

**BUILDING CONTROL ACT,
B.E. 2522 (1979)****

BHUMIBOL ADULYADEJ, REX.

Given on the 8th May B.E. 2522 (1979)

Being the 34th Year of the Present Reign.

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

Whereas it is expedient to revise the law on building construction control and the law on construction control in conflagration area, and merge them into one.

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

Section 1. This Act is called the “Building Control Act, B.E. 2522”.

Section 2. This Act shall come into force on the day following the date of its publication in the Government Gazette, and the scope of enforcement in any specific shall be enacted in the Royal Decree.¹

As regard the locality where the announcement on enforcement of principle city plan under the law on city planning is in force, or the locality having been enforced by such announcement, this Act shall apply to the area of such principle city plan without having to enact a Royal Decree thereon.²

*Translated by Mr. Panitarn Vacharaprechaskul under contract for the Office of the Council of State of Thailand's Law for ASEAN project. –Tentative Version– subject to final authorisation by the Office of the Council of State.

**As amended up to the Building Control Act, (No. 5), B.E. 2558 (2015)

¹Published in the Government Gazette, Vol. 96, Part 80, Special Issue, dated 14th May B.E. 2522 (1979).

²Section 2 paragraph two is added by the Building Control Act (No. 3), B.E. 2543 (2000).

As regard a high building, edifice, public assembly building, and entertainment hall, the provisions of this Act shall apply to such building, notwithstanding that the locality where such building is located is under the enforcement of a Royal Decree enforcing this Act or not.³

Section 3. The followings shall be repealed:

- (1) Building Construction Control Act, Buddhist Era 2479 (1936);
- (2) Building Construction Control Act (No. 2), B.E. 2504 (1961);
- (3) Announcement of the National Executive Council, No. 192, dated 31st July, B.E. 2515 (1972) ;
- (4) Construction Control in Conflagration Area Act, Buddhist Era 2476 (1933);
- (5) Construction Control in Conflagration Area Act (No. 2), B.E. 2496 (1953).

Section 4. In this Act:

“Building” means a town house, house, home, hall, shop, raft, warehouse, office and other construction which people may live or utilize, and shall also include:

- (1) a grandstand, or other construction for public assembly;
- (2) a dam, bridge, tunnel, waterway or drain, dockyard, waterside pavilion, pier, fence, wall or gate built next to or near public place or construction for general public use;
- (3) a signboard or the construction for fixing or holding signboard:
 - (a) on or standing on a public land with more than one square meter size, or weigh, including its structure, of exceeding ten kilogram;
 - (b) on or standing near public land, which horizontal distance from public land is less than the height of such signboard measuring from ground level, and with the size or weight exceeding those prescribed in the Ministerial Regulation;
- (4) an area or construction for used as car parking space, car reversing space, and car entrance and exit for the building prescribed under section 8 (9);
- (5) other construction prescribed in the Ministerial Regulation;

³Section 2 paragraph three is added by the Building Control Act (No. 3), B.E. 2543 (2000).

Provided that the parts of those buildings shall also be included therein.

“High building”⁴ means the building where people may live in or use with more than twenty three meters high measuring from building surface level to rooftop; as regard the gable roof or hip roof building the height shall be measured from building surface level to the topmost ceiling;

“Edifice”⁵ means the building constructed for use of the whole or any part of floor areas for residing, or operating one or more categories of activities, having the whole space area of every ground floor of the same building of more than ten thousand square meters;

“Public assembly building”⁶ means a building or any part of the building where people may enter for assembly, having space area of ten thousand square meters or more, or may assemble more than five hundred people;

“Entertainment hall”⁷ means a building or any part of the building for use as a cinema, theater, music hall, or other entertainment, having the objective of regularly opening for public participation, notwithstanding for reward or not;

“Public land” means the space opening for or allowing people to enter or pass, notwithstanding for reward or not;

“Layout plan” means a map showing the nature, situation, and boundary of the land and building constructed, modified, demolished, moved, used or changed the use, as well as sketching the nature, situation, and boundary of the public land and building in the vicinity;

“Drawing plan” means a drawing for the purpose of construction, modification, demolition, move, use, or change of use, having picture showing the important details, size, signs, materials, and various usages of a building which is clearly enough for operation;

⁴Definition of “High building” is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁵Definition of “Edifice” is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁶Definition of “Public assembly building” is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁷Definition of “Entertainment hall” is added by the Building Control Act (No. 3), B.E. 2543 (2000).

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“Specification” means the statement of detailed description concerning quality, and kind of materials, as well as method and procedure for construction, modification, removal, move, use, or change of use of the building in accordance with the drawing plan;

“Calculation sheet” means a sheet showing method of calculation on strength of material, loading weight, and resistance weight of various parts of the building;

“Construct” means construction of a new building, even though it is constructed in place of the former one;

“Modify” means to change, extend, add, reduce, or expand the nature, boundary, form, shape, proportion, weight, space area of the structure of building or various part of the building already constructed to be different from the former nature, and it is not the reparation or modification prescribed in the Ministerial Regulation;

“Repair” means to renovate or change various part of the building to be maintained in the former nature;

“Demolish” means to remove the structure part or the building such as the pillar, beam, joist, or other part of the building prescribed in the Ministerial Regulation;

“Conflagration area” means the boundary suffering conflagration of thirty or more buildings or within the area of one thousand and six hundred square meters or more, including the vicinity area within the boundary of thirty meters around the conflagration area;

“Superintendent” means the person responsible for the direction or supervision of construction, modification, removal, move of building;

“Operator” means the owner or occupier of the building who operates the construction, modification, removal, move of building by himself or herself, and includes the person who agrees to operate such act, no matter with or without reward, and a subcontractor;

“Building occupier”⁸ includes the manager of the condominium juristic person in respect of the common property under the law on condominium;

⁸Definition of “Building occupier” is added by the Building Control Act (No. 3), B.E. 2543 (2000).

“Examiner”⁹ means the licensee for professional engineer or licensee for professional architect under such respective law, as the case may be, which has been registered under this Act;

“Inspector” means the person appointed by the local competent official as an inspector;

“Technician”¹⁰ means an official or local government employee appointed by the local competent official as a technician, or an engineer or architect appointed by the Director-General of the Public Works and Town Planning Department as a technician;

“Local government administration” means a municipal, sanitary district, provincial administrative organization, Bangkok Metropolitan Administration, *Pattaya* City, and other local government organization prescribed by the Minister as local government administration under this Act;

“Bylaw” means a regulation issued by local legislative power of a local administrative organization, such as municipal law, sanitary regulation, *Changwat* bylaw, Bangkok Metropolitan bylaw, or *Pattaya* bylaw, etc.;

“Local competent official”¹¹ means:

- (1) Mayor for the area within the municipality;
- (2) Chief Executive of the provincial administrative organization for the area within the provincial administrative organization,
- (3) Chief Executive of the sub-district administrative organization for the area within the sub-district administrative organization,
- (4) Governor of Bangkok Metropolitan Administration for the area within Bangkok Metropolitan Administration;
- (5) *Pattaya* City Mayor for the area within *Pattaya* City;
- (6) Local Executive Officer of other local government organization prescribed by the Minister for the area within such local government organization.

⁹Definition of “Examiner” is added by the Building Control Act (No. 3), B.E. 2543 (2000).

¹⁰Definition of “Technician” is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

¹¹Definition of “Local competent official” is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

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

Section 5. The Minister of Interior shall have charge and control of the execution of this Act, and the power to issue a Ministerial Regulation:

- (1) prescribing fee not exceeding the rate annexed hereto, or exempting such fee;
- (2) prescribing forms of license application, license, certificate, substitute, as well as other order or any form for use in the implementation of this Act;
- (3) prescribing other affairs for the implementation of this Act.

The Ministerial Regulation shall come into force upon its publication in the Government Gazette.

CHAPTER I GENERAL PROVISIONS

Section 6. This Act shall not apply to the Royal Palaces.

Section 7. The Minister shall have power to issue a Ministerial Regulation exempting, suspending, or imposing condition in the implementation of this Act, either all or certain part thereof, concerning the buildings, as follows:

- (1) a building of the Ministry, Sub-Ministry, or Department under official service or public utility;
- (2) a building of the local administration under official service or public utility;
- (3) a building of the State organization established by law which is under official service or public utility;
- (4) an archaeological site, temple, or various buildings under religious service subject to a specific law on construction control;
- (5) an office building of an international organization, or office building of an agency established under an agreement between Thai Government and a foreign Government;

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(6) an office building of a foreign Embassy or Consul;

(7) a temporary building for the purpose of a permanent building construction, or a temporary use building having definite period of demolition;

(8)¹² a building which a Ministry, Sub-Ministry, local administration, State enterprise, State organization established by law, or other State agency provides or develops for low-income housing; provided that no exemption or suspension of certain condition concerning strength, durability and security of building or safety of residents or users of building shall be granted.

Section 8.¹³ For the purpose of strength, durability, security, fire prevention, public health, environmental quality preservation, town planning, architecture, and rendering traffic convenience, as well as other necessary affairs for implementing this Act, the Minister, with the advice of the Building Control Committee, shall have power to issue a Ministerial Regulation determining:

(1) category, nature, form, shape, proportion, size, area, and situation of building;

(2) weight loading, resistance, durability, as well as nature and quality of material used;

(3) weight loading, resistance, durability of building and supporting ground;

(4) form and procedure on fixing system of waterworks, gas, electricity, machinery, safety from fire or other disaster, and prevention of danger from chaotic situation;

(5) form and number of bathroom and lavatory;

(6) system of management on surrounding nature of building, i.e. system of illumination, air ventilation, air conditioning, air purification, drainage, wastewater treatment, and waste and sewage disposal;

(7) nature, level, height, space area outside the building, or boundary of building;

(8) distance or level between each building or land boundary of other person, or between the building and the road, lane, alley, pedestrian, route or public land;

¹²Section 7 (8) is added by the Building Control Act (No. 4), B.E. 2550 (2007).

