

Property rights available for foreigners under Thai law

by

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Work
ชั้นบนสุดของตึก
4.1 ★★★★★ (67)



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Foreign Ownership of Land ????

Legal principle, under the land code of Thailand.

Foreigners are generally prohibited from owning land of Thailand.

- Key Exception



1 FOREIGN OWNERSHIP OF LAND

LEGAL PRINCIPLE

Under the Land Code of Thailand, foreigners are generally prohibited from owning land.



KEY EXCEPTIONS



Inheritance as a Statutory Heir
(The Minister has the authority to order the sale of the land.)



Permission under Investment Promotion Laws
such as the Board of Investment (BOI)



Investment under Criteria Prescribed by Law
(Special Cases)



International Treaties
(Currently, there are hardly any treaties in effect.)



THAILAND LAND TITLE DEEDS

WHAT DO THE GARUDA COLORS MEAN?

RED GARUDA (CHANOTE: Nor Sor 4 Jor)	GREEN GARUDA (Nor Sor 3 Gor)	BLACK GARUDA (Nor Sor 3)	S.K.1 (Possession Certificate)	S.P.K. 4-01 (Agricultural Land Reform)	P.B.T. 5 (Tax Payment Receipt)
 	 	 			
<ul style="list-style-type: none"> Full ownership (freehold) Surveyed with precise boundaries and fixed boundary markers Legally secure and enforceable Can be sold, transferred, mortgaged, leased or inherited Accepted by banks for loans 	<ul style="list-style-type: none"> Certificate of Utilization Surveyed and located on official map Boundaries are relatively clear Can be sold, transferred and mortgaged Can be upgraded to Chanote (Nor Sor 4 Jor) if eligible 	<ul style="list-style-type: none"> Old Certificate of Utilization Boundaries based on sketch and neighboring land references May have boundary overlap or disputes Recommended to resurvey before purchasing 	<ul style="list-style-type: none"> Notification of land possession Not a title deed No ownership rights yet Cannot be sold directly (can only transfer possession) May be eligible to apply for Nor Sor 3 or Chanote in some areas 	<ul style="list-style-type: none"> Agricultural land under the Land Reform Program (S.P.K.) Use for agriculture only as specified Normally cannot be sold or transferred Subject to land reform regulations 	<ul style="list-style-type: none"> Proof of payment of land tax Not a title deed Does not show ownership rights Does not allow transfer of ownership
THE HIGHEST LEVEL OF OWNERSHIP	STRONG OWNERSHIP CAN BE UPGRADED TO CHANOTE	MODERATE OWNERSHIP RESURVEY RECOMMENDED	NOT OWNERSHIP POTENTIAL TO OBTAIN TITLE DEED	FOR AGRICULTURAL USE TRANSFER GENERALLY NOT ALLOWED	NOT A TITLE DEED NO OWNERSHIP

COMPARISON SUMMARY

DOCUMENT TYPE	CHANOTE (NOR SOR 4 JOR)	NOR SOR 3 GOR	NOR SOR 3	S.K.1	S.P.K. 4-01	P.B.T. 5
GARUDA COLOR				—		—
OWNERSHIP	Full ownership (freehold)	Strong possessory right	Possessory right	Not ownership	Conditional right (agricultural use)	Not ownership
SURVEY	Precise survey with fixed boundary markers	Surveyed and located	Based on sketch and neighbors	No survey	As specified by S.P.K. regulations	No survey
SELL / TRANSFER	Yes	Yes	Yes	No (possession only)	Normally No	No
MORTGAGE	Yes	Yes	Yes (limited)	No	Normally No	No
UPGRADE POSSIBLE	—	Yes	Yes (requires new survey)	Yes (in certain cases)	No	No
SECURITY LEVEL	★★★★★ (Highest)	★★★★☆ (Very High)	★★★☆☆ (Moderate)	★★☆☆☆ (Low)	★☆☆☆☆ (Low)	★☆☆☆☆ (Very Low)

BUYER'S ADVICE

- Before buying land, always check:
- The type and authenticity of the title deed
 - Any encumbrances or mortgages
 - Land use restrictions / easements
 - Zoning and land designation
 - Status with the Land Department

For the safest investment, choose a Chanote (Nor Sor 4 Jor) with clear boundaries and no legal issues.



