

Building Control Act of Thailand

Version 2007

Remark

This is the Building Control Act of Thailand as of 31 January, 2008, which was issued in 1979 and was amended in 1992, 2000 and 2007.

In this text,

- Characters in blue are:

- supplementary comments added by Mr. Hasegawa (JICA expert), or
- original Thai words.

- Characters in red are important words.

- Year of BE (Buddhist Era) has been converted to year of AD.

Abbreviation in this text

BCA	Building Control Act	建築規制法
MR	Ministerial Regulation	省令 (内務省)
BCC	Building Control Committee	建築規制委員会

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タイ語・英語・日本語について

本テキストはタイ語を英訳したものであるが、そもそもそれぞれの単語は1対1に対応しない(意味が多少ずれている)ため、注意を要する。例えば、タイ語の **dat-plaeng** には英語の **modification** をあてたが、**dat-plaen** は改築だけでなく増築や減築も含む概念なので、**modification** とは多少異なる。また、タイ語の **aakhaan-yuu-aasaai-ruam** は「共同住宅」を意味する単語であり、本テキストでは英語の **apartment building** をあてた。タイ語でも日本語でも「アパートメント」という言葉が使われているが、通常その意味は「賃貸共同住宅」である。一方、アメリカの建築基準で使われている **apartment** の意味は「共同住宅」であり分譲共同住宅を含む概念である。このように、それぞれの用語の意義は、それぞれの定義の規定に注意して解釈していただきたい。ただし、「定義では〇〇のように規定されているが、実際には××のように運用されている」というような例もある。

SECTION 1 This Act shall be called the “Building Control Act 1979.”

SECTION 2 This Act shall come into force on the day following the date of its publication in the Government Gazette. A Royal Decree shall be issued to specify the localities and their areas to which this Act applies.

This Act shall be in force on the areas below other than the area enacted by a Royal Decree.

- The area under enforcement of the principle town plan (**phang moeang ruam**) in accordance with the law governing town planning
- The area where there used to be under enforcement of the town plan in accordance with the law governing town planning (**Added in 2000.**)

This Act shall be in force on the buildings below no matter whether such buildings are situated in the area under the Royal Decree enforcing this Act or not.

- High-rise buildings
- Extra-large buildings
- Public buildings
- Theaters (**Added in 2000.**)

Building Control Act は、その法律の中においては手続だけを定め、具体的な技術的基準は、

- 第 8 条若しくは第 8 条の 2 に基づく省令 又は
- 第 9 条若しくは第 10 条に基づく条例

に定めることとしている。技術的基準は、主に単体に関する規制（主に建築物の安全性を主眼とした規制）を定めているが、一部の省令は適用地域を限定した上で集団に関する規制（高さ規制や用途規制）を定めている。タイにおいては、集団規制は都市計画法に基づいて行うのが基本であるが、都市計画の区域外で集団規制を行おうとする場合には、**Building Control Act** の省令に適用地域と規制内容を規定して規制することが行われている。また、都市計画の範囲内であっても **Building Control Act** の省令で集団規制を行う場合もある（例えば、バンコク新空港の周辺の集団規制。理由は、都市計画決定の手続きが煩雑であることによる）。

本規定の第 1 段落では、法の適用区域を **Royal Decree** で指定すること（具体的な指定地域名を掲載した **Royal Decree** が 200 本ぐらい公示されている）、第 2 段落では、**Royal Decree** の指定区域外であっても「都市計画の区域」及び「都市計画があった区域」は法が適用されること、さらに第 3 段落では、列挙している 4 種類の建築物については全国的に適用されること、が規定されている。

例示すれば、下表のとおりである（「建築」とは建築規制法による規制、「都市」とは都市計画法による規制であることを示す）。

事例	区域指定等	規制の有無	
		単体規制	集団規制
バンコク都	都市計画の区域（都の全域）	あり（建築）	あり（都市）
	スワンナプーム空港の周辺は、建築規制法に基づく省令の地区指定がある		あり（建築）
チェンマイ州	都市計画の区域（都市部）	あり（建築）	あり（都市）
	Royal Decree の指定地域（州の全域）	あり（建築）	なし
	有名寺院の周辺等、建築規制法に基づく省令の地区指定がある。		あり（建築）
プーケット州	都市計画の区域（プーケット・タウン等）	あり（建築）	あり（都市）
	Royal Decree の指定地域（州の一部）	あり（建築）	なし
	主要観光地（パトン・ビーチ等）は、建築規制法に基づく省令の地区指定がある。		あり（建築）
	Royal Decree の指定もない地域（山間部等）	特定の建築物に限り規制あり（建築）	なし

なお、第 2 段落に規定している「都市計画があった区域」が具体的にどのような区域なのかは不明。

SECTION 3 The followings shall be repealed;

- (1) The control of the Construction of Buildings Act 1936;
- (2) The control of the Construction of Buildings Act (No. 2) 1961;
- (3) Announcement of the Revolutionary Party No. 192 dated 31 July 1962;
- (4) Re-Construction of Burnt Area (**kheet phloeng mai**) Control Act 1933;
- (5) Re-Construction of Burnt Area (**kheet phloeng mai**) Control Act (No. 2) 1953.

旧法の廃止。

SECTION 4 In this Act:

“Building” (aakhaan)

- means any masonry or timber dwelling house, shed, shop, floating house, warehouse, office or other structure in which persons may dwell or use, including;
 - (1) any spectator’s stand or other erection for people to assemble,
 - (2) any dam, bridge, culvert, passage or drain, dock, slipway, landing stage, wharf or landing, fence or wall including gate abutting or near public ways or any structure for use by the public in general,
 - (3) any signboard or structure for fixing or installing signboard,
 - (a) being fixed or installed over a public way and having an area exceeding one square meter or weighing, with the structure included, more than ten kilograms;
 - (b) being fixed or installed at a place where the horizontal distance from a public way being less than the vertical distance from the ground level and having an area or weight exceeding that prescribed in MR (See MR 23);
 - (4) any area or structure for vehicle parking, turning around, and entrance of a building specified under Section 8 (9), and
 - (5) any other structure specified in MR, and
- includes the various parts of such building (aakhaan).

建築物とは、ダムや橋を含むとされている。また、「建築物は建築物の一部を含む」と規定されている！

“High-Rise Building” means a building in which people may dwell or use, with the height of twenty three meters or more. The building height is measured from the ground level of the site up to the roof deck of the building. In case of the building with gable or “panya” roof, it is measured up to the top of the wall of the highest floor. (Added in 2000)

High-Rise Building とは、高さ 23m 以上の建築物をいう。

“Extra-Large Building” means a building which has been constructed for using the space therein or any part thereof for dwelling or operating one or several types of business, with the total area collectively of every story therein of ten thousand square meters and upwards. (Added in 2000)

Extra-Large Building とは、延べ面積 10,000 ㎡以上の建築物をいう。

“Public Building” means a building in which persons may assemble:

- with the total area of one thousand square meters and upwards, or
- for the number of five hundred persons and upwards. (Added in 2000)

Public Building とは、床面積 1,000 ㎡以上又は収容 500 人以上の人が集まる施設をいう。いわゆる「公共建築」とは異なる概念なので、注意。

“Theater” means a building or any part thereof which is used as a venue for showing

- movie,
- play,
- concert or
- other entertainment,

and open to the general public as the normal activity, either with or without charge. (Added in 2000)

Theater には、映画館を含む。

“Public place” means any place:

- that is open to the public or
- that the people in general are allowed to enter or pass through whether payment is required or not.

“Site Plan” means a drawing of the area of land showing the outlines, location and boundaries of the land and building constructed, modified, demolished, relocated, used or reused, including the brief outlines and boundaries of the adjoining public place(s) and building(s).

Site Plan とは、配置図。

“Design plan” means a drawing or outline made for the construction, modification, demolition, relocation, use or reuse of a building, which shows essential particulars of the various parts, dimensions and symbols of materials, and functions of the building sufficiently complete for such purpose.

Design plan とは、一般的な図面類。

“Documents supplementary to a design plan” means detailed information on quality and kind of the materials and the method for implementation or construction, modification, demolition, relocation, use or reuse of the building to be in accordance with the design plan.

Documents supplementary to a design plan とは、仕様書及び計算書の類。

“To modify” means to alter by adding, increasing, reducing or expanding:

- the physical characteristics of the boundaries, design, shape, proportions, weight or area of:
 - the structure of the building or
 - its various members already existing to be different from the original,

and does not include a repair or modification specified in MR (See MR 11).

To modify は改築に近い概念であるが、ここでは増築を含む。ただし、MR 11 によれば、柱又は梁の増減を含まず、かつ床面積 5 ㎡以下の増減は、含まないとされている。

“To repair” means to restore or replace the various parts of the building back to an initial condition.

“To demolish (roe-thoon)” means to take off or away such parts which form the structure of the building as a column, beam, joist or other parts of the structure specified in MR (See MR 11).

“Burnt area (kheet phloeng mai)” means an area in which a fire broke out and:

- buildings for 30 households or more were burnt down or

- the area is one rai (1 rai = 0.16 ha) or more,

and includes the surrounding area within the thirty-meter radius.

タイ語を直訳すると「火災地域」であるが、「面的に消失した地域」という意味で用いられているため、「Burnt area (消失地域)」と改訳した。これらの消失地域を対象として、一時的に再建築を禁止することができる制度が設けられている (Chapter 7)。

“Supervisor (phuu khuapkhum-ngaen)” means a person who is in charge of direction or control of the construction, modification, demolition or relocation of the building.

日本の工事監理者に相当する。日本の場合と同様に、施工者の従業員が工事監理者になることも可。なお、建築物の規模に応じた工事監理者の資格は、設計者の資格に比べて低位でよい。Architect と Engineer のそれぞれの工事監理者名の届出が、建築許可の場合は法 29 条に基づいて、建築届の場合は法 39 条の 2 に基づいて、義務付けられている。

“Construction executor (phuu damnwnn-gaan)” means:

(1) a building owner (cau khoong) or occupier (phuu khloop khroong) who constructs, modifies, demolishes or relocates the building by oneself, and

(2) a person who undertakes to perform the said work for money payment or not and its sub-contractor.

施工者に相当する。(1)は、所有者が自ら建築する場合である。

“Occupier (phuu kloop-khroong aakhaan)” includes a manager (phuu cat gaan) of a juristic person of the condominium (aakhaan chut), for common property, in accordance with the Collective Building Act. (Added in 2000)

この箇所のみ、「means」ではなく「includes」が使われていることに注意。「includes」以下に規定されているのは「分譲型共同住宅の管理組合の理事長」であるが、これは定義ではない（あくまでも「含む」と言っているだけ）。実際の使われ方から推測すると、日本基準でいう「占有者」（事務所ビルや商業ビルのテナント、賃貸住宅の居住者等）を意味しているものと思われる。

“Inspector (phuu truat-soop)” means:

(1-A) a person who has obtained a license to operate a controlled engineering profession, or

(1-B) a person who has obtained a license to operate a controlled architectural profession, in accordance with the law governing such matter, and

(2) who has been registered (by BCC) under this Act (Section 18 (5)). (Added in 2000)

使用中の建築物の定期報告をする際に建築主が検査をさせる技術者の資格について規定している。しかし、実際には、「建築主との契約に基づき定期検査員になった者」の意味でも使われている。関連は、第 32 条の 2。

“Technical official (nai truat)” means a person appointed by the local competent officer as the technical official.

