

Unofficial Translation*

PROCUREMENT OF IMMOVABLE PROPERTY FOR PUBLIC TRANSPORTATION ENTERPRISES
ACT,
B.E. 2540 (1997)

BHUMIBOL ADULYADEJ, REX.

Given on the 14th Day of November B.E. 2540;

Being the 52nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have the law on procurement of immovable property for public transportation enterprises;

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

Section 1. This Act is called the “Procurement of Immovable Property for Public Transportation Enterprises Act, B.E. 2540 (1997)”.

Section 2¹. This Act shall come into force from the day following the date of its publication in the Government Gazette.

Section 3. In this Act:

“Public transportation enterprise” means construction, expansion, rehabilitation, improvement, renovation, and maintenance of public transportation, provision or facilitation for users or potential users of public transportation, and other related activities.

*Translated by Mr. Watthana Suksiripakonchai, and reviewed by Associate Professor Pisawat Sukonthapan under contract for the Office of the Council of State of Thailand’s Law for ASEAN project. – Tentative version – pending review and approval by the Office of the Council of State.

¹ Published in the Government Gazette, Vol. 114/Part 114/Part 72a/Page 1, dated 16th November B.E. 2540 (1997)

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“Public transportation system” means public buses, bus lanes, bus stations, parking spaces for buses, maintenance facilities, bus garages, parking facilities for passengers, power system, control systems, signaling systems, ticketing and fare collection systems, security systems, ventilation systems, drainage systems, and communication systems for public transportation; the term shall also include all buildings and equipment for such systems.

“Public transport” means public vehicles capable of transporting a large number of passengers with connected compartments and which move along public transport routes, but not including public transports travelling on certain routes or certain types of public transport, as specified by the Minister.

“Public transport route” means rail or roads built specifically for public transport, either on, above, or underground or under water, or through buildings or any other structures.

“Burden (*pha-rah*) on immovable property” means the burden that occurs on immovable property, enabling the State to utilise the immovable property for public transportation enterprises.

“Compensation” means monetary compensation for the burden on immovable property, and shall include other kinds of compensation as well.

“Agency” means government and State-owned enterprise agencies recognized by the law on budgetary procedures, local government, and other public agencies whose duties are relevant to public transportation enterprises.

“Competent official” means the head of a responsible agency, and the person appointed by the head to perform duties under this Act.

“Minister” means the Minister having charge and control of this Act.

Section 4. The Minister of Transport shall have charge and control of this Act and shall have the power to issue Ministerial Regulations and issue Notifications for the execution of this Act.

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

Section 5. In performing duties under this Act, competent officials under this Act shall be considered officials under the Criminal Procedure Code.

CHAPTER I

PROCUREMENT OF IMMOVABLE PROPERTY FOR PUBLIC TRANSPORTATION ENTERPRISES

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Section 6. In cases where an agency has the need to use immovable property for its public transportation enterprises without the necessity of ownership, unless both parties agree otherwise, the agency shall follow the provisions of this Act. In cases where there is a necessity to own immovable property, the agency shall proceed in accordance with the law on expropriation of immovable property.

Section 7. In carrying out its public transportation enterprise by construction, expansion, rehabilitation, or large-scale improvement of public transportation systems, an agency shall proceed with the following:

(1) conduct an environmental impact assessment to meet the requirements of the Enhancement and Conservation of the National Environmental Quality Act;

(2) conduct an analysis of the impact on traffic and effects from the enterprise; the rules, procedures and regulations, and preparation of a report on such analysis, as well as other relevant documents are to be presented together with the analysis report shall be as notified by the Minister in the Government Gazette;

(3) prepare an action plan and an outline map of the planned area for construction, expansion, rehabilitation, or large-scale improvement.

The agency shall present the report and action plan as described in paragraph one to the Commission for the Management of Land Traffic, as per the law on the Commission for the Management of Land Traffic, who will subsequently present its recommendation to the Council of Ministers.

