

*Warning: This is an UNOFFICIAL translation from an unknown source. All annotation and notes have been provided by Mark Barber-Riley in April 2008 (2551)*

The 2522 Condo Act number 2 as amended by the Condo Act Number 3 (regarding some condo's having over 49% alien ownership) and as amended by the 2551 Condo Act number 4 - due to come into force on 4<sup>th</sup> July 2008 (2551)

*Repealed sections are in ~~strike out~~.*

*New sections are in **redline**.*

*Notes are in small font, normally italics*

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## **Condominium Act, B.E. 2522**

BHUMIBOL ADULYADEJ, REX.

Given on 21st April 1979

Being the 34th year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on condominiums;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

**Section 1.** This Act is called the "Condominium Act, B.E. 2522".

**Section 2.** This Act shall come into force as from the passing of 180 days from the date of its publication in the Government Gazette.

**Section 3.** All other laws, rules and regulations in so far as they are provided in this Act or are contrary to or inconsistent with the provisions of this Act, shall be replaced by this Act.

**Section 4.** In this Act,  
"condominium" means a building that persons are able to divide the holding of title to in parts where each part comprises title to personal property and co-ownership of common property;  
"personal property" means a condominium unit and includes structures and land provided for each condominium unit owner;  
"unit" means a specific part of the condominium where the holding of title to is separate for each person;  
"common property" means the parts of the condominium that are not units, the land on which the condominium is situated and other land and property provided for use by or for the common benefit of the co-owners;  
"unit title deed" means a certificate showing title to personal property and co-ownership of the common property;  
"co-owner" means the unit owners of each condominium;

"juristic person condominium" means a juristic person registered under this Act;

"regulations" means the regulations of the juristic person condominium;

"Competent Official" means a person appointed by the Minister for the carrying out of this Act; and

"Minister" means the Minister having charge and control of the execution of this Act.

**Section 5.** The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to appoint Competent Officials, issue Ministerial Regulations stipulating fees and expenses not exceeding the rates (given) at the end of this Act, and stipulate other businesses for the carrying out of this Act.

Such Ministerial Regulations shall come into force as from the date of their publication in the Government Gazette.

## Chapter 1

### Condominium Registration

~~**Section 6.** Any person with title to land and building who is desirous of registering such land and building to be a condominium under this Act shall file an application form for such registration with the Competent Official together with,~~

- ~~—— (1) — the title deed;~~
- ~~—— (2) — a plan of the condominium;~~
- ~~—— (3) — the ratio for which each unit owner has title to the common property under Section 14;~~
- ~~—— (4) — the details of the units, personal property and common property;~~
- ~~—— (5) — a certificate of the filer of the application form that the building is not mortgaged, unless the building is mortgaged together with the land;~~
- ~~—— (6) — other evidence as stipulated in Ministerial Regulations.~~

*(Changed)*

**SECTION 6.** Any person, who holds the ownership of a real estate and wishes to register such real estate as a private commonly-owned housing under this Act, shall apply to the competent officer for the private, commonly-owned housing registration together with:

- 1 the title-deed to the land;
- 2 the private, commonly-owned housing diagram including the access way to and from the public road;
- 3 the particulars pertaining to the private and common property such as space volume, nature of benefit usage, and other particulars as prescribed by the Minister;
- 4 information on the ratio of ownership of the common property pursuant to Section 14 granted to the owner of each housing unit;
- 5 the applicant's testimony to the effect that the building for which the private, commonly-owned housing registration is applied is not under mortgage with the exception of the mortgage of the building together with the land;

- 6 a draft of the condominium or regulations;
- 7 other evidences as specified by a Ministerial Regulation.

(Added)

SECTION 6/1 If the owner of real estate under the provision of Section 6 advertises the sale of a condominium, all copies of sale brochures or pictures that being commercialized or sale letters that were publicized by any methods must be kept in his office until all units are sold out, and at least one copy of each such material must be kept at the juristic person office for future reference. Advertising of a condominium for sale must be identical to the evidence and specification stated under Section 6. Advertising text or pictures made available to the public must be matched up with the registered evidence and details of common properties. In addition, the items stipulated under Section 15, must also be clearly shown.

It is regarded that all advertising materials, text, photos, sale letters, are part of the Condominium Sale Agreement as the case may be. If the advertising material differs from the Sales Agreement, it shall be interpreted for the benefit of the buyer.

SECTION 6/2: The Condominium Sales Agreement between the Seller who is the owner of the real estate under Section 6, and the prospective Buyer or the Buyers, must be made in the same standard as set by the Minister of Interior. Any paragraph of the Sales Agreement that appears in contradiction to the Ministry's standard or has any disadvantage to the buyer, that portion shall be null and void."

**Section 7.** When the Competent Official has received the application form under Section 6, if there is a mortgage creditor or a creditor with preferential right over the land and building named in the title deed, the Competent Official shall announce the application form and send notice to the creditor to come and notify the Competent Official (of being a creditor) and produce evidence within thirty days from the date of receiving the notice.

~~In carrying out this Act, the Competent Official has the power to enter upon and inspect the land and building during daylight hours from sunrise to sunset and summon any person whatsoever to appear and give testimony or furnish documents, if necessary; and the Competent Official shall be an official under the Penal Code.~~

Where the Competent Official has considered (the application) and finds it correct and that the land is free of any charges, or in the case the land is mortgaged that the mortgagee consents to the registration as a condominium, then the Competent Official shall register the condominium; but in the case the building is mortgaged and the mortgage does not cover the land, the Competent Official shall not register the condominium.

In the case the Competent Official finds that the application for registration of the condominium is incorrect, The Competent Official shall order not to register the condominium and send notice to the filer of the application form with the reasons and without delay.

The Competent Official shall publish the condominium registration in the Government Gazette.

**Section 8.** The application for registration under Section 6, the announcement and notice to the creditor and the registration under Section 7 shall be in accordance with the rules, procedures and conditions stipulated in Ministerial Regulations.

**Section 9.** Where the Competent Official has registered the condominium, the title deed filed under Section 6 shall be sent to the Land Officer in the locality where the condominium is located within fifteen days for recording in the abstract of title as being subject to this Act; and the title deed shall be safely kept (retained?). In the case the land is mortgaged but the mortgagee consents to the registration as a condominium, the Competent Official shall record such consent under paragraph three of Section 7 and also the amount that the mortgagee will receive in debt payment from each unit under Section 22.

