

AGRICULTURAL LAND CONSOLIDATION ACT

B.E. 2558 (2015)¹

BHUMIBOL ADULYADEJ, REX;

Given on the 25th day of February B.E. 2558 (2015)

Being the 70th Year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to improve the law on agricultural land consolidation.

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the National Legislature, as follows:

Section 1. This Act shall be called the “Agricultural Land Consolidation Act B.E. 2558 (2015).”

Section 2.² This Act shall come into force upon the expiration of 180 days from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) Dikes and Ditches Act B.E. 2505 (1962);
- (2) Agricultural Land Consolidation Act B.E. 2517 (1974);

¹ Translated by Chandler and Thong-ek Law Office Limited under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

²Government Gazette, Volume 132, Part 14 Kor, page 1, dated 2 March B.E. 2558 (2015)

(3) Agricultural Land Consolidation Act (No. 2) B.E. 2534 (1991).

Section 4. In this Act:

“land consolidation” means the complete development of all plots of agricultural land to increase production and reduce production cost by consolidating several plots of land in the same area to reorganize the lands, arrange irrigation system, construct roads or transportation routes on farms, level the ground, nourish the soil, plan the production and distribution of agricultural produce, including exchange, transfer, acceptance of assignment of right to land, providing hire-purchase of land and other acts concerning agricultural land consolidation;

“agricultural water management” means the management of irrigation system from irrigation waterway or any other water source for utilization in the overall area appropriate for agriculture, including construction of roads or transportation routes on farms;

“agriculture” means rice farming, farming, fruit farming and other types of agriculture pursuant to the rules prescribed in the notification of the Minister of Agriculture and Cooperatives;

“agricultural water management area” means an area of land designated by a notification to be an agricultural water management area;

“land consolidation project area” means an area of land designated by a notification to be a land consolidation project area;

“irrigation system” means the dikes, water ditches, water drainages, watergates and any other structures or devices made to store, keep, preserve, control, supply, drain or allocate water in an agricultural water management area or land consolidation project area;

“Local Administrator” means the president of tambol administration organization, mayor or other Local Administrator of an organization established by law but excluding the president of provincial administration organization;

“landowner” means a person having right to land under the Land Code;

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“competent officer” means a person appointed by the Minister to execute the duties under this Act;

“Director-General” means the Director-General of the Royal Irrigation Department;

“Minister” means the Minister in charge of the enforcement of this Act.

Section 5. The Minister of Agriculture and Cooperatives and the Minister of Interior shall be in charge of the enforcement of this Act and shall have the power to appoint competent officers and issue ministerial regulations and notifications for implementation of this Act with regard to his respective powers and duties.

Such ministerial regulations and notifications shall come into force upon their publication in the Government Gazette.

CHAPTER I

LAND CONSOLIDATION COMMITTEES

Section 6. There shall be an agricultural land consolidation committee, called the “Central Land Consolidation Committee”, comprising the Minister of Agriculture and Cooperatives as Chairman, Permanent Secretary for Agriculture and Cooperatives as First Vice-Chairman, Permanent Secretary for Interior as Second Vice-Chairman, Director-General of the Rice Department, Director-General of the Department of Internal Trade, Director-General of the Marine Department, Director-General of the Royal Irrigation Department, Director-General of the Department of Lands, Director-General of the Comptroller General’s Department, Director-General of the Land Development Department, Director-General of the Department of Agricultural Extension, Director-General of the Cooperative Promotion Department, Secretary-General of the Office of Agricultural Economics, Manager of the Bank for Agriculture and Agricultural Cooperatives and President of the National Farmers Council, who

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shall be members ex officio, and not more than nine experts appointed by the Minister of Agriculture and Cooperatives, as members.

Chief of the Central Land Consolidation Office shall be a member and the secretary.

The expert members under paragraph one must be those who have recognized knowledge, expertise or experience in law, agriculture, irrigation, management, natural resources, economics, environment or other fields related to land consolidation.

Section 7. Upon the Royal Decree designating a land consolidation survey area under Section 32 coming into force in any area of any province, there shall be a provincial agricultural land consolidation committee in that province, called the “Provincial Land Consolidation Committee”, comprising the Provincial Governor as Chairman, Deputy Provincial Governor as Vice Chairman, Provincial Land Officer, Chief of Provincial Agriculture Office, Chief of Provincial Commerce Office, Chief of Provincial Public Works and Town & Country Planning Office, Chief of Provincial Cooperative Office, representative of the Rice Department, representative of the Royal Irrigation Department, representative of the Land Development Department, representative of the Department of Rural Roads, Provincial Chief Public Prosecutor, representative of the Bank for Agriculture and Agricultural Cooperatives, District Officer in the land consolidation survey area, not more than five Local Administrators of all jurisdictions within the land consolidation survey area, elected among themselves, unless any land consolidation survey area has not more than five Local Administrators whereby every Local Administrator shall be members, and President of the Provincial Farmers Council, who shall be members ex officio, and not more than five other members appointed by the Provincial Governor from landowners in the land consolidation survey area.

Chief of the Provincial Land Consolidation Office shall be a member and the secretary.