Section 8. For the benefit of carrying out a public transportation enterprise, a Royal Decree may be issued to determine the boundary of the land needed for the enterprise.

The Royal Decree determining the boundary of such land shall specify:

(1) the objective of the Royal Decree;

(2) the agency to carry out the enterprise;

(3) the land required for the enterprise;

(4) a map or layout of the land shall be attached as an appendix to the Royal Decree and shall be deemed to form part of the Royal Decree.

Such a Royal Decree shall be in force for two years, or for a period of time specified in the Royal Decree that may not exceed four years, depending on the period of time deemed necessary for the surveying of such land.

Section 9. Once a Royal Decree under section 8 comes into effect, a competent official shall display copies of the Royal Decree, along with the map or layout that is an appendix to the Royal Decree, in the following places:

- (1) the office of the responsible agency;
- (2) Bangkok Metropolitan Administration City Hall, Office of *Khet* or *Khwaeng*, *Changwat* City Hall, Office of *Amphoe* or *King-Amphoe*, Office of head (*kam-nahn*) of the *Tambol* and Office of headman of the village where such immovable property is located, as the case may be;
- (3) Bangkok Metropolitan Land Office and its branches, or *Changwat* Land Offices and their branches, and *Amphoe* Land Office of the area where the immovable property is located, as the case may be.

Section 10. Within the time period in which a Royal Decree remains in effect under section 8, competent officials shall have the power to conduct surveys to ascertain the facts concerning the condition and nature of utilisation on, above, or under the ground or surface of the water that will create a burden on the immovable property without expropriation, and to ascertain facts concerning the immovable property that needs to be expropriated, for the purpose of planning or designing of the public transportation enterprise.

For the benefit of the surveying work under paragraph one, the competent official has the power to take action within the boundary of the land, as per the map or layout provided as an appendix to the Royal Decree, as follows:

- (1) Inspect, utilise, or temporarily occupy the immovable property, as deemed necessary.
- (2) Dig, drill, cut down trees, or remove structures that are not houses or the residence of any person, or to undertake other necessary actions within the immovable property. The competent official is allowed to remove obstacles or move objects as deemed necessary, and to collect rock, soil, water, or other objects needed for surveying to be used as samples, in appropriate quantity.
- (3) Call the owner or occupant (*puh-krop-krong*) of the immovable property to provide documents proving land ownership, or a copy of such documents, or other facts relevant to the conditions of the immovable property, *jus in rem* over the immovable property, or other rights related to the immovable property which belongs to such persons.

In taking action under (1) or (2), those who work with the authorized competent official shall have the power to act as assigned by the competent official. If any action has to be taken inside a house or a person's residence, if the owner or occupant does not cooperate, a

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local police officer is required to be present as a witness. The action must be taken between sunrise and sunset.

Prior to taking action under (1) or (2), the competent official notify the owner or lawful occupant of the immovable property in writing of the intended actions, and the unavoidable necessity of such actions,-no less than fifteen days prior to the action being taken. In cases where the owner or lawful occupant of the immovable property cannot be contacted, a notification shall be displayed at the place where the immovable property is located, and at the Office of *Khet, Amphoe* or *King-Amphoe*, Office of head (*kam-nahn*) of the *Tambon* and Office of headman of the village where the immovable property is located. The notification shall contain date, time and the actions the competent official intends to take at the immovable property. The owner or lawful occupant of the immovable property shall be deemed notified after fifteen days from when the notifications were displayed.

In performing duties under this section, the competent official, or the persons working with the competent official, shall present their identification issued by the responsible agency to the relevant persons.

If the performance of duties of the competent official, or persons working with the competent official under this section, cause any damage, the owner or lawful occupant of the immovable property, or other right holders, are entitled to compensation for the damage caused by the responsible agency.

