

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

**Translation**

BHUMIBOL ADULYADEJ, REX.

Given on the 27<sup>th</sup> February B. E. 2551 (2008);

Being the 63<sup>rd</sup> 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. 2551 (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The provisions under Section 6 of Condominium Act, B. E. 2522, shall be repealed and superseded by the following provisions: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, (3<sup>rd</sup> 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, (3<sup>rd</sup> 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, (3<sup>rd</sup> 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, (3<sup>rd</sup> 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 under 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, (2<sup>nd</sup> 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, time 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 Manager 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 preceding 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*."

### SCHEDULE OF FEES AND EXPENSES

- 
- (1) Registration of the condominium prior to any sales 5,000 Baht
  - (2) Registration of condominium's dissolution. 5,000 Baht
  - (3) Registration of the juristic condominium after 1st General Meeting 5,000 Baht
  - (4) Registration of the juristic person manager 1,000 Baht
  - (5) Registration of amendments to the regulations 1,000 Baht
  - (6) Issue of document of title of housing unit or substitute document of title of housing unit (per housing unit) 1,000 Baht
  - (7) Registration of rights and legal transaction:
    - 7.1) with cash value 2% of assessed value
    - 7.2) without cash value 200 Baht
  - (8) Miscellaneous fees:
    - 8.1) Application 50 Baht
    - 8.2) copying of documents including the copying of documents for use as evidence in civil cases, to be made by the competent officer, per page 50 Baht
    - 8.3) certification of copies of documents 50 Baht
    - 8.4) examination of evidence of housing unit registration per housing unit 100 Baht
    - 8.5) housing unit detention, per housing unit 100 Baht
    - 8.6) authorizing of power of attorney 50 Baht

- 8.7) examination of record, assessment, or other information per housing unit 100 Baht
- 8.8) printing hard copy from computer file, or other electronic file per page 50 Baht
- (9) Expenses
  - 9.1) posting up notices, paid to the person who posts them up per person 100 Baht
  - 9.2) witness, paid to the witness, per witness 50 Baht"

### 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

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#### 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.

Countersigned by

General Suryuth Chulanond

Prime Minister

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**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.

Government Gazette, Volume 125, Part 44 Kor., 6 March 2008

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