in common property under Section 14.

Section 19

Alien person, or alien juristic person, may own condominium unit provided that such alien person or alien juristic person of the following qualifications:

(1) Alien person permitted to resident in the Kingdom under Immigration Law.

(2) Immigrants permitted to enter the Kingdom under BOI law.

(3) Registered Alien Juristic Person under Section 97 and 98 of the Registered Land Code to become Thai Juristic Person.

(4) Alien Juristic Person which has been qualified under the Announcement of The Revolution Committee No. 281 dated 24 November B.E. 2515 and the Certificate of BOI granted under BOI Law.

(5) Alien or Alien Juristic Person who brought foreign currency into the Kingdom or withdrew the money from their bank account in baht currency of foreign residents, or withdrew their deposit bank account from foreign bank.

Section 19 bis

Ownership by aliens in each condominium under Section 19 shall not exceed 49% of the total area of such condominium which was registered under Section 6.

If the total ownership by aliens exceeds the limit prescribed in the first paragraph, such condominium must be situated in Bangkok, municipal zone, or local government zone prescribed in the Ministerial Regulation and the total building with land area provided for common utilization not exceeding 5 Rai.

Acquiring of the condominium ownership under the second paragraph, the alien person or alien juristic person under the provision of Section 19 shall be compliant to the conditions, procedures prescribed in the Ministerial Regulation.

Section 19 ter.

Transfer of the condo unit to alien person or alien juristic person under Section 19, the applicant of transfer shall report the name of the alien person or alien juristic person qualified under Section 19 and the ratio of ownership already held by the alien person or alien juristic person to the registration official. The alien person or alien juristic person shall also be required to present the following evidences to the register official:

(1) For the alien prescribed under Section 19 (1), shall present the evident permitting him to be the residents of the Kingdom under Immigration Law.

(2) For the alien prescribed under Section 19 (2), shall present the evident permitting him to immigrate into the Kingdom under BOI Law.

(3) For the alien juristic person under Section 19 (3), shall present the evident of juristic identity registration under Thai Law.

(4) For the alien juristic person under Section 19 (4), shall present the Certificate of BOI under the BOI Law.

(5) For the alien person or alien juristic person under Section 19 (5), shall present the evident of bringing in the foreign currency, or the withdrawal evidence of the Thai Baht Account from the foreign bank account of the Thai resided outside the Kingdom, at the amount not less than the value of condo unit being transferred.

Section 19 quarter.

After the evidences required under Section 19 ter have been received, and proved to be correct, and provided that the ownership ratio held or to be held by the alien person or alien juristic person are not exceeding the percentage set forth in Section 19 bis, first paragraph, or within the principle of Section 19 second and third paragraphs, the official shall register the transfer of the condo unit thereof according to the procedures under Title 4 to the alien ownership or to the alien or alien juristic person applying the registration.

Section 19 quinque.

The alien person or alien juristic person under Section 19 may sell his condo unit under the followings:

(1) In case that the condo unit was devolved on the heirs to alien person or the unit was devolved on other causes as the case may be, and the ownership ratio by alien is already exceeding the ratio as prescribed under Section 19 bis paragraph one, or Section 19 bis second paragraph, or second paragraph.

(2) If the alien under Section 19 (1) whose residential right in the Kingdom was revoked.

(3) If the alien under Section 19 (1) (2) and (5) was order to banish out of the Kingdom.

(4) If the alien under Section 19 (2) was not permitted to resided in the Kingdom.

(5) If the alien juristic person under Section 19 (4) whose BOI Certificate was revoked.

In case of selling the condo unit, the alien person or alien juristic person because of the law enforcement above, the condo owner shall report such sale to the official in writing within 60 days from the date of the must sale incurred.

The sale in (1) shall be only the condo unit in excess of the limit ownership ratio. The sale in (2) (3) (4) and (5) must be made to all condo units in his possession.