Technical official は工事中の建築物を検査する権能を与えられた地方公務員である。次号の Upper technical officialの方が高位である。

“Upper technical official (nai chang)” means:

(1) a government officer (kharaachakaan) or staff (phanakaan) of the local administration who has been appointed by the local competent officer as an upper technical official (nai chang), or

(2) an engineer (wi-sawakoon) or architect who has been appointed by the Director-General of the Public Works Department as an upper technical official (nai chang). (Replaced in 2000)

前号の Technical official よりも上位の検査官であり、工事中の検査の権能の他、完成後の検査の権能も持っている。内務省の職員の場合は Upper technical officialのみであり、Technical officialはいない。

“Local Authority” means (any of followings):

- Municipality,

- Sanitary District

- Provincial Administrative Organization

- BMA: Bangkok Metropolitan Administration

- Pattaya City, and

- Other local administrative organization announced by the Minister as the local authority under this Act. (Amended in 2005) (次ページ参照)

“Bye-law” means a regulation issued by virtue of the legislative power of the local authority such as:

- Municipal Bye-law,
- Sanitary District Bye-law,
- Provincial Bye-law,
- BMA Bye-law, or
- Pattaya Municipal Bye-law,
- etc.

(Amended in 2005) (次ページ参照)

“**Local Competent Officer**” means (any of followings);

- (1) Mayor;
- (2) Chairman of the Provincial Administrative Organization;
- (3) Chairman of the Sub-district Administrative Organization;
- (4) Governor of BMA: Bangkok Metropolitan Administration;
- (5) Mayor of Pattaya City;
- (6) Administrator of other local administrative organization announced by the Minister.

(Replaced in 2000) (次ページ参照)

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

SECTION 5 The Minister of Interior shall have charge and control of the execution of this Act and shall have a power to issue MRs to:

- (1) prescribe fees not the exceed the rates in the schedule annexed to this Act or to exempt fees;
- (2) prescribe application form for permission, license certificate, substitute, and order or other forms required for the execution of this Act;
- (3) prescribe other activities for the execution of this Act.

MRs shall come into force upon their publication in the Government Gazette.

内務大臣は、手続きの詳細に関する省令を出す権限を有する。実際に、15 本程度の省令が本法律の手続きに関する事項を規定している。

<建築行政に係る地方組織>

タイの地方行政は、「官選知事を頂点とする地方組織」と「選挙された首長を頂点とするさまざまな自治体」によって、錯綜ぎみに管轄されている（ただし、首都バンコクは直接選挙の知事なので、後者）。建築行政の場合、建築許可申請、届出等の宛先は後者であるが、検査等は前者においても行われており、その役割分担は明確でない。自治体に関しても、県に申請するのか、市に申請するのかは明確でない。

下表の Local Authority は全て自治体である。Bye-law 及び Local Competent Officer を含めてまとめると、下表のとおりである。Sub-District は Local Authority の定義には列挙されていないが、定義の 5 番目の項目にある大臣指定制度により全ての Sub-District administrative organization が Local Authority として指定されているので、下表においては Local Authority として表記した。また、Sub-District Bye-law は Bye-law の定義においては etc として列挙されているところ、上記の事情により下表においては Sub-District Bye-law として表記した。

行政区画として、Province と Sub-District の中間に District (am-phur)があるが、District は日本の郡のようなもので自治体の行政区画ではない（中央政府の出先等が District を単位として設置されている場合はある）。従って、下表に District は表記していない。

Municipality (theed-sa-baan)は、その規模に応じて、下記の 3 種類がある。

- Large municipality (theed-sa-ban nakhon)
- Middle municipality (theed-sa-ban muang)
- Small municipality (theed-sa-ban tham-bon)

なお、2005 年に地方自治制度の改変が行われ、本規定も一部改正された経緯がある。

Area	Local Authority (rachakaan-suan-thoong-thin)	Local Competent Officer (caaw phana-ngaan thoon-thin)	Bye-law (khoo-ban-yat thoong-thin)
BMA	BMA (khruang theep ma-ha-na-khorn)	Governor of BMA	BMA Bye-law (khoo-ban-yat khruang theep ma-ha-na-khorn)
Province (cangwat)	Provincial Administrative Organization (onkaan borihaan suan cangwat)	Chairmen of the Provincial Administrative Organization (na-yok onkaan borihaan suan cangwat)	Provincial Bye-law (khoo-ban-yat-cangwat)
Municipality (theed-sa-baan)	Municipality (theed-sa-baan)	Mayor (naa-yok thee-sa-montri)	Municipal Bye-law (theed-sa-ban-yat)

Sub-District (tam-bon)	Sub-District Administrative Organization (onkaan borihaaan suan tam-bon 略して OBT)	Chairmen of the Sub-district Administrative Organization (na-yok onkaan borihaaan suan tam-bon)	Sub-District Bye-law (theed-sa-ban-yat tam-bon)
Pattaya City (muang phathya)	Pattaya City (muang phathya)	Mayor of Pattaya City	Pattaya Municipal Bye-law (khoo-ban-yat phathaya ma-ha-na-khorn)
Others	Local administrative organizations announced by the Minister	Administrator of local administrative organizations announced by the Minister	Etc.

BMA: Bangkok Metropolitan Administration

Remark: All Sub-Districts are announced by the Minister as a Local Authority.

CHAPTER 1 GENERAL PROVISIONS

SECTION 6 This Act shall not apply to the throne or Royal Palaces.

王室関連施設は適用除外となっている。

SECTION 7 The Minister shall have a power to issue MR (MR 9):

- granting exemption from or
- easing restriction on or
- specifying conditions for the execution of this Act

in connection with the following buildings either in part or in the entirety.

- (1) the buildings of Ministries, Bureaus and departments under official use or use for public benefits;
- (2) the buildings of local authorities under official use or use for public benefits;
- (3) the buildings of state organizations lawfully established under use for activities of the organizations or use for public benefits;
- (4) ancient places, monasteries and temples, and various buildings used for religious activities and construction of which is specifically and already controlled by law;
- (5) office buildings of international agencies or office buildings of the agencies established under the agreements between the Thai Government and the Governments of foreign countries;
- (6) office buildings of foreign embassies or consulates;
- (7) temporary buildings for use in constructing permanent buildings or buildings for temporary use with a definite period set for relocation.
- (8) Building which;
 - Ministry,
 - Bureau,
 - Department,
 - Local Administration,
 - State Enterprise,
 - Governmental Organization established according to the law, or
 - other state agencies,
 ‘supply as’ or ‘develop to be’ the housing for low-incomes. Nevertheless, it shall not be exemption or leniency of restriction concerning;
 - stability, strength and safety of the building or,
 - safety of person residing in or using the building. (Added in 2007)

本条に基づく MR 9 により、公共建築物、寺、大使館等の建築物は許可不要で建築できるとしている。ただし、届出は必要と規定されている。

このことが一部において拡大解釈されており、例えば「国立大学の建築物には建築基準が適用されない」と誤って解釈され、高層の校舎棟にもスプリンクラー設備を設置しない、等の例が見られる。

第 8 号は、2007 年 10 月に公布された法律に基づき、追加された。公的機関が低所得者向けに建設した住宅に関しては、建築基準（ただし、安全に関わる基準を除く）を緩和できるという趣旨であり、詳細は MR で定めるとされているところ、2007 年 11 月現在で MR は公布されていない。趣旨の詳細については、後述の Building Control Act (No. 4)を参照。

SECTION 8 For

- the benefits of sturdiness/strength, safety, fire prevention, public health, preservation of the environment, town/city planning, architecture, and traffic facilities and
このように「safety や fire prevention」と「architecture や traffic facilities」が同格で並んでいることは奇妙であるが、原文はこのようになっており、担当者は不自然とは感じていないらしい。

- others required for the execution of this Act,

the Minister, by advice of BCC, shall have the a power to issue MRs specifying:

- (1) type, characteristics, design, shape, proportion, size, space, and location of a building;
- (2) weight bearing, resistance (*khuwaam than thaan*), durability, as well as characteristics and properties of the materials used;
- (3) weight bearing, resistance (*khuwaam than thaan*), sturdiness of the building and the ground supporting the building;
- (4) design and method pertaining to installation of the water supply, gas, electricity, mechanical systems, and safety system regarding fire or other disaster, and prevention measures in case of chaos;
- (5) design and number of bathroom and toilet;
- (6) environmental management systems of the building such as lighting, ventilation, air-conditioning, air purification, drainage, waste water treatment and disposal of garbage, trash and refuse;
- (7) characteristics, level, height, open space outside the building, or building lines;
- (8) distance or level between the building and other person's building or land boundary, or between the building and a road (*thanon*), *trok*, *soi*, footpath, way or public land;
- (9) area or structure built for parking vehicles, making U-turn and access for vehicles for certain type or category of building, as well as characteristics and size of the said area or structure;
- (10) prohibited areas for construction, renovation, demolition, relocation and use, or change of the use of any type or category of a building;
- (11) procedure, method and conditions on construction, renovation, demolition, relocation, use or change of the use of a building;
- (12) procedure, method and conditions on applying for the permit, approval of permit, renewal of permit, transfer of permit, issuance of certificate and substituted certificate under this Act;
- (13) duties and responsibilities of the designer, inspector, construction executor, building occupier and building owner;
- (14) specific and prohibited qualifications of the inspector, as well as procedure, method and conditions on registration and obtaining a license and revocation of license of the inspector;
- (15) procedure, method and conditions on inspection of building, installation and inspection of building equipment; and
- (16) type or category of building which requires the owner or occupier of a building or construction executor to arrange for insurance covering liabilities according to law for life, body and property of a third party.

(Replaced in 2000) 内務大臣は、建築規制委員会の意見により、省令で技術的基準等を定める権限を有する。実際に、単体に関する技術的事項を 10 本程度の省令で、集団に関する技術的事項を 20 本程度の省令で定めている。

SECTION 8bis For safety of the general public, the Minister, by advice of BCC, shall have a power to issue MRs specifying category or characteristics of the thing made for transporting people, in any area, in the form of cable car or other things made for the same purpose, or to issue MRs specifying category or characteristics of the things made for games in an amusement park or other places for the same purpose, to be a building under this Act.

MRs prescribed in the first paragraph shall specify procedure, method and conditions on construction, license for use, inspection, weight bearing standards, safety measures and properties of the materials or equipment related to such things, which must be suitable for each type or category of the things having been made, which may differ from the provisions of this Act.