**Section 10.** Where the condominium is registered and the La11U recorded it in the title deed under Section 9, no further rights or juristic acts concerning the land shall be registered, except in a case provided in this Act, and no charges concerning the condominium can be registered.

**Section 11.** In the case the Competent Official has ordered not to register the condominium, the filer of the application form has the right to appeal in writing to the Minister within thirty days from the date of knowing the order.

The Minister shall make a decision within sixty days from the date of receiving the appeal, and the decision of the Minister is final.

## Chapter 2

### Title to the Unit

**Section 12.** Title to the unit cannot be divided.

**Section 13.** The unit owners have title to their own personal property and co-ownership of the common property.

The unit floor and the dividing walls between the units are deemed the joint property [Translator's note: lit. joint ownership] of the co-owners, and the exercise of the right concerning such property shall be in accordance with the regulations.

The unit owners cannot do anything to their personal property that would affect the structure or the stability of or the prevention of damage to the building or anything else as stated in the regulations.

*(See section 31 in "Extra sections from condo act 4" at end of document - does not apply to existing Condos.)*

~~Section 14. The title to the common property belonging to the co-owners shall be in accordance with the ratio of the price of each unit and the total price of all the units at the time of applying to register the condominium under Section 6.~~

**SECTION 14:** The ownership ratio in common property of co-owners shall be according to the ratio between the space of each housing unit and the total space of all the housing units at the time of the private, commonly owned housing registration pursuant to Section 6.

*(See section 31 in "Extra sections from condo act 4" at end of document - new points do not apply to existing Condos.)*

**Section 15.** The following property is deemed common property:

- 1 the land on which the condominium is situated;
- 2 the land provided for use or for common benefit;
- 3 the structure and structures for stability and for preventing damage to the building;
- 4 the building and its parts and the accessories that are provided for use or for common benefit;
- 5 implements and instruments provided for use or for common benefit;
- 6 premises provided for common services to the condominium; and
- 7 other property provided for use or for common benefit.
- 8 the office of the juristic person;
- 9 immovable property that was procured or acquired under Section 48 (1);
- 10 construction or systems constructed for security purposes, or to maintain a good environment in the condominium such as fire fighting equipment, lighting systems, ventilation, air-conditioning, drainage, wastewater treatment, or garbage disposal systems;
- 11 properties maintained by the funds obtained under the provision of Section 18."

**Section 16.** The common property that is immovable property cannot be subject to a suit for dividing to enforce mortgage, or for enforcing sale by public auction separate from the personal property.

*(See section 32 in "Extra sections from condo act 4" at end of document - extra section 17/1 does not apply to existing Condos.)*

**Section 17.** The management and use of the common property shall be in accordance with this Act and with the regulations.

**SECTION 17/1** In case that any commercial area is provided within the condominium premises, the access to such area must be arranged to be separate from normal residential access in order to not disturb the peaceful living of co-owners.

No commercial trading shall be conducted in a condominium building except in the commercial area specified in paragraph one.

*(See section 31 in "Extra sections from condo act 4" at end of document - does not apply to existing Condos.)*

**Section 18.** ~~The co-owners are required to jointly pay the expenses arising from the common services and the implements and instruments provided for common benefit according to units' benefits, as stated in the regulations.~~

~~—The co-owners are required to jointly pay the taxes and duties and the expenses for looking after and handling the common property according to the ratio for which each unit owner has title to the common property under Section 14.~~

**SECTION 18** The co-owners shall jointly contribute payment toward the tax and duty costs in proportion to the ownership ratio to common property pursuant to Section 14;

The co-owners shall jointly contribute monetary payment toward the costs and expenses arising from the purchase and maintenance of common tools,

equipment and facilities made available for the common benefit and toward the cost of expenses arising from the maintenance of common properties in proportion to the benefit rendered to a housing unit prescribed under Section 14 or as specified in the condominium regulations.

The owners of the land and building under the provision of Section 6 shall be the co-owners of the condominium units that have not had the ownership transferred to any other person and shall jointly contribute for the expenses described in paragraph one and paragraph two for the units so described.

**SECTION 18/1** In the case that a co-owner fails to make the payment required under the provision of Section 18 within the due date, a fine of non-compounded interest of 10% per annum shall be penalized on top of the overdue amount as prescribed in the condominium regulations.

Co-owners who have payments overdue for the monetary payments required under Section 18 exceeding a six-month period shall be subject to a 20% per annum additional penalty and may risk having the supply of utilities stopped or may be prevented from accessing the common facilities as further prescribed in the condominium regulations.

The penalties under paragraph one shall be regarded as an expense under Section 18.

~~Section 19. The provisions concerning the acquisition of land by aliens and by some juristic persons that have (limited) rights in land as if aliens under the Land Code shall also apply mutatis mutandis to the acquisition of title to the units by aliens and such juristic persons, unless there is a law that provides otherwise~~

**SECTION 19 bis** Aliens or juristic persons stated in Section 19 may only have ownership in a condominium unit or units that does not exceed forty-nine percent of the total space of all units in that condominium at the time the condominium was registered under Section 6.

The next parts were introduced in the Condo Act 3 of 2542 - and is now repealed in the 2551 act.

“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.

“(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 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.

(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 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 his Thai nationality. If he failed to dispose of within the said time, the provisions of Section 19 quinque, paragraph four shall apply mutatis mutandis.

This bit is to allow for condo's that now have over 49% alien ownership:

**SECTION 19 (quarter) the competent official shall receive the documents and evidences submitted according to Section 19 tri and verify them 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 already had ownership in condominium unit or that are applying for receiving the transfer of the ownership of any other condominium units, does not exceed the proportion as allowed by Section 19 bis, then the competent officer shall proceed with the registration of rights and the juristic act concerning the condominium unit in accordance with Chapter 4 in favor of the alien or juristic person who is a transferee.**

(1) Aliens or juristic persons under Section 19 obtaining the condominium unit devolved upon them by statutory right or by will or by other means as the case may be, when added to the condominium units in that condominium that are already held by aliens or juristic persons under Section 19 exceeding the proportion as specified in Section 19 bis.

**SECTION 19 novem Any person who obtains an ownership in a condominium unit while having 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 the competent official of the loss of his Thai nationality. He must also present 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 a condominium unit of that person exceeds the proportion as**

allowed by Section 19 bis, such person shall dispose of the excess unit(s) within one year from the date of the loss of his Thai nationality. If he failed to dispose of this property within the said time, the provisions of Section 19 quinque, paragraph four shall apply mutatis mutandis.

