

ALLOTMENT OF LAND FOR LIVING ACT
B.E. 2511 (1968)¹

BHUMIBOL ADULYADEJ, REX.

Given on the 18th day of June B.E. 2511 (1968)
Being the 23rd Year of the Present Reign

By Royal Command, His Majesty King Bhumibol Adulyadej has it proclaimed that:

Whereas, it is expedient to improve the law on allotment of land for living;
Be it, therefore, enacted by and with advice and consent of the Constitution Drafting Council in the capacity of the Parliament as follows:

Section 1. This Act shall be called "Allotment of Land for Living Act B.E. 2511".

Section 2.² This Act shall come into force on the date subsequent to the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) Allotment of Land for Living Act B.E. 2485;
- (2) Allotment of Land for Living Act (No. 2) B.E. 2504.

Section 4. In this Act:

"Settlement" shall mean the self-help settlement or the co-operative settlement, as the case may be.

¹ Translated by Chandler and Thong-ek Law Office Limited under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Government Gazette, Volume 85, Part 55 (Special), page 59, dated 19 June B.E. 2511 (1968)

“Settlement member” shall mean the member of a self-help settlement or the member of a co-operative settlement, as the case may be.

“Utilization certificate” shall mean the certificate issued by the Director-General or the person delegated by the Attorney-General to a settlement member certifying that he has utilized the land.

“Director-General” shall mean the Director-General of Department of Social Development and Welfare* or the Director-General of Department of Land Co-operatives.

“Minister” shall mean the minister in charge under this Act.

Section 5. Minister of Social Development and Human Security* [and Minister of National Development] shall be in charge under this Act with respect to the power and duty of the respective ministry.

The ministerial regulation shall come into force upon having been published in the Government Gazette.

CHAPTER I GENERAL PROVISIONS

Section 6. The government shall have the power to do allotment of state land so that the people may have a site for housing and carry on occupation in a fixed place of such land by establishing the settlement under this Act.

Section 7. The establishment of the settlement under Section 6 in any locality shall be made by a royal decree; and a map demarcating the boundary of land of the settlement shall be attached to the royal decree.

Section 8. The Director-General shall have the power to permit a settlement member to enter and utilize the land of the settlement according to the capacity of such member’s family, but the size of land for each family shall not exceed fifty rais.

Section 9. The settlement member shall utilize the land permitted to utilize under Section 8 only for agriculture according to the regulations prescribed by the Director-General upon approval of the Minister; if another business is also contemplated, a permit from the Director-General shall be required.

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Section 10. Money shall be collected from settlement members to help in the capital of the government invested in establishing the settlement at the rate prescribed by the Director-General, which shall not exceed two hundred Baht per rai. Payment of the money shall be made in installments on yearly basis in the amount each year of no less than ten percent and shall be commenced no later than the fifth year from the year of becoming the settlement member. If the payment cannot be made in any year on reasonable ground, the Director-General may allow payment in the subsequent year.

Section 11. Subject to Section 26 and Section 40, when the settlement member has utilized the land and has become a settlement member for a period exceeding five years, and also had helped the government in the capital invested according to Section 10 and has paid all debts relating to the business of the settlement to the government in full, a utilization certificate shall be issued to such settlement member.

The recipient of the utilization certificate may request issuance of the land title deed or the certificate of utilization with respect to the land according to the Land Code.

Section 12. Within five years from the date of receipt of the land title deed or the certificate of utilization, the person who acquired the ownership on the land cannot transfer the land to another person, except the transfer by way of inheritance or the transfer to the co-operative of which he is a member, as the case may be.

Within the time prescribed under the first paragraph, the land shall not be subject to judgment execution.

Section 13. Before receiving the utilization certificate under Section 11, first paragraph, any settlement member who leaves the settlement for a period exceeding six months without permission by the Director-General or the person delegated by the Director-General, shall lose membership in the settlement and lose the right over the land, and cannot claim for any compensation whatsoever.

Section 14. The Director-General shall have the operational power in the land within the settlement boundary with regard to restricted wood, minerals or other natural resources in order to procure returns in money or other property to support activities and construction of structures for public benefits of the settlement, subject to compliance with the law on the matter.

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Section 15. No person shall enter to seek benefit, hold, possess, construct, excavate, reclaim, burn the forest, or do anything by any means whatsoever which destroys or impairs the condition of the land or endangers natural resources on the land within the settlement boundary, except where the permission of the Director-General has been obtained.

The settlement member may do the things under the first paragraph without any fee under Section 16 only on the land which he has taken delivery to enter and utilize.

Section 16. In giving the permission under Section 15, the Director-General has the power to collect fee in the amount prescribed by the Director-General as may be suitable for such business.

The fees shall be used for public benefits of the settlement.

Section 17. The Director-General shall have the power to issue regulations on the finance, management of assets and debts of the settlement member related to the business of the settlement, including the administration of the settlement and other matters for the benefits of the settlement.

Section 18. Any person who has no right to lawfully occupy or inhabit on the land within the settlement boundary shall dismantle and remove the structures and other things from the settlement within thirty days from the date of becoming aware of the order of the Director-General.