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Where a land consolidation survey area covers land in two provinces or more in the same project area, the Central Land Consolidation Committee may authorize one Provincial Land Consolidation Committee to be in charge of the entire project. In such case, the Provincial Land Officers and District Officers in other relevant provinces shall also be members. The Local Administrators of all local administration organizations within the land consolidation survey area shall be elected among themselves.

Election of the Local Administrators under paragraph one and paragraph three shall be in accordance with the rules and procedure prescribed in the notification of the Director-General.

Section 8. The members appointed under Section 6 or Section 7 shall hold office for a term of four years each.

Where an appointed member vacates office before the expiration of his term, or if an additional member is appointed while the term of the already appointed members has not expired, the person appointed as replacement or additionally appointed shall retain office for the duration of the unexpired term of the members already appointed.

Upon the expiration of the term under paragraph one, if no new members are appointed, the members who have vacated office upon the expiration of the term shall retain office to continue working until new members are appointed.

A member whose term has expired may be reappointed.

Section 9. Apart from retirement upon the expiration of the term of office under Section 8, a member appointed under Section 6 or Section 7 shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Minister of Agriculture and Cooperatives or Provincial Governor due to faulty performance, misconduct or deficiency in ability, with respect to a member appointed by him, as the case may be;

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- (4) becoming a bankrupt;
- (5) becoming an incompetent or quasi-incompetent person;
- (6) having been imprisoned by a final court judgment, unless the offence is related to an act of negligence or a petty offence.

Section 10. At least half of the total number of members shall form a quorum for their meeting.

At the meeting, if the Chairman is not present or cannot perform his duties, the First or the Second Vice-Chairman respectively shall preside over the meeting. If the Chairman and Vice-Chairmen are not present or cannot perform their duties, the members present shall elect one of them to be the chairman of the meeting.

Decisions at the meeting require a majority of votes. Each member shall have one vote. In the event of a tie, the chairman of the meeting shall cast an additional vote as the deciding vote.

Section 11. The Central Land Consolidation Committee shall have the powers and duties to:

- (1) consider proposing the land consolidation master plan to the Council of Ministers for approval;
- (2) set policy of, and consider approving the plan and budget of, agricultural water management projects and of land consolidation projects in various localities;
- (3) propose to the Minister of Agriculture and Cooperatives for issuance of a notification designating an agricultural water management survey area;
- (4) propose to the Minister of Agriculture and Cooperatives in enacting a Royal Decree designating a land consolidation survey area;
- (5) prescribe rules and method of assessment of price of land and other properties on the land in a land consolidation project area;

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(6) grant approval for designation of any land as public domain of the state for common use by the people or for use specifically for the benefit of the state or land reserved or restricted pursuant to the requirements of the government service under Section 34;

(7) render a decision on a land consolidation problem pursuant to a petition or appeal filed by a landowner or person having an interest in the land in a land consolidation project area under Section 42 and Section 48;

(8) stipulate rules or regulations concerning expenditures, disbursement and keeping of money of the Land Consolidation Fund;

(9) stipulate rules or regulations concerning performance and activities involving agricultural water management and land consolidation of the Central Land Consolidation Office or the Provincial Land Consolidation Office;

(10) prescribe guideline for promotion and support of agricultural operation in a land consolidation project area;

(11) do other acts concerning agricultural water management and land consolidation in compliance with this Act.

Section 12. The Provincial Land Consolidation Committee shall have the powers and duties to:

(1) arrange for survey of the area deemed appropriate to be designated as a land consolidation project area;

(2) assess the price of land and other properties on the land in a land consolidation project area in accordance with the rules and procedure prescribed by the Central Land Consolidation Committee;

(3) consider approving the arrangement of layouts of land plots, irrigation system, construction of roads or transportation routes on farms, leveling of the ground, exchange of lands and other acts concerning land consolidation in a land consolidation project area;

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(4) investigate and render a decision on a petition under Section 42 or to work out a compromise under Section 43;

(5) manage the finance and other businesses concerning land consolidation pursuant to the rules, regulations or resolutions of the Central Land Consolidation Committee or as assigned by the Central Land Consolidation Committee;

(6) prescribe rules or regulations concerning opening or close of watergates or other things used in directing water into the land of the landowners in a land consolidation project area;

(7) do other acts concerning land consolidation to achieve the objectives of land consolidation.

Issuance of rules or regulations under (6) shall be made in consistency with the rules, procedure, and conditions prescribed by the Director-General under Section 25.

Section 13. The Central Land Consolidation Committee or the Provincial Land Consolidation Committee shall have the power the appoint sub-committees to conduct study or research or to perform any act on its behalf or as assigned by it.

Meetings of a sub-committee shall be governed by the provisions of Section 10 *mutatis mutandis*.

CHAPTER II

LAND CONSOLIDATION OFFICE

Section 14. The Central Land Consolidation Office shall have the powers and duties to proceed with agricultural water management, land consolidation, be responsible for administrative work of the Central Land Consolidation Committee, and supervise the Provincial Land Consolidation Offices for implementation of this Act, and shall have the powers and duties to:

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- (1) prepare the land consolidation master plan;
- (2) prepare the plan and budget of an agricultural water management project and land consolidation project;
- (3) prepare land plot layout, irrigation system, construction of roads or transportation routes on farms, ground leveling and other acts concerning land consolidation in a land consolidation project area;
- (4) coordinate with relevant state or private organizations in promoting and assisting agricultural operation;
- (5) perform other duties concerning agricultural water management and land consolidation as required by the Central Land Consolidation Committee.