(Added in 2000) 内務大臣は、建築規制委員会の意見により、省令で工作物及び遊戯施設に関する技術的基準等を定める権限を有する。遊戯施設の技術的基準に関する省令は 2007 年 1 月現在、準備中である。

SECTION 9 In case there is issue of MRs prescribing any matter under Section 8, the local authority shall comply with those MRs, except for the case under Section 10.

In case there is no MR prescribing any matter under Section 6, the local authority shall have a power to issue a Bye-law prescribing that matter.

In case there is a Bye-law prescribing any matter under the second paragraph, if later there is MR issued prescribing that matter, the provision of the Bye-law which is contrary to or in conflict with MR shall be cancelled,

and those prescriptions in the Bye-law which is not contrary to or in conflict with MR shall still be enforced until there is new Bye-law issued under Section 10 but shall not exceed one year from the date of enforcement of that MR.

The Cancellation of a Bye-law under the third paragraph shall not effect the actions which have been executed correctly under that Bye-law.

(Replaced in 1992) 省令で規定していない技術的事項に関しては、条例で規制することができる。

SECTION 10 In case there is MR issued under Section 8, the local authority shall be entitled to issue a Bye-law in that matter under the following cases.

- (1) Issue a Bye-law prescribing details in the matter in addition as prescribed in MR without contrary to or in conflict with said MR.
- (2) Issue a Bye-law prescribing that matter which is contrary to or in conflict with said MR due to being necessary or there is special reason for the local area.

Issue of a Bye-law under (2) shall be enforced only with approval of BCC and has been approved by the Minister.

BCC shall consider to approve the Bye-law under (2) or not within sixty days from the date of receiving that Bye-law. If it is not approved the reason shall be given to that local authority also.

If BCC has not completed the Bye-law within the period of time prescribed under the third paragraph, it shall be considered that BCC has approved the Bye-law and the local authority shall submit it to the Minister for his order. If the Minister shall not order within thirty days from the date of receiving that Bye-law, it shall be considered that the Minister has approved under the second paragraph.

(Replaced in 1992) 省令で規定している事項について、条例で

(1) 基準の強化、及び

(2) 基準の緩和

ができる。ただし、(2)に際しては、第14条以降に規定するBCC (Building Control Committee)の承認が必要である。

SECTION 10bis In case the Minister, by the advice of BCC, recognizes that:

- a Bye-law issued under Section 10 (1) is contrary to or in conflict with MR issued under Section 8 or
 - a Bye-law issued under Section 10 (2) has prescription which cause burden or difficulty to the public more than necessary or may be a danger to the health, life or property of the public,
- the Minister shall have a power to notify that local authority to cancel or revise that Bye-law.

For the case under the first paragraph, the local authority shall proceed with the action within One Hundred and Twenty days from the date of being notified by the Minister. Said date shall mean the days during the session of that local authority.

The cancellation or revision of the Bye-law under the first paragraph shall not effect the action which has been carried out properly in accordance with that Bye-law.

(Added in 1992) 省令の基準と条例の基準が矛盾する場合の措置。

SECTION 11 Bye-laws issued under Section 9 or Section 10 shall be effective upon their publication in the Government Gazette.

条例は、官報に告示する。なお、官報の地方版はないので、中央政府の官報に掲載する。

SECTION 12 MRs issued under Section 8 or Bye-laws issued under Section 9 or Section 10 that are inconsistent with or contrary to the law on city-planning shall be prevailed by the law on city-planning.

省令又は条例の規定が都市計画の規定と矛盾する場合は、都市計画の規定が優先する。

SECTION 13 In case where there is an area where it is considered appropriate to prohibit construction, modification, demolition, relocation and use or reuse of a building of any type or category, and no MR or Bye-law under Section 8 (10) has been issued for the area, the Minister, by advice of the Public Works Department Director-General or the local competent officer, shall have a power to announce in the Government Gazette the temporary prohibition for construction, modification, demolition, relocation and use or reuse of the building in such area and shall proceed to issue MRs or Bye-laws within one year from the effective date of the said announcement.

If MRs or Bye-laws are not issued within the period pursuant to the first paragraph, the said announcement shall be repealed.

Section 8 (10) は、建築全面禁止の地域を省令等で定めることができることの根拠規定である。それ以外の地域で建築が行われようとしている場合で、かつ、建築が禁止されるべき場合に、内務大臣は、1年以内の期間限定で、Section 8 (10) に基づく新たな省令等により規制が行われるまでの間、建築の禁止を命令することができるとしたものである。

SECTION 13bis For the benefit of convenience to the public, the followings shall comply with this Act:

- (1) Authorities and agencies which have a power, based on other laws, of prohibition or restriction relating to construction, modification, demolition, or relocation of the building or carrying out others under this Act, shall let the local authority concerned to know them and other information for carrying out (2).
- (2) The local authority shall:
 - provide documents to propagate the criteria, procedures and condition in applying for permission and the permits under this Act, including information as stated under (1), and
 - sell them to the general people who have to comply with this Act.
- (3) In the permit issued under this Act, the local competent officer shall notify the permit holder under this Act that he has still the responsibility to have his building meet other laws concerned.
- (4) The local authority may:
 - provide drawings of various buildings which:
 - meet the standard and
 - are accurate in accordance with the provisions of this Act, MRs and/or Bye-laws.
 - sell or give them to the general people.

(Added in 1992) 関係法令との連携に関する規定。

SECTION 13ter If those, who have to comply with this Act, have doubt on:

- (1) Prescription about:
 - distance or level among buildings, or
 - land boundary with others, or
 - distance or level between the building and road, lane, foot-path or public way, or
- (2) Prescription about prohibition on:
 - construction,
 - modification,
 - demolition,
 - relocation,
 - use or change the useof any type or class of building,

they shall be entitled to consult the local competent officer in writing, and the local competent officer shall reply the consultation within thirty days from the date of receiving the letter, unless:

- the local competent officer considers that it is necessary to seek advice from BCC first, or
- there is other necessary reason,

the said period of time may be extended for not more than two times. Each extension shall not be more than thirty days.

In case the person who seeks consultation under the first paragraph has carried out:

- the construction,
- modification,
- demolition,
- relocation

of the building in compliance with the reply to the consultation by the local competent officer,

if later it appears that the local competent officer has made a wrong judgment on the consultation, which caused that the person, who sought the consultation, acted not according to the provisions of this Act, MR or Bye-law issued under this Act or other law concerned, that person shall not be penalized.

(Added in 1992) 建築主等は、特定行政庁に対し、建築基準に関する質問状を出すことができる。特定行政庁は30日以内に回答しなければならない（2回まで延期可能）。

CHAPTER 2

BUILDING CONTROL COMMITTEE (BCC)

SECTION 14 There shall be BCC comprising:

- the Public Works Department Director-General as the Committee Chairman,
- one representative each of
 - the Ministry of Public Health,
 - the Ministry of Industry,
 - the Department of Local Administration,
 - the Highways Department,
 - the Office Public Prosecutions,
 - the Department of Town and Country Planning,
 - the Office of the National Environment Commission,
 - the Bangkok Metropolis,
 - the Office of the Board for the Control of Engineering Profession and
 - the Office of the Board for the Control of architectural Profession, and
- not more than four qualified persons who are appointed by the Minister as Committee Members, and
- the Head of the office of BCC as the Member and Secretary.

SECTION 15 A Member who is appointed by the Minister shall hold the office for a term of three years.

In the event of an appointment of either an additional or replacement Member during the term of the office of the Member already appointed, the newly-appointed Member shall hold office for the remaining period of the term of the office of the already appointed Members.

A member who terminated the office may be re-appointed but not for more than two successive terms.

SECTION 16 Besides vacating the office upon expiration of the term of the office pursuant to Section 15, the Members shall vacate the office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister;
- (4) becoming a bankrupt;
- (5) becoming an incompetent or quasi-incompetent person;
- (6) being sentenced to imprisonment by final judgement or being imprisoned by lawful order, except where the offence has been committed through negligence or is petty one.

SECTION 17 A meeting of BCC is required to be attended by not less than half the total number of the Committee Members to constitute a quorum. In the event the Committee Chairman is absent or is unable to perform his duty, the attending Members shall elect one Member among them as the meeting chairman.

A decision of the meeting shall be determined by a majority.

A Committee Member shall have one vote and, when votes on each side are equal, the casting vote shall be given by the meeting chairman to decide the question.

SECTION 18 BCC shall have the following power and responsibility:

- (1) Advise the Minister in the execution of Section 8 and (ruu) Section 10bis.
- (2) Approve the issue of a Bye-law under Section 10 (2).
- (3) Give advices and recommendations to the local competent officers and (ruu) the government agencies in their execution of this Act. (Replaced in 2000)
- (4) Regulate and review performance of the local competent officers and those who have the duties to execute this Act. (Replaced in 2000)
- (5) Register and issue license and revoke license of the inspector; and (Added in 2000)
- (6) Execute other duties provided in this Act, (Added in 2000)
(Replaced in 1992)

SECTION 19 BCC may establish sub-committees for consideration and execution of any task entrusted by BCC.

The provision of Section 17 shall be applied to the meetings of the sub-committees mutatis mutandis.

SECTION 20 The Office of BCC shall be established in the Department of Public Works, and shall have the following duties:

- (1) To perform administrative function and technical tasks for BCC;
- (2) To perform administrative function, fact finding tasks, and to give recommendations to the Appeal Committee;
- (3) To co-ordinate and assist the local administrations, the states and government agencies in performing their duties according to this Act, as well as providing consultation to the private sector; and
- (4) To perform other tasks as assigned by BCC.

(Replaced in 2000)

CHAPTER 3 CONSTRUCTION, MODIFICATION, DEMOLITION, RELOCATION, AND USE OR REUSE OF BUILDINGS

SECTION 21 Whoever constructs, modifies or relocates a building shall:

- get a permit from the local competent officer or
- notify the local competent officer according to Section 39bis.

(Replaced in 1992) 新築、改築（増築を含む）又は移築しようとするものは、特定行政庁の許可（Permission）を受ける、又は特定行政庁に届け出（Notification）しなければならない。Permission でなく Notification とすることが認められるのは Section 39bis の申請要件を満たす場合であり、すなわち最上級の格付けを得ている Architect と Engineer が設計している場合である。

SECTION 21bis With respect to construction, modification or relocation of a building, when a review of a design and calculations of the building structure is required by MR depending on the type or category, the applicant for a permit or the informant under Section 39bis shall have the said design and calculations reviewed whether they are in compliance with the procedure, methods and conditions specified in MR.

(Added in 2000)

SECTION 22 Whoever demolishes the following building shall

- get a permit from the local competent officer or
 - notify the local competent officer according to Section 39bis.
- (1) Building which is higher than fifteen meters and which is at distance from other buildings or public area by less than the height of the building
 - (2) Building which is at distance from other buildings or public area by less than two meters

(Replaced in 1992)

(SECTION 23 Repealed in 1992)

(SECTION 24 Repealed in 1992)

SECTION 25 In case it is the submission of the application for the permit, the local competent officer shall consider and issue the permit or send a letter notifying the order not to approve together with the reason to the applicant for the permit within forty-five days from the date of receiving the application.