In case of failure to do within the time under the first paragraph, the Director-General or the person delegated by the Director-General shall have the power to remove such structures out of the land of the settlement and such person cannot claim for any compensation or damages whatsoever.

Section 19. When the establishment of any settlement has achieved its objectives as intended, the settlement established under the royal decree shall terminate. The Minister shall announce the date of termination of the settlement in the Government Gazette.

CHAPTER II

ALLOTMENT OF LAND IN THE FORM OF SELF-HELP SETTLEMENT

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Section 20. When a royal decree establishing a self-help settlement has been issued, a committee comprising the chairman and other members of no less than two but no more than eight shall be appointed by the Minister.

Rules for meeting of the committee shall be as prescribed by the Director-General of Department of Social Development and Welfare*.

Section 21. The committee shall have the powers and duties as follows:

- (1) To select persons qualified according to Section 22 to be the settlement members;
- (2) To allocate the settlement member to utilize each parcel of land according to the layout prescribed by the Director-General of Department of Social Development and Welfare*.
- (3) To promote agriculture and other activities for social and economic development of the self-help settlement.

Section 22. The person to be a self-help settlement member shall be qualified as follows:

- (1) Being of Thai nationality;
- (2) Having attained majority and being a household head;
- (3) Being of good behavior and willing to comply with the regulations prescribed by the Director-General of Department of Social Development and Welfare*.
- (4)³ Being capable of doing agriculture according to the regulations prescribed by the Director-General of Department of Social Development and Welfare.
- (5) Not being a person of unsound mind or mental infirmity;
- (6) Not owning a parcel of land for carrying on occupation, or owning one but a small parcel not sufficient for living;
- (7) Having no certain occupation for the time being that could derive income sufficient for living.

Section 23. When the committee has selected a person to be a self-help settlement member, the governor of the settlement shall display the boundary of the land

³ Section 22 (4) amended by the Allotment of Land for Living (No. 2) B.E. 2550 (2007)

allotted to such person on the layout of the land of the self-help settlement and post an announcement at the settlement office and send a notice to the person to take delivery of the land within a prescribed time, which shall not be less than thirty days from the date of receipt of the notice.

Section 24. The person who has received the notice under Section 23 shall be present before the governor of the self-help settlement within the time prescribed in the notice.

When the governor of the settlement has verified the evidence of the person present and sees it as proper, he will point out the boundary of the land allotted to utilize. When such person has signed to take delivery of the land, the Director-General of Department of Social Development and Welfare* or the person delegated by the Director-General of Department of Social Development and Welfare* shall issue a permit for utilization of the land and order the person to move his family to settle in such land within sixty days from the date of the land delivery.

Section 25. Any self-help settlement member who fails to be present to take delivery of the land and fails to move his family to settle in the land within the time prescribed under Section 23 or Section 24, as the case may be, without notice of reasonable ground in writing to the governor of the settlement shall be deemed to have renounced his right, and the Director-General of Department of Social Development and Welfare* or the person delegated by the Director-General of Department of Social Development and Welfare* shall announce the cancellation of the permit to utilize the land issued to such person.

Section 26. The self-help settlement member who has taken delivery of the land according to Section 24 shall complete the utilization of the land within five years from the date on which he moved his family to settle in the land, provided that in the first year he shall utilize at least ten percent of the land delivered. If the land is not utilized up to the portion of the area as required, the self-help settlement member shall lose the right to enter and utilize the land delivered, and if within the subsequent four years he cannot utilize the land in whole, he will be entitled to receive a utilization certificate with respect to only the portion that has been utilized, except where the Director-General of Department of Social Development and Welfare* gives an extension of time of one year eachtime, but the total time of such extensions shall not exceed three years.

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Section 27. The self-help settlement member shall have the following duties:

- (1) To behave and conduct in well-mannered, cultured and moral way;
- (2) To build a residence according to the plan and layout of the settlement;
- (3) To follow advice of the governor of the settlement regarding the carrying on occupation, prevention and treatment of sickness and sanitation;
- (4) To assist or pool effort in maintaining the land or doing other things necessary for public benefits of the self-help settlement;
- (5) Not to accept a person with behavior that is likely to disturb peace of the self-help settlement to live in the land allotted to him;
- (6) Not to assign or transfer the right to utilize the land allotted to him to another person, except where a permission in writing of the Director-General of Department of Social Development and Welfare* or the person delegated by the Director-General of Department of Social Development and Welfare* has been obtained.
- (7) Not to use the permit to enter and utilize the land as security for performance of obligations;
- (8) In case of any obligation regarding the business of the self-help settlement payable to the government, to pay the amount to the self-help settlement within the prescribed time, except where an extension of time has been granted by the Director-General of Department of Social Development and Welfare*.

Section 28. The Director-General of Department of Social Development and Welfare* may order the dismissal of the self-help settlement member on any one of the following grounds:

- (1) Not utilizing the land properly according to the regulations issued under Section 9;
- (2) It appears that he lacks any one of the qualifications under Section 22;
- (3) Failing to comply with Section 27

Section 29. The self-help settlement member will lose membership of the self-help settlement upon resignation or dismissal under Section 28.

