

LAND LEASE FOR AGRICULTURE ACT

B.E. 2524 (1981)¹

BHUMIBOL ADULYADEJ, REX.

Given on the 9th day of August B.E. 2524 (1981)

Being the 36th 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 rice field lease control.

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

Section 1. This Act shall be called the “Land Lease for Agriculture Act B.E. 2524 (1981).”

Section 2. This Act shall come into force from the day following the date of its publication in the Government Gazette.

Section 3. The Rice Field Lease Control Act B.E. 2517 (1974) shall be repealed.

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.

Section 4. This Act shall not apply to land lease for agricultural operation whereby the state, a state organization, state enterprise under the law on budgetary procedure and land settlement cooperative is the lessor.

Section 5. In this Act:

“agriculture” means rice farming, fruit farming, farming, salt farming, animal raising, aquaculture and other activities as provided in ministerial regulations;

“lessee” means a person who leases land entirely or substantially for agricultural operation;

“lessor” means a person who provides lease of land entirely or substantially for agricultural operation;

“lease” means a lease or sublease, with the consent of the lessor, of land for agricultural operation of the type for which the lease of land is controlled under this Act, whether or not such lease or sublease has written evidence, and shall include a consent for use of land for such agricultural operation with receipt of rental and doing of any other juristic act that is a cover-up of such lease;

“rental” means agricultural produce, money or any other property which is given as consideration for lease, and shall include any other benefit that may be calculated in terms of money which the lessor or other person receives either directly or indirectly as consideration for providing lease;

“year” means the period of 12 months beginning on the commencement date of the agricultural season of the locality;

“province” includes Bangkok Metropolis;

“district” includes a khet of Bangkok Metropolis;

“tambol” includes a kwaeng of Bangkok Metropolis and Pattaya City;

“district officer” includes a khet chief of Bangkok Metropolis;

“kamnan” includes a kwaeng chief of Bangkok Metropolis;

“Provincial Khor Chor Kor.” means the Provincial Land Lease for Agriculture Committee;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

“Tambol Khor Chor Kor.” means the Tambol Land Lease for Agriculture Committee.

Section 6. The Minister of Agriculture and Cooperatives and Minister of Interior shall be in charge of the enforcement of this Act and shall have the power to issue ministerial regulations for the implementation of this Act.

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

CHAPTER I

LAND LEASE FOR AGRICULTURE COMMITTEE

Section 7. In a province, there shall be a Provincial Khor Chor Kor., comprising the following persons:

(1) In Bangkok Metropolis, Provincial Khor Chor Kor. shall comprise Bangkok governor as Chairman, representatives of the Department of Provincial Administration, the Department of Lands, the Department of Fisheries, the Department of Livestock Development, the Department of Public Prosecutors, the Department of Agricultural Extension, four lessee representatives and four lessor representatives appointed by Bangkok governor, as Committee members, and a civil servant of Bangkok Metropolitan Administration appointed by Bangkok governor, as Committee member and secretary;

(2) In a province other than Bangkok Metropolis, Provincial Khor Chor Kor. shall comprise the provincial governor as Chairman, provincial public prosecutor chief, Provincial Agricultural Office chief, Provincial Fisheries Office chief, Provincial Livestock Development Office chief and the provincial land official, four provincial lessee representatives and four provincial lessor representatives appointed by the provincial governor, as Committee members, and chief provincial administrative official shall be Committee member and secretary. In a province without the Provincial Fisheries Office chief or Provincial Livestock Development Office chief, the provincial governor shall appoint a civil servant performing official duties in that province as Committee member instead.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 8. Provincial Khor Chor Kor. shall have the following powers and duties:

(1) to lay down regulations prescribing maximum rental rate as a guideline for Tambol Khor Chor Kor., in accordance with the rules and procedure jointly prescribed by the Ministry of Agriculture and Cooperatives and Ministry of Interior;

(2) to determine the produce or maximum income of the produce of each type of agriculture widely operated in the province, classified by the quality of land and water as a basis for calculating the maximum rental rate by Tambol Khor Chor Kor.;

(3) to specify the localities where certain types of agriculture are prohibited for economic or soil and water conservation purposes;

(4) to collect information and lease statistics in the province, classified by district and tambol, and to evaluate the results for proposing to the Provincial Council for its information every year;

(5) to determine the commencement time of agricultural season of the locality;

(6) to consider, and render decision on, an appeal under this Act and to issue any order to the lessee or the lessor to do or not to do anything to achieve the effect of the decision.

Determination under (3) shall be made at least three months in advance before the agricultural season and shall be posted as an announcement at the city hall, and every concerned district office and tambol office.

Section 9. In a tambol where there are leases, there shall be Tambol Khor Chor Kor., comprising the following persons:

(1) In a tambol outside municipality area, Tambol Khor Chor Kor. shall comprise kamnan as Chairman, District Agriculture Office chief or representative, District Land Office chief or representative, District Fisheries Office chief or representative, District Livestock Development Office chief or representative, four lessee representatives and four

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

lessor representatives appointed by the district officer, as Committee members, and assistant district officer or developer appointed by the district officer, as Committee member and secretary. In addition, in considering a matter concerning leases in the area of any village, the headman of such village shall also be a Committee member.

(2) In a tambol in municipality area, Tambol Khor Chor Kor. shall comprise the mayor as Chairman and chief municipal officer shall be Committee member and secretary. Other Committee members shall be in accordance with (1) but there is no need to have a village headman as a Committee member.