Section 15. The Provincial Land Consolidation Office shall have the powers and duties to proceed with agricultural water management, land consolidation within the province and be responsible for administrative work of the Provincial Land Consolidation Committee.

Where an agricultural water management area or land consolidation project area covers land in two provinces or more in the same project area, the Director-General may authorize any Provincial Land Consolidation Office to have the powers and duties to proceed with agricultural water management or land consolidation of the entire project, regardless of whether or not there is a land consolidation office in the relevant province.

Section 16. All lands or other properties acquired by any means under this Act or acquired by expropriation under the law on immovable property expropriation shall not be deemed a state property, and the Royal Irrigation Department shall hold ownership thereof for the exclusive use in agricultural water management or land consolidation.

Lands and properties under paragraph one shall be subject to the power of the Royal Irrigation Department to provide lease, hire-purchase or to transfer to farmers for

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use in agriculture in accordance with the rules, procedure and conditions prescribed in ministerial regulations.

For any act whereby the law requires registration of immovable property or real right pertaining to immovable property in an agricultural water management area or land consolidation project area, the Royal Irrigation Department shall be exempt from fees for such registration.

Section 17. The Central Land Consolidation Office shall prepare the land consolidation master plan, comprising the agricultural water management plan and the land consolidation plan, showing the overview of development of areas appropriate for agricultural water management and land consolidation, period for implementing the plan, budget limit, and shall determine the agencies in charge of the plan, guideline for cooperation of agencies involved with irrigation system arrangement, management and development of land and other businesses involving agricultural promotion.

In preparing the land consolidation master plan under paragraph one, the Central Land Consolidation Office shall take into account the consistency with the National Economic and Social Development Plan, the Agricultural Development Plan of the Ministry of Agriculture and Cooperatives or other relevant plans, and shall arrange for public hearing as well as coordinate with relevant agencies in support of preparation of the plan.

The Central Land Consolidation Office shall propose the land consolidation master plan to the Central Land Consolidation Committee for its consideration before forwarding the same to the Council of Ministers for approval.

The Central Land Consolidation Committee shall complete its consideration of the land consolidation master plan within 90 days from the date the Central Land Consolidation Office proposed the same.

Where the Council of Ministers approves the land consolidation master plan, the Central Land Consolidation Office shall announce the same to the general public and the relevant agencies shall have the duty to implement the plan.

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CHAPTER III
AGRICULTURAL WATER MANAGEMENT

Section 18. Where the Central Land Consolidation Office or landowner in an agricultural area wishes to have agricultural water management in any area, the Central Land Consolidation Office shall prepare a project therefor and propose it to the Central Land Consolidation Committee.

The project proposed under paragraph one must indicate the boundaries of the area where agricultural water management is to be made, water source to be used in agricultural water management, number of landowners operating agriculture, type of agricultural operation, feasibility and justification for implementation and benefit to the community, in accordance with the rules prescribed in the notification of the Central Land Consolidation Committee published in the Government Gazette.

Section 19. Where the Central Land Consolidation Committee considers it appropriate to have agricultural water management and it is the area not yet announced to be a land consolidation project area, the Committee shall propose to the Minister of Agriculture and Cooperatives to issue a notification designating the boundaries of agricultural water management survey in that area. Such notification must have a rough map showing the locality to be surveyed.

Section 20. Within the boundaries of the agricultural water management survey area prescribed by the Minister under Section 19, the competent officer or person performing duties jointly with the competent officer shall have the powers to:

(1) enter land of any person to survey the area for constructing irrigation system, roads or transportation routes on farms or to do other acts necessary for agricultural water management;

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(2) make any marks by planting posts, digging furrows or installing mapping controls on the land of any person as the boundaries for proceeding;

(3) dig the ground, cut off branches or todo any acts against obstacles to the survey as necessary.

In entering any person's land for proceeding under paragraph one, the competent officer shall notify the owner or possessor of the immovable property reasonably in advance, and must take care to minimize the impact on utilization by the owner or possessor of the immovable property.

Section 21. After the competent officer has completed survey and preparation of the preliminary agricultural water management layout, he shall hold a meeting of the landowners operating agriculture within the boundaries of the agricultural water management survey to select among themselves to be the community water management committee to act as representatives of landowners in that area.

The method of selection and the number of members in the community water management committee shall be as agreed among the landowners present at the meeting.

The Local Administrators of all jurisdictions within the agricultural water management survey area shall be membersex officio in the community water management committee.

Section 22. The competent officer shall, jointly with the community water management committee, consider the making of irrigation system, roads or transportation routes on farms or other relevant acts so that the allocation of water will be made all over and sufficiently for the agricultural area, provided that consent must be given by landowners for the making of irrigation system, roads or transportation routes on farms and any other acts in connection with the agricultural water management through their lands, for further forwarding to the Central Land Consolidation Office.

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The making of irrigation system shall take into account the allocation of water to landowners who wish to use water for agriculture, convenience in transportation of agricultural produce, based as much as possible on the boundaries of the existing area and without posing onerous burden on any particular landowner.