¹³Section 8 is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

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(9) space area or construction for use as car parking or reversal, and car entrance and exit for certain kind or category of building, as well as the nature and size of such space area or construction;

(10) prohibited area for construction, modification, demolition, move, use, or change of use of any kind or category of building;

(11) rule, procedure, or condition on construction, modification, demolition, move, use, or change the use of building;

(12) rule, procedure, or condition on application for, grant, renewal, or transfer of license, or issuance of certificate or substitute thereof under this Act;

(13) duty and responsibility of the designer, superintendent, operator, occupier and owner of building;

(14) specific qualification and prohibition for examiner, as well as the rule, procedure and condition on application for and revocation of registration as examiner;

(15) rule, procedure and condition on examination of building, fixing and examining the accessories for building;

(16) kind and category of building which the owner, occupier, or operator must provide insurance for legal liability against lives, bodies, and properties of third persons.

The Ministerial Regulation under paragraph one may specify that the issues on technical details concerning construction, modification, demolition, or move of building which is subject to change rapidly shall be in accordance with the rule prescribed by the Minister, with the advice of the Building Control Committee, and published in the Government Gazette.¹⁴

Section 8 bis.¹⁵ For the purpose of public safety, the Minister, with the advice of the Building Control Committee, shall have power to issue a Ministerial Regulation determining the category or nature of the construction for use of transport of people like cable car or any other construction of the same objective, or to issue a Ministerial Regulation determining the category or nature of the

¹⁴Section 8 paragraph two is added by the Building Control Act (No. 5), B.E. 2558 (2015).

¹⁵Section 8 bis is added by the Building Control Act (No. 3), B.E. 2543 (2000).

construction for use as plaything in an amusement park, or in any other place for the purpose of the same nature as building under this Act.

The Ministerial Regulation under paragraph one must determine the rule, procedure and condition on construction, permission to use, inspection, loading standard, safety, and quality of materials or necessary accessories in connection with such thing; provided that for suitability of each category or nature of the thing constructed, it may be determined different from the provisions of this Act.

Section 9.¹⁶ In the case where there is a Ministerial Regulation determining any matter under section 8, the local administration shall comply with such Ministerial Regulation, except in case of section 10.

In the case where there is no Ministerial Regulation determining any matter under section 8, the local administration shall have power to issue a bylaw determining such matter.

In the case where there is a bylaw of a local administration determining any matter under paragraph two, if there is subsequently a Ministerial Regulation determining such matter, such bylaw of the local administration in the part which is contrary to or inconsistent with the Ministerial Regulation shall be repealed. On the contrary, such bylaw of the local administration in the part which is not contrary to or inconsistent with the Ministerial Regulation shall be continuously in force until a bylaw of the local administration is issued under section 10; provided that it must be issued within one year from the date the Ministerial Regulation comes into force.

The repeal of bylaw of the local administration under paragraph three shall not prejudice the performance accurately carried out under such bylaw of the local administration.

Section 10.¹⁷ In the case where there is a Ministerial Regulation determining any matter under section 8, the local administration shall have power to issue a bylaw of the local administration on such matter in the following cases:

(1) such issuance of bylaw of the local administration is done for specifying additional detail of those specified in such Ministerial Regulation;

¹⁶Section 9 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

¹⁷Section 10 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

(2) such issuance of bylaw of the local administration is done contrary to or inconsistent with such Ministerial Regulation on account of necessity or specific justification for such local administration.

Such bylaw of the local administration shall come into force upon consent of the Building Control Committee and approval of the Minister.

The Building Control Committee shall finish the consideration on giving consent or refusing to give consent to the bylaw of the local administration under (2) within sixty days from the date of receipt of such bylaw of the local administration. In case of refusal to give consent, the local administration shall be informed of the reason thereon.

If the Building Control Committee does not finish the consideration of bylaw of the local administration within the period prescribed under paragraph three, it shall be deemed that the Building Control Committee has given consent to the bylaw of the local administration. And the local administration shall submit the matter to the Minister for further consideration. If the Minister does not consider such matter within thirty days from the date of receipt of such bylaw of the local administration, it shall be deemed that the Minister has approved the bylaw under paragraph two.

Section 10 *bis*.¹⁸ In the case where the Minister, with the advice of the Building Control Committee, is of the opinion that the bylaw of the local administration issued under section 10 (1) is contrary to or inconsistent with the Ministerial Regulation issued under section 8, or the bylaw of the local administration issued under section 10 (2) is burdensome or unnecessarily causes trouble to the public, or causes damage to the health, life, body, or property of the public, the Minister shall have power to inform the local administration to repeal or amend such bylaw of the local administration.

In the case under paragraph one, the local administration shall finish the operation within one hundred and twenty days from the date of information by the Minister. Such period shall commence from the session of such local administration.

¹⁸ Section 10 *bis* is added by the Building Control Act (No. 2), B.E. 2535 (1992).

The repeal or amendment of bylaw of the local administration under paragraph one shall not prejudice the performance accurately carried out under such bylaw of the local administration.

Section 11. The bylaw of the local administration issued under section 9 or section 10 shall come into force upon its publication in the Government Gazette.

Section 12. If the Ministerial Regulation issued under section 8 or the bylaw of the local administration issued under section 9 or section 10 is contrary to or inconsistent with the law on town planning, the latter shall prevail.

Section 13. In the case where it is appropriate to prohibit the construction, modification, demolition, move, use, or change the use of any kind or category of building in any specific area, but still there is no Ministerial Regulation or bylaw of the local administration specifies the matter under section 8 (10), the Minister, with the advice of the Director-General of the Public Works and Town Planning Department, or the Local competent official, as the case may be, shall have power to announce by publication in the Government Gazette the temporary prohibition of construction, modification, demolition, move, use, or change the use of building in such area, and shall finish the issuance of Ministerial Regulation or bylaw of the local administration within one year from the date the announcement comes into force.

If there is no issuance of Ministerial Regulation or bylaw of the local administration within the period prescribed under paragraph one, such announcement shall be revoked.

Section 13 bis.¹⁹ For the purpose of public convenience in compliance with this Act:

(1) the government agency and various agencies having power and duties under other law shall inform the prohibition, restriction or other relevant data concerning construction, modification, demolition, move of building or other performance under this Act to the relevant local administration for operation under (2);

¹⁹Section 13 bis is added by the Building Control Act (No. 2), B.E. 2535 (1992).

(2) the local administration shall provide documents for dissemination of the rule, procedure and condition application for and permission of various operations under this Act, as well as the data informed under (1) for sale or free distribution to the one who is obliged to comply with this Act;

(3) the local administration shall specify a warning in the license issued under this Act that the licensee under this Act is still obliged to apply for permission concerning such building under other law on the matter concerned;

(4) the local administration may provide drawing plans of various buildings which meet the standard and are accurately comply with this Act, and the Ministerial Regulation or bylaw of the local administration issued under this Act for sale or free distribution to the public.

Section 13 *ter*.²⁰ Any person having to comply with this Act who is suspicious on:

(1) the determination of distance or level between one building and another, or another one's land boundary or between building and road, lane, alley, pedestrian, or public land; or

(2) the determination of the area prohibiting construction, modification, demolition, move, use, or change the use of any kind or category of building;

Such person has the right to consult the local competent official in writing, and the local competent official shall answer such consultation within thirty days from the date of receipt of consultation; provided that if the local competent official is of the opinion that it is necessary to consult the Building Control Committee, or there is any other necessity, such period may be extended twice, each time not exceeding thirty days.

In the case where the consuler under paragraph one has carried out the construction, modification, demolition, or move of building by strictly abide by the answer on consultation of the local competent official. If it appears there after that the local competent official has answered the consultation by mistake, therefore the consuler has operated such action without compliance with the provisions of this Act or other relevant law, such person shall not be punishable.

²⁰Section 13 *ter* is added by the Building Control Act (No. 2), B.E. 2535 (1992).

CHAPTER II

BUILDING CONTROL COMMITTEE

Section 14. There shall be a Building Control Committee consisting of the Director-General of the Public Works and Town Planning Department²¹ as Chairperson, a representative of the Ministry of Public Health, a representative of the Ministry of Industry, a representative of the Department of Provincial Administration, a representative of the Department of Highways, a representative of the Office of the Attorney-General²², a representative of the Town Planning Bureau²³, a representative

²¹By virtue of Section 47 of the Royal Decree Amending the Provisions in accordance with the Transfer of Power and Duties of Government Agency under the Act Improving Ministries, Sub-Ministry, and Departments, B.E. 2545, B.E. 2545 (2002) the term “Director-General of the Public Works Department” in the Building Control Act, B.E. 2522 (1979) is amended to be “Director-General of the Public Works and Town & Country Planning Department”.

²²Clause 6 of the Announcement of the National Peace Keeping Council No. 47 Re: The Amendment of the Announcement of the National Executive Council No. 216 dated 29th September, B.E. 2515 (1972), dated 28th February, B.E. 2534 (1991), Prescribing that any provisions of law, regulation, rule, or order referring to the Department of Public Prosecution, the Minister of Interior, in respect of the implementation of law, rule or regulation which is carried out by the Department of Public Prosecution, Ministry of Interior, the Director-General and Vice Director-General of the Department of Public Prosecution shall be deemed that such provisions of law, regulation, rule, or order refers to the Office of the Attorney-General, the Prime Minister, the Attorney-General, and Vice Attorney-General.

