

ACT AMENDING THE CIVIL PROCEDURE CODE (NO. 29),
B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX;
Given on the 16th Day of November B.E. 2558;
Being the 70th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to amend the Civil Procedure Code;
Be it, therefore, enacted by the King, by and with the advice and consent of the
National Legislative Assembly, as follows.

Section 1. This Act is called the “Act Amending the Civil Procedure Code (No. 29), B.E. 2558 (2015)”.

Section 2.¹ This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The following shall be added as section 309 *quater* of the Civil Procedure Code:

“**Section 309 quater.** Upon a sale by auction of a property required by the law to be registered, the Execution Officer shall notify the Registrar, the competent official or any other person with the authority under the law, for the purpose of making amendment in the register pertinent to such property for the buyer.

If the property to be sold by auction is a condominium unit under the law on condominiums, the Execution Officer shall, before conducting its sale by auction, give the

* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State. 1 Published in

¹ Published in Government Gazette, Vol. 132, Part 110a, Page1, dated 19th November 2015.

Condominiums Juristic Person a notice demanding a report on particulars of debts in relation to expenses payable, for the purpose of the issuance of a certificate of the debt-free status under the law on condominiums, to the Execution Officer within thirty days as from the date of receipt of the notice. When a sale by auction has been conducted, the Execution Officer shall set aside the proceeds of the sale by auction for the purpose of paying such debts in arrears up to the date of the sale by auction to the Condominiums Juristic Person prior to mortgage creditors, and the competent official shall effect the registration of a transfer of ownership for the buyer without a certificate of the debt-free status.

If the Condominiums Juristic Person fails to report particulars of such debts in arrears to the Execution Officer within the time limit under paragraph two or reports that there is no debt in arrears, the competent official shall effect the registration of a transfer of ownership for the buyer without a certificate of the debt-free status.

If the property to be sold by auction is the developed land under the law on land development, the Execution Officer shall, before conducting its sale by auction, give the Developed-Estate Juristic Person a notice demanding a report on particulars of debts in relation to the maintenance and management of public utilities as well as a fine under the law on land development to the Execution Officer within thirty days as from the date of receipt of the notice. When a sale by auction has been conducted, the Execution Officer shall set aside the proceeds of the sale by auction for the purpose of paying such debts in arrears up to the date of the sale by auction to the Developed-Estate Juristic Person prior to mortgage creditors, and the competent official shall effect the registration of a transfer of the land title for the buyer. In this regard, if there exists any suspension of registration of rights and juristic acts, such suspension of registration of rights and juristic acts shall be cancelled.

If the Developed-Estate Juristic Person fails to report particulars of such debts in arrears to the Execution Officer within the time limit under paragraph four or reports that there is no debt in arrears or in the case where a Developed-Estate Juristic Person has not yet been formed, the competent official shall effect the registration of a transfer of the land title for the buyer. In this regard, if there exists any suspension of registration of rights and juristic acts, such suspension of registration of rights and juristic acts shall be cancelled.

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

Payment of the proceeds set aside under paragraph two and paragraph four shall be in accordance with the provisions of this Chapter.”

Countersigned by:

General Prayut Chan-o-cha
Prime Minister

The Office of the Council of State

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