

FAMILY REGISTRATION ACT,

B.E. 2478 (1935)**

In the Name of His Majesty King Ananda Mahidol,
The Council of Regency,
(By the Notification of the President of the House of Representatives
Dated 20th August B.E. 2478)
Aditya Dibabha;
Chao Phraya Yommaraj;
Chao Phraya Bhijyentr-yothin.
Given on the 30th Day of September B.E. 2478;
Being the 2nd Year of the Present Reign.

The National Assembly has passed a resolution in favour of providing a method for family registration in accordance with the Civil and Commercial Code, Book Five.

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

Section 1. This Act is called the “Family Registration Act, B.E. 2478 (1935)”

Section 2¹. This Act shall come into force as from 1st day of October B.E. 2478.

Section 3. In this Act,

*Translated by Siam City Law Offices Limited under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Initial Version – pending review and approval by the Office of the Council of State.

**As amended up to the Family Registration Act (No. 3) B.E. 2533 (1990)

¹ Published in the Government Gazette, Vol. 52, - , Page 1329, dated 1 October B.E. 2478.

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(1) “Registrar” means the official who the responsible Minister under this Act has appointed;

(2) “Registration” means the writing of message on the registry for validity under the law;

(3) “Recording” means recording on the registry for proof of evidence.

Section 4. The person who cannot act as a witness under this Act is

(1) a person who has not reach his or her legal age;

(2) a person of unsound mind or person who the Court has declared as quasi-incompetent person; or

(3) a person who is deaf, mute or blind in both eyes.

Section 5. Registration under this Act may be conducted at any Registration office as prescribed by the Ministerial Regulations. In case there are more than one relevant Registration places, remarks shall be mentioned in various Registrations regarding such involvement as prescribed by the Ministerial Regulations.

The provision of the previous paragraph shall apply on the Recording as well.

Section 6. Subject to the provision of section 14, the application for Registration shall be made in writing according to the format prescribed by the Ministerial Regulations.

Upon the Registrar’s acceptance of the application for Registration, the applicant shall provide his or her signature on the registry before the Registrar and at least two witnesses, who shall also provide their signatures on such registry at such time. In case the applicant cannot provide his or her signature by any method, the Registrar shall mention remarks on the Registration.

Regarding the marriage Registration in particular, apart from compliance with the provision of the previous paragraph; in any local area, the officer of such *Changwat* who thinks it is appropriate, may provide notification, subject to the Minister of Interior’s

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approval, allowing the filing of application for Registration to the *Amphoe's* head which the male or the female party or both parties have domicile in.²

For such application, there shall be signatures of the applicant and two witnesses who shall sign before the *Amphoe's* head, but one of the witnesses shall be an administrative officer with the minimum position of a village chief, or a police officer with the minimum ranking of a Police Sub-Lieutenant or a police station's head, or the Member of Municipality's Representative, Member of Municipal Council, Member of the *Changwat's* Council or a lawyer.³

Upon correct receipt of the application, the *Amphoe's* head shall send such application to the Registrar promptly for consideration of the Registration. In this Registration, the Registrar shall insert the name of the applicant and the witnesses on the registry which is deemed as signing and it shall be deemed that the marriage is valid upon the date which the *Amphoe's* head received such application.⁴

Section 7. Regarding the items which are inserted in the registry, the Registrar shall insert the date, month, year and provide the Registrar's signature.

Section 8. Upon Registration of marriage or Registration of divorce by consent, the Registrar shall issue one copy of Registration certificate to each party without any fee request.

Section 9. The interested party may request for inspection of the registry without paying fee. However, in case there is a request for a copy of item in the registry

² Section 6 third paragraph, an addition made under the Family Registration Act (No. 2), B.E. 2482 (1939).

³ Section 6 fourth paragraph, an addition made under the Family Registration Act (No. 2), B.E. 2482 (1939).

⁴ Section 6 fifth paragraph, an addition made under the Family Registration Act (No. 2), B.E. 2482 (1939).

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which is certified by the Registrar, there shall be fee payment according to the rate prescribed in the Ministerial Regulations.

Section 10. Upon request for marriage Registration, the Registrar shall register such marriage.

Regarding the marriage Registration, the Registrar may be requested to conduct such Registration outside the Registration Office, but there shall be fee payment according to the rate prescribed in the Ministerial Regulations.

Section 11. In case any person is allowed to marry per the Court judgment or Court order, there shall be filing of the certified correct copy of the Court judgment or Court order to the Registrar upon the application for Registration.

Section 12. In case the person who may provide consent has provided consent in writing pursuant to section 1448 (2) of the Civil and Commercial Code, the applicant shall bring such written document to be filed to the Registrar for Recording on the registry during the marriage Registration.

In case the person who may provide consent has provided consent verbally pursuant to section 1448 (3) of the Civil and Commercial Code, the applicant shall bring such person to give a statement to the Registrar. Regarding the statement of such witness, the Registrar shall make a record and the witness shall sign on such recorded statement.