## Chapter 3

### Unit Title Deed

**Section 20.** Where the condominium has been registered under Section 7, the Competent Official shall without delay proceed to issue the unit title deeds according to the plan of the registered condominium.

The registration of the rights and juristic acts concerning the units cannot be done until the juristic person condominium is registered under Section 31, except for registering removal of mortgage that the Competent Official has recorded under Section 22 or transfer of title to all the units to one person or to several persons with co-ownership.

**Section 21.** The unit title deed shall have at least the following material (matters):

- (1) the position of the land and the area of the land belonging to the condominium;
- (2) the site, the area and a plan of the unit showing the width and length and height;
- (3) the ratio of the title to the common property;
- (4) the personal and family names of the person with title to the unit;
- (5) the abstract of title;
- (6) the signature of the Competent Official; and
- (7) the seal of office of the Competent Official, affixed.

The unit title deed shall be made in two original copies, one of which shall be given to the person with title to the unit and the other retained at the office of the Competent Official, but the latter may be in the form of a photograph and in such a case the signature of the Competent Official and the seal of office of the Competent Official (are still required).

The form, rules and procedures for issuing the unit title deed and its replacement shall be stipulated in Ministerial Regulations.

**Section 22.** In the case of immovable property under Section 15 (1) or (2), if the mortgage predates the condominium registration and the mortgagee gave consent under paragraph three of Section 7, when the unit title deeds are issued the Competent Official shall set forth in all the unit title deeds that the person applying for registration has title to the unit and record the mortgage as well as the amount that the mortgagee will receive in debt payment from each unit for registration. Such amount shall be calculated using the ratio of title in the common property given in the abstract of title.

Where the unit title deeds have been issued under paragraph one, each unit shall be deemed collateral for the mortgage debt with respect to the part set forth in the unit title deed.



**Section 23.** In the case the Competent Official has recorded the mortgage of the immovable property in the unit title deeds under Section 22, the first sale of each of the units, by the applicant for condominium registration who is the owner of title in the unit title deed, to the person who takes transfer of the title (to) the unit shall be free of mortgage.

**Section 24.** Where it is apparent that the issuance of the unit title deed, registration of rights and juristic acts concerning the unit, or the recording of the particulars in the abstract of title for such registration is inexact or unlawful, the Competent Official shall have the power to revoke or correct such, as the case may be.

The Competent Official shall have the power to conduct an inquiry and call for unit title deeds, registration of rights and juristic acts documents, records of recording particulars in the abstract of title for registration, and other documents involved (to be produced) for consideration. Before revoking or correcting, the Competent Official shall notify persons with an interest at least fifteen days in advance to provide an opportunity to object. If there is no objection within thirty days from the date of receiving the notice, it shall be deemed that there is no objection. In the case the Competent Official cannot call for the unit title deed, the Competent Official shall have the power to issue a replacement.

When the Competent Official with the power under paragraph one has considered any matter, he shall proceed as follows:

In the case the court gives a final judgment or order to revoke or correct, the Competent Official shall proceed accordingly.

**Section 25.** If any person's unit title deed is lost or materially damaged, the owner can apply for a replacement.

**Section 26.** In the case of issuing a replacement under Section 24 or Section 25, the original unit title deed shall be cancelled unless the court orders otherwise.

**Section 27.** In the case the unit title deed kept at the office of the Competent Official is lost or materially damaged, the Competent Official shall have the power to call for the unit owner's copy for consideration and make a new one based on the evidence (the old one).

## Chapter 4

### Registration of Rights and Juristic Acts

**Section 28.** The Competent Official under this Act is the Competent Official for registration of the rights and juristic acts concerning units.

~~Section 29. Any person desirous of registering rights and juristic acts concerning a unit under this Act, the unit title deed shall be brought to the Competent Official for such registration.~~

~~— In the case of applying for registration of the rights and juristic acts concerning transfer of title to the unit, the applicant shall bring the certificate of the~~

~~debt particulars arising from the expenses under Section 18 signed by the manager of the juristic person condominium as well as (the unit title deed) and present them to the Competent Official who shall register the rights and juristic acts when the debt has been paid in full.~~

~~—The Competent Official shall have the power to summon the manager of the juristic person condominium to appear and give the facts concerning the debt particulars under paragraph two.~~

~~—The provisions of paragraph one do not apply to the case of registering rights and juristic acts for transfer of title to a unit before registration of the juristic person condominium.~~

**SECTION 29** Any person who wishes to register the rights and legal transactions under this Act shall bring the housing unit document of title to the Land Office for registration.

In the case of an application for registration of rights and legal transaction of transferring an housing unit ownership, the applicant shall bring along also a certificate of debts caused by the expenses under Section 18 from the Manager of the concerned condominium for submission to the Land Office, who shall proceed to register the rights and legal transactions after such debts have been completely repaid.

The Manager shall issue the Debt Certificate to the co-owner within fifteen days from the date of request and all outstanding expense debts incurred under Section 18 have been repaid.

The provision in paragraph two shall not apply to the case where the registration of rights and the legal transaction of transferring a housing unit ownership have been done prior to the registration of the condominium.

**Section 30.** The provisions of the Land Code in Chapter 6: Registration of Rights and Juristic Acts and the Ministerial Regulations issued under such provisions shall apply mutatis mutandis to registering rights and juristic acts concerning units.

## Chapter 5

### Juristic Person Condominium

**Section 31.** Transfer of title to a unit to any person, without transfer of title to all the units to a person or to several persons with co-ownership, can be done upon the applicants, the transferor and transferee, for transfer of title to the unit filing with the Competent Official the relevant application form and the application form for registration of the juristic person condominium with a copy of the regulations and evidence of registering the condominium.

Where the Competent Official has considered and finds that all is correct, the Competent Official shall register the transfer of title to the unit to the transferee and register the juristic person condominium under paragraph at the same time, and publish the registration of the juristic person condominium in the Government Gazette.

The application for and the registration of the juristic person condominium shall be in accordance with the rules, procedures and conditions stipulated in

Ministerial Regulations.

The provisions of paragraph one do not apply to transfer of title to a unit after registration of the juristic person condominium.