(3) In a kwaeng of Bangkok Metropolis, Tambol Khor Chor Kor. shall comprise kamnan as Chairman, District Agriculture Office chief of the khet or representative, tax-assessing officer or representative, representative of the Department of Fisheries, representative of the Department of Livestock Development, four lessee representatives and four lessor representatives appointed by khet chief, as Committee members, and the administrative officer appointed by khet chief shall be Committee member and secretary. In any kwaeng where there is no kamnan, the khet chief of khet which has jurisdiction over such kwaeng shall be Chairman

(4) In Pattaya City, Tambol Khor Chor Kor. shall comprise Pattaya City mayor as Chairman and Pattaya City manager shall be Committee member and secretary. Other Committee members shall be in accordance with (2).

If the area of any tambol is located both outside and inside a municipality area and if the majority of leases is outside municipality area, Tambol Khor Chor Kor. shall be in accordance with paragraph one (1). However, if the majority of leases is inside municipality area, Tambol Khor Chor Kor. shall be in accordance with paragraph one (2).

Section 10. If the Minister of Interior deems it not appropriate to have Tambol Khor Chor Kor. under Section 9 (3) in any kwaeng, he shall announce in the Government Gazette indicating the name of kwaeng where there is no need to have Tambol Khor Chor Kor.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 11. If there is no District Fisheries Office chief or District Livestock Development Office chief as a Committee member under Section 9 (1), (2) or (4) or there is no District Agriculture Office chief of khet or tax-assessing officer as a Committee member under Section 9 (3), the district officer or khet chief shall appoint a public servant who has knowledge and expertise on agriculture, land, fisheries, livestock development or tax assessment, as the case may be, as a Committee member instead.

Section 12. Lessee representatives and lessor representatives under Section 7 and Section 9 shall be appointed from the lessees and lessors elected or selected under paragraph two and paragraph three, as the case may be.

Lessee representatives and lessor representatives in Tambol Khor Chor Kor. shall be elected by direct and secret voting. However, if there is no candidate or if the number of the persons elected does not reach the required number, appropriate lessees or lessors shall be selected as lessee representatives or lessor representatives to reach the required number whereby the Committee of Tambol Council, Municipal Council, Bangkok Metropolitan Administration Council or Pattaya City Council shall select lessee representatives and lessor representatives in Tambol Khor Chor Kor. under Section 9 (1), (2), (3) or (4), as the case may be.

As for lessee representatives or lessor representatives in Provincial Khor Chor Kor., lessee representatives and lessor representatives in Tambol Khor Chor Kor., as the case may be, shall elect among lessee representatives and lessor representatives in Tambol Khor Chor Kor. themselves by direct and secret voting. However, if there is no candidate or if the number of the persons elected does not reach the required number, the Provincial Council shall select appropriate persons who are already lessee representatives or lessor representatives in Tambol Khor Chor Kor. as lessee representatives and lessor representatives in Provincial Khor Chor Kor. to reach the required number.

The date, time and place of election shall be announced to lessees or lessors, as the case may be, at least 15 days in advance. Such announcement shall be

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

posted at city hall, district office, tambol office and village headman's office of the locality concerned with the election of such lessee representatives or lessor representatives.

Subject to the provisions of this Section, election or selection of lessee representatives and lessor representatives shall be made in accordance with the rules and procedure jointly prescribed and announced in the Government Gazette by the Ministry of Agriculture and Cooperatives and Ministry of Interior.

Section 13. Tambol Khor Chor Kor. shall have the following powers and duties:

(1) to determine the maximum rental rate of each locality in the tambol area classified by the quality of land and water;

(2) to consider, and make decision on, a dispute concerning collection of rental, payment of rental, lease term and other disputes or damages arising from a lease pursuant to a request by a lessee or lessor, and to issue any order to the lessee or lessor to do or not to do anything to achieve the effect of the decision;

(3) other powers and duties as provided in this Act or as assigned by Provincial Khor Chor Kor.

The determination of the maximum rental rate under (1) shall be made at least every three years and shall be made known in an announcement which shall be posted at city hall, district office and tambol office of the tambol where there are leases.

In considering, and rendering decision on, a dispute under (2), Tambol Khor Chor Kor. shall have the power to mediate the dispute as deemed appropriate.

Section 14. The district officer shall have the powers and duties to

(1) provide advice to Provincial Khor Chor Kor. concerning powers and duties under this Act with respect to leases in the locality;

(2) supervise the performance of Tambol Khor Chor Kor. in the locality;

(3) coordinate between Provincial Khor Chor Kor. and Tambol Khor Chor Kor. and among Tambol Khor Chor Kor.'s in the locality.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 15. Committee members appointed by the provincial governor or Bangkok governor under Section 7 or by district officer or khet chief under Section 9 and Section 11 shall hold office for a term of three years each.

A Committee member whose term has expired may be reappointed.

Section 16. Apart from retirement upon the expiration of the term of office under Section 15, an appointed Committee member shall vacate office upon:

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

When a Committee member vacates office before the expiration of his term, another person shall be appointed as replacement. The person so appointed shall retain office for the unexpired term of the person whom he replaces.

Section 17. Apart from vacating office under Section 15 and Section 16, a Committee member who is a lessee representative or lessor representative shall vacate office upon becoming disqualified or having a prohibited characteristic under the rules jointly prescribed by the Ministry of Agriculture and Cooperatives and Ministry of Interior.

Section 18. At least half of the number of the Committee members shall form a quorum for a meeting of Provincial Khor Chor Kor. or of Tambol Khor Chor Kor. If the Chairman is not present at the meeting, the meeting shall elect a Committee member to be chairman of the meeting.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Decision at the meeting requires a majority of votes. Each Committee member shall have one vote. In case of a tie, the chairman of the meeting shall cast an additional vote as the deciding vote.