The sale of condo unit under paragraph 3 must be made within the period of one year from the date of acquisition of condo unit ownership or from the date the residential permit was revoked or the person was banished, or the resided license is not valid, or the date that the BOI Certificate was withdrawn as the case may be. If the condo unit was not sold within the given time, the Director of Land Department shall have the right to sell the unit thereto. In this case the law enforcing to dispose land under Title 3 of the Land Act and other relevant laws shall be applied mutatis mutandis.

Section 19 sex.

Where the competent official revokes the resident permit for the alien person or if it appears that the residential permit is not valid for the person referred to under Section 19 (1) or the official banishes the alien person under Section 19 (1) (2) or (5) or the official withdrew the residential permit to alien under Section 19 (2) or the BOI Certificate was withdrawn from the alien juristic person under Section 19 (4) as the case may be, the competent official shall report the Director of Land Department within 60 days from the date of issue of the order or from the date of the fact was disclosed.

Section 19 septem.

All aliens not prescribed under Section 19 who receives the condo unit either by heirs or by any other ways, shall have to report the matter to the official within 60 days from the date of receiving such property and must sell this property within one year from the date he receive it, otherwise, the provision under Section 19 quinque shall be applied mutatis mutandis.

Section 19 octo.

The ownership of condo unit by the a Thai person who later on lost his Thai Nationality, under the Section 19 of the Alien Act, and he wants to continue his ownership of the condominium unit thereof, shall have to report in writing to the losing of his Thai Nationality to the competent official. He also has to present the evidences to verify his status under Section 19 within 180 days from the day of losing Thai Nationality. However, if the person under the first paragraph does not to possess the condo unit anymore, he shall have to report his possession of such condo unit to the official within sixty days after his Thai Nationality has lost. Otherwise, the provision of Section 19 quinque shall be applied mutatis mutandis.

Section 19 X

If the condominium unit was originally owned by a Thai juristic person and later on the juristic status changed to alien juristic person, but not entitled to the alien juristic person under Section 19, the juristic person who possesses such condo unit shall have to report the official that his status of owning the condo unit is now invalid within sixty days after the status changed. Whereby the condominium unit must be sold within one year from the day the status changed. Otherwise the provision under Section 19 quinque paragraph four shall apply mutatis mutandis.

Section 19 XI

If the condominium unit was originally owned by a Thai juristic person and later on the juristic status changed to alien juristic person and the status remains classified in Section 19, the juristic person who possesses such condo unit and wanted to maintain his possession shall have to report the official of his new status and to provide his evidences of being the alien juristic person under Section 19 to the official within 180 days after the status changed. However, if the ratio of ownership exceeds the

limitation prescribed by law, the condominium unit shall have to be sold within a period of one year from the date of status changed. Otherwise the provision under Section 19 quinque paragraph four shall be applied mutatis mutandis.

Section 19 XII.

If the alien person or alien juristic person whose duty has to report the official of his condo unit to be sold, or his possession of the condominium unit, or he has lost his Thai Nationality, or his juristic person status changed, as the case may be, fails to report to the official within the fixed timing, he shall be obliged to pay penalty charge of 500 baht per day until he complies with law.

Section 19 XIII.

Person who possesses the condominium unit on behalf of the alien, whether such alien is entitled to posses the condominium unit or not, shall be subject to imprisonment of not over two years or twenty thousand baht or both, and the provision under Section 19 quinque paragraph four shall be applied mutatis mutandis.

In case of any doubt that there is offensive commitment against this Condominium Act, the official has the power to investigate and the relevant person can be called to testify or relevant evidences can be called as necessary.

Any person fails to comply with the provision under paragraph two, shall be subject to imprisonment of three months or six thousand baht fine or both.

Ownership Certificate

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Section 20

After the condominium was registered under Section 7, the registration officer shall issue the ownership certificates according to the section map of condominium building showing detailed units in the building without delay.

Registration of ownership right and legal act shall not be made until the condominium was registered under Section 31 except for the removing of a mortgage under Section 22 or the transfer of the entire units to a single person or many persons by holding common right of ownership.