~~Section 32. The regulations must include at least the following material (matters):~~

- ~~(1) the name of the juristic person condominium, which must contain the words "Juristic Person Condominium";~~
  - ~~(2) the objects under Section 33;~~
  - ~~(3) the location of the office of the juristic person condominium;~~
  - ~~(4) the amount in expenses of the juristic person condominium that the co-owners must pay in advance;~~
  - ~~(5) common property other than provided in Section 15, if any;~~
  - ~~(6) management of the common property;~~
  - ~~(7) the use of the private property and the common property;~~
  - ~~(8) the ratio that each of the co-owners has title to in the common property (when) applying for registration of the condominium;~~
  - ~~(9) summoning a co-owners general meeting and the meeting procedures;~~
  - ~~(10) the ratio of the common expenses the co-owners (are required to jointly pay) under Section 18;~~
  - ~~(11) the appointment, powers and duties, term of holding office and vacating office of the manager; and~~
  - ~~(12) other matters as stipulated in Ministerial Regulations.~~
- ~~Any changes to the registered regulations shall be valid upon registration with the Competent Official.~~

**SECTION 32** The condominium regulations shall comprise at least the following essence:

- 1 the name of the juristic private, commonly-owned housing, which must be immediately followed by "Juristic private, commonly-owned housing";
- 2 the objectives pursuant to Section 33;
- 3 the location of the juristic private, commonly-owned housing which must be located within the condominium premises;
- 4 the amount of expenses of the juristic private, commonly-owned housing to be contributed by the co-owners in advance;
- 5 the management of common property;
- 6 the use of private property and common property;
- 7 the ratio of ownership in common property by the owner of each housing unit according to the application for registration of the private, commonly-owned housing;
- 8 the ratio to the joint expenses of the co-owners pursuant to Section 18;
- 9 other information as prescribed in the Ministerial Regulation.

Any corrections or additions of the registered regulations shall be complete only after it has been resolved by the general meeting of co-owners and must be submitted by the juristic person manager to the competent officer for registration within 30 days from the date of resolution.

Should the competent officer consider that such correction or addition of the

regulations is not against the laws, the officer shall accept the correction or addition for registration.

**Section 33.** The juristic person condominium registered under Section 31 has the status of a juristic person.

The objects of the juristic person condominium are to manage and take care of the common property and the juristic person condominium shall have the power to do anything in the interests of pursuing the objectives pursuant to the resolutions of the co-owners meeting and subject to this Act.

**Section 34.** In the case some of the condominium is expropriated under the law on the expropriation of immovable property, the co-owners whose units are expropriated have no right in the common property remaining after the expropriation. In such event, the juristic person condominium shall manage to have the other co-owners jointly make good the price for the co-owners whose units have been expropriated, at the ratio that each co-owner has title to the common property.

For the purpose of making good the price for the co-owners who have lost their right under paragraph one, it shall be deemed that the debt for making good the price is a preferential right over the personal property of the unit owners whose units were not expropriated in the same way as the expenses under paragraph two of Section 18.

**Section 35.** The juristic person condominium shall have one manager who may be either an individual or a juristic person.

In the case of a juristic person being the manager, such juristic person shall appoint one individual to act on behalf of the juristic person with the status of manager.

**Section 35/1** The manager must be at least 25 years of age and have none of the following disqualifications:

- 1 has been adjudged bankrupt;
- 2 has been adjudged incompetent or a quasi-incompetent person;
- 3 has been dismissed or removed from a government office, or private organization for being dishonest;
- 4 has been imprisoned except for a minor offense or a negligent offense;
  
- 5 have been dismissed as a juristic person manager for dishonesty or corruption or defaming behaviour or for bad morals;
- 6 be a person with outstanding debts under provision of Section 18.

In case that the manager is a juristic person, the person representing the juristic person must possess the same qualifications and have no disqualifications prescribed in the first paragraph.

**Section 35/2** The appointment of the Manager shall be done at a general meeting under Section 49 and the appointed Manager shall register his appointment as the Manager with the Land Office within 30 days from the date of general meeting. Supporting documents for registration shall include the evidence of appointment or the employment contract.

**Section 35/3.-** The Manager shall be terminated for any of the following causes:

- 1 death (natural person) or termination of business (juristic person);

- 2 resignation;
- 3 contracted term expires;
- 4 lack of required qualifications or has disqualifications prescribed under Section 35/1;
- 5 violating this Condominium Act or Ministerial Regulation issued by the virtue of this Condominium Act or violating the employment contract and is dismissed at a general meeting under the provisions of Section 49;
- 6 dismissed at a general meeting.

~~Section 36. The manager has the following powers and duties:~~

- ~~(1) to carry out in accordance with the objects under Section 33 and the resolutions of the co-owners meeting and of the committee under Section 37 providing that such is not contrary to the regulations;~~
- ~~(2) in a case of necessity or urgency, the manager shall have the power on his own initiative to manage the business for the safety of the condominium as a person of ordinary prudence would maintain and manage his own property;~~
- ~~(3) to represent the juristic person condominium; and~~
- ~~(4) other duties as stipulated in Ministerial Regulations.~~

~~The manager must perform the businesses in his duty by himself except for a business that the regulations or the resolutions of the co-owners meeting under Section 48 (3) provide may be entrusted with another person to do on his behalf.~~

**SECTION 36. The Manager shall have the power and duty as follows:**

- 1 to conduct activities in accordance with the objectives under Section 33 or the regulations, or the resolution of the meeting of the co-owners or the Committee, however, not to be Inconsistent with the laws;
- 2 In the case of a pressing necessity, the Manager shall have the power to initiate activities for the safety of the building in such manner that a responsible person may maintain and manage his own property;
- 3 to provide security and peaceful order within the condominium;
- 4 to act as the representative of the juristic private, commonly-owned housing;
- 5 to provide monthly income and expense reports and to post them on a bulletin board within 15 days after the end of each month. Notice on the bulletin board must be post for at least 15 consecutive days;
- 6 to take legal action against co-owners who has overdue payment exceeding 6 months;
- 7 to perform other duties as prescribed in the Ministerial Regulations.