A Committee member who has an interest in any dispute may not attend the meeting and exercise the right to consider, and adopt a resolution on, such dispute.

Committee members in Provincial Khor Chor Kor. and Tambol Khor Chor Kor. shall receive meeting allowances under the rules and procedure jointly prescribed by the Ministry of Finance, Ministry of Agriculture and Cooperatives and Ministry of Interior.

Section 19. Provincial Khor Chor Kor., Tambol Khor Chor Kor. or the person assigned by such Committee shall have the power to require a lessee, lessor or any person concerned to make a statement, provide explanation or submit documents and evidence concerning lease in support of consideration by Provincial Khor Chor Kor. or Tambol Khor Chor Kor., as the case may be.

In performing duties, the Chairman or a Committee member in Provincial Khor Chor Kor., Tambol Khor Chor Kor. or a person assigned by the said Committee shall have the power to enter the leased land or the place of storage of produce of the lessee, lessor or any person concerned, between sunrise and sunset to examine facts concerning lease. In this connection, the owner or possessor of the immovable property shall facilitate or provide assistance to the Chairman or Committee member in Provincial Khor Chor Kor. or Tambol Khor Chor Kor. or the person assigned by such Committee as appropriate.

The Chairman and Committee member in Provincial Khor Chor Kor. or Tambol Khor Chor Kor. and the person assigned by such Committee shall be deemed an official under the Criminal Code.

Section 20. In considering, and rendering decision on, a dispute under this Act by Tambol Khor Chor Kor. or Provincial Khor Chor Kor.:

(1) If Tambol Khor Chor Kor. or Provincial Khor Chor Kor. issues an order requiring a rice field lessee or rice field lessor who possesses such rice field to leave the rice

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

field, such order shall also apply to such person's all family members and dependants who are on such rice field and who cannot demonstrate any specific power. In this connection, Tambol Khor Chor Kor. may order such person to pay damages to the other party until he leaves the rice field.

(2) If survey and mapping, examination of any person, object or place is required, or there is a request to file a lawsuit with the court for a judgement enforcing the decision of Tambol Khor Chor Kor. or Provincial Khor Chor Kor., the person making the request shall place the expenses therefor. The amount of expenses, placement of expenses and exemption from placement of expenses shall be in accordance with the rules and procedure prescribed in ministerial regulations.

If there is a placement of expenses under paragraph one (2), the ultimate liability for such expenses shall be assumed by the party who loses the dispute. However, Tambol Khor Chor Kor. or Provincial Khor Chor Kor. may exercise its discretion requiring any party or both parties to pay such expenses in whole or in part, taking into account the reasonableness and good faith in dealing with the dispute by each party.

CHAPTER II RICE FIELD LEASE

Section 21. In this Chapter:

“rice field” means land leased entirely or substantially for rice farming.

“rice farming” means rice or field crop growing;

“field crop” means a plant which needs little water and has a short life or can be harvested for the first time within 12 months;

“main crop” means any one or several types of rice or field crop which should, in the regular condition of the locality, be grown in one year and yields substantial income to the farmer in that year, as Tambol Khor Chor Kor. may from time to time determine, but excluding a plant grown to yield supporting income according to the condition of the locality or for household consumption.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 22. Rice field leases shall be controlled under this Act and can be sued for enforcement, regardless of whether or not there is written evidence thereof.

Section 23. Registration of a rice field lease under the Land Code shall be exempt from right and juristic act registration fees.

Section 24. Upon a request made by a rice field lessee or rice field lessor to Tambol Khor Chor Kor. to execute a written evidence for rice field lease, if Tambol Khor Chor Kor. considers that there are sufficient preliminary grounds that there is a rice field lease pursuant to the request, Tambol Khor Chor Kor. shall execute a written evidence for the rice field lease pursuant to such request and notify the other party who is rice field lessee or rice field lessor, as the case may be, to sign such written evidence. In this connection, Tambol Khor Chor Kor. shall give notification by registered mail unless such person has been notified in person. If the other party who is so notified does not sign and return the same or does not raise his objection to Tambol Khor Chor Kor. within 30 days from the date of being notified, it shall be presumed that there is a rice field lease pursuant to such written evidence.

If the person notified under paragraph one has any objection or protest, Tambol Khor Chor Kor. shall proceed with mediation until settlement. If any matter cannot be mediated until settlement, Tambol Khor Chor Kor. shall record it as evidence together with any observations, if any.

The rice field lease written evidence under paragraph one shall be in accordance with the form jointly prescribed by the Ministry of Agriculture and Cooperatives and Ministry of Interior. Such writing shall be made in three copies with identical wording, each to be kept by the lessee, lessor and kept as evidence by the authorities.

The rice field lease written evidence executed must not be contrary to or inconsistent with the provisions of this Act.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

If any rice field lease written evidence is made, Tambol Khor Chor Kor. shall coordinate with the government agency having power and duty of right and juristic act legislation so as to record the rice field lease or a change of right to rice field lease in the register of land under such lease.

Section 25. If any person appears to have used the land of another person for rice farming for at least one rice farming season and if such person claims that he is the rice field lessee, it shall be presumed that there is a rice field lease under this Act, unless the land owner can prove otherwise.

DIVISION I

LEASE TERM AND TERMINATION

Section 26. A rice field lease shall have a term of at least six years each. For any rice field lease made without a term or with one but less than six years, such rice field lease shall be deemed to have a term of six years.

Upon expiration of the term under paragraph one, if the rice field lessor does not terminate the lease under Section 37 and the rice field lessee continues to do rice farming on such rice field, such lease shall be deemed to be renewed for six years each time.