Section 23. After the Central Land Consolidation Office has approved the agricultural water management layout for any area, it shall propose to the Director-General to announce the agricultural water management area, whereby such announcement must show the agricultural water management layout and land map within its boundaries, and the announcement shall be posted at the city hall, district office, local administration organization office, and the densely populated zone in the agricultural water management area.

Section 24. After there is the announcement of the agricultural water management area under Section 23, the competent officer or persons performing duties jointly with the competent officer shall have the power to enter the lands or make use of the lands within the boundaries under such announcement to construct irrigation system, roads or transportation routes on farms and do other acts necessary for agricultural water management.

In proceeding by the competent officer under paragraph one, if necessary, the competent officer may, upon approval by the Chief of the Central Land Consolidation Office, modify such layout as appropriate to the condition of the area or for the purposes of the construction, provided that the modification of the layout must cause least damage to landowners.

The entry into or making use of land under paragraph one shall be governed by the provisions of paragraph two of Section 20 *mutatis mutandis*.

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Section 25. Agricultural water management and maintenance of structures constructed within the agricultural water management area shall be in accordance with the rules, procedure and conditions prescribed by the Director-General in a notification published in the Government Gazette.

The notification under paragraph one shall specify the competent officer in charge and authorization for the local administration organization or other organization to proceed instead.

The competent officer or person performing duties jointly with the competent officer under paragraph two shall have the power to enter lands or make use of lands within the agricultural water management area for the purposes of proceeding under paragraph one.

The entry into or making use of land under paragraph three shall be governed by the provisions of paragraph two of Section 20 *mutatis mutandis*.

Section 26. Payment for expenses incurred in agricultural water management, repair and maintenance, use of water for the benefit of agricultural business operation or use of excessive water by a landowner in the agricultural water management area shall be in accordance with the rules, procedure and conditions prescribed by the Central Land Consolidation Committee in a notification published in the Government Gazette.

If the expenses incurred in repair and maintenance are higher than the landowners can bear and if it is intended for public interest, upon request by the landowners, the Royal Irrigation Department or the local administration organization may provide financial support or may carry it out instead as deemed appropriate.

In prescribing rules, procedure and conditions under paragraph one, the Central Land Consolidation Committee may consider reducing or exempting the payment and prescribing or extending the period of payment as deemed appropriate.

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Section 27. No person shall construct a water drainage to connect with the irrigation system or do any act to supply, store or drain water from the irrigation system, unless done in accordance with the rules, procedure and conditions prescribed by the Director-General under Section 25 or unless permitted by the competent officer.

Section 28. No person shall cause damage to, or inconvenience for use of, the irrigation system, roads or transportation routes on farms.

Section 29. No person shall store water for use more than necessary for his land or do any other act that obstructs the supply, storage or drainage of water, which causes other persons to be unable to receive water from the irrigation system.

Section 30. In an agricultural water management area, land may not be used for purposes other than agriculture, unless permitted in writing by the Central Land Consolidation Committee or person authorized by it.

CHAPTER IV LAND CONSOLIDATION

Section 31. Where the Central Land Consolidation Office or landowners in an agricultural area wishes to have land consolidation in agricultural area or area in an agricultural water management area, the Central Land Consolidation Office shall prepare a project therefor and submit it to the Central Land Consideration Committee.

Submission of the project under paragraph one shall be governed by the provisions of paragraph two of Section 18 *mutatis mutandis*.

Section 32. Where the Central Land Consolidation Committee considers it appropriate to designate any agricultural area or area in an agricultural water management

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area to be a land consolidation project area for proceeding under this Act, it shall propose to the Council of Ministers for enacting a Royal Decree designating land consideration survey area. In the Royal Decree there shall be a rough map showing the locality to be surveyed.

The Royal Decree under paragraph one shall be effective for five years.

Section 33. During the effectiveness of the Royal Decree under Section 32, no person shall dispose of, create encumbrances over, or do any act that may cause appreciation of the assessed price of, the land in the locality to be surveyed for land consolidation, pursuant to the rules, procedure and conditions prescribed by the Central Land Consolidation Committee in a notification published in the Government Gazette, unless permitted in writing by the Central Land Consolidation Committee or person authorized by it.

If there is any act that causes the assessed price of the land to appreciate without permission under paragraph one, the Provincial Land Consolidation Committee shall not include the appreciated land price in the assessed price of such land and properties thereon. If anything so constructed is a property that may cause damage to or obstruct land consolidation, the Provincial Land Consolidation Committee shall have the power to order the landowner in writing to make removal within the specified period, failing which the Provincial Land Consolidation Committee shall have the power to make removal whereby the landowner may not claim any damages and shall also bear the expenses incurred in such removal.

Section 34. After there is the Royal Decree under Section 32, if the Provincial Land Consolidation Committee considers it appropriate to consolidate the land that is public domain of the state within the area under such Royal Decree, the following shall be proceeded:

(1) If in that area there is land that is public domain of the state for common use by the people or is land which the people cease to utilize or has changed from

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the status of being land for common use by the people and is not owned by any person, the Royal Decree under Section 32 shall take the effect of withdrawal of such land's status of public domain of the state, without having to proceed with withdrawal under the Land Code, and the Royal Irrigation Department shall have the power to use such land in the land consolidation.