SECURITY LEVEL GUIDE

Chanote (Nor Sor 4 Jor)	★★★★★	Highest
Nor Sor 3 Gor	★★★★☆	Very High
Nor Sor 3	★★★☆☆	Moderate
S.K.1	★★☆☆☆	Low
S.P.K. 4-01	★☆☆☆☆	Low
P.B.T. 5	★☆☆☆☆	Very Low

Chanod Title deed— Red Garuda means the strongest title and the widest range of registrable rights, but not necessarily land ownership for foreigners.

Property rights available for foreigners under Thai law.

1. Habitation (sit-thi aa-sai)
2. Usufruct (sit-thi-kep-kin)
3. Superficies (sit-thi-nue- phwwn-din)
4. Leasehold Real Estate Rights (sap-ing-sit)

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HABITATION (Right of Habitation)

Civil and Commercial Code
Sections 1402-1409



- ✓ Right to live in a house or building
- ✓ No need to pay rent
- ✓ Duration can be life term or as agreed

- ✗ Cannot lease or sublease
- ✗ Cannot transfer the right
- ✗ Cannot be inherited

1. Habitation
(sit-thi aa-sai)

3

USUFRUCT (Right of Usufruct)

Civil and Commercial Code
Sections 1417-1428



- ✓ Right to possess, use and enjoy the property
- ✓ Can lease the property and collect rental income
- ✓ Can use for agricultural or business purposes
- ✓ Duration can be life term or not exceeding 30 years (for juristic persons)
- ✗ Does not include ownership of the land
- ✗ Cannot transfer the right
- ✗ Cannot be inherited

2. Usufruct (sit-thi-kep-kin)

The Usufructuary May:



Live in the property



Lease or rent the property



Receive rental income and other benefits



Collect fruits and produce from the land



Use and enjoy the property in the ordinary manner

2

SUPERFICIES (Right of Superficies)

Civil and Commercial Code
Sections 1410-1416



- ✓ Own buildings or structures on another person's land
- ✓ Can sell, transfer, mortgage
- ✓ Can inherit
- ✓ Duration can be fixed term, life term, or as agreed

- ✗ Does not include ownership of the land

3. Superficies

(sit-thi-nue- phwwn-din)

LEASEHOLD REAL ESTATE RIGHT (THRER) IN THAILAND

LEGAL BASIS
Act of Leasehold Real Estate Right B.E. 2562 (2019)

A MODERN PROPERTY RIGHT FOR INVESTMENT AND SECURITY

The Leasehold Real Estate Right (THRER) is a real right under Thai law that allows a person to possess and use real estate for a long term, similar to ownership, with the right to transfer, inherit, mortgage, and benefit from the property.

CONCEPT

"A right to use and enjoy real estate almost equivalent to ownership."



PURPOSE

- Promote investment in Thailand
- Provide long-term security for foreign investors
- Enhance flexibility in real estate development and business operations

KEY FEATURES

- Real Right**: A right in rem, enforceable against third parties when registered.
- Exclusive Possession**: The holder has the right to possess and use the property.
- Transferable**: The right can be sold, assigned or transferred to others.
- Heritable**: The right can be inherited by heirs.
- Mortgageable**: The right can be mortgaged as collateral.
- Usable & Profitable**: The holder may use the property, lease it out, and receive income.

DURATION

Not exceeding 30 years
Renewable for another 30 years
(Total duration not exceeding 60 years)



MAX TOTAL 60 YEARS

WHAT CAN BE GRANTED?

The right to use and enjoy all or part of the following real estate:

- Land
- Buildings or structures on the land
- Constructed facilities
- Fixtures and other property as specified in the contract

TYPES OF PROPERTY ELIGIBLE

Must be specified by law, currently including:

- Land for residential use
- Land for commercial use
- Land for industrial use
- Land for tourism and hospitality (e.g., hotels, resorts, villas)
- Other properties as prescribed by the Ministerial Regulation

EXAMPLES OF USE

- Condominium projects
- Real estate development
- Hotels & Resorts
- Villas & Housing estates
- Industrial estates
- Commercial complexes

REGISTRATION

Must be registered at the Land Office to be effective against third parties.

Documents typically required:

- Leasehold Real Estate Right Agreement
- Title deed of the land
- Identity documents of the parties
- Other documents as required by law

TERMINATION

The right shall terminate upon:

- Expiration of the term
- Agreement of the parties
- Relinquishment by the holder
- Forfeiture under the conditions specified in the law or the agreement
- Any other reason as provided by law

BENEFITS FOR THE HOLDER

- STRONG SECURITY**: Real right recognized by law and protected against third parties when registered.
- FLEXIBLE & PRACTICAL**: Can be used, leased, or developed for various purposes.
- SUPPORTS INVESTMENT**: Enables long-term planning and return on investment in Thailand.
- TRANSFERABLE & HERITABLE**: Can be passed to heirs or transferred to others.
- CAN BE MORTGAGED**: Can be used as security for loans or other financial facilities.
- INCOME GENERATION**: Can lease out the property for loans or other receive rental income.