The provisions of paragraph one and paragraph two shall not apply to a rice field sublease.

Section 27. Any owner of rice field who wishes to have a rice field lease temporarily for a term of less than six years shall file a request with Tambol Khor Chor Kor.

Tambol Khor Chor Kor. shall have the power to rule on a temporary rice field lease as necessary for a term of not more than two years each when it appears that

(1) the rice field owner who files the request has done rice farming on such rice field by himself before and due to temporary necessity is unable to continue rice farming in the following year either in whole or in part; and

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(2) Upon expiration of such temporary term of rice field lease, the rice field owner shall continue to do rice farming on such rice field by himself.

The provisions of Section 38 shall apply to the temporary provision of rice field lease *mutatis mutandis*.

Section 28. A rice field lease shall not be extinct due to transfer of ownership of the leased rice field. The transferee shall take over both rights and obligations of the transferor to the rice field lessee under this Act.

Section 29. If the rice field lessee is deceased, his or her spouse, ascendants, descendants or close relatives who have an interest in rice farming on such rice field may express their intention to continue the lease, to the rice field lessor or his representative or Tambol Khor Chor Kor. within 60 days from the date of decease of the rice field lessee. After such expression, the person expressing such intention shall be deemed to be rice field lessee further. If there are several persons expressing the intention and they cannot agree, Tambol Khor Chor Kor. shall make decision thereon.

Any person may not set up the right to rice field lease against the successor lessee under paragraph one. In the succeeding lease, the successor lessee shall take over both rights and obligations of the lessee to the lessor under this Act.

Section 30. A rice field lease may end before the scheduled completion of its term in the following cases:

- (1) when the rice field lessor terminates the lease under Section 31;
- (2) when the rice field lessee terminates the lease in writing in advance at least three months before commencement of the rice farming season;
- (3) the rice field lessee and rice field lessor agree to terminate the lease in writing before the district officer or a person assigned by him;
- (4) when the leased rice field is expropriated under the law or otherwise transferred to the State, only for the part expropriated or transferred.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Termination of the lease under (2) or agreement to terminate the lease under (3) made during the lease term or made in advance for more than six months shall not be deemed a termination of the lease or an agreement to terminate the lease.

Section 31. The rice field lessor may not terminate the lease before completion of its term except in the following events:

(1) The rice field lessee fails to pay rice field rental for two years in total, unless there is reason for relaxation as deemed appropriate by Tambol Khor Chor Kor.;

(2) The rice field lessee sublets the rice field without the consent of the rice field lessor, unless the rice field lessor knows or should know of such sublease but does not raise objection;

(3) The rice field lessee uses the rice field for purpose other than rice farming or utilization under Section 47 without the consent of the rice field lessor or causes the condition of the rice field to change or to obstruct main crop growing;

(4) The rice field lessee operates agriculture of the type prohibited by the announcement of Provincial Khor Chor Kor., which is a violation of paragraph one of Section 45 or grows rice or any other field crop prohibited by the rice field lessor under paragraph two of Section 45 without permission under Section 46;

(5) The rice field lessee has abandoned the rice field for more than one year;

(6) The rice field lessee conducts rice farming by less than 75% of the amount of area of the leased rice field for two consecutive years except in case of force majeure;

(7) The rice field lessee diverts, conceals or hides the produce from the leased rice field or allows other person to do so to prevent the rice field lessor from receiving full rice field rental as agreed; or

(8) The rice field lessee fails to improve his rice farming according to the advice of the authorities or allows the rice field to deteriorate causing the produce to decrease by more than one-third of the regular produce.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 32. If the rice field lessee allows other person to do rice farming for him or to sublet the rice field because he or his family member who has helped do rice farming has to be in military service under the law on military service or has to assist in government service as required by law, the rice field lessor may not terminate the lease due to a cause under Section 31 (2) or (5).

Section 33. A rice field sublessee who has done rice farming for at least one rice farming season shall be entitled to file a request with Tambol Khor Chor Kor. for rendering a decision allowing him to become rice field lessee in place of the rice field sublessor.

Upon receipt by Tambol Khor Chor Kor. of the request under paragraph one, Tambol Khor Chor Kor. shall notify the rice field lessor of the same, and in this case the rice field lessor shall no longer be entitled to terminate the lease under Section 31 (2).

If Tambol Khor Chor Kor. considers that the rice field sublessor has leased the rice field without the intent to do rice farming himself, Tambol Khor Chor Kor. shall have the power to render a decision allowing the rice field sublessee to become rice field lessee in place of the rice field sublessor and shall notify its decision to the rice field lessor.

If the rice field lessee temporarily sublets the rice field for growing short-lived plants after main crop harvest or if the rice field lessee needs to sublet the rice field due to a cause stated in Section 32, the rice field sublessee may not exercise the right under this Section.

Section 34. In terminating the rice field lease under Section 31 (1), (2), (3), (4), (5), (6) or (7), the rice field lessor shall notify the rice field lessee in writing together with the reasons for termination of the lease and shall send a copy of such written notification to the Chairman of Tambol Khor Chor Kor.

Within seven days from the date of receipt of a copy of the written notification under paragraph one, the Chairman of Tambol Khor Chor Kor. or a person

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

assigned by Tambol Khor Chor Kor. shall notify the rice field lessee whose lease is terminated to object such termination, to Tambol Khor Chor Kor. within 30 days from the date of being so notified.

Section 35. If the rice field lessee objects to the termination of the lease but Tambol Khor Chor Kor. or Provincial Khor Chor Kor. has considered the matter and rendered a decision that the termination is duly made, in issuing an order requiring the rice field lessee to leave the rice field, Tambol Khor Chor Kor. or Provincial Khor Chor Kor., as the case may be, shall specify a reasonable period within which the rice field lessee can comply with the order, taking into account the trouble and damage that may occur to the rice field lessee if he is to leave the rice field at that time, or if there may be an appeal and a decision reversing its decision later.