²³The “Town Planning Bureau” has been changed to be the “Department of Town Planning” on 1st January B.E. 2538 (1995), and thereafter according to the civil service reform on 3rd October, B.E. 2545 (2002) the task of the Department of Public Works and the Department of Town Planning have been merged into the “Department of Public Works and Town & Country Planning”, and by virtue of Section 47 of the Royal Decree Amending the Provisions in accordance with the Transfer of Power and Duties of Government Agency under the Act Improving Ministries, Sub-Ministry, and Departments, B.E. 2545, B.E. 2545 (2002), the term “Director of the Town Planning Bureau” in the Building Control Act, B.E. 2522 (1979) is repealed in accordance with the revocation of the Department of Town Planning, but there still exist the representative of the Town Planning Bureau in the Building Control Committee.

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of the Office of Natural Resources and Environmental Policy and Planning²⁴, a representative of the Bangkok Metropolitan Administration, a representative of the Board of Engineering Profession Supervising Council, and a representative of the Board of Architecture Profession Supervising Council²⁵, and not more than four qualified persons appointed by the Minister, as Committee members, and the Chief of the Office of Building Control Committee shall be Committee member and secretary.

Section 15. A Committee member appointed by the Minister holds office for a term of three years.

²⁴By virtue of Section 47 of the Royal Decree Amending the Provisions in accordance with the Transfer of Power and Duties of Government Agency under the Act Improving Ministries, Sub-Ministry, and Departments, B.E. 2545, B.E. 2545 (2002) the term “the representative of the Office of Environmental Policy and Planning” in the Building Control Act, B.E. 2522 (1979) is amended to be “the representative of the Office of Natural Resources and Environmental Policy and Planning”.

²⁵Referring to the Record of the Office of the Council of State, Re: Appointment of a representative of the Board of Engineering Profession Supervising Council and a representative of the Board of Architecture Profession Supervising Council in the Building Control Committee and the Appeal Committee under the Building Control Act, B.E. 2522 (1979) [Finished item No. 473/2544 (2001)], which may be summarized as follows: The Board of the Council of Engineers under the Engineering Act, B.E. 2542 (1999) and the Board of Architect Council under the Architecture Act, B.E. 2543 (2000) may designate their representatives to the Building Control Committee under section 14 of the Building Control Act, B.E. 2522 in place of the revoked Board of Engineering Profession Supervising Council under the Engineering Profession Act, B.E. 2505 (1959) and the Board of Architecture Profession Supervising Council under the Architecture Profession Act, B.E. 2508 (1965), since the new Engineering Act, B.E. 2542 (1999) and the Architecture Act, B.E. 2543 (2000) have prescribed more power and duties to the Board of the Council of Engineers and the Board of Architect Council than the former ones, i.e., prescribing the establishment of the Board of Council of Engineers and the Board of Architect Council, having the power and duties under section 33 of the Engineering Act, and section 33 of the Architecture Act in the operation in accordance with the objectives and regulation of the Council of Engineers and the Architect Council, as the case may be. Therefore the Board of the Council of Engineers and the Board of Architect Council are entitled to replace the roles, power and duties of the Board of Engineering Profession Supervising Council and the Board of Architecture Profession Supervising Council under the former laws, and are entitled to designate their representatives to the Building Control Committee and the Appeal Committee under the Building Control Act.

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In case there is an appointment of a Committee member during the term of office of the Committee members already appointed, either an additional appointment or replacing appointment, the appointee shall hold office for the remaining term of office of the Committee members already appointed.

The Committee member who vacates office may be reappointed but not for more than two consecutive terms.

Section 16. In addition to vacating office at the end of term, a Committee member appointed by the Minister vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister;
- (4) being a bankrupt;
- (5) being an incompetent person or quasi-incompetent person;
- (6) being imprisoned by a final judgment or a lawful order, except for an offence committed through negligence or a petty offence.

Section 17. At a meeting of the Building Control Committee, the present of not less than one half of the total number of Committee members is required to constitute a quorum. If the Chairperson is absent or unable to perform the duty, the Committee members present shall elect one among themselves to preside over the meeting.

The decision of the meeting shall be by the majority of votes.

In casting votes, a Committee member shall have one vote. In case of equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 18.²⁶ The Building Control Committee shall have the power and duties as follows:

- (1) to give suggestion to the Minister in the performance under section 8 or section 10 *bis*;

²⁶Section 18 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

(2) to give approval to the issuance of local bylaw under section 10 (2);

(3)²⁷ to give advice to the local competent official or government agency in the implementation of this Act;

(4)²⁸ to supervise and examine the performance of the local competent official and the person having duty to carry out the performance under this Act;

(5)²⁹ to register and revoke the registration as an inspector;

(6)³⁰ to carry out other activities prescribed under this Act.

Section 19. The Building Control Committee may appoint a Sub-committee for consideration or carrying out any activity as entrusted by the Building Control Committee.

Section 17 shall apply to the meeting of the Sub-committee *mutatis mutandis*.

Section 20.³¹ There shall be established the Office of the Building Control Committee in the Public Works and Town & Country Planning Department³², having the duties as follows:

(1) to perform the administrative work and technical work for the Building Control Committee;

(2) to perform the administrative work, examine the facts and submit opinion for determination of appeal by the Building Control Committee;

(3) to coordinate and render assistance to the local administration, government agency, and State agency in the performance of duty under this Act, as well as to give advice to the private sector;

²⁷ Section 18 (3) is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

²⁸ Section 18 (4) is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

²⁹ Section 18 (5) is added by the Building Control Act (No. 3), B.E. 2543 (2000).

³⁰ Section 18 (6) is added by the Building Control Act (No. 3), B.E. 2543 (2000).

³¹ Section 20 is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

³² According to the civil service reform on 3rd October, B.E. 2545 (2002) the task of the Department of Public Works and the Department of Town Planning have been merged into the “Department of Public Works and Town & Country Planning”.

(4) to carry out the activities entrusted by the Building Control Committee.

CHAPTER III

CONSTRUCTION, MODIFICATION, DEMOLITION, MOVE, USE, OR CHANGE THE USE OF BUILDING

Section 21.³³ Any person who wishes to construct, modify, or move a building must be licensed by the local competent official, or inform the local competent official and operate under section 39 *bis*.

Section 21 *bis*.³⁴ The construction, modification, or move of building of the kind or category which is required by the Ministerial Regulation to have the designed lay out plans and calculation sheets of the building structure be examined, the applicant for license or informer under section 39 *bis* must render the examination of such designed lay out plans and calculation sheets of the building structure in accordance with the rule, procedure and condition prescribed in the Ministerial Regulation.

Section 22.³⁵ Any person who wishes to demolish the following buildings must be licensed by the local competent official, or inform the local competent official and operate under section 39 *bis*:

- (1) the building higher than 15 meters which is located far away from another building or public land less than the height of the building;
- (2) the building which is located far away from another building or public land less than two meters.

Section 23.³⁶ (Repealed)

³³Section 21 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

³⁴Section 21 *bis* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

³⁵Section 22 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

³⁶Section 23 is repealed by the Building Control Act (No. 2), B.E. 2535 (1992).

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Section 24.³⁷ (Repealed)

Section 25.³⁸ In case of an application for license, the local competent official shall examine and grant a license, or send a written order refusing to grant a license together with the reason thereof, to the applicant within forty-five days from the date of receipt of the application.

In case of necessity where the local competent official is unable to grant a license or issue an order refusing to grant a license within the period prescribed under paragraph one, the prescribed period shall be extended for not exceeding two more times, each time shall not be exceeding forty-five days; provided that there must be a written notice informing the extending time and cause of necessity each time to the applicant before the end of period under paragraph one, or the period extended thereof, as the case may be.

In the case where the local competent official grants a license or issues an order refusing to grant a license, he or she shall inform the applicant without delay.

Section 26.³⁹ In the case where the construction, modification, or move of building under application is of the kind or category which is subject to the engineering profession under the Engineering Profession Act, or the Architecture Profession under the Architecture Profession Act, if the engineer or architect who is responsible for such operation as mentioned in the application is not a licensee for professional engineer or professional architect under such laws, as the case may be, the local competent official shall refuse to consider such application.

Section 27.⁴⁰ In examining an application for license, the local competent official shall have power to order the applicant to rectify the layout plan, drawing plan, specification, or calculation sheet submitted so as to be in accordance with the Ministerial Regulation issued under section 8, or local bylaw issued under section 9 or section 10, and section 25 paragraph three shall apply *mutatis mutandis*.

³⁷Section 24 is repealed by the Building Control Act (No. 2), B.E. 2535 (1992).

³⁸Section 25 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

³⁹Section 26 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁴⁰Section 27 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

After the applicant has rectified the layout plan, drawing plan, specification, or calculation sheet in accordance with the order of the local competent official, the local competent official shall examine and grant a license within thirty days, unless the applicant has significantly done different from the order of the local competent official. In such case it shall be deemed a new application which shall be further operated under section 25.

Section 28.⁴¹ In the case where the drawing plan, specification, and calculation sheet attached to an application for license are made by a licensee for profession engineer under the law on engineering, the local competent official shall examine only in the parts other than the calculation sheet.

Section 28 bis.⁴² In the case where the drawing plan, specification, and details in the architectural aspect of a building which is not of the category under usage control, which are attached to an application for license are made by a licensee for professional architect under the law on architecture, the local competent official shall examine only in the parts other than the details in the architectural aspect within the building, except the fire exit or fire escape.

Section 29.⁴³ Upon having been granted the license, the licensee shall send a written notice informing the name of superintendent and the period of commencing and finishing the operation licensed to the local competent official, and shall also attach the written notice of consent of the superintendent.

The superintendent may be any person or may be owner of the building, unless it is prohibited by the law on Engineering Profession or the law on Architecture Profession.