In case it is necessary that the local competent officer cannot issue the permit or cannot issue an order not to approve within the prescribed period under the first paragraph, the time may be extended by not more than twice each of not more than forty-five days, but he shall issue a letter stating the extension of time and the necessary reasons in each time to the applicant for the permit to know before the expiry of the period of time prescribed under the first paragraph or as extended.

In case the local competent officer has issued a permit or an order not to approve, the local competent officer shall notify the applicant for the permit without due delay.

(Replaced in 1992)

SECTION 26

- In case there is building construction, modification, demolition, or relocation applying for the permit, which has the characteristic, namely,

- is under the class stipulated to be control engineering profession under the law on engineering profession or
- is under control architecture profession under the law on architecture profession, (and)
- if the engineer (wi-sawakoon) or architect, who is responsible as specified in the application, does not hold a license to carry out the control engineering profession or control architecture profession under said the law, the local competent officer shall refuse to consider that application. (Replaced in 1992)

SECTION 27 In the inspection and consideration of the application for the permit, the local competent officer shall have a power to order the applicant for the permit to ratify and amend the site plan, design plan, particular specifications or calculation details submitted so that they are correct and comply with:

- MRs issued under Section 8; and
- Bye-laws issued under Section 9 or Section 10.

And the provision of the third paragraph of Section 25 shall apply mutates mutandis.

When the applicant for the permit has ratified and amended the site plan, design plan, particular specifications or calculation details according to the order of the local competent officer, the local competent officer shall inspect and consider and issue permit within thirty days. But if the applicant for the permit has changed the essence differently from the order of the local competent officer, in such case it shall be considered to be submission of a new application, and proceed under Section 25.

(Replaced in 1992)

SECTION 28 In case the design plan , particular specifications and calculation details, submitted together with the application for permit, have been prepared by a person who has obtained a license to operate the control engineering profession in accordance with the law governing engineer, the local competent officer shall review only the parts not concerning the calculations. (Replaced in 1992 and 2000)

SECTION 28bis In case the design plan, particular specifications and architectural details of a building which is not under category for restriction of use and submitted together with the application for permit, have been prepared by a person who has obtained a license to operate the control architectural profession in accordance with the law governing architect, the local competent officer shall review only the parts not concerning architectural details inside the building, except fire escape and fire stairs. (Added in 2000)

SECTION 29 After having received the permit, the holder of the permit shall send a letter notifying the name of the supervisor and the date of commencement and date of termination of the work permitted, to the local competent officer together with attaching the form of letter showing consent of the supervisor also.

The supervisor may be any person or building owner, except that it is prohibited under the law on engineering profession or architecture profession.

(Replaced in 1992)

SECTION 30 If the holder of permit shall terminate the supervisor as notified his name or the supervisor shall terminate the fact of being the supervisor, same shall send a notice to the local competent officer. But this shall not affect the right and civil responsibility between the holder of permit and that supervisor.

In case there is termination under the first paragraph, the holder of permit shall cease the action as permitted temporary until a letter notifying the name and letter of consent of the new supervisor have been sent to the local competent officer.

(Replaced in 1992)

SECTION 31 It is prohibited that anyone shall provide or carry out the construction, modification, demolition or relocation of the building differently from:

- the site plan,
- design plan and
- particular specification

which have been permitted, including the procedures or conditions which the local competent officer has stipulated in the permit or differently from those stated under Section 39bis, except that:

- (1) The building owner has submitted an application for the permit and has received the permit from the local competent officer to carry out the change.
- (2) The building owner has stated the details of the change to the local competent officer, or
- (3) The said act is not contrary to MR or Bye-law concerned, or being the case as prescribed under MR.

The provision of Section 25 or Section 39bis shall apply to the act under (1) or (2) mutates mutandis.

In case there is construction, modification, demolition or relocation of the building in violation of the first paragraph, it shall be considered as an act of the supervisor, except that the supervisor shall prove that it is an act of other person whom the supervisor has protested in writing against such act to the owner or occupier of the building and the construction executor, but said person has not complied with.

(Replaced in 1992)

SECTION 32 Building under control of use are the followings:

- (1) Warehouse,
hotel,
condominium or
medical facilities; (Replaced in 2000)
- (2) Building for:
 - commercial use,
 - industry,
 - education,
 - public health, or
 - other activities.They are prescribed under MR (MR 5).

When

- anyone has received a permit for the construction, modification or relocation of the building which is under control of use, or
 - the person who has notified under Section 39bis has carried out such act,
- he shall notify in writing to the local competent officer according to the form prescribed by the local competent officer for the purpose of inspection of the construction, modification or relocation of that building within thirty days from the date of being notified.

It is prohibited that anyone shall use that building for the action as stipulated in the permit or as notified under Section 39bis, within the period of time as prescribed under the second paragraph.

If the local competent officer has carried out the inspection and saw that the construction, modification or relocation of that building is correct as in the permit or as notified under Section 39bis, he shall issue a certificate to the holder of permit or the person who make the notification under Section 39bis, so that the building may be used according to the permit or as notified under Section 39bis. But if the local competent officer has not made the inspection within the period of time prescribed under the second paragraph, the owner or occupier of the building shall use or allow any person to use that building for the activity as stated in the permit or as notified under Section 39bis.

It is prohibited that the owner or occupier of a building under control of the use uses or allows any person to use the building for other activities apart from that prescribed in the permit or notified under Section 39bis.

(Replaced in 1992) 行政による完了検査に関する規定。本規定において列挙された建築物には本規定に基づく完了検査が義務付けられており、完了検査前における使用制限とセットになっている。

SECTION 32bis The owner of a

- (1) high-rise building, special large building;
- (2) public building; or
- (3) building specified in MR

shall arrange to have the engineering inspector or architectural inspector

- inspect
 - condition of the building,
 - structure of the building, and
 - the various equipments pertaining to electrical system, lighting system, alarm system, fire prevention and extinguishing system, prevention of danger in case of chaos, air ventilation system, drainage system, waste treatment facilities, mechanical system or other systems of the building required for prevention of hazard to health, life, body or property; and
- submit a report on results of the inspection to the local competent officer in compliance with the procedure, method and conditions specified in MR.

The local competent officer shall review the report on results of inspection of the building prescribed in the first paragraph promptly for issuance of a certificate of building inspection, or to proceed according to Section 46 or Section 46bis.

(Added in 2000) 明確には記述されていないが、本規定は、使用中の建築物の定期報告に関するものである。

SECTION 33 It is prohibited that the owner or occupier of a building which is not under control of use uses or allows anyone to use the building for occupancies described in Section 32, except for the building owner or building occupier who has a permit from a local competent officer or has notified a local competent officer and the case which provisions of Section 25 and 27 or 39bis are applied.

(Replaced in 1992)

SECTION 34 It is prohibited that the owner or occupier of a building, which is required to equip the area or structure for use as car park, car turning area and entry-exit for vehicle as prescribed under Section 8 (9),

- modifies, or

- uses, or

- allows other person to modify or use

the car park, car turning area and entry-exit for other purposes. This is no matter whole or part, except with permit from the local competent officer.

The prohibition under the first paragraph shall be considered as obligation in that immovable property directly as long that building exists. This no matter the car park, car turning area and entry-exit for vehicle is transferred to other person or not.

(Replaced in 1992)

SECTION 35 The Permit issued under Section 21 or Section 22 shall be applicable only for the period of time prescribed in the Permit. If any permit holder shall wish to renew the Permit he shall apply before the expiry of the Permit, and when said application has been made the operation may be carried on until the local competent officer shall order non-approval to renew that Permit. (Replaced in 1992)

SECTION 36 The Permit issued under Section 21, Section 22 or Section 33, is not transferable except with approval in writing from the local competent officer. (Replaced in 1992)

SECTION 37 In case the recipient of a permit under Section 21, Section 22 or Section 33 dies, the heir or administrator of the estate of the said person who wishes to carry out construction, renovation, demolition, relocation, use or change of use of such building, shall forward a written notice to the local competent officer within ninety days from the date of death. In this case, the heir or administrator of the estate of the said person shall be the recipient of the said permit instead. (Replaced in 1992 and 2000)

SECTION 38 During the construction, modification, demolition or relocation of a building, the licensed person is required to keep one set of:

- the license,

- site plan,

- design plan, and

- particular specifications

in the area of the said licensed work ready for inspection by the upper technical official or the technical official.

行政による中間検査に関する規定である。必ず行われるものではなく、必要に応じて行うことができる、という制度になっている。

The occupier of the building classified under the controlled used category shall display the certificate pursuant to Section 32 or the license pursuant to Section 33 at a conspicuous place of the building.

SECTION 39 In the event a license or certificate is lost, destroyed or damaged at a material part, the holder of such license or certificate shall apply to the local Competent Officer for a submitted license or certificate within fifteen days from the day of knowledge of the loss, destruction or damage.

Application for a substitute license or certificate and issue of a substitute license or certificate shall be in accordance with the criteria, procedures and conditions prescribed in MR.

The substitute license or certificate shall be effective according to the law as the license or certificate.

SECTION 39bis Whoever constructs, modifies, demolishes or relocates a building and informs the local competent officer instead of submitting an application for a permit from the local competent officer, shall carry out the following:

- (1) To notify the local competent officer according to the form prescribed by the local competent officer in order to give information and submit the following documents:
 - (a) Name of the person responsible for the design (ook-baep) of the building, who must be a person holding a license of a charter architect under the Architect Act and must not be a person whose name has been listed under Section 49bis.
 - (b) Name of the person responsible for the design and calculation (ook-baep le kham nwwan) of the building, who must be a person holding a license of a charter engineer under the Engineer Act and must not be a person whose name has been listed under Section 49bis.
 - (c) Name of supervisors (phuu-kwapkum-ngaan) who shall be persons holding a license of a controlled architectural profession under the Architect Act and holding a license of a controlled engineering profession under the Engineer Act, and shall not be persons whose names have been listed under Section 49bis.
This paragraph requires two supervisors. The one is an architect and the other is an engineer (wi-sawakoon).
 - (d) Copies of licenses of persons under (a), (b) and (c)
 - (e) Certificates (nan-sww rap-roon) in which persons under (a), (b) and (c) show
 - That they are the designer of the building, the designer and calculator of the building, or the supervisors of the building, and
 - That the construction, modification, demolition or relocation of the building meets this Act, MR and Bye-law issued under this Act, and other law concerned, in all respects
 - (f) Site plans, design plans, particular specifications and calculation details of the building to be constructed, modified, demolished or relocated, with certification of persons under (a) and (b) on the drawings and documents which they have designed the building or designed and calculated the building
 - (g) Date of commencement and expiry of such activities
- (2) To pay the fee for the inspection of the drawings for construction or modification in case it is notification of construction or modification of the building.

If the person who notifies has completed the activities as prescribed in the first paragraph, the local competent officer shall issue a receipt of the notification (bai-rap-ceeng)

- according to the form which the local competent officer has prescribed
- in evidence of notifying (kaan ceeng) that person
- within the day of the notification.