Section 36. In terminating the rice field lease due to an event under Section 31 (8), the rice field lessor shall file a request with the Chairman of Tambol Khor Chor Kor. to terminate the lease.

If Tambol Khor Chor Kor. considers that the rice field lessee behaves under Section 31 (8), Tambol Khor Chor Kor. may render a decision for termination of the lease or may render a decision for continuance of the lease by imposing any condition to be complied with by the rice field lessee.

After Tambol Khor Chor Kor. orders the rice field lessee to perform any act under paragraph two and the rice field lessee violates or fails to comply with the order within a reasonable period, Tambol Khor Chor Kor. shall render a decision for the rice field lessor to terminate the lease immediately.

Section 37. Upon completion of the lease term under Section 26, the lease shall not come to an end unless the rice field lessor wishes to use the leased rice field for the following purposes and has terminated the lease in writing to the rice field lessee for at least one year in advance:

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

- (1) to use it to conduct agriculture by himself as appropriate;
- (2) to use it for the benefit of his family as necessary;
- (3) to utilize it according to the town plan or for other public interest; or
- (4) to otherwise utilize it consistently with economic public interest in

accordance with rules jointly prescribed by the Ministry of Agriculture and Cooperatives and Ministry of Interior.

The rice field lessor shall send a copy of the lease termination under paragraph one together with the reasons for the termination to Tambol Khor Chor Kor. within 30 days from the date of sending the letter of lease termination to the rice field lessee. Upon receipt of the copy of such letter, Tambol Khor Chor Kor. shall consider the matter and render a decision. If Tambol Khor Chor Kor. considers that the rice field lessor has no urgent need to use the rice field under (1), (2), (3) or (4), and such termination will cause trouble to the rice field lessee, Tambol Khor Chor Kor. may render a decision withholding the termination in whole or in part for a period as deemed appropriate for no more than twice and no more than two years each time.

Section 38. The rice field lessor who has terminated the lease under Section 37 shall commence utilization of that rice field within one year from the date of the end of the lease. After completion of one year if the rice field lessor has not commenced utilization and the original rice field lessee expresses his intention to lease the rice field, the rice field lessor shall let such rice field, unless the rice field lessor makes a request to Tambol Khor Chor Kor. before completion of one year for an extension of time. However, Tambol Khor Chor Kor. may not render a decision for extension of time by more than one year.

Within two years after commencement of utilization of the rice field by the rice field lessor:

- (1) If the rice field lessor discontinues utilization based on the reason for termination of the lease at any time, and if the original rice field lessee expresses his intention to continue the lease, the rice field lessor must let such rice field.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(2) If the rice field lessor is to transfer ownership of such rice field by a sale under Section 53, the rice field lessor shall first notify the original rice field lessee of the same and Section 53 and Section 54 shall apply to the sale of rice field by the rice field lessor and the purchase of rice field by the original rice field lessee in this case *mutatis mutandis*.

Section 39. If the rice field lease has come to an end before completion of the lease term after the rice field lessee has commenced utilization of the rice field in good faith before that time, the rice field lessee shall continue to be entitled to such rice field until completion of harvest, but he must pay rice field rental proportionately.

For rice farming whereby one time growing can yield several harvests, upon completion of the first harvest after termination or end of the rice field lease, if such growing still yields harvest, the rice field lessee shall no longer be entitled to that rice field under paragraph one.

DIVISION II

RICE FIELD RENTAL

Section 40. Tambol Khor Chor Kor. shall announce the period during which a rice field lessor may collect rice field rental in each year as appropriate to the locality and the type of main crop.

Rice field rental shall be calculated on a yearly basis at the rate not exceeding the maximum rate specified by Tambol Khor Chor Kor. and shall be collected upon the time specified by Tambol Khor Chor Kor. under paragraph one.

Where Tambol Khor Chor Kor. specifies a new rate of maximum rice field rental, the rice field lessee or rice field lessor may request the other party to adjust the rice field rental rate. If no agreement can be reached, the party requesting adjustment may request Tambol Khor Chor Kor. to make a decision, provided that the request is made within 30 days from the date of inability to agree.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

In the absence of agreement, the rice field lessee may pay produce as rice field rental.

If the rice field rental is specified in terms of money, property or benefit other than produce, such rice field rental must not exceed the maximum rice field rental rate specified by Tambol Khor Chor Kor. In this connection, calculation must be made based on the purchase price of produce in the locality where such rice field is located at the due time for payment of rice field rental.

Collection of rice field rental must be made at the rice field lessee's domicile, and the rice field lessor shall notify the due date for collection of rice field rental, to the rice field lessee and Chairman of Tambol Khor Chor Kor. in writing at least 15 days in advance. While the rice field lessor has not notified the rice field lessee of such collection, the rice field lessee may not be deemed in default of payment of rice field rental.

Section 41. In fixing the maximum rice field rental rate of each locality in the area of a tambol, Tambol Khor Chor Kor. shall fix the same in the form of the produce of main crop for such a locality under the following rules:

(1) The main crop for that locality shall be determined taking account of the condition of the locality based on the quality of land and water, rice farming that is widely conducted or should be conducted, as well as working and investment which the general farmers in that locality may do without being onerous.

(2) Expenses incurred in rice farming investment by the rice field lessee shall be deducted in accordance with the rules jointly prescribed by the Ministry of Agriculture and Cooperatives and Ministry of Interior by at least one-third of the maximum produce determined by Provincial Khor Chor Kor. under Section 8 (2), taking into account the expenses incurred in rice farming by a rice field lessee in each locality.