Section 21

At least the following materialized contents shall be shown in the Certificate of Ownership:

(1) Land location and land area of the condominium
(2) Location, space and map of the condominium unit showing width, length and height
(3) Ownership ratio representing in common property
(4) Name and surname of the unit's owner
(5) Contents for ownership registration and legal act
(6) Signatory of the registrar
(7) Official position stamp

The Certificate of Ownership shall be produced in duplicate. One copy is retained by the unit's owner and the other copy retained at the official's office. The copy retained at the official's office can be photo copy which must be affixed with official stamp and signatory.

The format, issuing procedure, and the substitute copy of Certificate of Ownership shall be as follows:

Section 22

Where the immovable property under Section 15 (1) or (2) was bound with any mortgage before the condominium is registered, but the mortgage creditor gave his consent to registration under Section 7 paragraph three, when the Certificate of Ownership was issued, the official just endorse such mortgage in every copy of the Certificate of Ownership stating the amount of money which shall be received by the mortgage creditor based on the calculation of ownership ratio representing in common property of the unit thereof.

Where the Certificate of Ownership was issued under the first paragraph, each condominium unit shall be deemed as the guarantee of the mortgage only the part that being endorsed.

Section 23

Where the official registered the mortgage in the Certificate of Ownership under Section 22, the first sale of the condominium unit thereof, shall be free from mortgage binding.

Section 24

Where the Certificate of Ownership, registration of ownership right and legal act relating the unit or the contents for registration of the unit thereof are unlawful, the official shall amend the incorrect and or revoke the certificate as the case may be.

The competent official has the right to investigate the cause of such error. However, the official shall notify the finding to the interested persons prior to issuance the order of revoke or amendment at least not less than fifteen days to allow any petition. If there is no petition appears within 30 days, it is regarded that no petition. The official has the right to issue the substitute of Certificate of Ownership if the original copy was missing or unobtainable.

After the official considered the matter according to paragraph one, the matter shall be executed according to the decision of the officer thereof. However, if the Court has different judgment or order, the matter shall be complied with the judgment or order of the Court.

Section 25

In case of loss or damage to the Certificate of Ownership, a substitute copy can be requested by the unit's owner.

Section 26

Where the substitute copy was issued under Section 24 or Section 25, the original copy shall be cancelled, except otherwise order by the Court.

Section 27

Where the copy retained at the official office is missing or loss in materialized contents, the official shall request the copy retained by unit's owner to consider and produce another copy based on the original evidence.

Registration of Ownership and Legal Act

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Section 28

The official under this Condominium Act is the registrar official relating condominium unit ownership and legal act.

Section 29

Registration relating condominium ownership or legal act shall be made with the registrar by bringing the Certificate of Ownership to the official.

Where the registration of legal act concerning transfer of ownership of the condominium unit, the applicant shall submit the Debt Certificate issued by the juristic person manager of the condominium for the expenses under Section 18 certifying the condominium unit being transferred is free from any outstanding debts. Transfer of condominium unit shall be made only the unit has no outstanding debts.

The official may invite the juristic person manager to testify on the debts of the unit thereto under paragraph two. However, the provision under paragraph two shall not apply to the transfer made before the registration of the condominium.

Section 30

The provision under the Land Code Section 6 on the Land Registration, and the Ministerial Regulations issued under the Code thereof, shall be applied to enforce the legal act registration of the condominium unit mutatis mutandis.

Juristic Condominium

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Section 31

Transfer of condominium unit to any person which is not the transfer of all ownership of the entire condominium to one person or many persons shall be made on the condition that the transferor and the transferee present the application of transfer and application of registration simultaneously to the registrar official with the copy of registration procedure of the condominium.

Where the official is of opinion that the application is correct, the registrations of transfer in paragraph one shall be executed and the transfer shall be published in the Government Gazette.

Section 32

Condominium Regulation shall contains the following information as the least.

(1) Name of the condominium must contains juristic condominium or condominium juristic person.

(2) Objectives of the condominium.

(3) Condominium building location and/or address.

(4) Expense to be contributed by co-owners in advance.

(5) List of common property in addition to those appeared under Section 15, if any.

(6) Management of common property

(7) Use of personal and common properties.

(8) Ownership ratio represent to the common property upon the registration of the condominium.

(9) Convening the general meeting and meeting procedure.