And, the person who notifies shall commence the construction, modification, demolition or relocation of the building on the day receiving the receipt of the notification.

バンコク都 (BMA) では、届出 (notification) の場合、届出日から通常 1 日以内に届出受領書 (receipt of the notification) を取得できる。図書の審査はその後に実施されるが、受領書以降は工事に着手することができる。届出でなく許可の場合は、中規模の建築物で 45 日程度の審査期間が必要であり、許可後でなければ、着工できない (Section 21 を併せて参照)。

The provision of Section 38 and Section 39 shall apply to the receipt under this Section *mutates mutandis*.
(Added in 1992)

SECTION 39ter In case the competent officer has found later that the person who notifies has given incorrect data or documents or not fully as specified under Section 39bis, the local competent officer shall have a power to order the person who gives the notification to ratify it properly or in full within seven days from the date of receiving such order.

Within a period of one hundred and twenty days from the date of issue the receipt for the notice under Section 39bis or counting from the date of commencement of construction, modification, demolition or relocation of the building as notified, if the local competent officer shall find that the construction, modification, demolition or relocation of the building as notified, site plan, design plan, particular specifications or calculation details of the building submitted under Section 39bis is not correct with the provision of this Act, MR or Bye-law issued under this Act or other law concerned, the local competent officer shall send a letter of protect to the person who submits the notice under Section 39bis for information as soon as possible and shall have a power to proceed under Section 40, Section 41, Section 42 or Section 43.

If the local competent officer has not sent a written protest to the person who gives the notice under Section 39bis within the period of time prescribed under the second paragraph, it shall be considered that the construction, modification, demolition or relocation of the said building has been permitted by the local competent officer, except for the followings:

- (1) The said act is encroachment of public land.
- (2) The said act concerns with the distance or level between the building and road, lane, footpath or public area, is in violation of MR, notification or Bye-law issued under this Act, or
- (3) The said act concerns with the area where it is prohibited to carry out construction, modification, demolition or relocation and use or change the use of any type of class of building, is in violation of MR, notification or Bye-law issued under this Act or other law concerned.

(Added in 1992)

CHAPTER 3 bis **PERMISSION TO USE BUILDINGS FOR THEATER** (Added in 2000)

SECTION 39fourth Construction, modification, relocation, demolition or inspection of a building for theater shall proceed in accordance with the provisions of this Act. (Added in 2000)

SECTION 39fifth It is prohibited that a building owner/occupier uses, or allows anyone to use the building, or any part thereof, for theater, unless he gets a permit to use the building for theater from the Committee empowered to make consideration according to the second paragraph.

The Committee for Consideration of Theater Operation shall be established, with a power to issue, revoke, renew, transfer a permit, and issue a substitute permit for theater, as follows:

- (1) In Bangkok Metropolis: the Director-General of the Department of Public Works shall be the Chairman, the members shall comprise of a representative from Bangkok Metropolitan Administration; a representative from the Department of Health, the Ministry of Public Health; a representative from the National Police Bureau; and the Director of the Construction Supervision Division, the Department of Public Works shall be a member and secretary;
- (2) In other province: the Governor shall be the Chairman, the members shall comprise of the local competent officer of the concerned locality, the Provincial Public Health Officer, and the Chief of Provincial Police Bureau, and the Provincial Public Works officer shall be a member and secretary;

Decisions at the Committee meeting shall be made by majority vote. The Chairman of the Committee for Consideration of Theater Operation prescribed in the second paragraph shall have a power to sign his name for issuance, revocation, renewal, transfer of a permit and issuance of a substitute permit according to the second paragraph.

Categories of theater, safety measures and prevention of hazards which may occur to the audience, and the number and distances of things or various parts inside and outside the building used as theater such as projector room, accesses, doors, seats for the audience, walkways shall be as specified in MR.

(Added in 2000)

SECTION 39chor A permit to use a building for theater shall be valid for two years, until 31 December of the second year of issuance.

Procedure, method and conditions on applying, approval, renewal of a permit, transfer of a permit, and issuance of a substitute permit for theater shall be as specified in MR.

Any building owner or occupier, who wishes to renew the permit to use a building for theater, shall submit an application for renewal of permit prior to the expiration date of the existing permit; and shall be able to continue to operate the theater after having submitted the said application until the person authorized to approve the permit under Section 39fifth shall issue an order of disapproval of the permit. (Added in 2000)

CHAPTER 4 POWER AND DUTY OF LOCAL COMPETENT OFFICER

SECTION 40 In case there is construction, modification, demolition or relocation of the building in violation of:

- this Act,
- MR or Bye-law issued under this Act, or
- other law concerned,

the local competent officer shall have a power to carry out the followings:

- (1) To order the owner or occupier of the building, the supervisor, the construction executor, employee or servant of said persons to cease to carry out such act (construction, modification, demolition or relocation).
- (2) To order the prohibition against any person to use or enter any part of the building or area where there is such actions, and to provide marking showing the prohibition in conspicuous place and easily seen at the said building or area, and
- (3) To consider the order under Section 41 or Section 42 within thirty days from the date there is an order under (1).

(Replaced in 1992) 工事中の建築物に対する工事停止命令等に関する規定。

SECTION 41 If the action under Section 40 is the case which can be changed correctly, the local competent officer shall have a power to order the building owner to submit an application for approval or to provide the notice under Section 39bis or to ratify it properly within the period of time specified but shall be not less than thirty days. In case there is reasonable cause the competent officer may extend said period of time further, and the provision of Section 27 shall be applied mutatis mutandis. (Replaced in 1992)

SECTION 42 If the act under Section 40 is the case which cannot be changed correctly, or the building owner has not complied with the order of the local competent officer under Section 41, the local competent officer shall have a power to order the owner or occupier of the building, the supervisor or the construction executor to demolish that building entirely or partly within prescribed period, but no less than thirty days, by carrying out the demolition according to the criteria, procedures and conditions prescribed under MR issued under Section 8 (11) or Bye-law issued under Section 9 or Section 10. (Replaced in 1992)

SECTION 43 If the building is not demolished according to the order of the local competent officer under Section 42, the local competent officer shall have a power as follows:

- (1) To submit an application alone by applying to the Court, from the expiry of the time prescribed under Section 42, requesting the Court to issue and order for the arrest and detention of person who does not comply with the order of the local competent officer under Section 42, by enforcing the Civil Procedure code mutatis mutandis.
- (2) To carry out or arrange the demolition of said building without putting up the notice for demolition in that area for not less than seven days, and the owner or occupier of the building, the person responsible for the design of the building, the person responsible for the design and calculation of the building, the supervisor and the construction executor shall have to jointly pay for the expense in such, except that said person shall prove that he has no part in participating in the action in violation of the law.

In carrying out the demolition of the building under the first paragraph, when the local competent officer or the person acting for the local competent officer has exercised reasonable care, the persons under the first paragraph may not demand for any damage from the local competent officer or the person acting for the local competent officer.

The construction materials demolished and items removed from the building the part of which has been demolished, the local competent officer shall have a power to seize and keep in custody or sell and keep the cash proceed. This is according to the criteria, procedures and conditions prescribed under MR, and if the building owner has not demanded back the property or cash proceed within thirty days from the date of demolition, that property or cash proceed shall belong to that local authority to be used as expenses in the demolition of the building under this Act.

(Replaced in 1992)

SECTION 44 In case there is violation of the third paragraph of Section 32 or Section 33, the local competent officer shall have a power to order the owner or occupier of the building to cease to use the building which has not been certified, the permit or that which has not be notified under Section 39bis until receipt of the certificate, permit or notice under Section 39bis. (Replaced in 1992)

完了検査前の使用に対する、使用停止命令。

SECTION 45 In case there is violation of Section 34, the local competent officer shall have a power:

- to order the owner or occupier of the said area or structure or the offender under Section 34 to cease such act, and
- to order said person to put the area or construction back to its original condition within the period of time prescribed, and the provision of Section 43 shall be applied. (Replaced in 1992)

SECTION 46 In the event the building being constructed, modified or removed with a license under this Act or having been constructed, modified or relocated before the day on which this Act comes into force is in the condition or is used in the manner that may endanger health, life, body or property or may not be safe from fire or may cause nuisance to or may affect maintenance of quality and environments, the local competent officer shall have a power to order improvement to be in accordance with the criteria, procedures and conditions prescribed in MR.

In event of a failure to comply with the order of the local competent officer pursuant to the first paragraph and such building may cause serious harm to health, life, body or property, the local competent officer shall have a power to order the building to be demolished and the provision of Section 42 shall be applied.

SECTION 46bis In case the various equipments pertaining to electrical and lighting system, alarm system, fire prevention and fighting system, hazard prevention in case of chaos, air ventilation system, drainage system, waste treatment facilities, mechanical system or other systems of the building according to Section 32bis appear to be in hazardous condition or its use may be hazardous to health, life, body or property or may not be safe from fire or causes nuisance or impact to preservation of quality of the environment, the local competent officer shall have a power as follows:

- (1) To issue an order to the owner or occupier of the building for restriction to use or allow any person to use the concerned equipment, and to have a sign showing such restriction openly at the equipment and where it can be seen easily near the equipment;
- (2) To issue an order to the building owner to take the corrective action to have the various equipments be in safe and good working condition within a prescribed period, but not less than thirty days, whereby if it is deemed reasonable, the local competent officer may extend the said period.

In case of non-compliance with an order of the local competent officer as described in the first paragraph, and the said equipment causes the building to be in hazardous condition or the use thereof may be hazardous to health, life, body or property, the local competent officer may issue an order prohibiting the use of building, either in whole or in part, and the sign showing such prohibition shall be displayed openly and where it can be seen easily at the building or in the compound.

(Added in 2000)

SECTION 47 The order or notice of the local competent officer under this Act, apart from the case under Section 40 (2) and Section 47bis, shall be made in writing and sent by reply registered mail to the applicant, holder of the permit or the person making the notice under Section 39bis, the owner or occupier of the building, the construction executor or supervisor at the domicile of that person, or may be made in memorandum and have the said person sign in acknowledgement.

In case the local competent officer cannot carry out the act as mentioned under the first paragraph, the copy of the order or notice shall be put up in conspicuous place and easily seen at the building or area where the building is constructed, modified, demolished, relocated, used or changed the use and it shall be considered that the applicant, holder of permit, person who notifies under Section 39bis, the owner or occupier of the building, construction executor or supervisor for their information on the order or notice, which shall be considered as known after the expiry of seven days from the date said notice is put up.

(Replaced in 1992)

SECTION 47bis Order of the local competent officer to cease the violated action of this Act or to demolish that building, shall be made in writing sent by reply registered mail to the person who has to receive said order at the domicile of that person, and said order shall be put up in conspicuous place and easily seen at the building or where there is such act, and it shall be considered that the person who has to receive said order has acknowledged same after the expiry of three days from the date said notice has been put up. (Added in 1992)

SECTION 48 In performing his duty under this Act, the local competent officer is empowered to enter the building or the building grounds, that causes reasonable suspect that this Act is being violated or is not being complied with during the time from sunrise to sunset or during work hours of such place and, for this purpose, shall have a power to question for facts or order the persons being present at the place to present documents or other relevant evidence

SECTION 49 The local competent officer shall have a power to appoint any civil officer or local staff who has the knowledge or qualifications as specified in MR to be an upper technical official or technical official.