(2) If in that area there is land that is public domain of the state for use exclusively for the benefit of the state or land reserved or restricted pursuant to the requirements of the government service, upon the consent by the Ministry of Finance, the Royal Decree under Section 32 shall take the effect of withdrawal of such land's status of public domain of the state, without having to proceed with withdrawal under the Land Code or the law on state property, and the Royal Irrigation Department shall have the power to use such land in the land consolidation.

(3) If in that area there is land that is public domain of the state and is waste land or land surrendered or abandoned or otherwise vested in the state under the Land Code and it composes of small plots of land, the Royal Irrigation Department shall have the power to use such land in the land consolidation.

If the land withdrawn under (1) and (2) is land for common use by the people or is used exclusively for the benefit of the state or is land reserved or restricted pursuant to the requirements of the government service, the Provincial Land Consolidation Committee shall arrange for such land to remain land for common use by the people or for use exclusively for the benefit of the state or land reserved or restricted pursuant to the requirements of the government service. If it cannot be done, the Provincial Land Consolidation Committee shall provide other plot of land within the area under the Royal Decree as replacement.

After proceeding under paragraph two, the Provincial Land Consolidation Committee shall, with the approval of the Central Land Consolidation Committee, publish a notification in the Government Gazette and there shall be a rough map showing the scope

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of that land attached to the notification, and such land shall be public domain of the state in the same manner as that before the enactment of the Royal Decree under Section 32.

Section 35. In a locality under the Royal Decree under Section 32, the competent officer or person performing jointly with the competent officer shall have the powers to:

- (1) enter land of any person to survey the area to be covered by the land consolidation project;
- (2) make any marks by planting posts, digging furrows or installing mapping controls on the land of any person as the boundaries for proceeding;
- (3) dig the ground, cut off branches or to do any acts against obstacles to the survey as necessary.

The proceeding under paragraph one shall be governed by the provisions of paragraph two of Section 20 *mutatis mutantis*.

Section 36. After the competent officer has completed survey of the area, a preliminary land consolidation project layout shall be prepared showing the boundaries of the existing land before the land consolidation and boundaries to be adjusted pursuant to the land consolidation project, and an announcement thereof shall be posted at the local administration organization office and the densely populated zone in the area of the preliminary land consolidation project layout, for information of the landowners in the area to be proceeded under the preliminary land consolidation project layout.

Section 37. The competent officer shall hold a meeting of the landowners within the boundaries of the preliminary land consolidation project layout under Section 36 to inquire their willingness in land consolidation. If consent is given to the land consolidation by at least three-fourths of all landowners and the amount of land is not less than one-half of that of the preliminary land consolidation project layout, the landowners shall elect

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among themselves to be a community land consolidation committee to act as representative of landowners of that locality.

The election and appointment of the Community Land Consolidation Committee under paragraph one shall be governed by the provisions of paragraph two and paragraph three of Section 21 *mutatis mutandis*.

Section 38. The competent officer shall, jointly with the Community Land Consolidation Committee, review the preliminary land consolidation project layout prepared by the competent officer, and shall adjust the land consolidation project layout pursuant to the need of the Community Land Consolidation Committee and to benefit agricultural operation.

In proceeding under paragraph one, the Community Land Consolidation Committee shall also inquire the opinion of the landowners within the area of the preliminary land consolidation project layout.

The competent officer shall have the duties to provide advice, explain information and suggest the method of preparation of the land layout, irrigation system, roads or transportation routes on farms and other public utilities in the land consolidation project, and shall prepare the land consolidation project layout taking into account the suggestions of the Community Land Consolidation Committee.

Section 39. The competent officer shall propose the land consolidation project layout to the Provincial Land Consolidation Committee for its consideration and approval and for further forwarding to the Central Land Consolidation Committee for announcing the land consolidation project area.

The announcement of land consolidation project area under paragraph one shall show the land map, arrangement of irrigation system, roads or transportation routes on farms and public utilities within the area, including list of landowners, and the

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announcement shall be posted at the city hall, district office, local administration organization office and the densely populated zone in the land consolidation project area.

Where the announcement of the land consolidation project area under paragraph one has designated the same land area as the land in the agricultural water management area under Section 23, it shall take the effect of withdrawal of such land from the agricultural water management area, and such land shall become land within the land consolidation project area.

In case of problem concerning agricultural water management on the land under paragraph one, which may not be proceeded in accordance with the rules for land consolidation, it shall be proceeded as prescribed by the Central Land Consolidation Committee in a notification published in the Government Gazette.

Section 40. In a land consolidation project area, the competent officer or person performing jointly with the competent officer shall have the powers to:

- (1) enter it to do any acts necessary for land consolidation;
- (2) enter it to conduct survey to re-determine the land plot arrangement layout, construct irrigation system, roads or transportation routes on farms, level the ground and to do other acts involving land consolidation;
- (3) mark the level, scope and boundaries.

Where necessary and appropriate, the competent officer shall have the power to cut off or remove trees, floras, fences or any things as necessary for land consolidation.

In carrying out the provisions of paragraph one and paragraph two, no entry shall be made into a building, yard or area fenced and adjacent to a house that is a residence, unless the owner or possessor of the immovable property has given permission or has been notified of the same for at least three days before beginning to do so.