Section 30.⁴⁴ If the licensee wishes to remove the superintendent whose named has been informed, or the superintendent wishes to resign from being superintendent, he or she shall send a written notice informing the local competent

⁴¹Section 28 is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

⁴²Section 28 *bis* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁴³Section 29 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁴⁴Section 30 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

official; provided that it shall not prejudice the civil right and duty between such licensee and superintendent.

In case of removal under paragraph one, the licensee must stop the operation licensed until he or she has already sent a written notice informing the name and sent the written notice of consent of the new superintendent to the local competent official.

Section 31.⁴⁵ No person shall provide or operate the construction, modification, demolition, or move of building deviating from the layout plan, drawing plan, specification licensed as well as the procedure or condition specified by the local competent official in the license, or deviating from those informed under section 39 *bis* unless:

(1) the owner of building has file an application for modification and has been licensed by the local competent official;

(2) the owner of building has already informed on modification to the local competent official;

(3) such operation is not contrary to the Ministerial Regulation or local bylaw concerned, or it is the case determined in the Ministerial Regulation.

Section 25 or section 39 *bis* shall apply *mutatis mutandis* to the operation under (1) or (2), as the case may be.

In the case where the construction, modification, demolition, or move of building is contrary the provisions under paragraph one, it shall be deemed to be carried out by the superintendent, unless he or she proves that it has been done by other person in spite of his or her objection in writing to the owner or occupier and operator, but such person has failed to comply with it.

Section 32.⁴⁶ The category of buildings under usage control is as follows:

(1)⁴⁷ the building for use as warehouse, hotel, condominium, or health care establishment;

⁴⁵Section 31 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁴⁶Section 32 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁴⁷Section 32 (1) is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

(2) the building for use in commercial, industrial, educational, public health, or other activities as determined in the Ministerial Regulation.

After the licensee for construction, modification, or move of building under usage control, or the informer under section 39 *bis* has finished such operation, he or she shall send a written notice informing the local competent official in the form determined by the local competent official for examination of such construction, modification, or move of building to be finished within thirty days from the date of receipt of information.

No person shall use the building for the usage specified in the license or informed under section 39 *bis*.

After the local competent official has examined and found that the construction, modification, or move of building has been accurately done as licensed or informed under section 39 *bis* he or she shall issue a certificate to the licensee or informer under section 39 *bis* in order to authorize the use of such building; provided that has failed to examine within the period under paragraph two, the owner or occupier of such building shall continue to use or allow any person to use such building for the activity specified in the license or as informed under section 39 *bis*.

No owner or occupier of building under usage control shall use or allow any person to use such building for the activity other than that specified in the license or as informed under section 39 *bis*.

Section 32 *bis*.⁴⁸ The owner of the following buildings:

- (1) a high building, an edifice;
- (2) a public assembly building;
- (3) the building prescribed in the Ministerial Regulation;

must provide an engineering inspector or architect inspector, as the case may be, for rendering inspection on the condition of building, structure of the building, various accessories concerning electric system and illumination, warning system, prevention and extinction of fire, prevention of danger from chaotic situation, air ventilation system, drainage system, wastewater treatment system, mechanical system or other system of building necessary for prevention of various danger affecting health, life, body, or property, and then report the result of inspection to the local competent

⁴⁸Section 32 *bis* is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

official in accordance with the rule, procedure, and condition prescribed in the Ministerial Regulation.

The local competent official shall examine the result of inspection of building condition under paragraph one for considering issuance of certificate of examination of building condition, or continue to carry out an operation under section 46 or section 46 *bis*, as the case may be.

Section 32 *ter*.⁴⁹ The owner, occupier, or operator of the kind or category of building prescribed in the Ministerial Regulation issued under section 8 (16) must provide insurance for liability against life, body, and property of outsiders under the rule, procedure, condition, and amount of insured sum as prescribed by the Minister with the advice of the Building Control Committee.

Section 33.⁵⁰ No owner or occupier of the building other than the category of usage control building shall use or allow any person to use such building for the activity under section 32, unless having a license granted by the local competent official or has already informed the local competent official; and section 25 and section 27 or section 39 *bis*, as the case may be, shall apply *mutatis mutandis*.

The provisions of paragraph one shall apply *mutatis mutandis* to the change of use of one category of usage control building for a certain activity to another category of usage control building for another activity.

Section 34.⁵¹ No owner or occupier of the building required to have space area or construction for use as car parking or reversal, and car entrance and exit specified in section 8 (9) shall modify or use, or allow other person to modify or use such car parking or reversal and car entrance and exit for other purpose, either all or some part, unless having been licensed by the local competent official.

The prohibition under paragraph one shall be deemed a direct charge on immovable property in so far as such building still exists, even though such car parking or reversal and car entrance and exit is transferred to other person or not.

⁴⁹ Section 32 *ter* is amended by the Building Control Act (No. 5), B.E. 2558 (2015).

⁵⁰ Section 33 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁵¹ Section 34 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

Section 35.⁵² The license granted under section 21 or section 22 shall be valid for the period specified in the license. If the licensee wishes to renew the license, he or she must file an application for renewal before the license expires. And upon filing such application, he or she may continue the operation until the local competent official refuses to renew the license.

Section 36.⁵³ The license granted under section 21, section 22 or section 33 is not transferable, unless having been permitted in writing by the local competent official.

Section 37.⁵⁴ In case of decease of the licensee under section 21, section 22 or section 33, the heir or administrator of such person who wishes to continue the construction, modification, demolition, move, use, or change the use of building must inform in writing to the local competent official within ninety days from the date of decease of the licensee. In such case such heir or administrator shall be the replacing licensee.

Section 38. During the construction, modification, demolition, or move of building, as the case may be, the licensee must keep one copy of the license, layout plan, drawing plan, specification of building at the site of such operation and must always be ready for inspection by the technician or inspector.

The occupier of the building under usage control shall display the certificate under section 32 or the license under section 33 at a conspicuous place of such building.

Section 39. In the case where the license or certificate is lost, essentially destroyed or damaged, the licensee or certificate receiver shall file an application for substitute of license or certificate within fifteen days from the date of knowledge of loss, destruction or damage.

⁵²Section 35 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁵³Section 36 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁵⁴Section 37 is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

The application for and grant of substitute of license or certificate shall be in accordance with the rule, procedure, and condition prescribed in the Ministerial Regulation.

The substitute of license or certificate shall be legally effective as of the license or certificate, as the case may be.

Section 39 *bis*.⁵⁵ Any person may construct, modify, or move a building without applying for a license to the local competent official, but informs the local competent official in the form prescribed by the Building Control Committee and attaches the document and evidence as specified in such form, i.e., at least informs the data, and submits the document and evidence as follows:

(1) the name of the person responsible for designing the building, who is a licensee to perform architecture profession under the Architecture Act, and must not be the person whose name has been informed under section 49 *bis*;

(2) the name of the person responsible for designing and calculating the building, who is a licensee for professional engineer under the Engineering Act, and must not be the person whose name has been informed under section 49 *bis*;

(3) the names of the superintendents, consisting of a licensee for professional architect under the Architecture Act, and a licensee for professional engineer under the Engineering Act, and must not be the person whose name has been informed under section 49 *bis*;

(4) certified genuine photocopies of licenses of the persons under (1), (2) and (3), and certificates of license for professional architect or license for professional engineer issued by the Architect Council or Engineering Council, as the case may be;

(5) layout plan, drawing plan, specification and calculation sheet of building to be constructed, modified, or demolished signed by, and specified the names of, the persons under (1) and (2), identifying the person responsible for designing the building and the person responsible for designing and calculating such building;

(6) written notices of the persons under (1) and (2) certifying that he or she is the person responsible for designing the building, or the person responsible for

⁵⁵ Section 39 *bis* is amended by the Building Control Act (No. 5), B.E. 2558 (2015).

designing and calculating the building, as the case may be, as well as certifying that the building is designed, and designed and calculated accurately in accordance with the provisions of this Act, the Ministerial Regulation and local bylaw issued under this Act and other concerned law; however, in respect of the building required by law to provide facilities for the disabled, handicapped, old people or older persons, the access and utilization to the building and such facilities shall also be certified;

(7) the written notices of the superintendents under (3), certifying that he or she shall control the construction, modification, demolition of such building accurately in accordance with the drawing plan, specification and calculation sheet as informed and rectified as opposed, or operate in accordance with the provisions of this Act, the Ministerial Regulation and local bylaw issued under this Act and other concerned law;

(8) written notice certifying examination of design and calculation of various parts of structure of building in case the building to be constructed or modified is the kind or category required to provide examination of design and calculation of various parts of structure of building under section 21 *bis*;

(9) written notice approving the report on analysis of environment impact or report on analysis of fundamental environment impact in case of building under program or activity required to prepare a report on analysis of environment impact or report on analysis of fundamental environment impact under the law on national promotion and conservation of environmental quality, as the case may be;

(10) subject to the rule, procedure and condition prescribed by the Building Control Committee, written notice of certification of the informer, together with documents and evidences showing the provision of data and informing the people living nearby on the right to give opinion to the local competent official concerning construction, modification, or operation of program or activity in case the building to be constructed, modified or operated under program or activity is not required to prepare a report on analysis of environment impact or report on analysis of fundamental environment impact under the law on national promotion and conservation of environmental quality under (9), but such building is the building under usage control under section 32.

In case the building to be constructed, modified or demolished under paragraph one is a high building, edifice or building prescribed in the Ministerial Regulation, the person responsible for designing the building under (1) must be a licensee for professional architect at the level of chartered architect under the law

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on architecture; and the person responsible for designing and calculating the building under (2) must be a licensee for professional engineer at the level of senior professional engineer under the law on engineering.

In case the building to be constructed, modified or demolished under paragraph one, which is not a high building, edifice or building prescribed in the Ministerial Regulation, but a building of the nature, kind or category determined to be operated by professional architect under the law on architecture, or professional engineer, in the field of civil engineering, under the law on engineering, the person responsible for designing the building under (1) must be a licensee for professional architect, at the level not lower than professional architect, under the law on architecture; and the person responsible for designing and calculating the building under (2) must be a licensee for professional engineer, at the level not lower than professional engineer under the law on engineering.