In case of necessity, or as requested by the local competent officer, the Director-General of the Department of Public Works shall have a power to appoint an engineer ([wi-sawakoon](#)) or architect as an upper technical official ([nai-chang](#)) according to the procedure specified in MR.
(Replaced in 2000)

SECTION 49bis In case that:

- construction, modification, demolition or relocation of a building has been done in violation of this Act, MR, or Bye-law issued under this Act, and
- the local competent officer has proceeded according to Section 40, Section 41, or Section 42, but there appears to be non-compliance with the said order ([based on Section 40](#)) of the local competent officer and
- there is reasonable doubt that
- the person responsible for the design and calculations of the building, or
 - the person responsible for the building design, or
 - the inspector,might act or conspire in such act,

the local competent officer shall notify the said person that:

- a written document must be submitted within thirty days to prove that it was an act of other person, and
- if it cannot be proven that it was an act of other person, the local competent officer shall notify the name and action of the said person to BCC, and notify to the Board of Control Engineers ([wi-sawakoon](#)) and the Board of Control Architects for proceedings in accordance with the law governing engineer ([wi-sawakoon](#)) and the law governing architect. ([Added in 1992](#)) ([Replaced in 2000](#))

CHAPTER 5 APPEALS

SECTION 50 There shall be an Appeal Judgment Committee:

- (1) In Bangkok Metropolis or in the area of the Provincial Administrative Organization, the Committee shall comprise of
 - the Permanent Secretary of Interior as a chairman,
 - Director-General of Municipal Work Department,
 - Representative of Attorney General,
 - Representative of the National Juridical Council,
 - Representative of Committee for Control of Engineering Profession and
 - Representative of Committee for Control of Architecture profession as Committee Members and
 - other Committee Members of not more than six persons who the Minister appointed from among qualified persons, and at least two of them shall be from the private sector, and
 - the chief of the Office of BCC shall be a member and a secretary.Committee Members who the Ministry appointed under the first paragraph (1) shall not be persons who execute official duty of Bangkok Metropolis or Provincial Administrative Organization or Member of Bangkok Metropolis Council or Provincial Council.
- (2) For a municipality, the Pattaya city, or the area under other local administration,
 - the Governor shall be the Chairman,
 - the members shall comprise of
 - the Provincial Public Prosecution Officer who is the Chief of Provincial Public Prosecution and
 - other persons to be appointed by the Permanent Secretary of the Ministry of Interior, for not exceeding six persons and two of them shall be from the private sector,
 - and the Provincial Public Works Official shall be a member and a secretary.

The Member and Secretary under the first paragraph (2), shall not be a person who executes official duty of the local government or member of the local council.

The provisions of Section 15, Section 16 and Section 17 shall apply to the Appeal Consideration committee mutates mutandis.
(Replaced in 1992) ((2) was replaced in 2000.)

SECTION 51 The Appeal Judgment Committee shall have a power and duty as follows:

- (1) to examine and rule appeals against the orders of the local competent officers;
- (2) to summon by written letter any concerned person to give statements or to order such person to submit documents or other relevant evidence for consideration in ruling appeals;
- (3) to investigate or do any actions only necessarily for consideration

In performing the duty under (3) the Appeal Judgment Committee or the person authorized by the Committee may enter the building or building grounds which is the cause for the appeal during the time from sunrise to sunset.

SECTION 51bis The Appeal Judgment Committee shall appoint one or several Sub-committees for considering or performing as assigned.

The provisions of Section 15, Section 16, Section 17 and Section 51 shall apply to the sub-committee mutates mutandis.
(Added in 1992)

SECTION 52 The applicant for the permit, holder of the permit, person who notifies under Section 39bis and person who receives the order from the local competent officer under this Act shall be entitled to appeal to said order to the Appeal Judgment Committee within thirty days from the date of learning of the order.

The appeal under the first paragraph shall be in writing and submitted to the local competent officer who issues said order and the local competent officer shall send the appeal and documents evidence concerned to the Appeal Judgment Committee within ten days from the date of receiving the appeal.

The Appeal Judgment Committee shall decide on the appeal under the first paragraph within sixty days from the date of receiving the appeal and notify the decision together with the reason to the appellant and the local competent officer.

If the appellant disagrees with the appeal decision, it shall be submitted to the Court within thirty days from the date of receiving the decision on the appeal.

In case the Appeal Judgment Committee or the court has decided, what ever is the judgement the local competent officer shall comply with.

During the appeal, it is prohibited that the appellant or the local competent officer do anything to the building which is the cause of the appeal, except that the building is dangerous to the people or property or having the nature which cannot let to wait.

The provision of 57 shall apply to the appeal decision mutatis mutandis.
(Replaced in 1992)

CHAPTER 6 **UPPER TECHNICAL OFFICIAL,** **TECHNICAL OFFICIAL and INSPECTOR (Replaced in 2000)**

SECTION 53 An upper technical official (**nai chang**) and (**ruu**) technical official shall have a power to enter the site which construction, modification, demolition or relocation of a building is under way to see whether this Act is being complied with or not and, for this purpose, shall have a power to

- question for facts or
- order the people working or living in the site to show the documents or other relevant evidence.

SECTION 54 When there is reasonable cause to suspect that any building has been constructed, modified, demolished or relocated in a way that violated or did not comply with this Act, or there is reasonable cause to

suspect that any building is being used or reused in such a way that violates or does not comply with Section 32, Section 33 or Section 34, or any building that has characteristics pursuant to Section 46, the upper technical official (**nai chang**) shall have a power to enter such building and the building site to inspect and, for this purpose, shall have a power to question for facts and order the persons being present or working at the place to produce documents or other relevant evidence.

SECTION 55 In performing the duty pursuant to Section 53 or Section 54, the upper technical official (**nai chang**) or the technical official shall do so during the time from sunrise to sunset or during the work time of such place and, for this purpose, shall present his identification card upon request by the persons concerned.

The identification card shall be in the form prescribed in MR.

SECTION 55bis It is prohibited that anyone performs an inspection as prescribed in Section 32bis, except the one who is the inspector under this Act. (**Added in 2000**)

SECTION 55ter In case the inspector who has performed an inspection of a building as prescribed in Section 32bis has violated the provisions of this Act, or MR or the by-law issued under this Act, Section 49bis shall be applied mutatis mutandis. (**Added in 2000**)

CHAPTER 7 BURNT AREA

SECTION 56 When a fire breaks out in any area and the area comes under the characteristics of a burnt area (**kheet phloeng mai**), **the local competent officer shall announce** the display of the burnt area at the office of the local authority and at the site which the fire occurred by having a brief map showing the boundary lines of the burnt area and specifying prohibitions under this Act.

SECTION 57 Within a period of **Forty-five days from the date of the fire**,
- it is prohibited that anyone shall construct, modify, demolish or relocate building in the burnt area.
- the person permitted to carry out the construction, modification, demolition or relocation of the building or the person who notifies under Section 39bis in said area before the date of the fire, shall cease performing the permitted or notified activity while the said period of time.”

The provision of Section 40, Section 42 and Section 43 shall apply to the violation of the provision under the first paragraph.

The provision under the first paragraph shall not apply to:

- (1) construction of temporary building for the benefit of public relief which is made or controlled by the authority.
- (2) modification or restoration of the building necessary for temporary residence or use.

(**Replaced in 1992**)

SECTION 58 The local competent officer shall:

- consider whether the burnt area should be improved or not by taking into consideration the benefits of fire prevention, public health, environmental preservation, town planning, architecture and traffic facilitation.
- submit his recommendations along with a brief map showing the boundary lines of the burnt area to BCC.

In the case that the burnt area is under control of more than one local competent officer, the local competent officers concerned shall jointly consider and submit recommendations within fifteen days from the date of the fire.

BCC, after having considered the opinions of the local competent officer, shall submit its opinion together with notes to the Minister who gives instruction to the local competent officer to announce to the people in the burnt area whether there will be an improvement or not. The said announcement shall be posted up at the office of the local authority and at the site in which fire occurred within forty-five day from the date of the fire.

SECTION 59 In the case it is announced that there is to be no improvement of the burnt area, the prohibitions pursuant to the first paragraph of Section 57 shall then be cancelled.

In the case it is announced that the burnt area is to be improved,

- the prohibitions pursuant to the first paragraph of Section 57 shall remain in force for **another sixty days** from the day of the announcement concerning the improvement of burnt area, and

- the Office of BCC shall make *an improvement diagram of the burnt area* to be submitted to the Minister for announcement in the Government Gazette as the effective improvement diagram of the burnt area within the said time period.

SECTION 60 If there is a *Notice of Enforcement of Improvement of Burnt Area*,

- it is prohibited that anyone shall construct, modify, demolish or relocate a building in the area under *the improvement diagram of the burnt area* differently from that prescribed in the diagram, and
- the followings are to be cancelled:
 - all the permits for the construction, modification, demolition or relocation of the building, or
 - the receipt of the notice under Section 39bis which was issued before the enforcement date of *the improvement diagram of the burnt area* and is in conflict with the diagram.

The provisions of Section 40, Section 42 and Section 43 shall apply to the violation of the provisions as prescribed under the first paragraph.

(Replaced in 1992)

SECTION 60bis The local competent officer shall *commence the improvement of the burnt area* according to under Section 60 *within two years* from the date of enforcement of said notice.

In case it is necessary to expropriate the land or any immovable property for the benefit as prescribed under *the Notice of Enforcement of Improvement of Burnt Area*, compensation shall be paid to the person entitled to the compensation before carrying out the improvement of the burnt area by prescribing the cost appraisal according to *the Land Code* applicable on the date there is *Notice of Enforcement of Improvement of Burnt Area*. But if compensation cannot be paid within two years from the date of enforcement of the said Notice, the cost appraisal shall be fixed on the 1st January of the year when the compensation is paid.

If the local competent officer has not commenced *the improvement of the burnt area* within the time prescribed under the first paragraph, said Notice shall be cancelled.

(Added in 1992)

SECTION 61 In the case where it is necessary to acquire any land or immovable property for utilization as prescribed in *the improvement diagram of the fire area*, such land or immovable property shall be expropriated by applying the law on expropriation *mutatis mutandis*.

SECTION 62 when a fire breaks out in any locality and it comes under the characteristics of a burnt area, if such locality still has no Royal Decree, this Act shall apply and it shall be regarded that there is a Royal Decree promulgating this Act in such locality as from the day the fire breaks out. But if, later on, it is announced that there is to be no improvement in the burnt area pursuant to Section 58, it shall be regarded that the said Royal Decree is cancelled as from the day on which the local competent officer effects the announcement.

