

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

Bhumibol Adulyadej, Rex.

Given under my Hand this 8th Day of January, B.E. 2548 (2005);

Being the 60th Year of my Reign

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

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

AND WHEREAS this Act contains certain provisions giving rise to the restriction on personal rights and liberties, in respect of which Section 29 incorporating Section 31 of the Constitution of the Kingdom of Thailand so permit in virtue of the legal provisions;

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

Section 1

This Act shall be cited as the "Person Name Act (No. 3), B.E. 2548 (2005)".

Section 2

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

Section 3

Section 6 of the Person Name Act, B.E. 2505 (1962) shall be repealed and replaced by the following:

"Section 6

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 attacked 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 4

Paragraph 2 of Section 9 of the Person Name Act, B.E. 2505 (1962) shall be repealed and replaced by the following:

"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."

Section 5

The following provision shall be inserted after paragraph 2 of Section 11 of the Person Name Act, B.E. 2505 (1962):

“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.”

Section 6

Sections 12 and 13 of the Person Name Act, B.E. 2505 (1962) shall be repealed and replaced by the followings:

“Section 12

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

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 7

Section 14 of the Person Name Act, B.E. 2505 (1962) which has been amended by the Person Name Act (No. 2), B.E. 2530 (1987) shall be deleted.

Section 8

The rate of costs at the end of the Person Name Act, B.E. 2505 (1962) shall be repealed and replaced by that annexed to this Act.

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.

Section 10

The Minister of Interior shall be in charge of this Act.

Countersigned by:

Police Lieutenant Colonel Thaksin Shinawatra

Prime Minister

Rate of Costs

- (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 bath;
 - (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.

Remark:

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 (1962), 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.

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

Disclaimer

This translation is intended to help Thais or foreigners to understand Thailand laws and regulations only, not to use as references, because it is only the original Thai version of legislation that carries legal effect. www.ThaiLaws.com, therefore, shall not be held responsible in any way for any damage or otherwise the user may incur as a result of or in connection with any use of this publication for any purposes. It's the responsibility of the user to obtain the correct meaning or interpretation of this publication or any part thereof from Thai version or by making a formal request to the appropriate or related authorities.