(10) Total expense ratio shared by co-owners under Section 18.

(11) Appointment, powers and duties, term in office, retirement of the juristic person manager.

(12) Other statements prescribed in the Ministerial Regulation covering the registered regulation or amendment of the registered regulation with the official.

Section 33

The condominium which has been registered shall be regarded as a juristic person who has the administration and management to achieve the registered objectives by means of the resolution passed by co-owners and under the provision of Condominium Act.

Section 34

In case the condominium is partly expropriated by law, the owners of that part of the condominium building shall be terminated from the right in the remaining common properties. In such case, the juristic person shall organize all other co-owners whose units not appropriated jointly recover to the owners losing their rights based on the ratio of individual unit representing to the common property.

In the interest of the recover in paragraph one, the debt to be paid shall be the preferential debt over the personal property of the remaining units from land appropriation similar to the expense under Section 18 paragraph two.

Section 35

The condominium shall elect one manager which can be either a normal person or juristic person. In case that the manager is a juristic person, a normal person shall be appointed to represent the juristic person to act as the manager.

Section 36

Powers and duties of the manager consist of the following:

(1) Performs administrative functions to achieve the objectives set under Section 33 or the resolution made in the general meeting or the committee meeting under Section 37, however, without inconsistent to the regulation.

(2) In case of emergency and necessity, the manager has the power to handle the situation for the safety of the building with his own initiative, in the same manner as a person of ordinary prudence would care to maintain his own property.

(3) Acts as the representative of the condominium.

(4) Performs other functions prescribed in the Ministerial Regulation. The manager shall perform his own function in his person except the functions resolved in the general meeting under Section 48 (3) setting permission for the manager to assign the function to be performed by his representative.

Section 37

A Management Committee of not exceeding 9 members can be appointed by co-owners to oversee the administration of the condominium in the general meeting under Section 44.

Appointment, office term, termination, powers and duties and meeting procedure of the management committee shall be resolved by the general meeting under Section 44

Section 38

Person of following qualifications can be elected to be the management committee.

(1) Co-owner or co-owner's spouse.

(2) Legal representative, curator, or custodian in case that the co-owner is a minor or incompetent person or person of quasi-incompetent, as the case may be.

(3) Manager or other representative if the co-owner is a juristic person.

Section 39

The juristic person may extend co-owners' right to the entire common property in defending outside person, or demanding any property in the best interest of co-owners.

Section 40

Co-owners shall contribute their money for condominium operation in the following expenses:

(1) Advance money to be paid by every unit.

(2) Fund to be spent on specific matter according to the resolution in general meeting or regulation.

(3) Other funds as resolved in the general meeting at the amount prescribed.

Section 41

For the interest of forcing compulsory performance of the debts from expenses under Section 18, the juristic person has the preferential right as follows:

(1) Preferential right to the debt under Section 18 paragraph one shall be regarded as equaling preferential right under Section 259 (1) of the Civil and Commercial Code and over the personal moveable property kept in condo unit.

(2) Preferential right to the debt under Section 18 paragraph two shall be regarded as equaling preferential right under Section 273 (1) of the Civil and Commercial Code and over the personal property.

The preferential right in (2) if presented to the official by the juristic person manager, shall be prioritized before mortgage creditor.

Section 42

The meeting for co-owners is called the first general meeting to be conducted within 6 month from the date the condominium was registered. Next general meeting shall be held al least once a year.

Section 43

In each general meeting, the present co-owners to the meeting must be at least one-thirds of the total vote to constitute the quorum.

Section 44

Resolution of the general meeting must be approved by the majority vote of the present co-owner in the meeting except otherwise prescribed by the Condominium Act.

Section 45

Voting by individual owner, shall be equaled to the ownership ratio represented to common property.

If one owner has the right equaling to the total vote of all remaining owners, the ownership ratio of the single owner shall be reduced to equal the sum of other owners' right.

Section 46

If the regulation sets that only some owners have to pay a certain expense for specific matter, those related owners shall have the right of vote on the matter thereof. Each owner has the right of vote equaled to his ownership ratio represented to the common property prescribed under Section 18 paragraph one.