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Section 41. The Provincial Land Consolidation Committee shall issue a letter to a landowner, mortgagee, purchaser in a sale with right of redemption or holder of the land right document of land in the land consolidation project area under Section 39 to bring or submit the land right document together with document of right relating to that land, to the Provincial Land Consolidation Committee at the place and within the period specified.

Section 42. An interested person shall be entitled to request an examination of documents and evidence and to object to right to land under paragraph two of Section 39 by filing an objection to the Provincial Land Consolidation Committee within 60 days from the date of posting of the announcement.

Where there is an objector under paragraph one, the Provincial Land Consolidation Committee shall have the power to conduct investigation and to require any persons to make a statement or submit relevant documents as necessary, and to make a decision as deemed appropriate, and notify such decision in writing to persons concerned.

Any concerned person who is dissatisfied with the decision under paragraph two shall be entitled to file an appeal to the Central Land Consolidation Committee within 30 days from the date of receipt of the decision.

The Central Land Consolidation Committee shall complete its consideration of the appeal within 90 days from the date of receipt of the appeal and shall notify the decision in writing to persons concerned.

The decision of the Central Land Consolidation Committee shall be final.

While the objection or appeal so filed is pending, the Provincial Land Consolidation Committee may continue to proceed with the land consolidation.

Section 43. In a land consolidation project area, if any existing plot of land has been mortgaged before the announcement of the land consolidation project area under Section 39, the Provincial Land Consolidation Committee shall work out a compromise so that the landowner can remove the mortgage or so that the contractual parties can agree to

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replace the mortgage with the new plot of land received by the mortgagor landowner under the land consolidation project.

Where the contractual parties agree to replace the mortgage with a new plot of land under paragraph one, registration of mortgage removal and the new mortgage shall be exempt from fees for mortgage registration under the Land Code.

Section 44. In a land consolidation project area, if any existing plot of land has been sold with right of redemption before the announcement of the land consolidation project area under Section 39, the right to redeem the property of the seller or person specified in Section 497 of the Civil and Commercial Code shall follow the new plot of land received by the purchaser in the sale with right of redemption under the land consolidation project.

Section 45. The Provincial Land Consolidation Committee shall, in the land consolidation project area, proceed to:

- (1) assess the price of land and other properties on every plot of land in that land consolidation project area;
- (2) fix details of land consolidation and public utilities to be utilized in common;
- (3) specify the plots of land to be allocated to the original landowners and persons entitled to acquire land in the land consolidation;
- (4) perform other acts concerning land consolidation.

Section 46. In the land consolidation project area, if any landowner does not agree to the land consolidation or fails to come to contact and give consent or refuses to give consent or if the landowner does not use such land to carry on any activity by himself or allows other person to lease or utilize that land, the Director-General shall have the power to purchase such land for the purposes of land consolidation.

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If the landowner under paragraph one refuses to sell the land or offers to sell it at a price higher than the assessed price under Section 45 (1), and if the Director-General considers it necessary to acquire that land or immovable property, such land or immovable property shall be expropriated under the law on expropriation of immovable property.

Where that plot of land is not purchased or expropriated in whole, and the landowner under paragraph one uses water from the irrigation system, road or transportation route on farm or anything constructed in the land consolidation project area, such landowner shall pay expenses for the use thereof, including expenses for repair and maintenance under Section 53, in accordance with the rules, procedure and conditions prescribed by the Central Land Consolidation Committee.

Section 47. In the land consolidation project area, the Provincial Land Consolidation Committee shall fix the boundaries for constructing irrigation system, roads or transportation routes on farms and other public utilities for common utilization by landowner of every plot of land.

The value of land employed under paragraph one shall be deducted from the assessed value of land and other properties on each plot of land in proportion to the assessed value before determination of new plot of land, regardless of whether the land so employed comes from any plot of land.

The value of land and other properties on each plot of land shall, after deduction under paragraph two, be deemed the net value of land for determination of the new plot of land under Section 48.

Section 48. In determining the new plot of land, the Provincial Land Consolidation Committee shall arrange for each landowner to receive land on his original plot of land or to receive the original plot of land in part or arrange a new plot of land that is close to his original plot of land as much as possible, and arrange for the newly-received land to have the value as close to the net value of his original land as possible. In this

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connection, the Provincial Land Consolidation Committee shall make an appointment of meeting of the landowners to reach agreement on the determination of new plots of land on the said basis.

After the agreement on determination of new plots of land under paragraph one is reached, the Provincial Land Consolidation Committee shall post an announcement of the map of new plots of land together with their respective landowners at the city hall, district office, local administration organization office and the densely populated zone in the land consolidation project area.

Agreement on exchange of lands may be made whereby the relevant landowners shall notify the Provincial Land Consolidation Committee in writing to change the owners of land plots within 30 days from the date of posting of the announcement.

If any landowner disagrees to the determination of new plot of land under paragraph one, he shall be entitled to file an objection and appeal, and the provisions of Section 42 shall apply *mutatis mutandis*.

Section 49. The value of land and other properties on land which the landowner of each plot of land has surrendered for public use under paragraph one of Section 47 shall not exceed seven percent of the assessed value of the original land.

If the value of land and other properties on the land under paragraph one of Section 47 exceeds seven percent of the assessed value of the original land, the Royal Irrigation Department shall pay compensation to each landowner for the difference.