In case the building to be constructed, modified or demolished under paragraph one is not a building under paragraph two or paragraph three, the person responsible for designing the building under (1) must be a licensee for professional architect, in the field of general architecture, under the law on architecture; and the person responsible for designing and calculating the building under (2) must be a licensee for professional engineer, in the field of civil engineering, under the law on engineering.

Section 39 *ter*.⁵⁶ Upon receiving the data, and document and evidence from an informer under section 39 *bis*, and the informer has already paid the full amount of fee for examining the drawing plan of the building to be constructed, modified, or demolished, the local competent official shall issue an informing receipt within three working days from the date of payment of fee. And the informer may begin the construction, modification, demolition as informed as from the date of receiving the informing receipt.

In the case where the informer fails to construct, modify, or demolish the building as informed within one hundred and twenty days from the date of receiving the informing receipt, it shall be deemed that the informer no longer

⁵⁶ Section 39 *ter* is amended by the Building Control Act (No. 5), B.E. 2558 (2015).

wishes to construct, modify, or demolish the building as having informed, and the informing receipt shall be deemed revoked.

Within one hundred and twenty days from the date of issuance of the informing receipt under paragraph two, or from the date of beginning the construction, modification, demolition of building, as the case may be, if local competent official has found any mistake, he or she shall take action, as follows:

(1) where the informer has incorrectly informed data or submitted document and evidence under section 39 *bis*, the local competent official shall issue a written notice of objection requiring the informer to rectify within fifteen days from the date of receiving the written notice; in the case where the informer fails to rectify within the determined period and has already finished the construction, modification, or demolition of building as informed, the local competent official shall take action under section 40 (1), and if the construction, modification, or demolition of building has already been finished, the local competent official may also take action under section 40 (2) until the rectification finishes;

(2) where the layout plan, drawing plan, specification and calculation sheet of building submitted by the informer under section 39 *bis* does not comply with the provisions of this Act, or the Ministerial Regulation or local bylaw issued under this Act or other relevant law, the local competent official shall issue a written notice of objection requiring the informer to rectify such layout plan, drawing plan, specification and calculation sheet so as to comply with the provisions of this Act, or the Ministerial Regulation or local bylaw issued under this Act or other relevant law within the period determined by the local competent official but not less than thirty days;

(3) where the construction, modification, or demolition of building as informed does not comply with the provisions of this Act, or the Ministerial Regulation or local bylaw issued under this Act or other relevant law, the local competent official shall issue a written notice of objection requiring the informer to rectify such construction, modification, or demolition of building so as to comply with the provisions of this Act, or the Ministerial Regulation or local bylaw issued under this Act or other relevant law within the period determined by the local competent official but not less than thirty days; And pending the period when the informer is rectifying the objected matter, he or she shall cease the construction, modification, or demolition of building in the incorrect part thereof until it is rectified, unless it is the rectification of the objected point of local competent official.

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In the case where the informer fails to finish the rectification within the period specified by the local competent official in the notice of objection under paragraph three (2) or (3), the informer shall be deemed no longer wishes to construct, modify, or demolish the building as informed. Then the local competent official shall revoke the informing receipt issued by him or her, and shall have power to take action under section 40 (1) and (2), and section 42, as the case may be.

If the local competent official does not send a written notice of objection to the informer under section 39 *bis* within the period under paragraph three, it shall be deemed that the construction, modification, or demolition of building has already been permitted by the local competent official, except in the following cases the local competent official has the power to raise an objection at any time:

(1) in case of intrusion of public land;

(2) in case the distance or level between the building and the road, lane, alley, pedestrian, or public land is contrary to the Ministerial Regulation, announcement or local bylaw issued under this Act, or other relevant law, which is in force on the date of information by the informer;

(3) in the case concerning the regulation on prohibition of construction, modification, demolition, use, or change the use of any kind or category of building which is contrary to the Ministerial Regulation, announcement or local bylaw issued under this Act, or other relevant law, which is in force on the date of information by the informer;

The informing receipt and the written notice of objection shall be in the form prescribed by the Building Control Committee.

The provisions concerning the rule, procedure, and condition prescribed in the Ministerial Regulation issued under section 8 (12); and section 35, section 36, section 37, section 38 and section 39 shall apply to the informing receipt *mutatis mutandis*.

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CHAPTER III *BIS*
 PERMISSION TO USE BUILDING FOR OPERATION OF
 BUSINESS CONCERNING ENTERTAINMENT⁵⁷

Section 39 *quarter*.⁵⁸ The construction, modification, move, demolition, or examination of building used for operation of entertainment business shall also comply with the provisions of this Act.

Section 39 *quinque*.⁵⁹ No owner or occupier of building shall use or allow any person to use the building or any part thereof as entertainment hall, unless having a license to use building for operation of entertainment business granted by the committee having power to consider the case under paragraph two, as the case may be.

There shall be the committee for considering the operation of entertainment business, having power to consider granting, revoking, renewing, transferring, and issuing substitute of, license for operating entertainment business as follows:

(1) for the area within Bangkok Metropolitan Administration, consisting of the Director-General of the Public Works and Town & Country Planning Department⁶⁰ as chairperson, the representative of the Bangkok Metropolitan Administration, the representative of the Department of Health, Ministry of Public

⁵⁷ Chapter III *bis* Permission to Use Building for Operation of Business concerning Entertainment, section 39 *quarter* to section 39 *sex* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁵⁸ Section 39 *quarter* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁵⁹ Section 39 *quinque* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁶⁰ By virtue of Section 47 of the Royal Decree Amending the Provisions in accordance with the Transfer of Power and Duties of Government Agency under the Act Improving Ministries, Sub-Ministry, and Departments, B.E. 2545, B.E. 2545 (2002) the term “Director-General of the Public Works Department” in the Building Control Act, B.E. 2522 (1979) is amended to be the “Director-General of the Public Works and Town & Country Planning Department”.

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Health, the representative of the Royal Thai Police Headquarters as members, and the Chief of Construction Control Division, Public Works and Town & Country Planning Department⁶¹, as member and secretary;

(2) for the area in other *Changwats*, consisting of *Changwat* Governor as chairperson, the local competent official of concerning locality, the Chief of Provincial Public Health Office, the Chief of Provincial Police, as members and the Chief of Provincial Public Works and Town & Country Planning Office as member and secretary.

The decision of the meeting shall be by majority of votes, and the Chairperson of the committee for considering the operation of entertainment business under paragraph two, as the case may be, shall be the person having power to sign in granting, revoking, renewing, transferring, and issuing substitute of, license under paragraph two.

The category of entertainment hall, system of safety and prevention of danger potentially happens to the audience, and number and distance between objects or various parts within and outside the building used as entertainment hall, i.e., movie projecting room, entrance and exit, doors, audience seats, and passage etc., shall be prescribed in the Ministerial Regulation.

Section 39 sex.⁶² A license to use building for operation of entertainment business shall be valid for two years, and shall be valid until 31st December of the second year from the date of issuance of license.

The rule, procedure, and condition for applying, grant, renewal, and transfer of license, and issuance of substitute of license for entertainment hall shall be prescribed in the Ministerial Regulation.

Any owner or occupier of building who wishes to renew the license to use building for operation of entertainment business shall file an application for renewal of license before the former license expires. And after having filed such application, he or she may continue to operate such business until the person having

⁶¹according to the civil service reform on 3rd October, B.E. 2545 (2002) the task of the Department of Public Works and the Department of Town Planning have been merged into the “Department of Public Works and Town & Country Planning”

⁶²Section 39 sex is added by the Building Control Act (No. 3), B.E. 2543 (2000).

power to grant a license under section 39 *quinque* refuses to grant renewal of license.

CHAPTER IV POWER AND DUTIES OF LOCAL COMPETENT OFFICIAL

Section 40.⁶³ In the case where there is a construction, modification, demolition, move of building in violation of the provisions of this Act, or the Ministerial Regulation or local bylaw issued under this Act, or other relevant law, the local competent official has the power to take action as follows:

(1) to order the owner or occupier of building, superintendent, operator, employee or servant of such person to stop such action;

(2) to prohibit any person from using or entering into any part of the building or the site of such action, and to order provision of the sign showing such prohibition in a conspicuous place at such building or site, and

(3) to consider issuing an order under section 41 or section 42, as the case may be, within thirty days from the date of the order under (1).

Section 41.⁶⁴ If the action under section 40 is the case rectifiable, the local competent official has the power to order the owner of the building to file an application for license or to render information under section 39 *bis*, or to rectify the action within the period determined but not less than thirty days. In case it is appropriate, the local competent official may extend such period, and section 27 shall apply *mutatis mutandis*.

Section 42.⁶⁵ If the action under section 40 is not the case rectifiable, or the owner of building fails to comply with the order of the local competent official under section 41, the local competent official shall have power to order the owner or occupier of building, superintendent, or operator to demolish the whole or some part of the building within the period determined but not less than thirty days

⁶³Section 40 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁶⁴Section 41 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁶⁵Section 42 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

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in accordance with the rule, procedure, and condition prescribed in the Ministerial Regulation issued under section 8 (11), or local bylaw issued under section 9 or section 10.

Section 43.⁶⁶ If the building is not demolished in accordance with the order of the local competent official under section 42, the local competent official shall have power as follows:

(1) to file a unilateral request with the Court after the period prescribed under section 42 has elapsed, requesting the Court to issue an order of arrest and detention to the person who fails to comply with the order of the local competent official under section 42, by applying the Civil Procedure Code *mutatis mutandis* thereto;

(2) to demolish or render demolition of such building on his or her own, which there must be an announcement fixing the time of demolition to be posted in such site for not less than seven days, and the owner or occupier of building, the person responsible for designing the building, the person responsible for designing and calculating the building, superintendent, operator must jointly pay for the expense of such operation, unless such person proves that he or she does not act or engage in such act of violation of law.