Section 11. Once a Royal Decree under section 8 comes into force, the responsible agency shall have the authority to use land in carrying out its public transportation enterprise as follows:

(1) land which is *domaine public of State* commonly used by the people, but the people have stopped utilising the land, or the land has been transformed from public property commonly used by the people and is not owned by any person;

(2) land which is *domaine public of State* commonly used by the people, and the people still utilise the land, but other plots of land have been assigned for public use and this has been published in the Government Gazette;

(3) land which is *domaine public of State* preserved or reserved for public use or for the people to use communally, which the State no longer wishes to preserve or reserve;

(4) land which is *domaine public of State* that is to be specifically used for public purposes, or land which is preserved or restricted, as per the State's need, which is approved by the Council of Ministers;

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(5) land which is *domaine public of State* that is wasteland, or land which was expropriated or abandoned or returned to the State through other means under the Lands Code;

(6) land of government agencies under the laws on setting up government agencies or specific laws, and has been approved by the Council of Ministers;

(7) land of temples, monastery ground, or common religious property when *Sangha* Supreme Council of Thailand does not object and compensation for expropriation is paid.

Section 12. In cases where it is necessary to expropriate immovable property, the Royal Decree specifying the boundary of land under section 8 shall be considered the Royal Decree prescribing the land that will be expropriated under the law on expropriation of immovable property.

Section 13. In cases where there is no need to expropriate immovable property, the competent official is authorized to make an agreement with the owner or lawful occupant of such immovable property to specify the nature of the burden on the immovable property, as required for carrying out the enterprise, and determine the compensation for the burden. Such compensation shall not exceed the level of compensation the Committee sets out in section 25.

In cases where the nature of the burden and compensation in paragraph one have been agreed on, the competent official shall pay all of the compensation to the owner or lawful occupant of such immovable property within ninety days from the date the contract specifying the burden on the immovable property is signed.

Section 14. In cases where an agreement specifying the nature of the burden on the immovable property is reached, but the relevant parties are unable to agree on compensation, if the owner or lawful occupant of such immovable property wishes to receive compensation, as agreed to by the competent official in section 13, first and reserves the right to appeal to the Minister under section 36, the competent official can proceed to conclude the contract specifying the nature of the burden on the immovable property with such condition, and pay the compensation.

Section 15. In cases where the land, whose nature of the burden on the immovable property is to be specified under section 13 has a land title document, the competent official with the document shall notify the competent officials under the Lands Code in writing of the conclusion of the contract. Registration of the burden on the immovable

property shall be made in the document, and the fee under the Lands Code shall be exempted.

For the purpose of registration, the competent official under the Lands Code has the power to request the owner's copy of the land title document from the bearer the document.

Section 16. In cases where the land whose nature of the burden on the immovable property is to be specified under section 13 has no land title document, the responsible agency shall set up a committee. The committee shall consist of the *Khet* Director, Chief *Amphoe* Officer or Deputy-Chief *Amphoe* Officer, as the case may be, where the land is located, as well as *Amphoe* or *King-Amphoe* Land officers, headman of the village where the land is located, and representatives of the responsible agency to identify the rightful owner of such land. Once the rightful owner is identified, compensation shall be paid accordingly.

The provisions in the Lands Code regarding the measurement and issuance of a land title document shall be applied to the identification of the rightful owner under paragraph one, *mutatis mutandis*.

Section 17. Once registration of the burden on the immovable property is completed, the immovable property shall be considered to fall under the burden on the immovable property without time limit since the date of registration, unless stated otherwise in the registration.

The owner of the immovable property shall not undertake any action that obstructs, or inconveniences, the use of the immovable property by the State, unless there is written permission from the competent official. In granting the permission, the competent official may impose any conditions.

The distribution or division of immovable property which falls under the burden shall not cause such burden to end.

Section 18. With respect to the burden on registered immovable property, if it is not utilised in accordance with the stated objective within ten years, the owner of the immovable property has the right to file for registration of cancellation of the burden.

The rules, procedures and conditions of registration of cancellation of the burden and of receiving compensation from the owner of the immovable property shall conform to the Ministerial Regulation.

The provision in section 15 shall be applied to registration of the cancellation of the burden, *mutatis mutandis*.

