

## **Person Name Act, B.E. 2505 (1962)**

as amended by the Person Name Act (No. 3), B.E. 2548 (2005)

**Translation**

BHUMIBOL ADULYADEJ, REX.

GIVEN UNDER MY HAND THIS 15TH DAY OF NOVEMBER, B.E. 2505 (1962);

BEING THE 17TH YEAR OF MY REIGN.

H IS MAJESTY KING BHUMIBOL ADULYADEJ is graciously pleased to proclaim that:

WHEREAS it is desirable to revise the law on person name;

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Constituent Assembly in her capacity as the National Assembly, as follows:

### **Section 1**

This Act shall be cited as the "Person Name Act, B.E. 2505 (1962)".

### **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The followings shall be repealed:

- (1) The Family Name Act, Buddhist Era 2456 (1913);
- (2) The Family Name Act Amendment, Buddhist Era 2465 (1922);
- (3) The Family Name Act (No. 2), Buddhist Era 2481 (1938);
- (4) The Person Name Act, Buddhist Era 2484 (1941).

All other laws, regulations and ordinances dealing with, contrary to or inconsistent with this Act shall be repealed and replaced by this Act.

### **Section 4**

In this Act:

"First name" means a personal name;

"Middle name" means a name supplementary to a given name;

"Last name" means the name of a family;

"Registrar" means a local registrar, provincial registrar or central registrar appointed by the Minister to enforce this Act;

"Minister" means the Minister in charge of this Act.

### **Section 5**

A Thai national must have a first name and a last name, and may also have a middle name.

### **Section 6 <sup>(1)</sup>**

No first name may be identical or intended to be similar to the name of the King or his Queen or any title, or may consist of any impolite word or meaning.

No middle name may be attached by the disqualification set forth in paragraph 1, or may be identical to the last name of another, save where either spouse adopts the last name of the other as his middle name or where a child uses the former last name of its parent as its middle name.

Either spouse may, with the consent of the other, use the last name of the other as his middle name.

### **Section 7**

A person upon whom the nobility is conferred or has been conferred but later removed on any account other than dismissal may adopt the title of such nobility as his first name or middle name.

### **Section 8**

No last name may:

- (1) Be identical or intended to be similar to the name of the King or his Queen or any title;
- (2) Be identical or intended to be similar to any title, save where the title belongs to the person in question himself, his ascendant or his descendant;
- (3) Deal with any last name granted by the King or already registered;
- (4) Consist of any impolite word or meaning;
- (5) Comprise of more than ten consonants, save the case a title is used as a last name.

### **Section 9**

Any Thai national wishing to register a last name shall make an application therefore to a local registrar in charge of the locality where his name is entered in a household register pursuant to the law on civil registration.

Finding that the last name in question is not contrary to this Act, the local registrar shall forward the application to a central registrar. Once the application is approved by the central registrar, the local registrar shall enter the last name in a register and issue a registration certificate to the applicant. In this respect, if any registry is capable of gaining access to the information network of the central registry as permitted by the Ministry of Interior, the local registrar shall proceed with the application without having to obtain prior approval of the central registrar. <sup>(2)</sup>

The proceedings under this Section shall be carried out in accordance with the criteria and procedure determined in a ministerial regulation.

### **Section 10**

A last name having lawfully been registered prior to the coming into force of this Act shall be deemed to have been registered under this Act.

### **Section 11**

An applicant for last name registration may permit any Thai national to use his last name. In this respect, he shall make an application therefore to a local registrar in charge of the locality where his name is entered in a household register according to the law on civil registration.

The permission under this Section shall be valid once the local registrar issues a permission certificate to the person wishing to use the last name in question.

Upon death of the applicant for last name registration, his closest living descendant who still uses such last name shall be entitled to grant the permission mentioned in paragraph 1. <sup>(3)</sup>

## **Section 12**<sup>(4)</sup>

Either spouse may use the last name of the other according to their agreement. Otherwise, each of them may continue to use his existing last name.

The agreement referred to in paragraph 1 may be adopted at the commencement of the marriage or in the course of the marriage.

The agreement mentioned in paragraph 1 may subsequently be amended by both spouses.

## **Section 13**<sup>(5)</sup>

Once the marriage is dissolved by divorce or by judicial decision, either spouse using the last name of the other shall surrender it and use his former last name instead.

Should the marriage be dissolved by death, the living spouse who still uses the last name of the other shall be entitled to further use such last name. But if he wishes to remarry, he shall surrender the existing last name and use his former last name instead.

## **Section 14**<sup>(6)</sup>

*(Repealed)*

## **Section 15**

A child foster or owner of a hospital, foster home or orphanage who wishes to register a last name for a child in his care shall, prescribed that the child for want of a last name is of Thai nationality, make an application therefore to a local registrar in charge of the locality where his name is entered in a household register in connection with the law on civil registration or where such place is, in order that he and the child may use such last name jointly or separately. In this respect, the provisions of paragraphs 2 and 3 of Section 9 shall apply *mutatis mutandis*.