In the demolition of building under paragraph one, if the local competent official or person acting in place of the local competent official has taken reasonable care in the operation, the person under paragraph one is not eligible for claiming compensation for damage from the local competent official or person acting in place of the local competent official.

In respect of the construction material being demolished and the object removed from the demolished part of building, the local competent official has the power to seize and retain such thing, or sell and keep the money instead, in accordance with the rule, procedure, and condition prescribed in the Ministerial Regulation. And if the owner does not claim for the property or money to be returned within thirty days from the date of demolition, such property or money shall be vested in the local administration for disbursement of the expense on demolition of building under this Act.

⁶⁶ Section 43 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

Section 44.⁶⁷ In case of violation of section 32 paragraph three or section 33, the local competent official has the power to order the owner or occupier of building to cease the use of the part of building which has no written notice of certification, license, or has not been informed under section 39 *bis*, until having notice of certification, license, or having been informed under section 39 *bis*.

Section 45.⁶⁸ In case of violation of section 34 the local competent official has the power to order the owner or occupier of building, occupier of the site or such construction, or violator of section 34 to cease the operation and order such person to rectify the site or such construction to be recovered within the specified period, and section 43 shall apply *mutatis mutandis*.

Section 46. In case the building constructed, modified, or moved under license under this Act, or has been constructed, modified, or moved before the date this Act comes into force, is in the nature or having the use which may be detrimental to health, life, body, or property or may not be safe from fire or cause trouble, or affect the conservation of environmental quality, the local competent official shall have power to order the rectification in accordance with the rule, procedure, and condition prescribed in the Ministerial Regulation.

In the case where there is no compliance with the order of the local competent official under paragraph one, and such building may be seriously detrimental to health, life, body, or property, the local competent official shall have power to order the demolition of such building and section 42 shall apply *mutatis mutandis* thereto.

Section 46 *bis*.⁶⁹ In the case where various accessories concerning electric system and illumination, warning system, prevention and extinction of fire, prevention of danger from chaotic situation, air ventilation system, drainage system, wastewater treatment system, mechanical system or other system of building under section 32 *bis* is in the nature or having the use which may be detrimental to health, life, body, or property or may not be safe from fire or cause trouble, or affect the

⁶⁷Section 44 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁶⁸Section 45 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁶⁹Section 46 *bis* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

conservation of environmental quality, the local competent official shall have power as follows:

(1) to prohibit the owner or occupier of building from using or allowing any person to use various accessories and to order provision of the sign showing such prohibition at the accessories or in a conspicuous place near such accessories;

(2) to order the owner of building to rectify such accessories so as to be in a safe and usable condition within the specified period but not less than thirty days; in case of reasonable necessity the local competent official may extend such period thereof;

In the case where there is no compliance with the order of the local competent official under paragraph one, and if such accessories may render the building to be seriously detrimental to the health, life, body, or property, the local competent official shall prohibit the use of all or some part of the building and there must be provided the sign showing such prohibition at a conspicuous place of such building or site.

Section 47.⁷⁰ The order or information of the local competent official under this Act, other than the case under section 40 (2) and section 47 *bis*, shall be made in writing and sent by recorded delivery registered mail to the applicant, licensee, or informer under section 39 *bis*, owner or occupier of building, operator, or superintendent, as the case may be, addressing the domicile of such person, or may be made in a record to be informed and signed by such person.

In the case where the local competent official is unable to proceed with paragraph one, the copy of order or information, as the case may be, shall be posted at a conspicuous place of such building or site of construction, modification, demolition, move, use, or change the use of building. And the applicant, licensee, or informer under section 39 *bis*, owner or occupier of building, operator, or superintendent shall be deemed having been informed of such order or information after the lapse of seven days from the date of posting such order or information.

⁷⁰Section 47 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

Section 47 bis.⁷¹ The order of the local competent official ordering cessation of operation in contravention of the provisions of this Act or demolition of building shall be made in writing and sent by recorded delivery registered mail to the person who is obliged to receive such order, and addressed to the domicile of such person. And such order shall be post at a conspicuous place of the building or site of such operation. And the person who is obliged to receive such order shall be deemed to have received such order after the lapse of three days from the date of posting such order.

Section 48. In the performance of duties under this Act, the local competent official has the power to enter the building or site of building which there is a reasonable ground to suspect of violation or non-compliance with this Act, during sunrise and sunset or working hours of such place. And for this purpose the local competent official shall have power to inquire into the facts or demand for submission of relevant document or other evidence from the person present or working in such place.

Section 49.⁷² The local competent official shall have power to appoint a government official or local government employee having knowledge or qualification prescribed in the Ministerial Regulation to be an inspector or technician.

In case of necessity or upon request of the local competent official, the Director-General of the Public Works and Town Planning Department⁷³ has the power to appoint an engineer or architect to be a technician in accordance with the rule prescribed in the Ministerial Regulation.

⁷¹Section 47 bis is added by the Building Control Act (No. 2), B.E. 2535 (1992).

⁷²Section 49 is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

⁷³By virtue of Section 47 of the Royal Decree Amending the Provisions in accordance with the Transfer of Power and Duties of Government Agency under the Act Improving Ministries, Sub-Ministry, and Departments, B.E. 2545, B.E. 2545 (2002) the term “Director-General of the Public Works Department” in the Building Control Act, B.E. 2522 (1979) is amended to be the “Director-General of the Public Works and Town & Country Planning Department”.

Section 49 *bis*.⁷⁴ In the case where there is a construction, modification, demolition, move of building in violation of the provisions of this Act, or the Ministerial Regulation or local bylaw issued under this Act, and the local competent official has taken action under section 40, section 41 or section 42, as the case may be, but there is no compliance with the order of the local competent official, and there is a reasonable ground to suspect that the person responsible for designing and calculating the building, or person responsible for designing the building, or superintendent may be the offender or take part in such offense, the local competent official shall inform such person and demand for submission of evidence within thirty days from the date of receipt of information in order to prove that it is committed by other person, otherwise the local competent official shall proceed to report the name and commission of offense of such person to the Building Control Committee for information, and shall inform the Council of Engineers and the Architect Council for further proceeding under the law on engineering and the law on architecture.

CHAPTER V APPEAL

Section 50.⁷⁵ There shall be an Appeal Committee:

(1) in the area of the Bangkok Metropolitan Administration or the Provincial Administrative Organization consisting of the Permanent Secretary for Interior as Chairperson, the Director-General of the Public Works and Town Planning Department, a representative of the Office of Attorney-General, a representative of the Office of the Council of State, a representative of the Board of Engineering Profession Supervising Council, and a representative of the Board of Architecture Profession Supervising Council as members, and not exceeding six other members appointed by the Minister from qualified persons who shall be not less than two qualified persons from private sector, and the Chief of the Office of Building Control Committee shall be member and secretary.

⁷⁴Section 49 *bis* is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

⁷⁵Section 50 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

The member appointed by the Minister under paragraph one must not be the person performing official duty in the Bangkok Metropolitan Administration or the Provincial Administrative Organization, or member of the Bangkok Metropolitan Council or Provincial Council;

(2)⁷⁶ in the area of municipality, *Pattaya* City, or other local administration consisting of *Changwat* Governor as Chairperson, the Provincial Chief Public Prosecutor who is the Chief of the Office of Provincial Public Prosecutor, and not exceeding six other persons appointed by the Permanent Secretary for Interior who shall be not less than two persons from private sector as members, and the Chief of Provincial Public Works and Town & Country Planning Office shall be member and secretary.

Section 15, section 16 and section 17 shall apply to the Appeal Committee *mutatis mutandis*.

Section 51. The Appeal Committee shall have power and duties as follows:

(1) to decide appeal against the order of the local competent official under this Act;

(2) to summon any relevant person to give statement, or order such person to submit relevant document or other evidence for supplementing the decision of appeal;

(3) to inquire into facts or to take any action as necessary for supplementing the decision of appeal.

In the performance of duties under (3) the member of Appeal Committee or person entrusted by the Appeal Committee may enter the building or site of building which is the ground of appeal during sunrise and sunset.

Section 51 *bis*.⁷⁷ The Appeal Committee may appoint one or more Sub-Committees for consideration or carrying out any activity as entrusted.

Section 15, section 16, section 17 and section 51 shall apply to the Sub-Committee *mutatis mutandis*.

⁷⁶Section 50 paragraph one (2) is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

⁷⁷Section 51 *bis* is added by the Building Control Act (No. 2), B.E. 2535 (1992).

Section 52.⁷⁸ The applicant, licensee, informer under section 39 *bis*, and the person receiving the order of the local competent official under this Act, has the right to file an appeal against such order with the Appeal Committee within thirty days from the date of knowledge of such order.

The appeal under paragraph one shall be made in writing and submitted to the local competent official issuing such order, and the local competent official shall deliver and all the relevant documents and evidences to the Appeal Committee within ten days from the date of receiving the appeal.

The Appeal Committee shall decide the appeal under paragraph one within sixty days from the date of receiving the appeal, and then give the decision together with the reason thereof in writing to the appellant and the local competent official.

If the appellant does not agree with the decision of appeal, he or she shall file an action to the Court within thirty days from the date of receiving the decision of appeal.

In the case where the Appeal Committee or the Court has given a decision or judgment whatsoever, the local competent official shall comply therewith.

Pending the appeal, no appellant or local competent official shall carry out any act on the building which is the ground of appeal, unless the building is potentially dangerous to people or property, or it is imminent.

Section 47 shall apply to the delivery of the decision of appeal *mutatis mutandis*.