CHAPTER II

USE OF IMMOVABLE PROPERTY UNDER NECESSARY AND URGENT CIRCUMSTANCES

Section 19. In cases where a responsible agency determines that, if the operation of its public transportation enterprise, as per the Royal Decree issued under section 8, is delayed, the operation will face considerable obstacles, the Council of Ministers has the power to announce in the Government Gazette to allow access to the immovable property under urgent and necessary circumstances.

Once the announcement under paragraph one is made, the authorized competent official has the power to enter the immovable property, but must notify the owner or lawful occupant in writing no less than sixty days prior to entering the immovable property. The competent official shall also arrange for the specified compensation to be paid or deposited prior to entering the immovable property. The provisions of section 22 shall be applied thereto, *mutatis mutandis*.

The provisions of section 10 paragraph four, paragraph five, and paragraph six shall apply to the operation of the competent official under this section, *mutatis mutandis*.

CHAPTER III

DETERMINATION OF BURDENS ON IMMOVABLE PROPERTY

Section 20. In cases where facts about the determination of the nature of the burden on the immovable property necessary for the public transportation enterprise have been ascertained, but the competent official and the owner or lawful occupant of the immovable property cannot agree on the determination of the nature of the burden on the immovable property or the compensation which does not fall under section 14, an Act to determine the burden on the immovable property for the public transportation enterprise shall be promulgated. The Act shall specify the land, or other immovable property, to fall under the burden on the immovable property, and its nature, along with a list of owners or lawful occupants of the immovable property.

A map or layout that clearly delineates the boundary of the land or other immovable property that will fall under the burden on the immovable property shall be added

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as an appendix to the Act under paragraph one. The map or layout shall also specify the location, level, and size thereof, as well as the area required for the public transportation enterprise. The map or layout shall be considered to form part of the Act.

The boundary of the land shall be clearly marked prior to enacting the Act.

Section 21. The land or other immovable property in the area covered by the map or the layout being an appendix to the Act to determine the burden on the immovable property for the public transportation enterprise under section 20, shall fall under the burden on immovable property from the date the Act comes into effect. The responsible agency will have the right to access to the land or other immovable property once compensation has been paid or deposited, in accordance with the provisions of this Act.

As evidence, the burden on the immovable property under the Act to determine the burden on the immovable property for the transportation enterprise under section 20 shall be registered. The provisions of section 15 and section 16 shall be applied to the registration of the burden under this section, *mutatis mutandis*.

Section 17 shall be applicable to the determination of burden on immovable property under this section.

Section 22. Once an Act to determine the burden on the immovable property for the public transportation enterprise under section 20 comes into effect, the competent official shall notify the person entitled to the compensation under section 26 in writing to collect such compensation, as specified by the Committee under section 25 within the stated time period, but not exceeding ninety days from the date the Act comes into effect.

In cases where the person entitled to receive the compensation does not collect the compensation within the stated time period, or in cases where compensation cannot be paid to any person entitled to receive the compensation, due to issues of ownership or other rights over the immovable property, for which the burden on the immovable property needs to be specified, the competent officials shall deposit the compensation following the rules provided in section 24 immediately.

Section 23. In cases where there is a mortgage, preferential right, or other *jus in rem* over the immovable property that falls under the burden, the competent official shall notify the mortgagees, preferential right holders, or beneficiaries of the *jus in rem* over the immovable property in writing to collect their debt, or receive compensation for the immovable property in sixty days after-being notified. During which time, the competent official shall not pay compensation to the owner or lawful occupant of the immovable property; however, the competent official shall pay the compensation to the mortgagees, preferential right holders, or

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beneficiaries of the *jus in rem* over the immovable property, only after an agreement between the two parties has been reached. If a disagreement persists, the competent official shall deposit the compensation, following the rules provided in section 24 immediately.

The provisions in section 10 paragraph four shall apply to the notification of the competent official under paragraph one, *mutatis mutandis*.