Section 47. Co-owner may assign his proxy to vote on behalf of him. One proxy shall not represent more than three co-owners. The juristic manager or his spouse shall not be the chairman of the meeting and shall not be the proxy of any owner.

Section 48

The resolution on the following matters requires the majority votes of all co-owners in the condominium.

(1) Permission granting to any co-owner to extend, modify which may impact the common area or external appearance of the building even by his own expense.

(2) Appointment or dismissal of the juristic person manager.

(3) Setting the manager functions that can be assigned to his representative.

If the present co-owners are not qualified to be the majority vote in paragraph one, the second meeting shall be reorganized within 15 days from the first meeting. The resolution in the latter meeting shall be counted from the majority vote of the present owners in the meeting.

Section 49

The resolution on the following matters requires three-fourths of all co-owners' votes in the condominium.

(1) Correction or adjustment of common area expense under Section 32 (10).

(2) Procuring or receiving of immovable property which binding common property.

(3) Correction of regulation that govern the use of or the administration to common property.

(4) Construction that effect the change of common property, renovation or extension to be made to common property that is not covered by the regulation.

(5) Disposal of common property that is an immovable property.

Section 50

In case of total damage or partial damage to the building but the damage is larger than 50% of the building, and if the owners resolved under Section 48 to rebuild or renovate the building in the part of the damage, the juristic person shall repair or renovate the damage portion thereof without delay.

In case of partial damage and the damage is less than 50% of the building and the majority of units' owners suffered resolved that the damage shall be restored, the juristic person shall restore the damage portion thereof without delay.

Cost of repair or renovation to the damaged area which is common area shall be shared by every co-owner in the building based on the ownership ratio represented in common property. Cost of repair to damaged personal property shall be the expense of individual unit.

New condominium units rebuilt under paragraph one or paragraph two shall be regarded as replacing units to originals. The original Certificate of Ownership shall belong to the rebuilt units. If any details in the Certificate do not match with the rebuilt unit, the competent official has the right to correct the contents in the Certificate. If co-owners resolved that the damaged units shall not be restored according to paragraph one or paragraph two, the provision under Section 34 shall be applied mutatis mutandis.

After the owners of damaged units, whose units are not rebuilt, received the compensation of common property from other owners, the Certificate of Ownership shall be revoked and must be returned to the official within 30 days from the date of receiving the compensation thereto. The official shall endorse the reason for revoking the Certificate in complete set of document duplicate and retain the Certificate at the office of registration. Cancellation of the certificate thereto shall be published in the Government Gazette.

Termination of Condominium

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Section 51

The registered condominium may be terminated by one of the following causes:

(1) If the condominium is not registered, the applicant or the transferee of ownership, request the termination of the condominium as the case may be.

(2) Co-owners unanimously resolve the termination.

(3) Total loss or damage of the building and the co-owners resolved that the condominium shall not be rebuilt.

(4) Total condominium building is expropriated by law.

Section 52

In case that the condominium was terminated under Section 51 (1), the applicant shall apply the registration of termination by using the application form set forth by the Minister and submitted to the registrar.

After the registrar official considers that the application is correct, the official shall record the termination registration and publicize the termination in Government Gazette.

After termination is registered, the provision under Section 54 and Section55 shall be applied mutatis mutandis.

Section 53

In the case that the condominium was terminated under Section 51 (2) or (3), the juristic person manager shall apply the termination application form designated by the Minister together with Certificate of Ownership and the copy of the minutes of the general meeting in which the termination of condominium was resolved or the resolution not to rebuild the condominium was taken which have been certified correct by the manager as the case may be within 30 days from the date of the general meeting.

Where the application, the certificates of ownership and the minutes of the general meeting found correct, the official shall proceed with the registration of condominium termination accordingly. The termination of condominium shall be published in the Government Gazette.

Section 54

After the termination of condominium was registered under Section 52 or Section 53, all Certificates of Ownership of such condominium shall be revoked. Reason for revoke shall be endorse at the back of every copy of the certificate. All revoked copies shall be retained with the registrar's office.