(3) The maximum produce after deduction of expenses under (2) shall be fixed as the maximum rice field rental by not more than one-half, taking into account the price of such produce in each locality.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 42. In any locality where Tambol Khor Chor Kor. considers that rice farming in any year does not fully yield due to natural peril, Tambol Khor Chor Kor. may announce such locality as a damaged locality and reduce the rice farm rental in proportion to the damage or cancel collection of rice field rental for that year.

Any rice field lessor who considers that rice farming by the rice field lessee in the damaged locality under paragraph one fully yields as usual or that the damage is less than the proportion determined by Tambol Khor Chor Kor. may make a request to Tambol Khor Chor Kor. to collect rice field rental as usual.

Section 43. If in any year rice farming does not yield as usual without the fault of the rice field lessee and if the produce is lower than three-fourths of the maximum produce determined by Provincial Khor Chor Kor. under Section 8 (2), the rice field lessee shall pay rice field rental that is reduced in proportion to the produce yielded lower than such maximum produce. However, if the produce received is lower than one-third of the maximum produce, the rice field lessor may not collect rice field rental.

Section 44. A rice field lessor whose rice field rental is cancelled under Section 42 or cannot collect rice field rental under Section 43 may make a request to Tambol Khor Chor Kor. to collect rice field rental only for the following year higher than the rate fixed by Tambol Khor Chor Kor.

If Tambol Khor Chor Kor. considers that rice farming by the rice field lessee in the following year fully yields, Tambol Khor Chor Kor. may make the decision for increase of rice field rental only for that year higher than the rate fixed under Section 13 (1) but may not increase it by more than one-fifth of such rate.

DIVISION III

RIGHT AND OBLIGATIONS OF RICE FIELD LESSEE AND RICE FIELD LESSOR

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 45. The rice field lessee shall be entitled to use the leased rice field to grow rice or field crops but may not grow field crops of the type prohibited by an announcement of Provincial Khor Chor Kor. under Section 8 (3).

Any restriction by the rice field lessor requiring the rice field lessee to grow rice or any specific field crop shall not bind the rice field lessee unless approved by Tambol Khor Chor Kor.

Section 46. When the condition of rice field or market condition of rice or a field crop has changed, and growing rice or other field crops will benefit the rice field lessee, the rice field lessee may seek permission from the rice field lessor to use the restricted rice field under paragraph two of Section 45 to grow rice or other field crops. If the rice field lessor does not give permission, the rice field lessee may submit a request to Tambol Khor Chor Kor. for considering it and making a decision.

If Tambol Khor Chor Kor. considers that growing rice or such field crops will benefit the rice field lessee and does not cause the condition of the rice field to deteriorate or change, Tambol Khor Chor Kor. shall render a decision allowing the rice field lessee to grow rice or such field crops for the period and under the conditions deemed appropriate by Tambol Khor Chor Kor. and shall notify such decision to the rice field lessor.

Section 47. A rice field lessee shall be entitled to grow any short-lived plants other than main crop on the leased rice field and to use part of the rice field to do kitchen garden, raise animals and aquatic animals or grow perennial trees if it does not cause the condition of the rice field to change or to obstruct growing main crop.

The rice field lessor may not charge additional rice field rental because of the rice field lessee's exercise of the right under paragraph one.

Section 48. Where the rice field lessee or rice field lessor has, with the approval of Tambol Khor Chor Kor., invested in improvement of the leased rice field or leased land by improving soil, digging a ditch, making an irrigation ditch, waterway, dam or

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

levee, clearing or leveling land, eradicating stumps or making other improvements to additionally benefit rice farming or to increase the area of rice farming, although such act will also benefit other rice field owners or although it is a duty required by law, the rice field lessee or rice field lessor who does such act may submit a request to Tambol Khor Chor Kor. to ask for money or compensation for the investment made by him under Section 49 or Section 50, unless such act is a regular maintenance or local custom.

Submission of a request under paragraph one shall be made together with a list of rice field improvements and benefits to be received therefrom.

Section 49. Where the rice field lessor has invested in rice field improvements under Section 48 and Tambol Khor Chor Kor. considers that such improvements will additionally benefit the rice field lessee, Tambol Khor Chor Kor. shall have the power to render a decision allowing adjustment of rice field rental or fixing compensation for investment by the rice field lessor as deemed appropriate, taking into account the benefits to be received by the rice field lessee from the improvements.

Section 50. Where the rice field lessee has invested in rice field improvements under Section 48, the produce or benefits additionally received from such improvements shall belong to the rice field lessee throughout the remaining rice field lease term.

If the rice field lessee is deprived of the rice field lease before the expiration of the lease term for any reason, the rice field lessor shall compensate the rice field lessee for the investment in rice field improvements under paragraph one as determined by Tambol Khor Chor Kor.

Section 51. The rice field lessor shall have special preferential right over the produce from the leased rice field equal to the quantity to be calculated as the rice field rental.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 52. In a rice field lease, no person shall do the following:

- (1) to do any act that is a threat or against the will of the rice field lessee to pay rice field rental before the due time provided by this Act;
- (2) to collect deposit or tea money or any property or benefit other than the rice field rental collectable under this Act;
- (3) to impose obligations or burdens on the rice field lessee other than those required by law of the rice field lessee; or
- (4) to cause the rice field lessee to receive less benefit from the leased rice field than that provided for in the lease or less than the right available to the rice field lessee under law.