Section 24. In cases where the compensation must be deposited, it shall be deposited with a court of law or office of deposit of property, or with a bank which is a State enterprise in the name of the persons entitled to receive the compensation, with a separate account for each individual. If there is any interest or fruits (*dok-pohn*) arising from the money, the interest or fruits shall belong to the persons entitled to receive the compensation.

Once the competent official has deposited the compensation pursuant to paragraph one, he or she shall notify the person entitled to receive the compensation in writing via registered mail, with acknowledgement of receipt, immediately.

The rules and procedures of depositing the compensation at the court of law, office of deposit of property, or bank, which is a State enterprise, as well as the rules and procedures of requesting the compensation, shall be as prescribed in the Ministerial Regulation.

CHAPTER IV COMPENSATION

Section 25. Within thirty days from when the Royal Decree under section 8 comes into effect, or within thirty days from the Act to determine the burden on the immovable property for the public transportation enterprise comes into effect, if the Act under section 20 is enforced without issuing any Royal Decree under section 8, the Minister having charge and control of the Royal Decree, or the Minister having charge and control of the Act, as the case may be, shall appoint a committee. The Committee shall comprise one representative each from the responsible agency, the Ministry of Finance, the Department of Lands, each of the relevant local councils, and no more than three experts in engineering, geology, or assessment of immovable price appointed by the Minister to determine the compensation amount.

Section 26. Compensation shall be paid to:

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(1) the owner or lawful occupant of the land, without a land title document, that falls under the burden on the immovable property;

(2) the owner of the houses or other structures which exist on the land on the day on which the Royal Decree under section 8 comes into effect, or are constructed afterwards with the permission of the responsible agency, if such houses or structures are removed due to the burden on the immovable property;

(3) the person who loses the right to utilise the immovable property which falls under the burden if such person has paid for the right;

(4) a lessee of the land, house, or other structures on the land which falls under the burden on the immovable property; the lease must be accompanied by written evidence, which has been made before the date the Royal Decree under section 8 is enforced, or after with the responsible agency's approval, and still be current on the date the responsible agency or the competent officials enter the land, house or structures; the compensation should only be paid to a lessee who actually suffers the damage caused by losing the right to utilise, or having to vacate the land, house, or other structures before the expiry of the lease;

(5) the owner of trees on the land on the date the Royal Decree under section 8 comes into effect if the trees are cut down due to the burden on the immovable property;

(6) government agencies recognized by the laws on setting up government agencies, or specific laws in cases where the operation of such agencies are affected.

Section 27. In cases where access to utilise the immovable property causes a limited burden to the owner or lawful occupant, and his or her use of such immovable property can be considered unaffected, no compensation needs to be paid.

Rules for assessing the burden incurred on the immovable property, which is limited and deemed to have no effect on the utilisation of the immovable property, shall be as provided in the Ministerial Regulation.

Section 28. In cases where access to utilise the immovable property will prevent the owner or lawful occupant of the land, which has no land title documents, or the owner of other immovable property falling under the burden on immovable property, from normal use of the immovable property, the owner or occupant may request that the agency purchase or expropriate the immovable property in accordance with the law on expropriation of immovable property.

For the purpose of conducting a preliminary review by the responsible agency, the rules for ruling on which burden can prevent normal utilisation of the immovable property shall be as provided in the Ministerial Regulation.

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In cases where the responsible agency refuses to purchase or expropriate the immovable property, as per the request made by the persons under paragraph one, such persons have the right to appeal to the Minister having charge and control of the Royal Decree under section 8, or the Minister having charge and control of the Act to determine the burden on the immovable property for the public transportation enterprise under section 20 within sixty days from the date they receive written notification from the responsible agency. The Minister shall rule on the appeal within one hundred and twenty days from the date the appeal is received; otherwise it shall be deemed that the Minister rules that the immovable property is to be purchased or expropriated, as requested in paragraph one.

The ruling of the Minister is final.