The competent officer has the power to summon the owner copy of the revoked certificate from co-owner or occupant of the condominium unit referred to in paragraph one. The unit owner or occupant of the unit thereof shall submit the certificate (owner's copy) to the official within 30 days from the date the summon was received.

Section 55

The official shall forward the revoked certificate and supporting documents retained at his office to the office of Local Land Department to record such termination in the original contents of the land title deeds showing co-owner's name appeared in the application of termination to be the joint owner of the land at the ratio represented in common property together with any bound obligations stated in each Certificate of Ownership.

After the official endorsed the termination under paragraph one in the land title deed, this land shall not be under the enforcement of this Condominium Act any longer. The land title deed shall be returned to its owner.

*Alien or person specified under Section 19 whose name appeared to be the co-owner of the terminated condominium under paragraph one, shall have to sell the land on his part to other person within one year from the date of termination was registered. Otherwise, the provision under Section 19 quinque paragraph four shall be applied mutatis mutandis.

Section 56

In case the termination was caused by Section 51 (4), the Certificate of Ownership of the condominium shall be revoked. The official shall record the registration of termination and publish such termination in the Government Gazette.

Further to the first paragraph, the record of termination in the original contents of Land Title Deed and the original copy of the Certificate of Ownership shall be executed according to the procedure set forth in the Ministerial Regulation.

Section 57

Where the registration of termination becomes effective, the condominium operation shall be terminated accordingly. The general meeting of co-owner shall appoint the liquidator within fourteen days from the date of registration of termination.

Section 58

The liquidator has the power to dispose off the movable common properties unless resolved otherwise by the general meeting.

Section 59

The provision of the Civil and Commercial Code, Title 22 Partnership and Corporate, Division 5 Liquidation of Registered Partnership, Limited Partnership, and Limted Corporation shall be applied to Condominium liquidation mutatis mutandis.

Section 60

After liquidation is completed, the remaining property, if any, shall be shared among co-owners based on the ownership ratio represented in the common property.

Fees and Expenses

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Section 61

Fees and expenses on application and registration of condominium establishment, application and registration of condominium termination, amendments of condominium regulation, issuance of original and substitution copy of the certificate of ownership, application and registration on legal act concerning condominium unit shall be borne by the applicant at the amount prescribed in the following Section.

Section 62

The provision under the Land Code, Title 11 on Fees Section 104, 105 and 106 shall be applied to this Condominium Act mutatis mutandis.

Counter-signed by Sor Hortrakit as Deputy Prime Minister

Fees and Expenses

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Name of Proceedings	Fees	
(1) Registration of condominium	500.00	Baht/copy
(2) Termination of condominium	500.00	Baht/ Copy
(3) Registration of juristic person	500.00	Baht/ Copy
(4) Amendments of regulation	100.00	Baht/ Copy
(5) Issuance of certificate of ownership or Substitution copy	100.00	Baht/Unit
(6) Legal right or legal act		

a. 2% of the value but not less than	20.00	Baht
b. no value of right and act	20.00	Baht
(7) Sundry other fees		
(1) Application form	2.00	Baht
(2) Copying of document including taking evidence copy by the land officer	5.00	Baht/Page
(3) Certifying the copy taken	5.00	Baht/Copy
(4) Inspection of the ownership	10.00	Baht/Unit
(5) Accepting the attachment of condo unit	10.00	Baht/Unit
(8) Expenses		
(1) Posting announcement	10.00	Baht/Notice
(2) Witness fee	2.00	Baht/Person

Note: The reasons for the announcement of this Condominium Act come into force due to the arising problems and conflicts of the residence in urban areas have been increased and the ownership rights in the immovable property system under the provision of the Civil and Commercial Code could not cover the incidents incurred and to effectively responding the need of the residents in the same building or condominium having indivisible property. This Condominium Act is setting up the ownership system in condominium unit to govern all common residents in the same condominium to hold individual ownership separately from the other persons. At the same time it enables fair contribution of expense sharing. In addition, the establishment of many condominiums now can be organized and administrated under the rules that developed to ensure confidence to buyers of condominium units.