The Manager shall himself carry out his duties, except the activities that the rules or the resolution of the co-owners at a general meeting pursuant to Section 49(2) specifies to be carried out by another person or persons on his behalf

~~Section 37. The co-owners can provide for a committee to control the management of the juristic person condominium comprising no more than nine members appointed by a resolution of the general meeting under Section 44.~~

~~—The appointment, term of holding office and vacating office of the members, the powers and duties and the meetings of the committee shall be in accordance with the resolutions of the general meeting under Section 44.~~

SECTION 37. The Management committee comprising not less than three and not more than nine members shall be appointed by the resolution at a general meeting.

The appointed committee has a two-year term. If any committee member vacates the office before the end of the term, or if there is an appointment of another committee member to replace any committee member, the newly appointed person shall hold the office for the remaining term of the replaced committee member.

After the committee completes the term stated in paragraph 2 and a new committee has not been appointed, the retired committee shall be the acting committee until the new committee is appointed.

A committee may be reelected to be the committee for a second term, but shall not be entitled to be the committee longer than two consecutive terms except when no replacement can be recruited.

Appointment of the committee shall be submitted for registration by the Manager within thirty days after the resolution is approved at a general meeting of co-owners

SECTION 37/1 The following persons shall be eligible for appointment as the committee members:

- 1 the co-owners or spouses of the co-owners;
- 2 the lawful representative, the supporter or guardian in the case that a co-owner is a minor, an incompetent or quasi-incompetent person, as the case may be;
- 3 one person as the representative of a juristic person in the case that the juristic person is a co-owner.

In the case that the condominium unit is jointly owned by many co-owners, only one co-owner shall be entitled to be elected to the committee.

SECTION 37/2 Persons of the following qualifications shall not be qualified to be elected to the committee:

- 1 a minor person or an incompetent or quasi-incompetent person;
- 2 has been dismissed from the committee position or manager position at a general meeting due to dishonesty or bad behaviour or bad morale behaviour;
- 3 has been dismissed or removed from government offices, or a private organization for being dishonest;
- 4 has been imprisoned except for a minor offense or a negligent offense;

SECTION 37/3 In addition to be retired on rotation, the committee may be retired for the following reasons:

- 1 death;
- 2 resignation;
- 3 is no longer a person under Section 37/1 or has a disqualification under Section 37/2;
- 4 is dismissed at a general meeting in accordance with Section 44.

SECTION 37/4 One of the committee members shall be appointed to chair the meeting, and another member may be appointed as the vice chairperson.

SECTION 37/5 Committee meetings shall be called by the chairperson. In the case that two or more of the committee members request a committee meeting, the chairperson shall fix the meeting schedule within 7 days from the date of the request.

SECTION 37/6 A quorum for a committee meeting shall be consist of at least one-half of the committee members.

If the chairperson cannot be present at the meeting or is unable to perform his duty, the vice chairperson shall become the chairperson of the meeting. In case that the vice chairperson is not available or is unable to perform his duty, one of the present committee shall be appointed to be the chairperson of the meeting.

A resolution of the committee must approved by a majority of committee members present for which one member shall have one vote. In the case of a tie in the voting, the chairperson shall have an additional vote.

~~Section 38. The following persons are eligible for appointment as members:~~

- ~~(1) a co-owner or his or her spouse;~~
- ~~(2) a legal representative, custodian or guardian, or curator in the case the co-owner is a minor, an incapable person or a quasi incapable person, as the case may be; and~~
- ~~(3) the manager or another representative of a juristic person in the case such juristic person is a co-owner.~~

SECTION 38 The committee shall retain the authority and duty as follows:

- 1 to control the management of the condominium juristic person;
- 2 to appoint one committee member to be the juristic person Manager in case the elected Manager is not available or the Manager is unable to perform his duty for over seven days;
- 3 to convene a committee meeting at least once every six months;
- 4 to perform other duties as prescribed in the Ministerial Regulations.

SECTION 38/1 - The balance sheet for a period of twelve months shall be presented by the juristic person condominium and it is regarded as a fiscal year period for accounting purposes.

The balance sheet referred to in paragraph 1 shall contain the total of assets and liabilities of the condominium and the profit and loss statement of accounts. These statements must be inspected by certified auditor and to be presented at a general meeting for approval within 120 days from the account-closing date.

Section 38/2 - The juristic person condominium shall present the annual performance report at a general meeting together with the balance sheet.

The copy of such report and the balance sheet shall be delivered to co-owners at least seven days before the schedules general meeting.

Section 38/3 - The annual performance report, balance sheet and condominium regulations must be kept for official and co-owners inspection at the juristic person office.

The annual performance report and balance sheet referred in paragraph 1 must be kept for reference for at least ten years from the date of approval obtained at a general meeting.

**Section 39.** The juristic person condominium may exercise the rights of co-owners covering all the common property in defending (opposing?) a third person or claiming the return of property, for the benefit of all the co-owners.

**Section 40.** The co-owners shall pay money to the juristic person condominium for operating the business of the juristic person condominium, as follows:

- (1) expenses of the juristic person condominium that each unit owner must pay in advance;
- (2) funds upon starting to do any business according to the regulations or the resolutions of the general meeting; and
- (3) other money for complying with the resolutions of the general meeting, subject to conditions attached by the general meeting.

**Section 41.** For the purpose of enforcing the payment of debts arising from the expenses under Section 18, the juristic person condominium has the following preferential rights:

- (1) a preferential right concerning the expenses under paragraph one of Section 18, which shall be deemed a preferential right of the same rank as that under Section 259 (1) of the Civil and Commercial Code, and over the movable property of the unit owner that has been brought into the unit; and
- (2) a preferential right concerning the expenses under paragraph two of Section 18, which shall be deemed a preferential right to the same rank as that under Section 273 (1) of the Civil and Commercial Code, and over the private property of each unit owner.

If the manager has sent the debt particulars to the Competent Official, the preferential right under (2) is deemed to rank before the mortgage.

~~Section 42. There shall be a meeting of all the co-owners called a general meeting and held within the first six months from the date of registering the juristic person condominium; and subsequently the general meeting shall be held at least once a year.~~

**SECTION 42.** The Manager shall convene a general meeting which is the first general meeting for co-owners within six months from the date of the registration of the condominium, to approve the condominium regulations and the registered Manager according to the application for the registration of the condominium.

If the general meeting does not consent with the regulations or the Manager as prescribed in paragraph 1, the general meeting shall correct or amend the regulations and/or dismiss the proposed Manager and appoint a new Manager.