Section 29. The rules and procedures for determining compensation shall be as provided by the Ministerial Regulation. The nature and the extent, to which the rights over the immovable property are constrained by the burden incurred on such immovable property, shall be taken into account.

Section 30. Subject to section 29, to create fairness to the persons entitled to receive compensation and to the public interest, the Committee under section 25 shall take into account the following factors in determining an amount of compensation:

- (1) the price of the immovable property on the day on which the Committee under section 25 determines the compensation;
- (2) the size, location, conditions, and nature of utilisation of the immovable property by the owner or lawful occupant;
- (3) the condition of the use of the land in areas surrounding the land;
- (4) the conditions and nature of the burden on the immovable property caused by access to and utilisation of the immovable property;
- (5) the benefits or damage the owner or lawful occupant of such immovable property has received or suffered due to the accessing and utilisation of the immovable property.

The facts about the immovable property under (2) or (3) shall be ascertained as of the date on which the Royal Decree under section 8 comes into effect, or the date on which the Act to determine the burden on the immovable property for the public transportation enterprise comes into effect, in cases where the enforcement of such Act occurs under section 20 without issuing any Royal Decree under section 8, as the case may be.

If any action or enterprise, performed pursuant to the objective of accessing and utilizing any immovable property, causes its price to increase, the Committee under section 25

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may reduce or exempt the payment of compensation for the immovable property. The increased price shall be set at a price not higher than the compensation amount. This is to exempt the owner or lawful occupant from being required to pay the difference. However, if the immovable property experiences a decreased price, in determining compensation, the decreased price shall be taken into account. The Committee shall provide rationale for its decision.

Section 31. The rules stipulated in the law on expropriation of immovable property shall apply to the determination of compensation for the houses or other structures that exist on the land on the date the Royal Decree comes into effect, and must be removed due to the burden incurred on the immovable property on which the houses or other structures are located, *mutatis mutandis*.

Section 32. In cases where the Minister having charge and control of the Royal Decree under section 8, or the Minister having charge and control of the Act to determine the burden on the immovable property for the public transportation enterprise under section 20, as the case may be, holds that the compensation determined or paid, in full or in part, is not fair to the persons under section 26 for the reason that the facts used in determining the compensation are inaccurate, the Minister, with the Council of Ministers' approval, has the power to instruct the Committee under section 25, or a newly appointed Committee, as per the rules in section 25, to rectify the amount of the compensation. This shall follow the rules and conditions approved by the Council of Ministers. The newly determined amount shall replace the previously determined compensation amount.

The competent official shall inform the persons entitled to receive the compensation, in writing within one hundred and twenty days from the date the rectified amount of the compensation has been determined, to collect the additional amount; and section 22 paragraph two and section 34 shall apply to this, *mutatis mutandis*.

If the rectification made under paragraph one has benefited particular persons in the past, no further rectification can be made to benefit such persons again.

Section 33. If the Minister having charge and control of the Royal Decree under section 8, or the Minister having charge and control of the Act to determine the burden on the immovable property for the public transportation enterprise under section 20, as the case may be, holds that the amount of compensation to be paid to the persons under section 26, that is set by the Committee under section 25, is too high and does not conform to the rules under section 29 or section 30, the Minister has the following powers:

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(1) to order such Committee to reconsider the determination of the compensation amount; or

(2) to appoint a new committee, as per the rules in section 25, to replace the former committee.

Section 34. In cases where a competent official pays compensation later than the time period specified in section 13, or deposits the compensation later than the time period specified in section 22, the persons entitled to receive the compensation are entitled to receive interest of the maximum rate on the savings interest set by the Government Saving Bank for the full amount of compensation. The interest shall be calculated from the day after the required time period of paying, or depositing, the compensation has lapsed.

Section 35. The request for the compensation deposited under this Act shall be submitted within ten years from the date of the deposit. If the request is not submitted within the required time period, the money shall vest in the State.