Section 13. The Registrar shall not register the marriage in case it appears to the Registrar that there is non-compliance with the conditions of section 1445, section 1446, and section 1447 of the Civil and Commercial Code.

Section 14. In the event where either or both of the male party and female party is/are in imminent fatal danger and based on such circumstance, the Registrar is unable to perform Registration and the dying person may not file an application according

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to the form prescribed, such applicant may request for marriage Registration verbally or behaviorally. However, such application shall be filed with an administrative officer with the minimum position of the *Amphoe's* head, or a police officer with the minimum ranking of a Police Sub-Lieutenant or a police station's head, or a person who can act as witness in accordance with this Act, who shall both be present.

In case either or both of the male party and female party has/have passed away, the person who received the Registration application pursuant to the previous paragraph, together with the surviving male party or female party (if any), shall promptly appear before the Registrar to provide a statement regarding such application's circumstance and apply for the marriage Registration.

Regarding the first paragraph, if such case happened on board the sea vessel during its journey, there shall be an application to the ship's captain who shall be deemed as an officer pursuant to the first paragraph, and there shall be an application of the provision in the second paragraph *mutatis mutandis*.

Section 15. In case the Registrar refuses to register the marriage, the interested party may file an application to the Court without paying the Court's fee.

Upon the Court's inquiry and finding that there is full compliance with the conditions of the law, the Court shall issue an order for Registration acceptance.

Section 16. Upon the Court's issuance of a judgment to annul the marriage or to divorce, the interested party may request the Registrar to record such matter in the registry but such person shall submit a certified correct copy of the final Court judgment to the Registrar.

Section 17. In case any act in relation to the family status is conducted in foreign country according to the form which the laws of such country where such act was conducted have prescribed, the interested party may request for a Recording in the country

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of Siam. However, there shall be filing of proof documents with correct certification, along with the Thai translation in which such party shall bear the costs.

In case such act has been conducted in a foreign country according to the form which the laws of the country of Siam have prescribed, the Siam diplomat or consulate shall send a copy of the registry or record which has been certified as correct to the Ministry of Foreign Affairs for dispatch to the Ministry of Interior.

Section 18. Regarding the Registration of divorce by consent, the Registrar shall accept such Registration upon the request by the husband and wife and shall bring a letter as stated in the provision of section 1448 second paragraph of the Civil and Commercial Code to show to the Registrar.

Section 19⁵. In case the father has requested a Registration of a child as his legitimate child, in case the child and the child's mother are in a position to provide consent and has provided consent personally, the Registrar shall accept such Registration.

In case either or both the child and the child's mother has/have not provided consent personally and the Registrar has issued an inquiry letter to the absent person on whether such person will provide consent, upon the Registrar's receipt of the consent letter from such person or such person has come to provide consent personally, the Registrar shall accept such Registration. However, in case the Registrar has not received such consent within the prescribed time period under the Civil and Commercial Code, the Registrar shall promptly inform the applicant of the reason why such Registration has not been accepted.

The father may request the Registrar to conduct the Registration outside the Registration Office, but there shall be fee payment according to the rate prescribed in the Ministerial Regulations.

⁵ Section 19 as amended by the Family Registration Act (No. 3), B.E. 2533 (1990).

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Section 20. Upon the Court's issuance of a judgment regarding the legitimate child's identity, the interested part may submit a certified correct copy of the final Court judgment for Recording in the registry.

Section 21. Upon the revocation of the child certification, section 16 shall apply *mutatis mutandis*.

Section 22. Regarding the child adoption's Registration application, the adoptive parent and the adoptive child shall be the applicant.

The Registrar shall accept an application upon such parties' statement that they have complied with the laws regarding child adoption as prescribed in the Civil and Commercial Code. In case it appears to the Registrar that there is non-compliance with such condition or the provided statement is untrue, such Registration shall be prohibited.

In case the Registrar refuses to register the child adoption, the Registration applicant, either party, may file a motion to the Court without payment of Court's fee. In case the Court's inquiry finds that there is compliance with legal conditions, the Court shall issue an order for Registration.

Section 23. Regarding the child adoption termination Registration by agreement, the Registrar shall accept such Registration in case both parties request.

In case the Court issues a revocation or termination of child adoption, section 16 shall apply *mutatis mutandis*.

Section 24. In case the husband and wife have married validly prior to the enforcement of the Civil and Commercial Code, Book Five, request for Recording of the status of the wife according to section 5 of this Act, the Civil and Commercial Code B.E. 2477, Book Five shall apply, the Registrar shall record in the registry.

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Section 25. The Minister of Interior and the Minister of Foreign Affairs shall be in charge according to the relevant Ministry, and in accordance with this Act and they shall be empowered to issue the Ministerial Regulations for such matter and set the fee rate as requested.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Countersigned by

(In accordance with the National Assembly's resolution)

Nitisartpaisarn

Minister

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