CHAPTER VI

TECHNICIAN, INSPECTOR AND EXAMINER⁷⁹

Section 53. The technician or inspector shall have power to enter the site of construction, modification, demolition or move of building for examination whether there is a violation or non-compliance with this Act or not. And for this

⁷⁸Section 52 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁷⁹The title of “Chapter VI, Technician, Inspector and examiner” is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

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purpose, he or she shall have power to inquire into the facts or demand for submission of relevant document or other evidence from the person present or working in such place.

Section 54. Upon having a reasonable ground to suspect that any building that has already been constructed, modified, demolished or moved has been done in violation or non-compliance with this Act, or having a reasonable ground to suspect that any building is used or changed the use in violation or non-compliance with section 32, section 33 or section 34, or any building is in the nature under section 46, the technician shall have power to enter for inspection of the building and the site of such building. And for this purpose, he or she shall have power to inquire into the facts or demand for submission of relevant document or other evidence from the person present or working in such place.

Section 55. In the operation under section 53 or section 54, the technician or inspector must take action during sunrise and sunset, or during working hours of such place. And in this case, the technician or inspector shall produce his or her identity card upon request of the person concerned.

The identity card shall be in the form prescribed in the Ministerial Regulation.

Section 55 *bis*.⁸⁰ No person shall carry out the examination under section 32 *bis* unless he or she is an examiner under this Act.

Section 55 *ter*.⁸¹ In the case where an examiner examines a building in violation of the provisions of this Act, or the Ministerial Regulation or local bylaw issued under this Act, section 49 *bis* shall apply *mutatis mutandis*.

⁸⁰ Section 55 *bis* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁸¹ Section 55 *ter* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

CHAPTER VII CONFLAGRATION AREA

Section 56. When fire breaks out in any area in the nature of a conflagration area, the local competent official shall post an announcement showing conflagration area at the office of such local administration, and the conflagration area, having a sketch map showing conflagration area as well as specifying the actions prohibited under this Act.

Section 57.⁸² Within forty-five days from the date the fire breaks out, no person shall construct, modify, demolish or move a building in the conflagration area, and the licensee for construction, modification, demolition or move of building, or informer under section 39 *bis*, in such area before the date the fire breaks out shall also cease the operation licensed or informed within such period.

Section 40, section 42 and section 43 shall apply to the violation of the provisions of paragraph one *mutatis mutandis*.

The provisions of paragraph one shall not apply to:

- (1) the construction of provisional building for the purpose of grievance relief provided or controlled by the government agency;
- (2) the modification or repair of building as necessary for provisional living or utilizing.

Section 58. The local competent official shall consider whether there should be a restoration in the conflagration area or not, taking into account the purposes of fire prevention, public health, conservation of environmental quality, town planning, architecture, and rendering traffic convenience, and then the local competent official shall submit an opinion together with the sketch map showing conflagration area to the Building Control Committee. In case the conflagration area is under the jurisdiction of more than one locality. The local competent officials of concerned localities shall jointly consider and submit opinion within fifteen days from the date the fire breaks out.

⁸²Section 57 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

Upon considering the opinion of the local competent official, the Building Control Committee shall submit the opinion together with a remark thereon to the Minister for ordering the local competent official to announce to the public in the conflagration area whether there would be a restoration therein or not. The announcement shall be posted at the office of such local administration and the conflagration area within forty-five days from the date the fire breaks out.

Section 59. In the case where there is an announcement that there will be no restoration of conflagration area, the prohibition under section 57 paragraph one shall be deemed revoked.

In the case where there is an announcement that there will be a restoration of conflagration area, the prohibition under section 57 paragraph one shall continue to be in force for six more years from the date of such announcement. And the Office of the Building Control Committee shall render the drawing of restoration map of conflagration area for submission to the Minister for publication in the Government Gazette, in order to render the restoration map of conflagration area to come into force, within such period of time.

Section 60.⁸³ Upon having published the restoration map of conflagration area no person shall construct, modify, demolish or move a building within the boundary under the restoration map of conflagration area to be different from those prescribed in such restoration map, and all the licenses for construction, modification, demolition, move of building or informing receipts under section 39 *bis* issued before the date of publication of restoration map of conflagration area which are contrary to such map shall be revoked.

Section 40, section 42 and section 43 shall apply to the violation of the provisions of paragraph one *mutatis mutandis*.

Section 60 *bis*.⁸⁴ The local competent official shall commence the operation of restoration of conflagration area under the restoration map published under section 60 within two years from the date of its publication.

⁸³ Section 60 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁸⁴ Section 60 *bis* is added by the Building Control Act (No. 2), B.E. 2535 (1992).

In case it is necessary to carry out the expropriation of any land or immovable property for the utilization prescribed in the restoration map of conflagration area, the compensation shall be paid to the person entitled before commencing the restoration of conflagration area at the cost assessment price under the Land Code which is in force on the date of announcement of restoration of conflagration area. Provided that if it is unable to pay compensation within two years from the date of enforcement of such announcement, the cost assessment price shall be based on the price which is in force on January the 1st of the year of payment of compensation.

If the local competent official fails to commence the operation of restoration of conflagration area within the period under paragraph one, such announcement shall be revoked.

Section 61. In case it is necessary to acquire any land or immovable property for the utilization prescribed in the restoration map of conflagration area, the law on expropriation of immovable property shall apply to the expropriation of such land or immovable property *mutatis mutandis*.

Section 62. When fire breaks out in any area in the nature of a conflagration area, if there is no Royal Decree enforcing this Act in such locality, it shall be deemed that there is a Royal Decree enforcing this Act in such locality as from the date the fire breaks out; provided that if subsequently there is an announcement that there will be no restoration of conflagration area under section 58, such Royal Decree shall be deemed to be revoked as from the date of such announcement of the local competent official.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

Section 63. In the performance of duty of the Appeal Committee member, person entrusted by the Appeal Committee, member of committee for settlement of the case, local competent official, technician, inspector under this Act, the applicant for license, licensee, owner or occupier of building, operator,

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superintendent, or concerned person present at such place must render appropriate facility and assistance.

Section 64. In the performance of duty under this Act, the Appeal Committee member, person entrusted by the Appeal Committee, member of committee for settlement of the case, local competent official, technician and inspector shall be competent official under the Criminal Code.

Section 64 *bis*.⁸⁵ The local administration has the power to deduct the fee for examining drawing plan of construction or modification of building received from an applicant for license or informer under section 39 *bis* for not exceeding ten percent of such fee, in order to be allocated as reward for officer examining the drawing plan of construction or modification of building, technician and inspector in accordance with the rule and rate prescribed in the local bylaw.

CHAPTER IX PENALTY PROVISIONS

Section 65.⁸⁶ Any person who violates or fails to comply with section 21, section 22, section 31, section 32, section 33, section 34, section 52 paragraph six, section 57 or section 60 shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding sixty thousand Baht, or to both.

In addition to be liable to the penalty under paragraph one, the person who violates or fails to comply with section 21, section 31, section 32, section 34, or section 57 shall also be liable to a daily fine of not exceeding ten thousand Baht at all time of violation or until such provisions are accurately complied with.

Section 65 *bis*.⁸⁷ Any person who fails to comply with section 32 *bis*, or section 32 *ter* shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding sixty thousand Baht, or to both.

⁸⁵Section 64 *bis* is added by the Building Control Act (No. 2), B.E. 2535 (1992).

⁸⁶Section 65 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁸⁷Section 65 *bis* is amended by the Building Control Act (No. 5), B.E. 2558 (2015).

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In addition to be liable to the penalty under paragraph one, the person who fails to comply with section 32 *bis*, or section 32 *ter* shall also be liable to a daily fine of not exceeding ten thousand Baht until such provisions are accurately complied with.

Section 65 *ter*.⁸⁸ Any person who violates section 39 *quinque* paragraph one shall be liable to an imprisonment for a term not exceeding three months, or to a fine not exceeding sixty thousand Baht, or to both.

In addition to be liable to the penalty under paragraph one, the person who violates with section 39 *quinque* paragraph one shall also be liable to a daily fine of not exceeding ten thousand Baht until such provisions are accurately complied with.

Section 65 *quarter*.⁸⁹ Any person who violates or fails to comply with the order of the local competent official under section 46 *bis* shall be liable to a fine not exceeding thirty thousand Baht.

In addition to be liable to the penalty under paragraph one, the person who violates or fails to comply with section 46 *bis* shall also be liable to a daily fine of not exceeding five thousand Baht until such provisions are accurately complied with.

Section 66.⁹⁰ Any person who fails to comply with section 30 paragraph one, section 38, section 39, or section 39 *ter* paragraph three (3) shall be liable to a fine not exceeding ten thousand Baht.

Section 66 *bis*.⁹¹ Any person who fails to demolish the building in accordance with the order of the local competent official under section 42, without being under appeal, shall be liable to an imprisonment for a term not exceeding six months, or a fine not exceeding one hundred thousand Baht, or to both.

⁸⁸Section 65 *ter* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁸⁹Section 65 *quarter* is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁹⁰Section 66 is amended by the Building Control Act (No. 5), B.E. 2558 (2015).

⁹¹Section 66 *bis* is added by the Building Control Act (No. 2), B.E. 2535 (1992).

In addition to be liable to the penalty under paragraph one, the violator shall also be liable to a daily fine of not exceeding thirty thousand Baht until the order of the local competent official is accurately complied with.

Section 67.⁹² Any person who violates section 30 paragraph two, or fails to comply with the order of the local competent official under section 40, section 44, or section 45 shall be liable to an imprisonment for a term not exceeding six months, or a fine not exceeding one hundred thousand Baht, or to both.

In addition to be liable to the penalty under paragraph one, the violator shall also be liable to a daily fine of not exceeding thirty thousand Baht until the order of the local competent official is accurately complied with.