The Director-General of Department of Social Development and Welfare* or the person delegated by the Director-General of Department of Social Development and

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Welfare* shall announce the cancellation of membership of the self-help settlement and a permit to enter and utilize the land from the date of resignation or dismissal of the settlement member, and the governor shall proceed with regard to the assets and liabilities of the settlement member related to the settlement according to the regulations prescribed by the Director-General of Department of Social Development and Welfare*.

Section 30. If a self-help settlement member dies before having received the land title deed or certificate of utilization with respect to the land, the committee shall consider and select a legal heir who is qualified under Section 22 to become a self-help settlement member in his place.

Section 31. If the legal heir under Section 30 is a minor, the Director-General of Department of Social Development and Welfare* shall do as may be proper for the benefit of such minor with regard to the land.

Section 32. If the self-help settlement member dies without a legal heir or with a legal heir but cannot be selected according to Section 30, the committee shall select another person who is qualified under Section 22 to become a self-help settlement member in his place, and such person shall give assent in writing to the effect that he shall assume all obligations of the deceased relating to the business of the settlement. In such a case, the provisions of Section 23 and Section 29, second paragraph, shall apply *mutatis mutandis*.

Section 33. If a self-help settlement member becomes a person of unsound mind or mental infirmity, the Director-General of Department of Social Development and Welfare* shall do as may be proper with regard to the land.

CHAPTER III

LAND ALLOTMENT IN THE FORM OF CO-OPERATIVE

Section 34. When a royal decree establishing a co-operative settlement has been issued, a committee comprising the chairman and other members of no less than two but no more than eight shall be appointed by the Minister. The committee shall have the duty to select the persons qualified under Section 35 according to the rules and procedures prescribed by the Minister to become members of the co-operative settlement, and the

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committee shall proceed to have it established as a co-operative under the law on co-operatives.

Rules for meeting of the committee shall be as prescribed by the Director-General of Department of Land Co-operatives.

Section 35. The person to be a co-operative settlement member shall be qualified as follows:

- (1) Being of Thai nationality;
- (2) Being of good behavior and willing to comply with the regulations prescribed by the Director-General of Department of Land Co-operatives;
- (3)⁴ Being capable of carrying on occupation according to the regulations prescribed by the Director-General of Department of Land Co-operatives;
- (4) Not being a person of unsound mind or mental infirmity;
- (5) Not owning a parcel of land for carrying on occupation or owning one but a small parcel not sufficient for living;
- (6) Being fully qualified according to the law on co-operatives.

Section 36. The persons selected to become co-operative settlement members may enter and utilize the land upon being permitted by the Director-General of Department of Land Co-operatives and having been united in the form of a registered co-operative for such purpose according to the law on co-operatives.

Section 37. The Director-General of Department of Land Co-operatives shall proceed to make a layout of the land divided and permit the co-operative settlement members to enter and utilize the land allotted as may be seen suitable and demarcate the land parcels allotted to the members in the layout of the co-operative and post an announcement thereof at the office of the co-operative settlement office.

Section 38. The Director-General of Department of Land Co-operatives shall have the power to order the dismissal of a co-operative settlement member on any of the following grounds:

⁴ Section 35 (3) amended by the Allotment of Land for Living (No. 2) B.E. 2550 (2007)

- (1) Not utilizing the land properly according to the regulations issued under Section 9;
- (2) Failing to pay money charged according to Section 10;
- (3) Failing to comply with the regulations issued under the provisions of Section 17.

Section 39. The co-operative settlement member will lose membership of the self-help settlement upon:

- (1) Resignation;
- (2) Dismissal under Section 38;
- (3) Loss of membership of the co-operative.

Section 40. The co-operative settlement member who has satisfied Section 11, first paragraph, may request issuance of the land title deed or certificate of utilization upon approval of the co-operative of which he is a member.

CHAPTER IV PENELTY

Section 41. Any person who violates Section 15, first paragraph, shall be subject to an imprisonment of not exceeding one month or a fine of not exceeding one thousand Baht or both, which shall not affect the offense committed under the law on forest or the law on mining.

Section 42. Any person who loses membership of the self-help settlement or co-operative settlement, or has lost the right on the land permitted to enter and utilize the land of the settlement, but fails to leave the land permitted to enter and utilize, within thirty days from the date of receipt of the order of the Director-General or the person delegated by the Director-General shall be subject to an imprisonment of not exceeding one month or a fine of not exceeding one thousand Baht or both.

TRANSITORY PROVISIONS

Section 43. The settlement member or co-operative member who has entered and utilized or occupied the land in the settlement under the royal decree on the

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establishment of the settlement on the date on which this Act comes into force shall continue to have the rights and duties under the royal decree on the establishment of the settlement. With respect to the land under such royal decree which has not been allotted to the settlement member or the co-operative member to enter and utilize or occupy in the land of the settlement on the date on which this Act comes into force, however, shall be processed according to this Act.

Countersigned by

Field Marshall Thanom Kittikachorn

Prime Minister

Office of the Council of State

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