Section 50. After completion of determination of new plots of land under Section 48, if any landowner receives land and other properties on land with assessed value higher or lower than the net value of the original land, such landowner shall pay or receive the difference as compensation, in accordance with the rules, procedure and conditions prescribed by the Central Land Consolidation Committee.

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Section 51. After the Provincial Land Consolidation Committee has completed the determination of plots of land to be allocated to the original landowners or persons entitled to acquire land in the land consolidation under Section 45 (3), the competent officer under the Land Code shall issue a land right document for the respective plot of land in the land consolidation project area in accordance with the rules and procedure prescribed in ministerial regulations.

Issuance of a land right document under paragraph one shall be exempt from fees.

After the land right document is issued under paragraph one, the original one shall be cancelled.

Section 52. Management of irrigation system in the land consolidation project area, maintenance of structures constructed and the powers of the competent officer or person authorized by him shall be governed by the provisions of Section 25 *mutatis mutandis*.

Section 53. Payment of expenses incurred in the land consolidation, repair and maintenance for use of water for the benefit of agricultural business operation or excessive use of water by a landowner in the land consolidation project area shall be in accordance with the rules, procedure and conditions prescribed by the Central Land Consolidation Committee in a notification published in the Government Gazette.

If the expenses incurred in repair and maintenance are higher than the landowners can bear and if it is intended for public interest, upon request by the landowners, the Royal Irrigation Department or the local administration organization may provide financial support or may carry it out instead.

In prescribing rules, procedure and conditions under paragraph one, the Central Land Consolidation Committee may consider reducing or exempting the payment and prescribing or extending the period of payment as deemed appropriate.

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Section 54. Within the period of five years from the date of receipt of a land right document for land in the land consolidation project area, the landowner or person acquiring right to land may not transfer the right to such land to other person except inheritance, transfer to legal heirs, transfer to an agricultural cooperative or farmers' group under the law on cooperatives, or transfer to the Royal Irrigation Department for the purposes of land consolidation, or except with the written permission from the Central Land Consolidation Committee or person authorized by it.

Within the period under paragraph one, land in the land consolidation project area shall not be subject to execution.

Section 55. If the right to any plot of land in the land consolidation project area has been transferred to any person under Section 54, the transferee shall be responsible to continue to pay the expenses under Section 53 in place of the transferor until completion, and such expenses shall be deemed preferential right already registered under the Civil and Commercial Code.

Section 56. In a land consolidation project area, land may not be used for purposes other than for agriculture or any structure may not be constructed or any act may not be done against that land, which may cause damage to land consolidation, unless permitted in writing by the Provincial Land Consolidation Committee or person authorized by it, in accordance with the rules, procedure and conditions prescribed by the Central Land Consolidation Committee in a notification published in the Government Gazette.

If there is a violator of the provisions of paragraph one, the Provincial Land Consolidation Committee shall have the power to order the violator to make removal, restoration or refrain from such act within the specified period. If the violator fails to comply therewith, upon posting the order at that place, local administration organization office and the densely populated zone in the land consolidation project area for a period of at least 30

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days and if there is no compliance with that order, the Provincial Land Consolidation Committee shall proceed with removal or restoration whereby the violator may not claim damages and shall also pay for the expenses incurred in the removal or restoration.

Section 57. In a land consolidation project area, no person shall:

(1) pour out or dump anything or grow any plants in the area of irrigation system, road or transportation route on farm, which causes damage to the land consolidation task;

(2) let any animal go on to the area of irrigation system, road or transportation route on farm, which causes damage to the land consolidation task.

(3) construct any water drainage to connect with the irrigation system or do anything against the irrigation system in order to supply, store or drain water from the irrigation system, unless done in accordance with the rules, procedure and conditions prescribed by the Director-General or unless permitted by the competent officer;

(4) cause damage to, or render it inconvenient to make use of, the irrigation system, road or transportation route on farm or anything used in common by the public.

(5) store water for use more than necessary for his land or do any other act that obstructs the supply, storage or drainage of water, causing other person to be unable to receive water from the irrigation system.

Section 58. For the purposes of survey, investigation and implementation of land consolidation under this Act, a Central Land Consolidation Committee member, Provincial Land Consolidation Committee member and the competent officer shall have the powers to:

(1) enter any land or place in the land consolidation project area;

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(2) issue letter requiring any person to make a statement or to submit documents or anything involved with the implementation of land consolidation, as necessary.

Section 59. In performing under Section 35, Section 40 and Section 58 (1), a Central Land Consolidation Committee member, Provincial Land Consolidation Committee member or competent officer shall act between sunrise and sunset, whereby the landowner or person acquiring right to land shall provide reasonable assistance. In this connection, the competent officer must show his identity card to those concerned.

The identity card of the competent officer shall be in accordance with the form prescribed in the notification of the Minister.

CHAPTER V LAND COUSOLIDATION FUND

Section 60. A fund called the “Land Consolidation Fund” shall be established in the Royal Irrigation Department, comprising money and properties under Section 61 as working capital and expenses for agricultural water management and land consolidation.

Revenue received from agricultural water management and land consolidation shall be remitted into the Land Consolidation Fund account without having to remit it into the treasury as state revenue.