Section 68. Any person who:

(1) fails to be present for giving statement or submit document under the summons of the Appeal Committee under section 51 (2) without reasonable excuse; or

(2) obstructs the performance of duty of the Appeal Committee member, person entrusted by the Appeal Committee, local competent official, technician or inspector under section 48, section 51, section 53, or section 54 or fails to comply with section 51, section 53, section 54, or section 63, as the case may be; shall be liable to an imprisonment for a term not exceeding one month, or a fine not exceeding one thousand Baht, or to both.

Section 69. If the offence under this Act is committed by an operator, the perpetrator shall be liable to double penalty of that prescribed for such offence.

Section 70.⁹³ If the commission of offence under this Act is an offence concerning building for commerce, industry, education, or public health, or a commercial act of rent, hire-purchase, sale, or distribution for reward of any building, the perpetrator shall be liable to double penalty of that prescribed for such offence.

⁹²Section 67 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁹³Section 70 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

Section 71.⁹⁴ In case there is a violation or non-compliance with section 21, section 22, section 34, section 42, section 52 paragraph six, section 57 or section 60, it shall be deemed to be committed by the owner or occupier of building, operator, superintendent, or appellant under section 52, as the case may be, or under the direction of such person, unless such person proves that it is committed by other person.

Section 72. In the case where a juristic person commits an offence under this Act, every Director, or manager of such juristic person shall be deemed to participate in the commission with such juristic person, unless he or she proves that such act of the juristic person has been done without his or her knowledge or consent.

Section 73. In case there is a commission of offence under this Act, the owner or occupier of land or building adjacent to the building where the offence is committed, or the person whose state of living or the use of land or building is affected from such commission of offense, shall be deemed the injured person under the Criminal Procedure Code.

Section 74.⁹⁵ There shall be a Committee for Settlement of the Case:
 (1) for the area within Bangkok Metropolitan Administration, consisting of the Governor of Bangkok Metropolitan Administration, the representative of the Office of Attorney-General, and the representative of the Royal Thai Police Headquarters;
 (2) for the area in other *Changwats*, consisting of *Changwat* Governor, the Provincial Chief Public Prosecutor who is Chief of the Office of Provincial Public Prosecutor, and the Chief of Provincial Police.

In respect of the offences under section 65 paragraph one, section 65 *bis* paragraph one, section 65 *ter* paragraph one, section 65 *quarter* paragraph one, section 66, section 66 *bis* paragraph one, section 67 paragraph one, section 68 section 69 or section 70, the Committee for Settlement of the Case shall have power to settle the case.

⁹⁴Section 71 is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

⁹⁵Section 74 is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

In the case where the inquiry officer finds that any person has committed an offence under paragraph two, if the perpetrator of such offence and the injured person, if any, consent to have the case settled, the inquiry officer shall submit the case to the Committee for Settlement of the Case under paragraph one within seven days from the date such person consents to have the case settled.

If the Committee for Settlement of the Case is of the opinion that the accused should not be prosecuted or convicted to imprisonment, it shall determine the amount of fine to be paid by the accused. If the accused and the injured person, if any, consent thereto, the case shall be deemed settled under the Criminal Procedure Code upon payment of the fine determined within thirty days from the date the amount of fine is determined.

If the accused does not agree with the settlement, or though having consented but fails to pay the fine within the period under paragraph four, the case shall be further proceeded.

The fine received from the settlement of the case under this Act shall be vested in the local administration without having to be remitted as income of the State.

TRANSITIONAL PROVISIONS

Section 75. All of the applications for any license filed before the date this Act comes into force and still pending the consideration of the local competent official or the Director-General of the Public Works and Town & Country Planning Department, and any permission granted under the law on building construction control, or the law on construction control in conflagration area, or the operation of the applicant for license as licensed, as the case may be, shall be deemed the application for license and the permission under this Act *mutatis mutandis*.

In the case where such application for or consideration of granting permission is different from the application for or consideration of granting permission under this Act, such application for or consideration of granting permission shall be in accordance with this Act, and the local competent official shall issue an order under section 27 for demanding the applicant to rectify it within thirty days otherwise such application shall be revoked.

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Section 76. The building licensed to construct or modify which has already been completed before the date this Act comes into force, even though being in the nature of a building under usage control category under this Act, shall be exempted from compliance with section 32 paragraph two.

Section 77. In any locality where there are a lot of buildings constructed in the public domain before the date this Act comes into force, and being or may be in the nature unsuitable or unsafe for residing, for fire prevention, public health, conservation of environmental quality, town planning, and for rendering traffic convenience, upon having the Royal Decree prescribing the area for restoration of buildings in such locality, the local competent official shall issue an order for rendering any one or more actions as follows:

(1) demanding the owner or occupier of building to demolish such building within the period not exceeding six months from the date of receiving the order; provided that the order to demolish the building must be issued for the purpose of public tidiness, local development, or public utilization of public land;

(2) within thirty days from the date the Royal Decree prescribing the area for restoration of buildings comes into force, demanding the owner or occupier of building to rectify the building so as to be in accordance with this Act within the period not exceeding six months from the date of receiving the order;

(3) demanding the owner or occupier of building to take action for elimination or cessation of the situation which causes or may cause unsuitable or unsafe condition for residing, for fire prevention, public health, conservation of environmental quality, town planning, and for rendering traffic convenience within the period not exceeding six months from the date of receiving the order;

(4) demanding the owner or occupier of building to conclude a land rental contract with the local competent official under the rule, procedure, condition and rate of fee prescribed by the Ministry of Interior.

Any owner or occupier of building who has already complied with the order of the local competent official under paragraph one shall be exempted from penalty, otherwise he or she shall be liable to a fine not exceeding fifty thousand Baht, and the local competent official shall issue an order demanding demolition of building within the prescribed period. If such person fails to demolish the building within such period, he or she shall be liable to a daily fine of not exceeding one thousand Baht at all time of violation, or until such person agrees to have the

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building being demolished by the local competent official. In the latter case, section 42 paragraph four and paragraph five shall apply *mutatis mutandis*.

The Royal Decree under paragraph one shall have a sketch map showing the boundary of such area attached therewith. And the local competent official shall have power to proceed with land rental in such area for earning income for local subsidy, while such piece of land still be public domain.

The land rental contract under paragraph one (4) shall be for a period as agreed but not longer than ten years, and shall not be extended any longer. At the end of land rental period, any owner or occupier of building who fails to demolish his or her building or construction from the boundary of the Royal Decree shall be liable to an imprisonment for a term not exceeding three months, or a fine not exceeding thirty thousand Baht, or to both, and an additional daily fine of not exceeding one thousand Baht at all time of violation, or until such person agrees to have the building being demolished by the local competent official. In the latter case, section 42 paragraph four and paragraph five shall apply *mutatis mutandis*.

Section 78. The appeal under the law on building construction control filed before the date this Act comes into force shall be deemed an appeal against the order of the local competent official filed with the Appeal Committee under this Act.

Section 79. All the Ministerial Regulations, municipal laws, *Changwat* bylaws, rules, regulations, announcements, or orders issued under the Building Construction Control Act, Buddhist Era 2479 (1936) or the Construction Control in Conflagration Area Act, Buddhist Era 2476 (1933) shall continue to be in force in so far as they are not contrary to or inconsistent with this Act.

Section 80. Any locality having the Royal Decree enforcing the Building Construction Control Act, Buddhist Era 2479 (1936) or the Construction Control in Conflagration Area Act, Buddhist Era 2476 (1933) before the date this Act comes into force shall be deemed there is the Royal Decree enforcing this Act in such locality.

Countersigned by

S. Hotragitya

Deputy Prime Minister

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RATE OF FEE

- (1) License for construction 200 Baht each.
- (2) License for modification 100 Baht each.
- (3) License for demolition 50 Baht each.
- (4) License for move 50 Baht each.
- (5) License for change of use 200 Baht each.
- (6)⁹⁶ Certificate 100 Baht each.
- (6 *bis*)⁹⁷ License for using building in the operation of entertainment hall
500 Baht each.
- (6 *ter*)⁹⁸ Certificate of examination of building condition 100 Baht each.
- (7) Substitute of license or substitute of certificate 10 Baht each.
- (8) Renewal of license shall be in accordance with the rate in (1) to (4)
- (8 *bis*)⁹⁹ Renewal of license for using building in the operation of
entertainment hall shall be in accordance with the rate in (6 *bis*).
- (9) Examination of drawing plan for construction or modification of building,
the fee for construction or for the part to be modified shall be as follows:
 - (a) building not higher than three floors or not exceeding fifteen meters
high, shall be calculated by total floor area of each floor 2 Baht each
square meter.
 - (b) building higher than three floors or exceeding fifteen meters high shall
be calculated by total floor area of each floor 4 Baht each square
meter.
 - (c) building of the category which contain any floor capable of loading
more than 500 kilogram per square meter shall be calculated by total floor area of
each floor 4 Baht each square meter.

⁹⁶Rate of Fee (6) is amended by the Building Control Act (No. 3), B.E. 2543 (2000).

⁹⁷Rate of Fee (6 *bis*) is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁹⁸Rate of Fee (6 *ter*) is added by the Building Control Act (No. 3), B.E. 2543 (2000).

⁹⁹Rate of Fee (8 *bis*) is added by the Building Control Act (No. 3), B.E. 2543 (2000).

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(d) signboard shall be calculated by area of the signboard derived from multiplying the widest part with the longest part 4 Baht each square meter.

(e) building of the category which is to be measured by length, i.e., dam, waterway, drain, fence, or wall shall be calculated by length 1 Baht each meter.

In calculating the fee for examination of drawing plan, fraction of more than half of square meter or meter shall be rounded up, otherwise it shall be discarded.

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