**SECTION 42/1** The first general meeting for co-owners shall be organized by the committee within 120 days from the fiscal account closing- date for consideration of the following:

- 1 the balance sheet;
- 2 the annual performance report;
- 3 the appointment of the independent auditor;
- 4 other matters



SECTION 42/2 In case of necessity, the following persons have the right to call an extraordinary general meeting at any given time:

- 1 the Manager;
- 2 the Committee by a majority vote of its members at a Committee Meeting;
- 3 co-owners that hold not less than 20% of the total votes who jointly sign a written request to the committee to organize an extraordinary meeting. The committee shall organize the meeting within fifteen days from the date of receiving the written request. If the committee fails to organize such meeting, the referenced co-owners have the right to convene the meeting thereof and to appointment one of its members in the group to release the meeting invitation.

SECTION 42/3 Calling a general meeting shall be made by sending out a Notice for the General Meeting specifying the meeting location, date and time and the meeting agenda as well as the details of matters to be presented in the meeting that shall be sent to co-owners at least seven days before the meeting date.

~~Section 43. A general meeting, to constitute a quorum, requires the presence of co-owners holding at least one third of all the votes.~~

SECTION 43 A general meeting shall be attended by at least one-fourth of the members who have the right to vote of the total number of the qualified members in order to constitute a quorum.

If the co-owners do not attend the meeting in the number to constitute a quorum pursuant to paragraph one, another general meeting shall be announced and held within fifteen days from the published date of the previous meeting. For this new meeting the constitution of a quorum shall be irrelevant.

The Manager and the marriage party of the Manager shall not preside over the meeting.

**Section 44.** A resolution of the general meeting requires a majority vote of the co-owners present at the meeting, unless this Act provides otherwise.

**Section 45.** In voting, each co-owner has a vote equal to the ratio that such co-owner has title to in the common property.

Where a single co-owner has more than half of all the votes, the number of votes of that person shall be reduced to the number of votes of all the other co-owners.

**Section 46.** Where the regulations require that some co-owners pay expenses in a particular matter, those co-owners alone shall have votes concerning such matter, and each shall have votes according to the ratio given in the regulations under paragraph one of Section 18.

~~Section 47. A co-owner may give proxy in writing to another person to vote on the co-owner's behalf. However one proxy can hold proxy to vote at a meeting for no more than three co-owners.~~

~~Neither the manager nor the spouse of the manager can preside over a~~

~~meeting or hold proxy to vote at a meeting for any co-owner.~~

**SECTION 47.** A co-owner may give a proxy vote for its unit but a proxy holder shall not be authorized to represent more than three condominium units.

The following person cannot be a proxy of any co-owner.

- 1 a committee member or a committee member's spouse;
- 2 the Manager or the Manager's spouse;
- 3 condominium staff or employees or the employees of the condominium's staff
- 4 the staff or employees of the juristic Manager if the juristic Manager is a legal identify.

~~Section 48. A resolution concerning any of the following business requires a majority vote of all the co-owners:~~

~~(1) permit any co-owner to do construction or additions that would affect the common property or the external appearance of the building at the expense of such person;~~

~~(2) appoint or remove the manager; and~~

~~(3) determine the businesses that the manager may entrust another person to do on the manager's behalf.~~

~~If the number of co-owners present at the meeting (and constituting a quorum) is insufficient for a majority vote under paragraph one, a new meeting shall be held within fifteen days from the date of holding the previous meeting and at the new meeting the resolution can be passed by a majority vote of the persons present at the meeting.~~

**SECTION 48,** A resolution on any of the following matters shall not be less than one-half the votes of the total number of the votes of all the attending co-owners combined:

- 1 a purchase of immoveable property or an acceptance of immovable property of binding value as common property;
- 2 disposal of common property;
- 3 an approval granted to any one co-owner for construction that effects the common property or the outside appearance of the building at the expense of such co-owner;
- 4 an amendment of the regulations in connection with the use or management of the common property;
- 5 an amendment that changes the ratios of the joint payments in the regulations pursuant to Section 32 (8);
- 6 a construction that modifies, adds to or improves the common property;
- 7 a management that benefits in common property. ??????????????

If the co-owners do not attend the meeting in the number to constitute the majority votes pursuant to paragraph one, another general meeting shall be appointed to be held within fifteen days from the appointed date of the previous meeting. For this new meeting the resolution shall be determined by the majority of the votes of the meeting attendants

~~Section 49. A resolution concerning any of the following business requires a vote of at least three out of four of the number of votes of all the co-owners.~~

~~(1) correct or change the ratio of the common expenses in the regulations~~

~~under Section 32 (10);~~

- ~~(2) purchase immovable property or undertake to give immovable property with a charge to be common property;~~
- ~~(3) amend the regulations concerning the use or management of the common property;~~
- ~~(4) construction that changes, adds to, or improves the common property, apart from what is given in the regulations; and~~
- ~~(5) disposing of common property that is immovable property~~

**SECTION 49** A resolution on any of the following matters shall have more than one-fourth of the votes of the total number of the votes of all the co-owners combined: ??????????????

- 1 the appointment or dismissal of the Manager;
- 2 the prescription of the activities that the Manager is empowered to impose on other persons to carry out on his behalf.

**Section 50.** In the case all or some of the condominium is damaged thus affecting more than half the total number of units, and the co-owners resolve by a vote under Section 48 to construct or repair the damaged part of the building, the juristic person condominium shall manage the construction or repair to make it good. In the case less than half the total number of units is damaged and a majority of the unit owners whose units are damaged resolve to construct or repair the damaged part of the building, the juristic person condominium shall manage the construction or repair to make it good.

The expenses in constructing or repairing the damaged building with respect to the common property (shall be charged to) all the co-owners in the condominium and shared according to the ratio each co-owner has title to in the common property. The expenses in constructing or repairing the personal property shall be borne by the unit owners of the damaged units.

A newly built unit under paragraph one or paragraph two is deemed a replacement of the original and the original unit title deed is deemed the unit title deed for such new unit. If the details in the unit title deed have changed, the Competent Official has the power to make the correction.

If there is a resolution not to construct or repair the damaged part of the building under paragraph one or paragraph two, Section 34 shall apply mutatis mutandis.

Where the owner of a damaged unit that is not (re)constructed or repaired receives compensation for the price of the common property from the co-owners, the unit title deed for such unit shall be cancelled and the owner shall surrender it to the Competent Official within thirty days from the date of receiving the compensation for noting the cancellation in the unit owner's copy and in the copy kept at the office of the Competent Official, and the Competent Official shall publish the cancellation of such unit title deed in the Government Gazette.