CHAPTER 8 MISCELLANEOUS PROVISIONS

SECTION 63 In the duty performance of the Appeal Committee,

- persons assigned by the Appeal Committee,
 - *cases comparison committee* members,
 - local competent officers,
 - upper technical officials (*nai chang*) or technical officials under this Act,
 - applicants for license,
 - licensed persons,
 - owners or occupiers of buildings,
 - construction executors,
 - supervisors or
 - concerned persons being present at the places
- shall provide reasonable convenience and assistance.

SECTION 64 In the duty performance pursuant to this Act,

- members of *the Appeal Committee* assigned by *the Appeal Committee*,
- *cases comparison committee* members,
- local competent officers,

- upper technical officials ([nai chang](#)) and
 - technical officials
- shall become the officers under the Criminal Code.

SECTION 64bis The local authority shall have power to appropriate ([a part of](#)) the fee for:

- inspection of construction drawings or
- modification drawings

which they received from:

- the applicant for the permit or
- the person who notifies under Section 39bis,

by an amount of not more than ten percent of the said fee, for remuneration to:

- the official who inspects the drawings for construction or modification of the building,
- the upper technical official ([nai chang](#)) and
- the technical official

according to the criteria and rate prescribed in the Bye-law. ([Added in 1992](#))

申請手数料・届出手数料の1割を限度として、関係職員に手当を支給できる。

CHAPTER 9 PENALTY PROVISIONS

SECTION 65 Any person who violated or failed to comply with [Section 21](#), [Section 22](#), [Section 31](#), [Section 32](#), [Section 33](#), [Section 34](#), [the sixth paragraph of Section 52](#), [Section 57](#) or [Section 60](#) shall be liable to an imprisonment not exceeding three months or a fine not exceeding sixty thousand baht, or both.

In addition to the penalty pursuant to the first paragraph, person who violated or failed to comply with Section 21, Section 31, Section 32, Section 34 or Section 57 shall be liable to a daily fine not exceeding ten thousand baht throughout the period of violation until the compliance has been made.

([Replaced in 1992](#))

SECTION 65bis Any person who failed to comply with [Section 32bis](#) shall be liable to an imprisonment not exceeding three months or a fine not exceeding sixty thousand baht, or both.

In addition to the penalty pursuant to the first paragraph, person who failed to comply with Section 32bis shall be liable to a daily fine not exceeding ten thousand baht until compliance has been made.

([Added in 2000](#))

SECTION 65ter Any person who failed to comply with [the first paragraph of Section 39fifth](#) shall be liable to an imprisonment not exceeding three months or a fine not exceeding sixty thousand baht, or both.

In addition to the penalty pursuant to the first paragraph, person who failed to comply with Section 39fifth first paragraph shall be liable to a daily fine not exceeding ten thousand baht until compliance has been made.

([Added in 2000](#))

SECTION 65fourth Any person who violated or failed to comply with the order of the local competent officer issued under [Section 46bis](#) shall be liable to a fine not exceeding thirty thousand baht.

In addition to the penalty pursuant to the first paragraph, person who violated or failed to comply with Section 46bis shall be liable to a daily fine not exceeding five thousand baht throughout the period of violation or until the compliance has been made.

([Added in 2000](#))

SECTION 66 Any person who failed to comply with [the first paragraph of Section 30](#), [Section 38](#), [Section 39](#) or [the first paragraph of Section 39ter](#) shall be liable to a fine not exceeding ten thousand baht. ([Replaced in 1992](#))

SECTION 66bis Any person who did not demolish the building in accordance with the order of the local competent officer issued under [Section 42](#), unless being under appeal against the order, shall be liable to an imprisonment not exceeding six months or a fine not exceeding one hundred thousand baht, or both.

In addition to the penalty pursuant to the first paragraph, person who violated shall be liable to a daily fine not exceeding thirty thousand baht until the compliance with the order of local competent officer has been made. (Added in 1992)

SECTION 67 Any person who violated the second paragraph of Section 30 or failed to comply with the order of the local competent officer issued under Section 40, Section 44, or Section 45 shall be liable to an imprisonment not exceeding six months or a fine not exceeding one hundred thousand, or both.

In addition to the penalty pursuant to the first paragraph, person who violated shall be liable to a daily fine not exceeding thirty thousand baht throughout the period of violation until the compliance has been made. (Replaced in 1992)

SECTION 68 Any person

- (1) who does not give testimony or submit documents in accordance with the written notice of the Appeal Committee pursuant to Section 51 (2), and
- (2) who obstructed the duty performance of the members of the Appeal Committee, persons assigned by the Appeal Committee, local competent officers, upper technical officials (nai chang) or technical officials pursuant to Section 48, Section 51, Section 53 or Section 54, or did not comply with Section 51, Section 53, Section 54 or Section 63.

shall be liable to an imprisonment not exceeding one month or a fine not exceeding one thousand baht, or both.

SECTION 69 If an offence pursuant to this Act is committed by a construction executor, the person that committed the offence shall be liable to double the penalty prescribed for such offence. 施工者が違反した場合は、罰の倍読み。

SECTION 70 If an offence pursuant to this Act is:

- the offence relating to a building for:
 - commerce, (商業ビル)
 - industry, (工場)
 - education, (学校)
 - public health, or
- the offence in the way of commerce for:
 - lease, (例：賃貸住宅)
 - hire-purchase,
 - sale or (例：分譲住宅)
 - distribution in exchange for remuneration

of any building,

the person that committed the offence shall be liable to double the penalty prescribed for such offence. (Replaced in 1992) 事業目的の建築物に関する違反は、罰の倍読み。

SECTION 71 In case where there is violation of or failure to comply with Section 21, Section 22, Section 34, Section 42, the sixth paragraph of Section 52, Section 57 or Section 60, it shall be considered as an act of the owner or occupier of the building, the construction executor, supervisor or appellant pursuant to Section 52, or is an act of the said person, except that the said person shall prove that it is an act of other person. (Replaced in 1992)

SECTION 72 In case where a juristic person commits an offence pursuant to this Act, every director or manager of such juristic person shall be regarded as joint offenders with juristic person, unless he can prove that such act of the juristic person has been done without his notice or consent.

SECTION 73 In case of an offence pursuant to this Act,

- owner or occupier of land or building nearby or adjoining the building where an offence occurs or
 - person whose living style or use of the land or building was affected by the said offence,
- is an injured person pursuant to the Law of Criminal Procedure.

SECTION 74 There shall be the Committee for Settling the Case:

- (1) in Bangkok Metropolis, comprising of the Governor of Bangkok Metropolis, a representative from Office of the Attorney-General, and a representative from the National Police Bureau;

(2) in other province, comprising of the Provincial Governor, the Provincial Public Prosecutor who is the Chief of Provincial Public Prosecution, and the Chief of Provincial Police Bureau.

The Committee for Settling the Case shall have a power to settle the cases of the offences pursuant to the first paragraph of Section 65, the first paragraph of Section 65bis, the first paragraph of Section 65ter, the first paragraph of Section 65fourth, Section 66, the first paragraph of Section 66bis, the first paragraph of Section 67, Section 68, Section 69 or Section 70.

In case where the inquiry officer finds out that any person has committed an offence pursuant to the second paragraph, if both of the person who committed the said offence and the injured person (if there is no injured person, only the person who committed the said offence) agree to settle the case, the inquiry officer shall convey the case to *the Committee for Settling the Case* pursuant to the first paragraph within seven days from the date on which the said persons have agreed to settle the case.

If the Committee for Settling the Case sees that the alleged offender should not be charged or subject to imprisonment, a fine shall be imposed, to be paid by the alleged offender. If the alleged offender and the injured person, if any, agreed to the fine, after the alleged offender has paid the fine accordingly, it shall be deemed that the case is dismissed in accordance with the Criminal Procedure Code.

If the alleged offender refuses to pay the fine, or has consented but fails to pay the fine within the period prescribed in the fourth paragraph, the case shall proceed further.

The fines charged under this Act shall be the income of the local administration, whereby it is not necessary to forward the same as the state income.

(Replaced in 1992 and 2000)

TRANSITORY PROVISIONS

SECTION 75 All the applications for any permission submitted before the day this Act comes into force and are still under consideration by the local competent officer or the Public Works Department Director-General and any permission granted under *the law on control of the construction of buildings* or *the law on re-construction of fire area* or the performance by the licensed persons according to the licensed activity, it shall be regarded that they are applications for permission and the granting of permission under this Act mutatis mutandis.

In case where the said application for permission or the consideration to grant permission is different from the application for permission or the consideration to grant permission pursuant to this Act, the said application for permission or the consideration to grant permission shall be in accordance with this Act and the local competent officer shall issue an order pursuant to Section 27 for the applicants for license to perform correctly within thirty days. If an applicant for a license does not comply with the order of the local competent officer within the said period, the said application for license shall be cancelled.

SECTION 76 A building which acquired a license for construction or modification and had been completed before the day this Act comes into force, even if it has the characteristics of a building classified under the controlled as category, shall be exempted from having to comply with Section 32 second paragraph.

SECTION 77 Any locality in which a great number of buildings have been constructed in the state's public land before the day this Act comes into force and have condition or may cause condition that is unsuitable or unsafe for dwelling, fire prevention, public health, environmental quality maintenance, town and country planning and traffic facilitation, upon having the Royal Decree prescribing *buildings improvement area* in that locality, the local competent officer shall issue order, one or many as follows:

- (1) issue an order to owner or occupier of the building to demolish the building within a period not exceeding six months from the day of acquiring the order, but ordering to demolish the building shall be made for orderliness of the country, local development or benefit in using of public land of the public;
- (2) issue an order within thirty days, counted from the day the royal Decree prescribing *buildings improvement area* comes into force, to owner or occupier of the building to modify the building to be correct pursuant to this Act within a period not exceeding six months from the day acquiring the order;
- (3) issue an order to owner or occupier of the building to carry on eliminating or withholding cause that creates or may create condition unsuitable or unsafe for dwelling, fire prevention, public health, environmental quality

maintenance, town and country planning and traffic facilitation within a period not exceeding sixth months, counted from the day of acquiring the order;

(4) issue an order to owner of the building to sign land lease contract with the local competent officer pursuant to the criteria, procedure, condition and rental rate which the Ministry of Interior prescribes.

If any owner or occupier of the building has complied with order of the local competent officer pursuant to the first paragraph, such person shall be exempted from penalty, but, if such person does not comply with the order, such person shall be liable to a fine exceeding fifty thousand baht and shall have the local competent officer issue an order to such person to demolish the building within a period prescribed. If such person refuses to demolish the building within the said period, such person shall be liable to a daily fine of one thousand baht throughout the period of violation or until such person shall consent to having the local competent officer carried on demolishing such building. In the latter case, Section 42 fourth and fifth paragraphs shall be applied *mutatis mutandis*.

The Royal Decree pursuant to the first paragraph shall have a map showing the boundary lines of the area annexed to the Royal Decree, and shall empower the local competent officer to carry on providing land lease in that area in order to be revenue for the local maintenance. However, such land shall still remain public property of the state.

