

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

Translation

BHUMIBHOL ADULYADEJ REX.

Given on the 12<sup>th</sup> Day of April, B.E. 2542

Being the 54<sup>th</sup> 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Section 19 (5) of the Condominium Act B.E. 2522 (1979) amended by the Condominium Act (No. 2) B.E. 2534 (1991) shall be repealed and replaced by the following provisions:

"(5) Aliens or juristic persons deemed by Thai law to be aliens, who have brought into the Kingdom foreign exchange or withdrawn the money from the non-resident Baht account or withdrawn the money from the foreign currency deposit account."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Section 19 bis of the Condominium Act B.E. 2522 (1979) amended by the Condominium Act (No. 2) B.E. 2534 (1991) shall be repealed and replaced by the following provisions: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 whilst 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 from the date of the loss of this Thai nationality. If he failed to dispose of within the said time, the provisions of Section 19 quinqué, paragraph four shall apply *mutatis mutandis*.

### **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  
Prime Minister

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