Section 53. The rice field lessor may sell the rice field only after submitting a letter indicating his intention to sell the rice field, its purchase price and payment method, to the Chairman of Tambol Khor Chor Kor. so as to so notify the rice field lessee within 15 days. If the rice field lessee expresses his intention in writing to purchase the rice field and submit the same to the Chairman of Tambol Khor Chor Kor. within 30 days from the date of being so notified, the rice field lessor shall sell such parcel of rice field to the rice field lessee according to the price and payment method notified.

If the rice field lessee expresses his intention to purchase the rice field according to the purchase price but does not agree to the payment method, Tambol Khor Chor Kor. shall have the power to conduct a mediation and render a decision for extension of the payment due date or to issue other order as deemed appropriate. However, Tambol Khor Chor Kor. may not extend the payment due date by more than one year from the date specified by the rice field lessor.

If the rice field lessee does not express his intention to purchase the rice field within 30 days, refuses in writing to purchase the rice field, or expresses his intention to purchase the rice field but fails to make payment by the agreed date or the date fixed by Tambol Khor Chor Kor., the rice field lessee shall be deemed to no longer have the right to purchase the rice field under this Section.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Where the rice field lessee no longer has the right to purchase the rice field under paragraph three, but if the rice field lessor is to sell the rice field to another person at the price or by payment method that is different from that notified to the rice field lessee under paragraph one, the rice field lessor shall re-proceed in accordance with paragraph one.

A sale with right of redemption, exchange and transfer to pay a mortgaged debt shall be deemed a sale under this Section.

Section 54. If the rice field lessor has sold the rice field without complying with Section 53, regardless of whether such rice field is transferred to any person, the rice field lessee shall be entitled to purchase the rice field from such transferee at the price and by payment method transacted by the transferee or at the current market price, whichever is the higher, provided that the rice field lessee must exercise his right to purchase the rice field within two years after the date the rice field lessee knew or should have known of the same or within three years from the date of transfer by the rice field lessor of such rice field.

If the transferee under paragraph one refuses to sell the rice field to the rice field lessee, the rice field lessee may make a request to Tambol Khor Chor Kor. to render a decision requiring such person to sell the rice field.

Section 55. For a rice field left vacant without being leased or otherwise utilized or little utilized, which is not suitable to the condition of the land, when any person requests to lease it for rice farming, its owner or his representative shall allow it to be leased, unless the owner or his representative can prove to Tambol Khor Chor Kor. that it is so for reasonable grounds.

If there are several persons requesting to lease the rice field for rice farming, the rice field owner shall be entitled to choose to lease to which person. If the rice field owner refuses to choose, Tambol Khor Chor Kor. shall have the power to make a decision thereon.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

A person requesting to lease the rice field must have no land for rice farming or has but it is not sufficient for making a living for himself and his family.

Request for rice field lease under paragraph one shall be in accordance with the rules and procedure prescribed in ministerial regulations.

DIVISION IV

APPEAL AND JUDGEMENT EXECUTION

Section 56. A rice field lessee, sublessee or lessor who is a party to, or has an interest in, a rice field lease may appeal in writing against the decision of Tambol Khor Chor Kor. to Provincial Khor Chor Kor. and submit it to the Chairman of Tambol Khor Chor Kor. within 30 days from the date of knowledge of the decision of Tambol Khor Chor Kor. but not more than 60 days from the date of decision by Tambol Khor Chor Kor.

A decision of Tambol Khor Chor Kor. against which is not appealed under paragraph one shall be final.

The Chairman of Tambol Khor Chor Kor. shall forward such appeal to the Chairman of Provincial Khor Chor Kor. within 15 days from the date of its receipt.

The appeal under paragraph one shall not be a reason for suspension of compliance with the decision of Tambol Khor Chor Kor., unless otherwise ordered by Tambol Khor Chor Kor. In suspending compliance with the decision, Tambol Khor Chor Kor. may require the appellant to place a bond, security or security money as deemed appropriate before ordering the suspension if it is believable in the circumstances that damage may occur to the other party.

The reversal by Provincial Khor Chor Kor. of the decision of Tambol Khor Chor Kor. shall not be a reason for filing a lawsuit, and the party who has commenced rice farming pursuant to the decision of Tambol Khor Chor Kor. may continue rice farming until completion of harvest, and Section 39 and paragraph two of Section 50 shall apply *mutatis mutandis*.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 57. The party or person having an interest in the rice field lease who is dissatisfied with the decision of Provincial Khor Chor Kor. shall be entitled to file an appeal to the court within 30 days from the date of his knowledge of the decision of Provincial Khor Chor Kor. but not more than 60 days from the date of the decision by Provincial Khor Chor Kor.

Paragraph two, paragraph four and paragraph five of Section 56 shall apply to rendering of a decision by Provincial Khor Chor Kor. *mutatis mutandis*.

Section 58. In case of violation of or failure to comply with a final decision or order of Tambol Khor Chor Kor. or Provincial Khor Chor Kor., if such decision or order is not a case provided in Section 62, upon request to the court by an interested person, in the trial by the court such decision or order shall be deemed an arbitral award, and the provisions regarding trial and adjudication pursuant to arbitral award in the Civil Procedure Code shall apply to the trial and adjudication pursuant to the decision or order of Tambol Khor Chor Kor. or Provincial Khor Chor Kor. in this case *mutatis mutandis*.

Upon any person requesting Tambol Khor Chor Kor. or Provincial Khor Chor Kor. to execute the decision or order, Tambol Khor Chor Kor. or Provincial Khor Chor Kor. receiving such request shall also have the power to file a petition with the court under paragraph one.