The land lease contract pursuant to the first paragraph (4) shall have the lease period as agreed upon but shall not exceed ten years. The lease shall not be renewed / Extension of the lease period shall not conduct. Upon expiration of land lease period, any owner or occupier of building who refuses to demolish and remove the own building or construction out of the area prescribed in the Royal Decree shall be liable to an imprisonment not exceeding three years or a fine not exceeding thirty thousand baht, or both, as well as be liable to a dairy fine of one thousand baht throughout the period of violation or until such person shall consent to having the local competent officer carried on demolishing such building. In the latter case, Section 42 fourth and fifth paragraphs of shall be applied *mutatis mutandis*.

SECTION 78 It shall be regarded that an appeal pursuant to *the law on control of the construction of buildings* lodged before the day this Act coming into force is the appeal against the orders of the local competent officer lodged with pursuant to this Act.

SECTION 79 All Ministerial Regulations, Municipal Bye-laws, Provincial Bye-laws, regulations, rules, notifications or orders issued under *the Building Construction Control Act 1936* or *the Burned Area Re-Construction Act 1933* shall remain in force, as long as they are not contrary to or in conflict with the provision of this Act.

SECTION 80 Any locality that had Royal Decree promulgating *the Building Construction Control Act 1936* or *the Re-construction of the Burnt Area Re-Construction Act 1933* before the day this Act coming into force shall be regarded such locality already has the Royal Decree promulgating this Act.

Schedule of Fees

- | | | | |
|--------|--|-------------------|--------------------|
| (1) | Construction license | 200 Baht for each | |
| (2) | Modification license | 100 Baht for each | |
| (3) | Demolition license | 50 Baht for each | |
| (4) | Relocation license | 50 Baht for each | |
| (5) | Reuse license | 200 Baht for each | |
| (6) | Certificate | 100 Baht for each | (Replaced in 2000) |
| (6bis) | Permit for Use of Building for Operating Theater | 500 Baht for each | (Added in 2000) |
| (6ter) | Certificate of Building Inspection | 100 Baht for each | (Added in 2000) |
| (7) | Substitute license or certificate | 10 Baht for each | |
| (8) | Renewal of the License shall apply the rates prescribed in (1) to (4) | | |
| (8bis) | Renewal of the Permit for Use of Building for Operating Theater shall apply the rate prescribed in (6bis) | | (Added in 2000) |
| (9) | Inspection of the construction or building modification design plans, as followings. | | |
| (a) | Buildings of not more than three stories or not more than fifteen meters high: | | |
| | Fees shall be calculated from the total area of each floor at 2 baht per square meter. | | |
| (b) | Buildings of more than three stories or more than fifteen meters high: | | |
| | Fees shall be calculated from the total area of each floor at 4 baht per square meter. | | |
| (c) | Buildings, of which each floor carries loads more than 500 kg per square meter: | | |
| | Fees shall be calculated from the total area of each floor at 4 baht per square meter. | | |
| (d) | Signboard: | | |
| | Fees shall be calculated from the area (square meter) of the signboard obtained by multiplying the maximum length by the maximum width at 4 baht per square meter. | | |
| (e) | Buildings such as dam, drainage, fence or wall, including their doors: | | |
| | Fees shall be calculated by the length at 1 baht per meter. | | |

In calculation of the fee for inspection of the design plan,

- fraction of square-meter or meter from one half up shall be regarded as one full unit,
- less than one half shall be disregarded.

BUILDING CONTROL ACT (NO. 2) GIVEN ON 29TH MARCH 1992

SECTION 1 This Act shall be called “Building Control Act (No. 2) 1992.”

SECTION 2 This Act shall come into force after the lapse of the sixty day period that commences on the date of its publication in the Government Gazette.

この 1992 年改正法の第 3 条～第 26 条は、1979 年法の一部を改正する趣旨の規定であり、既に本文において反映させているため、ここでは省略している。

SECTION 27 The Appeal Committee who is occupying the position within the date this Act coming into force, shall continue performing its duty until there shall be the appointment of New *Appeal Consideration Committee* under this Act.

SECTION 28 Any applications for permit, which is:

- submitted before this act coming into force and
- still under consideration of the local competent officer,

if the applicant has not asked back the applications for permit from the local competent officer within thirty days from the date of enforcement of this Act, the local competent officer shall continue considering the said applications pursuant to the provision of the Building Control Act 1979, which is amended by this Act.

SECTION 29 All burnt area which have been enforced under *the Plan for Improvement Aea* under Section 60 of the BCA 1979 before the enforcement of this Act, the local competent officer shall commence the improvement within two years from the date of enforcement of this Act, and Section 60bis shall apply *mutates mutandis*.

SECTION 30 All MRs, Bye-laws or orders issued under the BCA 1979, before the enforcement of this Act, shall still be applicable as long as they are not contrary to or do not in conflict with the provision as amended by this Act.

SECTION 31 The Minister of Interior shall be in charge and control of this Act.

Remark:

The reasons for the publication of this Act are as followings:

- to revise the provisions in the Building control Act 1979 which is relating to issue of sub-Section of this Act in order to make it more appropriate and flexible,
- to add the provisions relating to the notifying to local competent officer of the construction, modification, demolition or removal of the building in stead of asking for permission.
- to facilitate the general public the more convenience and timeliness
- to improve the power of local competent officer in enforcement of this Act to be more efficient
- to improve the penalty, rate of penalty and a power of *the Committee of Comparison* to suit with the economic condition and nature of the offence, and
- to improve other provisions concerned so that they conform with the above mentioned provision or are more appropriate and precise.

therefore, it is necessary to enact this Act.

BUILDING CONTROL ACT (NO. 3)
GIVEN ON 4 TH MAY 2000

SECTION 1 This Act shall be called the “Building Control Act (No. 3) 2000”.

SECTION 2 This Act shall come into force after the lapse of the one hundred and eighty day period that commences on the date of its publication in the Government Gazette.

SECTION 3 The *Prevention of Hazard Deriving from Entertainment Act 1921* shall be repealed.

この 2000 年改正法の第 4 条～第 30 条は、1992 年に改正された 1979 年法の一部を再度改正する趣旨の規定であり、既に本文において反映させているため、ここでは省略している。

SECTION 31 Any law, rule, regulation, directive, resolution or order citing to the theater pursuant to *the Prevention of Hazards Deriving from Entertainment Act 1921* shall be regarded that such rule, regulation, directive, resolution or order citing the theater pursuant to the BCA 1979, which has been amended by this Act.

SECTION 32 All applications under *the Prevention of Hazard Deriving from Entertainment Act 1921*,
- having been submitted prior to the date of enforcement of this Act, and
- still being under consideration of the competent officer appointed by the Minister,
shall be deemed as the applications under the BCA 1979, amended by this Act.

SECTION 33

- The permit for construction of a theater and
- the permit for renovation of a theater
issued under *the Prevention of Hazards Deriving from Entertainment Act 1921*, prior to the date of enforcement of this Act, shall continue to be valid, and it shall be deemed
- the permit for construction of a theater or
- the permit for renovation of a theater
under the BCA 1979, amended by this Act.

SECTION 34 The permit for using the place as theater issued under *the Prevention of Hazards Deriving from Entertainment Act 1921*, prior to the date of enforcement of this Act, shall continue to be valid until its expiration date. If the applicant of such permit

- wishes to continue making use of the place as theater after expiration date of the permit and
- has submitted an application for using the said place as theater prior to the expiration date of the previous permit,
the applicant may continue to make use of the theater according to the previous permit, unless an authorized person pursuant to Section 39 fifth of the BCA 1979, amended by this Act, issues an order of disapproval of the use of such place as a theater under this Act.

SECTION 35 All applications for permit which

- have been submitted prior to the date of enforcement of this Act and
- are still under consideration of the local competent officer
shall be deemed the applications under the BCA 1979, amended by this Act. In case the said application deviates from the application under the BCA 1979, amended by this Act, the local competent officer shall have a power to make the amendment as necessary in order to comply with the BCA 1979, amended by this Act.

SECTION 36 All permits issued to any person prior to the date of enforcement of this Act shall be valid until its expiration date.

SECTION 37 All

- MRs,
- by-laws or
- orders
issued under
- the BCA 1979 and
- the BCA 1979 amended by the BCA (No. 2) 1992,

which are in force on the effective date of this Act, shall remain in force to the extent that they are not contrary to or inconsistent with the provisions having been amended and added under this Act, until there are new

- MRs,
- Bye-laws or
- orders

issued under the BCA 1979 amended by this Act, for that particular matter.

SECTION 38 The Minister of Interior shall be the Minister in charge of this Act.

Note: The reasons for the promulgation of this Act are as follows:

Development of the county has progressed rapidly, especially pertaining to construction of buildings in the cities and towns. The existing law governing building control is inappropriate and not in line with the current situation. Therefore it is deemed appropriate to make amendments and additions to the laws governing building control in order to stipulate standards on control of sturdiness, safety, fire prevention, public health, preservation of environment, city and town planning, architecture and facilitating traffic.

Law governing prevention of hazards deriving from entertainment

- has been in force for a long time
- is not suitable for the current conditions,
- considers theater is a type of building,

It is deemed appropriate to stipulate regulation on permission for use of theater in the same law as the law governing building control for convenience of execution of the law.

It is deemed appropriate to stipulate that the thing made for transporting people in the form of cable car or other things made for games in amusement parks or other places, in the same manner as the law governing building control.

Therefore, it is necessary to enact this Act.

BUILDING CONTROL ACT (NO. 4)
GIVEN ON 7 TH OCTOBER 2007

Section 1. This Act shall be called the “Building Control Act (No.4), B.E. 2007”

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

Section 3. Add following contents as (8) of section 7 of Building Control Act, B.E. 1979.

(8) Building which;

- Ministry,
- Bureau,
- Department,
- Local Administration,
- State Enterprise,
- Governmental Organization established according to the law, or
- other state agencies,

‘supply as’ or ‘develop to be’ the housing for low-incomes. Nevertheless, it shall not be exemption or leniency of restriction concerning;

- stability, strength and safety of the building or,
- safety of person residing in or using the building.

NOTE: - The reason for the promulgation of this Act being:

Whereas it is the Government policy

- to solve the problem of poverty and
- to offer chance to the poor and vulnerable people,

which one part of the policy is to encourage low-income people

- to be able to possess the house and
- to be developed and improved the quality of life;

therefore, in order to enable

- Ministry,
- Bureau,
- Department,
- Local Administration,
- State Enterprise,
- Governmental Organization established according to the law, or
- other state agencies

to supply or develop the low cost housing for low-income people by having no problems or obstacles about

- the asking for the constructing permission or
- some restrictions of the building standard unconcerned with stability, strength, or safety of the building, for example,
 - the set back,
 - the area of space outside the building, or
 - the distance from boundary line, and
 - etc.

It is proper to

- exempt,
- be lenient to, or
- prescribe

the restriction to follow some principles of the building control law by issuing the Ministerial Regulation so that the building which the mentioned state agencies supplied or developed is really consistent with demand and economical status of the low-income people. It is therefore necessary to enact this Act. lenient