CHAPTER IV

FILING APPEALS AND FILING LAWSUITS IN THE COURT OF LAW

Section 36. Any person entitled to receive compensation under section 26 who is dissatisfied with the compensation paid, or yet to be paid, has the right to appeal to the Minister having charge and control of the Royal Decree under section 8, or the Minister having charge and control of the Act to determine the burden on the immovable property for the public transportation enterprise under section 20, within sixty days from the date of receiving the written notification to collect the compensation from the competent official.

In considering the appeal made under paragraph one, the Minister shall appoint a committee to provide its recommendations to him or her. The committee shall consist of a chairperson, one legal expert, one engineering expert, and three persons having expertise in assessing immovable property prices. One of these three persons must be appointed from the private sector. The Minister shall rule on the appeal within sixty days from the date of receiving the appeal.

Section 37. If a person entitled to receive the compensation is not satisfied with the ruling of the Minister having charge and control of the Royal Decree, or the Minister having charge and control of the Act under section 36, or if the Minister did not rule on the appeal within the time period specified in section 36 paragraph two, such a person has the right to file

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a case with the court within two years from the date of being notified of the Minister's ruling, or from the day after the time period under section 36 paragraph two has lapsed, as the case may be.

The appeal to the Minister under section 36 paragraph one, or the filing of the case with the court under paragraph one, does not affect the possession or use of the immovable property, or any other action of the responsible agency or competent officials.

In cases where the Minister or the Court has decided that there is to be an increase in the compensation amount, the person entitled to receive compensation is entitled to receive interest of the maximum interest rate on the savings set by the Government Savings Bank for the increased amount; this is to be counted from the date the compensation is paid or deposited.

CHAPTER VI MAINTENANCE OF PUBLIC TRANSPORTATION SYSTEMS

Section 38. In the area where a public transportation system is operated, whether on, above, under the ground or surface of the water (*peuhn-narm*), no person is allowed to construct a structure or house, plant a tree or construct other objects, install equipment, dig or drill the ground, fill the land, dump objects, or to take any other actions which may be dangerous or cause obstacles to the system, unless there is written permission from the competent official. In giving permission, the competent official may impose conditions. If a violation has occurred, the competent official has the power to order the violator to demolish, remove, cut down, destroy, or take any required actions within a specified time period. If the violator has failed to comply therewith, or if the violator cannot be located, once the order has been displayed in the area and at the Office of the *Khet* or *Amphoe* or *King-Amphoe*, the Office of the head (*kam-nahn*) the of the *Tambol* and the Office of the headman of the village of the area, for a reasonable period of time, and if the order has not been followed, the competent official has the power to demolish, remove, cut down, destroy, or take any actions as deemed necessary; no person may claim damages. The violator shall be responsible for the expenses incurred.

If a violation under paragraph one occurs, and it is necessary to urgently prevent danger, and if issuing an order, or an announcement, to require the violator to comply

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therewith could cause damage to the public transportation system, the competent official has the power to demolish, remove, cut down, destroy or take any actions, as deemed reasonable, without ordering or issuing the announcement. If the competent officials take action in an appropriate manner and to a suitable extent, no person may claim damages, and the violator shall be responsible for the expenses incurred.

Section 39. In cases where it is urgent and necessary, the competent official, or the persons who work with the competent official, have the power to access the land or places of any person at any time to inspect, repair, or restore a public transportation system. If the owner or lawful occupant of such immovable property is present, the competent official shall notify the owner or occupant beforehand.

In taking action under paragraph one, the competent official, or persons working with the competent official, are required to make every effort to prevent damage to the owner or lawful occupant of such immovable property, or other right holders. If damage is incurred, the responsible agency shall take responsibility for the damage.

CHAPTER VII PENALTIES

Section 40. Any person who obstructs a competent official's performance of duties under section 10 (1) or (2), or section 29 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

Any person who does not comply with the competent official's written summons under section 10 (3) shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding two thousand baht, or both.

Section 41. Any person who violates or refuses to comply with the conditions imposed under section 38 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht, or both.

Countersigned by:

General Chavalit Yongchaiyudh

Prime Minister

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