DIVISION V

PENAL PROVISIONS

Section 59. Any person who obstructs, or fails to facilitate, or fails to provide assistance, make a statement, provide explanation or submit documents and evidence to, the person performing duties under Section 19 shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding Baht 1,000, or both.

Section 60. Any person who declares false statement or raises false objection or protest to Tambol Khor Chor Kor. in executing a document or evidence of rice

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

field lease under Section 24 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding Baht 5,000, or both.

Section 61. Any person who demands or receives rice field rental exceeding the maximum rice field rental rate specified by Tambol Khor Chor Kor. or declares false rice field improvements under Section 48 or violates Section 52 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding Baht 10,000, or both.

Section 62. Any person who, without reasonable grounds, violates or fails to comply with the order of Tambol Khor Chor Kor. or Provincial Khor Chor Kor. prohibiting such person from obstructing rice farming by a person entitled to the rice field or requiring such person to leave the rice field shall be liable to imprisonment for a term not exceeding three months or a fine not exceeding Baht 3,000, or both.

CHAPTER III

LANDLEASE FOR OTHER TYPES OF AGRICULTURE

Section 63. Where land leases for any type of agriculture other than rice field lease unfairly cause taking advantage over the lessee farmers to the extent that brings about trouble and damage to national economy, if the government considers it appropriate to place land leases for such type of agriculture under control under this Act to remove such problem, it shall have the power to do so by enacting a Royal Decree.

Upon the Royal Decree under paragraph one being applicable to land leases for any type of agriculture, the provisions of Chapter 2 shall apply to land leases for such type of agriculture *mutatis mutandis*. Such Royal Decree may prescribe lease term, termination of lease, rental and rights and obligations of the lessee and lessor differently so

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

as to be suitable for land leases for such type of agriculture, except with regard to the provisions of Division 4 and Division 5.

Section 64. Upon the Royal Decree under Section 63 being applicable to land leases for any type of agriculture, if such a land lease has no lease term or has one but it is less than the lease term provided by law, such land lease shall have a lease term equal to that provided by law from the effective date of such Royal Decree or have a lease term equal to that provided by law from the date of such land lease, as the case may be.

Section 65. For any land lease for agriculture existing before the effective date of the Royal Decree under Section 63, if it has been agreed to collect or pay rental exceeding the maximum rate specified by Tambol Khor Chor Kor., it shall be reduced to be not more than such specified maximum rate.

TRANSITORY PROVISIONS

Section 66. Any rice field lease that is governed by the Rice Field Lease Control Act B.E. 2517 (1974) shall be deemed a rice field lease governed by this Act.

Section 67. Tambol Khor Chor Kor. shall complete its determination of the maximum rental rate under Section 13 (1) within 180 days from the effective date of this Act.

While Tambol Khor Chor Kor. has not determined the maximum rental rate under paragraph one, the maximum rice field rental rate determined under the Rice Field Lease Control Act B.E. 2517 (1974) shall be deemed the maximum rental rate determined by Tambol Khor Chor Kor. under Section 13 (1).

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 68. The appointment of Committee members who are lessee representatives and lessor representatives in Provincial Khor Chor Kor. and Tambol Khor Chor Kor. in accordance with the procedure provided in Section 12 shall be completed within 90 days from the effective date of this Act.

While the appointment of Committee members has not been made under paragraph one, the provisions of Section 7 and Section 9 shall not apply and the Provincial Rice Field Lease Control Committee or Tambol Rice Field Lease Control Committee under the Rice Field Lease Control Act B.E. 2517 (1974) performing duties on the date of publication of this Act in the Government Gazette shall continue to perform their duties in their jurisdiction with the same powers and duties as those of Provincial Khor Chor Kor. or Tambol Khor Chor Kor. under this Act, as the case may be.

Section 69. All petitions or appeals pending consideration and process by the Provincial Rice Field Lease Control Committee or Tambol Rice Field Lease Control Committee before the effective date of this Act shall be proceeded under this Act.

Section 70. A party or person having an interest in a rice field lease who is dissatisfied with the decision or order of the Provincial Rice Field Lease Control Committee which has been rendered or issued before the effective date of this Act and who wishes to file a lawsuit or petition with the court shall do so within 60 days from the effective date of this Act.

Section 71. On the effective date of this Act, for any person who is a rice field lessor and used to do rice farming on the leased rice field himself before but due to temporary necessity could not do rice farming and has let such rice field before the effective date of this Act, if he wishes to conduct agriculture by himself on that land in an amount reasonably sufficient to earn his and his family's living, he shall make a request to Tambol Khor Chor Kor.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

After Tambol Khor Chor Kor. considers that it is the case under paragraph one and the rice field lessor has no other income sufficient to earn his and his family's living, Tambol Khor Chor Kor. shall permit termination of the rice field lease in whole or in part, taking into account the quality of land and water, suitability of the geographical condition and type of agriculture widely conducted in the locality and the trouble of the rice field lessee and of the rice field lessor.

In rendering a decision for termination of the rice field lease under paragraph two, Tambol Khor Chor Kor. shall have the power to fix compensation under paragraph two of Section 50 or fix the rice field rental under Section 39, as the case may be, and Section 38 shall apply *mutatis mutandis*.

The rice field lessee or rice field lessor may appeal against the decision of Tambol Khor Chor Kor. or of Provincial Khor Chor Kor. and Section 56, Section 57, Section 58 and Section 62 shall apply *mutatis mutandis*.

Section 72. All ministerial regulations, regulations and notifications issued under the Rice Field Lease Control Act B.E. 2517 (1974) shall continue to be effective in so far as they are not contrary to or inconsistent with the provisions of this Act.

Countersigned by

General P. Tinsulanonda

Prime Minister

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.