## **Section 16**

A person who wishes to change his existing first name or middle name shall make an application therefore to a local registrar in charge of the locality where his name is entered in a household register in conformity with the law on civil registration. Finding that the change applied for is not contrary to this Act, the local registrar shall grant the application and issue a change certificate to the applicant.

## **Section 17**

A person who wishes to change his existing family name shall make an application therefore to a local registrar in charge of the locality where his name is entered in a household register in pursuance of the law on civil registration. In this regard, the provisions of paragraphs 2 and 3 of Section 9 shall apply *mutatis mutandis*.

## **Section 18**

In the event that the registrar denies an application for last name registration, the applicant shall be entitled to lodge with the Minister an appeal against the order of the registrar. The lodging must be made within thirty days from the date the appellant is informed of the order and the appeal shall be filed to the local registrar.

Any decision of the Minister shall be final.

## **Section 19**

Any person wishing to use as his last name a title conferred upon him, his ascendant or his descendant shall make an application therefore to a local registrar in charge of the locality where his name is entered in a household register in accordance with the law on civil registration. The local registrar shall then forward the application to a central registrar.

Finding expedient, the central registrar shall present the application to the Minister who shall then communicate it to the King for approval. Upon the King's approval, the local registrar shall enter the last name in question in a register and issue a registration certificate to the applicant.

**Section 20**

The Minister of Interior shall be in charge of this Act and invested with the power to appoint the registrars and lay down the ministerial regulations determining the costs not exceeding the rate annexed to this Act and governing other activities in enforcing this Act.

Such ministerial regulations shall take effect upon their publication in the Government Gazette.

Countersigned by:

Field Marshal S. THANARAT,

Prime Minister

## Rate of Costs <sup>(7)</sup>

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- (1) A certificate of a change of first name or last name: 100 Baht each.
- (2) A certificate of the registration of last name: 200 Baht each.
- (3) A certificate of a change of last name:
  - (a) As for a change on marital basis:
    - (1) If the application is made for the first time following the marriage, or if it is made following the dissolution of the marriage, no costs shall be imposed;
    - (2) Each certificate of a next change costs 100 Baht;
  - (b) As for the change on any other account, each certificate costs 200 Baht.
- (4) A substitute for any certificate under (1), (2) or (3): 50 Baht each.

Published in the Government Gazette: volume 79, part 104, special issue, page 5  
November 23, 1962.

### Remarks:

The grounds for promulgation of this Act are as follows:

Since the existing procedure as to the registration of first, middle or last names, change of the same and joint usage of last name is inconvenient and repugnant to the prevailing situations, it is expedient to improve the procedure for the sake of facility, expeditiousness and appropriateness.

### Note

- (1) Section 6 was amended by the Person Name Act (No. 3), B.E. 2548 (2005).
- (2) Section 9, paragraph 2, was amended by the Person Name Act (No. 3), B.E. 2548 (2005).
- (3) Section 11, paragraph 3, was inserted by the Person Name Act (No. 3), B.E. 2548 (2005).
- (4) Section 12 was amended by the Person Name Act (No. 3), B.E. 2548 (2005).
- (5) Section 13 was amended by the Person Name Act (No. 3), B.E. 2548 (2005).
- (6) Section 14 was deleted by the Person Name Act (No. 3), B.E. 2548 (2005).
- (7) The rate was amended by the Person Name Act (No. 3), B.E. 2548 (2005).

### **The Person Name Act (No. 2), B.E. 2530 (1987)**

Published in the Government Gazette: volume 104, part 270, special issue, page 63, December 28, 1987.

Remarks:

The grounds for promulgation of this Act are as follows:

As a woman widowed by death of her husband should be entitled to choose whether she would continue to use the last name of her husband or use her former last name instead according to her personal need or desire, it is therefore necessary to enact this Act.

### **The Person Name Act (No. 3), B.E. 2548 (2005)**

Published in the Government Gazette: volume 122/part 7 A/page 1/January 19, 2005.

Section 9

A married woman having adopted the last name of her husband as her last name prior to the coming into force of this Act shall still be entitled to use the last name. However, this does not debar her from giving up such last name and using her former last name instead, and does not preclude the spouses from concluding a different agreement.

Remarks:

The grounds for promulgation of this Act are as follows:

The Constitutional Court, by its Decision No. 21/2546, held that the Person Name Act, B.E. 2505, section 12, is unconstitutional and therefore unenforceable. While the said Act's criteria as to the usage of middle name is defective, as it fails to prohibit the usage of another's last name as one's own last name which would lead the general public to the misunderstanding that the person in question is entitled to use such last name. Furthermore, the existing procedure on the registration of last name is not in line with the electronic system of public service, and the exclusive title of an applicant for registration of any last name to permit another to use such last name would bring about a practical problem following the applicant's death. Also, the existing rate of costs has been in force for too long, now it does not suit the actual management and providing of person name information service. By virtue of the facts stated, it is expedient to improve the relevant provisions to be in accord with the Decision of the Constitutional Court and for the sake of appropriateness. It is therefore necessary to enact this Act.

#### **Disclaimer**

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