Condominium Act No. 2 B.E. 2534

Note. The reason for releasing of this Condominium Act was to permit alien person or alien juristic person buying condominium to support foreign investment. Published in Government Gazette No. 2534/171 /1por/30 dated September 1991.

Condominium Act No. 3 B.E. 2542

Section 9 After the period of 5 years elapsed from the date of this Condominium Act becomes in enforcement, the statement in paragraph two of the Section 19 bis under the Condominium Act B.E. 2522, shall be cancelled and amended by this Condominium Act. The alien or alien juristic person who is under Section 19, and received the unit from the transfer from other alien or alien juristic person, is entitle to possess the unit further even though the limitation under Section 19 bis paragraph one is over limit.

Note. The reason for releasing this Condominium Act was that, "It is appropriate to amend the method of possessing of condominium unit by alien person or alien juristic person to be in line with the Foreign Currency Control Act in which the measures controlling imported foreign currency were

updated. The new rule governs all imported currency by alien must deposit into or sell these foreign currency to the authorized banks. The percentage of ownership held by aliens in the condominium was also amended to facilitate more buying power and at the same time to strengthen the investment in the property business sector. Moreover, the Constitution Law of the Kingdom also promote the liberty of people and any law restricting freedom should be more flexible to harmonize to Section 335 (1) of the Constitution Law of Thailand.

Published in the Government Gazette No. 2542/31 Kor 1/ dd. 27 April 1999.

Ministerial Regulation No. 8 (B.E. 2543) issued by the virtue of the Condominium Act B.E. 2522

Government Gazette No. 117 dated 4 October 2000

By the virtue of Section 5 of the Condominium Act B.E. 2522 and Section 19 bis paragraph two amended by the Condominium Act No. 3 B.E. 2542, the Minister of Interior, hereby announces the following Ministerial Regulation as follows:

Pattaya City shall be classified as other local government zone under Section 19 bis paragraph two.

Given on the date of 29 September 2000

Wattana Asvahem

Deputy Minister of Interior

In Charge of the Minister of Interior

Note : The reason for the announcement of this Ministerial Regulation was to classify Pattaya City as another local government zone apart from Bangkok Metropolis and other municipal jurisdiction to allow alien person and alien juristic person able to possess condominium exceeding the limit of 49% of the entire area of the condominium building. In addition, the Section 19 bis paragraph two of the Condominium Act B.E. 2522 was amended by the Condominium Act No. 3 B.E. 2542 on setting other government zone, this Ministerial Regulation is, therefore, necessary.

Ministerial Act No. 9 B.E. 2543 issued by the virtue of Condominium Act B.E. 2522

Government Gazette No. 117 Section 91 Kor dated 4 October 2000

By the virtue of Section 5 under the Condominium Act B.E. 2522 and Section 19 bis paragraph three under the Condominium Act B.E. 2522 amended by the Condominium Act No. 3 B.E. 2542, the Minister of Interior hereby announces the following Ministerial Regulation:

1. In this Regulation "Alien" means alien person or alien juristic person classified as alien by Section 19.

2. The condominium unit that can be owned by alien at the percentage of 49%, and is now being applied for registration, shall be subject to the following regulation and procedure:

(1) The condominium building must have at least 40 units or more.

(2) The condominium must be registered over one year before application for registration by alien is applied.

(3) The condominium must not located in Military Safety Zone under Military Safety Zone Law.

3. The alien who occupies the condominium unit must not conduct any act against good moral or good order of the local community.

4. If any notice received from the official, the alien owner shall comply to the procedure and instruction given by the official in possessing and staying in the condominium according to the regulations and rules enforced by law.

Given on the date of 29 September 2000

Wattanan Asvahem

Deputy Minister of Interior

In charge of the Minister of Interior

Reason for giving this Ministerial Regulation was that "Further to Section 19 bis paragraph three under the Condominium Act B.E. 2522 amended by the Condominium Act No. 3 B.E. 2542 to permit alien ownership exceeding 49% as prescribed by the Ministerial Regulation, this Ministerial Regulation; therefore, becomes necessary.