## Chapter 6

### Condominium Deregistration

**Section 51.** A registered condominium may be deregistered on any of the following grounds:

- (1) in the case of not yet registering the juristic person condominium, the applicant for registering the condominium or a transferee of title to all the units in the condominium, as the case may be, can apply for deregistration;
- (2) the co-owners unanimously resolve to deregister the condominium;
- (3) all the condominium is damaged and the co-owners resolve not to reconstruct the building or
- (4) the condominium is expropriated under the law on the expropriation of immovable property.

**Section 52.** In the case the condominium is deregistered on a ground under Section 51 (1), the applicant for deregistration shall file with the Competent Official the relevant application form in the form the Minister announces.

Where the Competent Official considers and finds that (the application) is correct, the Competent Official shall deregister the condominium and publish the deregistration in the Government Gazette.

Where the condominium is deregistered under this Section, the provisions of Section 54 and Section 55 shall apply *mutatis mutandis*.

**Section 53.** In the case the condominium is deregistered on a ground under Section 51 (2) or (3), the manager of the juristic person condominium shall file the relevant application file with the Competent Official the form the Minister announces together with the unit title deeds and a copy of the minutes of the co-owners meeting resolving, as the case may be, to deregister or not to reconstruct the condominium, such copy being certified a true copy by the manager, and the manager shall file the relevant application file within thirty days from the date of the co-owners meeting so resolving.

Where the Competent Official considers and finds that (the application) is correct, the Competent Official shall deregister the condominium and publish the deregistration in the Government Gazette.

**Section 54.** Where the condominium is deregistered under Section 52 or Section 53, the unit title deeds of the condominium shall be cancelled and the Competent Official shall note the cancellation both in the unit owner's copy and in the copy kept at the office of the Competent Official.

The Competent Official shall have the power to send a letter calling for the unit owner's copy of the unit title deed that is cancelled to be surrendered by the unit owner or occupant for proceeding under paragraph one. The unit owner or occupant shall send the unit title deed to the Competent Official within thirty days.

**Section 55.** The Competent Official shall send copies of the cancelled unit title deeds kept at the office of the Competent Official and with the note of the cancellation under Section 54 with a copy of the application form for deregistration to the Land Officer in the locality where the abstract of title in the original land title deed was recorded, giving the names of the co-owners named in the application form for deregistering as being the holders of joint title at the ratio that each co-owner holds title to in the common property, together with the particulars of other charges appearing in the unit title deeds.

Where the Land Officer has recorded (the foregoing) in the land title deed under paragraph one, the land shall no longer be subject to the provisions

(requirements) of this Act and the Land Officer shall return the land title deed to the holder of title.

**Section 56.** In the case the condominium is deregistered on a ground under Section 51 (4), the unit title deeds of the condominium shall be cancelled and the Competent Official shall deregister the condominium and publish the deregistration in the Government Gazette.

In the case under paragraph one, the recording in the abstract of title in the unit title deeds and in the original land title deed shall be in accordance with what is stipulated in Ministerial Regulations.

**Section 57.** When the condominium is deregistered, the juristic person condominium is cancelled and the co-owners meeting shall appoint a liquidator within fourteen days from the date of deregistration.

**Section 58.** The liquidator has the power to dispose of the movable common property unless the co-owners meeting resolves otherwise.

**Section 59.** The provisions of the Civil and Commercial Code in Title 22: Partnerships and Companies, Chapter 5: Liquidation of Registered Partnerships, Limited Partnerships and Limited Companies shall apply mutatis mutandis to the liquidation a juristic person condominium.

**Section 60.** When the liquidation is completed, if any property remains it shall be shared by the co-owners in the ratio that each co-owner has title to in the common property.

#### CHAPTER 6/1 Competent Officer

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**SECTION 60/1** Subject to the provisions of this Act governing execution, the competent officer shall retain the power and authority as follows:

- 1 to send out a letter or enquiry or summoning any person to give statement or to send document evidence or records concerned or other things necessary for the consideration and examination of operations under the provision of this Act;
- 2 to enter the land and building submitted for juristic person registration or to enter the common area in order to inspect or make enquiry into the facts or check the documents or evidence in order to obtain the facts for the execution of this Act;
- 3 to seize or impound any document, book-keeping material, records or any other things for the benefit of inspection and taking legal proceedings under the provisions of this Act;

In executing (2) above, the competent officer shall not be an act with any harmful intention or act of threat or search according to the Penal Code. In executing the duty of the competent officer under paragraph one, the persons concerned shall provide assistance as necessary.

**SECTION 60/2:** The Competent Officer (Land Office) shall produce an ID

Card in the execution of its duties.

The ID Card of the Competent Officer shall be according to the form prescribed by the Minister.

SECTION 60/3: In the execution of its duties under this Act, the Competent Officer shall be the Competent Officer according to the Penal Code.

## Chapter 7

### Fees and Expenses

**Section 61.** The applicant for the application for and the registration of the condominium and the juristic person condominium, the application for and the registration of the deregistration of the condominium, change to the regulations, issuance of the unit title deed and the replacement, the application for and the registration of the rights and juristic acts, and other affairs concerning the condominium, shall pay the fees and expenses stipulated in Ministerial Regulations.

~~Section 62. The provisions of the Land Code, Chapter 11: Fees, and Section 104, Section 105 and Section 106 shall apply mutatis mutandis to the fees under this Act.~~

SECTION 62 The provisions of the Land Code, Chapter 11 Fee, shall apply to the fees under this Act mutatis mutandis.