Spending out of the Land Consolidation Fund shall only be made for agricultural water management and land consolidation or for providing financial assistance or credit facility to landowners of lands in an agricultural water management survey area, agricultural water management area, land consolidation survey area or land consolidation project area through a financial institution, in accordance with the rules or regulations

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prescribed, with the approval of the Ministry of Finance, by the Central Land Consolidation Committee.

After the revenue-expenditure report is audited by the Office of the Auditor General of Thailand, an audit report shall be prepared and submitted to the Council of Ministers for further forwarding to the House of Representatives and the Senate.

The Royal Irrigation Department shall keep money of the Land Consolidation Fund and disburse from it for spending under this Act.

Section 61. The Land Consolidation Fund comprises:

- (1) money received from national budget;
- (2) money received from the Farmer Aid Fund under the law on farmer aid fund.
- (3) money or other properties received from the government, local or foreign sources, international organizations or other persons;
- (4) money, interest or any benefits received by the Central Land Consolidation Office involving implementation of land consolidation and expenses for agricultural water management or land consolidation paid or payable by landowners or persons acquiring right to land, as the case may be, under Section 26 or Section 53;
- (5) penalties received from settlement under Section 68.

CHAPTER VI PENAL PROVISIONS

Section 62. Any person who

- (1) fails to provide assistance to a Central Land Consolidation Committee member, Provincial Land Consolidation Committee member or competent officer in performing official duty under Section 20, Section 35, Section 40 or Section 58 (1);

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(2) fails to come to make a statement or to submit document or anything required under Section 41, paragraph two of Section 42 or Section 58 (2), shall be liable to a fine not exceeding 2,000 baht.

Section 63. Any person who fails to comply with the rules, notification or regulations of the Director-General under Section 25 or Section 25 as applicable *mutatis mutandis* under Section 52 shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding 2,000 baht, or both.

Section 64. Any person who violates Section 27, Section 29 or Section 57 (1), (3) or (5) shall be liable to imprisonment for a term not exceeding three months or a fine not exceeding 6,000 baht, or both.

Section 65. Any person who violates Section 57 (2) shall be liable to a fine not exceeding 2,000 baht.

Section 66. Any person who violates Section 28 or Section 57 (4) shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding 10,000 baht, or both.

Section 67. Any person who violates Section 30 or paragraph one of Section 56 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding 20,000 baht, or both.

Section 68. For all offences under this Act, the Director-General or the person authorized by him shall have the power to settle the case.

When the accused has paid the fine as imposed, the case shall be deemed settled pursuant to the Criminal Procedure Code.

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TRANSITORY PROVISIONS

Section 69. A locality for which a Royal Decree is enacted to enforce the Dikes and Ditches Act B.E. 2505 (1962) shall be an agricultural water management area under this Act, and a locality for which a Royal Decree designating land consolidation project area is enacted under the Agricultural Land Consolidation Act B.E. 2517 (1974) shall be a land consolidation project area under this Act.

All acts involving dikes and ditches or land consolidation already performed to any stage before the effective date of this Act shall be valid. However, further steps shall be proceeded in accordance with this Act. In case of problems in any matter that cannot be proceeded in accordance with this Act, further steps in that matter shall be proceeded as determined by the Central Land Consolidation Committee.

Section 70. All expenses incurred in the construction of irrigation system and water drainage, roads or transportation routes on farms and anything used in common by the public and all expenses incurred in leveling the ground and other undertakings on the lands of the landowners or persons acquiring right to land in a land consolidation project area under the Agricultural Land Consolidation Act B.E. 2517 (1974) that are overdue shall be debt payable further under the law.

Section 71. Computation of the period of prohibition against transfer of right to land to other person under paragraph one of Section 54 shall include the transfer prohibition period under paragraph one of Section 44 of the Agricultural Land Consolidation Act B.E. 2517 (1974).

Section 72. The Central Land Consolidation Committee and the Provincial Land Consolidation Committee under the Agricultural Land Consolidation Act B.E. 2517

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(1974) who perform duties on the day before the effective date of this Act shall continue to perform their duties until the Central Land Consolidation Committee or Provincial Land Consolidation Committee is appointed under this Act.

Section 73. A person who utilizes land for operating agriculture other than rice farming, farming, or fruit farming in a land consolidation project area under the Agricultural Land Consolidation Act B.E. 2517 (1974) may continue to utilize the land as permitted or as utilized.

Section 74. All undertakings, assets and liabilities of the Ministry of Agriculture and Cooperatives acquired under the Agricultural Land Consolidation Act B.E. 2517 (1974) shall be transferred to the Royal Irrigation Department under this Act.

Section 75. All undertakings, assets and liabilities of the Land Consolidation Fund under the Agricultural Land Consolidation Act B.E. 2517 (1974) shall be transferred to the Land Consolidation Fund under this Act.

Section 76. All Royal Decrees, ministerial regulations, rules, regulations, notifications or orders issued under the Dikes and Ditches Act B.E. 2505 (1962) and the Agricultural Land Consolidation Act B.E. 2517 (B.E. 1974) that are in force on the day before the effective date of this Act shall continue to be in force in so far as they are not contrary to or inconsistent with this Act, until a Royal Decree, ministerial regulations, rules, regulations, notification or order under this Act is or are enacted.

Countersigned by

General Prayuth Chan-ocha

Prime Minister

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