### SCHEDULE OF FEES AND EXPENSES

		Baht
1	Registration of the condominium	5,000
2	Registration of condominium's dissolution.	5,000
3	Registration of the juristic condominium.	5,000
4	Registration of the juristic person manager	1,000
5	Registration of amendments to the regulations	1,000
6	Issue of document of title of housing unit or substitute document of title of housing unit (per housing unit)	1,000
7	Registration of rights and legal transaction:	
	i. with cash value	2% of assessed value
	ii. without cash value	200
8	Miscellaneous fees:	
	i. Application	50
	ii. copying of documents including the copying of documents	
	(1) for use as evidence in civil cases,	
	(2) to be made by the competent officer, per page	50
	iii. certification of copies of documents	50
	iv. examination of evidence of housing unit registration per housing unit	100
	v. housing unit detention, per housing unit	100
	vi. authorizing of power of attorney	50
	vii. examination of record, assessment, or other information per housing unit	100

- |       |  |     |
|-------|--|-----|
| viii. | printing hard copy from computer file, or other electronic file per page | 50  |
| ix.   | Expenses   |     |
|       | (1) posting up notices, paid to the person who posts them up per person  | 100 |
|       | (2) witness, paid to the witness, per witness                            | 50  |

## CHAPTER 8 Penalty

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**SECTION 63** Any co-owner under Section 6, who violates Section 6/1, paragraph one or Section 6/2, paragraph one shall be penalized with a fine of not more than one hundred thousand baht. *(Is this section 60/1 and 60/1 to assist the 'Competent Officer'?)*

**SECTION 64** Whoever violates Section 6/1, paragraph two shall be penalized with a fine of fifty thousand baht to one hundred thousand baht. *(Is this section 60/1 and 60/1 to assist the 'Competent Officer'?)*

**SECTION 65** Whoever violates Section 17/1 shall be penalized with a fine of not more than fifty thousand baht and the offender shall be further penalized with a daily fine of not more than five thousand baht throughout the period of violation or not complying with such provisions. *(Commercial use in new Condos)*

**SECTION 66** Any alien or juristic person deemed by Thai law to be an alien who does not submit particulars prescribed under Section 19 quinque, paragraph two, Section 19 septem, Section 19 octo, Section 19 novem, Section Dec and Section 19 eleventh, to the Land Office within the prescribed period of time shall be penalized with a fine of not more than ten thousand baht and further penalized with a daily fine of not more than five hundred baht throughout the period of violation or for the period of not complying with such provisions. *(Aliens not to own more than 49% of the Condo)*

**SECTION 67** Anyone owning a condominium unit on behalf of an alien or a juristic person which the law treats as an alien, regardless of whether an alien or juristic person is entitled to own a unit under the this Act, shall be penalized with a term of imprisonment of not more than two years or a fine of not more than twenty thousand baht, or both and the provisions of Section 19 quinque paragraph four shall apply mutatis mutandis. *(Aliens not to own more than 49% of the Condo)*

**SECTION 68** Any Manager who does not comply with Section 29, paragraph three, *(must issue a debt free certificate when someone is selling a condo)* and Section 36 (5) *(must post income and expenditure report)* shall be penalized with a fine of not more than fifty thousand baht and further penalized with a daily fine of not more than five hundred baht throughout the period of the violation or not complying with such requirement...

**SECTION 69** Any Manager who violates or does not comply with Section 32/2, *(violates condo regulations)* Section 35/2, *(appointment and registration of*

manager) Section 37 paragraph five (*appoint a committee*) and Section 42 paragraph one (*first general meeting*) shall be penalized with a fine of not more than five thousand baht.

SECTION 70 Any chairman who does not comply with Section 37/5 (*call a meeting when requested*) and Section 38 (3) (*keep documents for 10 years*) shall be penalized with a fine of not more than five thousand baht.

SECTION 71 Any juristic person who violates or does not comply with Section 38/1, Section 38/2 and Section 38/3, (*produce a report and annual balance sheets and present to co-owners*) shall be penalized with a fine of not more than ten thousand baht.

In case the juristic person is the offender and has been penalized under paragraph one, the manager of the juristic person shall be penalized in the same way as the juristic person unless it can be proved that he is not a party to the offense.

SECTION 72 Any co-owner who extends, modifies or renovates his unit that is in violation of Section 48 (3) (*without general meeting approval*) shall be penalized with a fine of not more than one hundred thousand baht..

SECTION 73 Whoever shall obstruct or does not provide assistance as necessary to the competent officer in carrying out Section 60/1 shall be penalized with a term of imprisonment of not more than three months or a fine of not more than six thousand baht, or both. (*To assist a competent authority*)

Countersigned by

S. Hotrakit

Deputy Prime Minister

#### EXTRA SECTIONS FROM CONDOMINIUM ACT 4 of 2551

**SECTION 31:** The provisions of Section 14 (change from ratio of price to ratio of space), Section 15 (addition of extra items of common property) and Section 18 (how much each co owner must pay and the new penalty charges) of the Condominium Act B.E. 2522 (1979) as amended by the provisions of this Act shall not apply in setting the ownership ratios in common property, in defining facilities that shall be regarded as common property and in setting common maintenance fees for the condominium that has been registered as a juristic person on or before the date this Act comes into force.

The provisions of Section 14, Section 15 and Section 18 of the Condominium Act B.E. 2522 (1979) shall remain in force for condominiums registered earlier or on the date this Act comes into force.

**SECTION 32:** The provision of Section 17/1 (commercial units) and Section 65 (penalty for breaking section 17/1) of the Condominium Act B.E. 2522 (1979) as amended by the provisions of this Act shall not apply to a condominium that has been registered as a juristic person with commercial units on or before the date this Act comes into force.

**SECTION 33:** The provisions that are enforced on the date this Act comes into force remain valid in so far as they are not inconsistent with this Act. The



condominium juristic person shall amend its regulations to be harmonized with this Act within three hundred and sixty days after this Act becomes in force.

SECTION 34: The existing Manager or committee of condominium on the date this Act becomes in force shall remain in their elected positions until their terms are over according to the regulations or until a new Manager or committee is appointed at a general meeting as the case may be.

SECTION 35: The Schedules of Fees and Expenses annexed to the Condominium Act B.E. 2522 shall be repealed and replaced by the Schedules of Fees and Expenses annexed to this Act.

SECTION 36: The Minister of the Ministry of Interior shall have charge and control of the execution of this Act.

Counter-signed  
General Surayud Chulanont  
Prime Minister

Remark: - The reasons for the promulgation of this Act (No. 4) in 2008 are as follows:

The Condominium Act B.E. 2522 (1979) has been in force for a considerably long period and it appeared that many procedures and provisions of the Act could not actually be implemented and are inadequate to protect the residents in condominiums. Law enforcement of the provisions relating to the Condominium Act shall be more practically effective. Also, the schedule of fees and expenses will be updated. It is therefore expedient to prescribe changes to make the Act more suitable.

*Warning: This is an UNOFFICIAL translation from an unknown source. All annotation and notes have been provided by Mark Barber-Riley in April 2008 (2551)*