SUITABLE FOR

- Foreign investors
- Real estate developers
- Business operators
- Retirees seeking long-term residence or investment
- Anyone seeking a long-term right to use land in Thailand with

4. Leasehold Real Estate Rights (sap-ing-sit)

COMPARISON OF 4 TYPES OF PROPERTY RIGHTS UNDER THAI LAW

UNDERSTAND THE DIFFERENCES – CHOOSE THE RIGHT FOR YOUR NEEDS

	 1. SUPERFICIES (Superficies)	 2. LEASEHOLD REAL ESTATE RIGHT (Leasehold Real Estate Right)	 3. USUFRUCT (Usufruct)	 4. HABITATION (Habitation)
CONCEPT	“Own the building, not the land.”  <div style="display: flex; flex-direction: column; align-items: center; margin-top: 10px;"> <div style="background-color: #2e7d32; color: white; padding: 5px; margin-bottom: 5px;">Landowner (Thai)</div> <div style="background-color: #004a99; color: white; padding: 5px;">Building Owner (Foreign/Other)</div> </div>	“Right to use and enjoy real estate almost equivalent to ownership.” 	“Right to use and receive benefits from someone else’s property.” 	“Right to reside only.” 
KEY RIGHTS & ENTITLEMENTS	<ul style="list-style-type: none">  Own buildings/structures  Mortgageable <input checked="" type="checkbox"/>  Use the land for building  Leasable <input checked="" type="checkbox"/>  Transferable  Rent out / Receive rent <input checked="" type="checkbox"/>  Heritable 	<ul style="list-style-type: none">  Possess and use <input checked="" type="checkbox"/>  Mortgageable <input checked="" type="checkbox"/>  Transferable <input checked="" type="checkbox"/>  Leasable <input checked="" type="checkbox"/>  Heritable <input checked="" type="checkbox"/>  Rent out / Receive rent <input checked="" type="checkbox"/> 	<ul style="list-style-type: none">  Reside <input checked="" type="checkbox"/> Not transferable <input checked="" type="checkbox"/>  Use the property <input checked="" type="checkbox"/> Not heritable <input checked="" type="checkbox"/>  Rent out <input checked="" type="checkbox"/> Not mortgageable <input checked="" type="checkbox"/>  Receive rent / Enjoy benefits <input checked="" type="checkbox"/> Cannot be used as business collateral <input checked="" type="checkbox"/> 	<ul style="list-style-type: none">  Reside in the house/building <input checked="" type="checkbox"/> Not transferable <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Not heritable <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Not mortgageable <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Cannot rent out <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Cannot receive rent <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Cannot be used as business collateral <input checked="" type="checkbox"/>
DURATION	According to agreement / Life of the parties / Or other term	Not exceeding 30 years, renewable for another 30 years (total not exceeding 60 years)	During the life of the usufructuary (automatically ends upon death)	During the life of the habitee (automatically ends upon death)
SUITABLE FOR	<ul style="list-style-type: none"> • Thai–foreign couples • Building a house on someone else’s land • Long-term home ownership 	<ul style="list-style-type: none"> • Foreign investors • Real estate development projects • Hotels, resorts, villas • Long-term investments 	<ul style="list-style-type: none"> • Foreign spouse needing lifetime residence • Retirees • Those who want income from rent 	<ul style="list-style-type: none"> • Spouses • Parents • Persons who only need a place to live
LEVEL OF PROTECTION	 HIGH ★★★★★ Strong legal protection and can be registered.	 HIGH ★★★★★ Strong legal protection under specific law (Property Rights Act B.E. 2562).	 MODERATE ★★★☆☆ Limited rights, cannot be transferred or used as security.	 LOW ★★☆☆☆ Most limited rights, for residence only.
KEY LIMITATIONS	Cannot own the land.	Cannot own the land. Subject to types of property and conditions under the law.	Cannot transfer, inherit, or mortgage. Ends when the usufructuary dies.	Cannot transfer, inherit, mortgage, rent out, or receive rent. Ends when the habitee dies.
BEST FOR	 People who want to own a building on someone else’s land (e.g., foreign spouse building a house on Thai spouse’s land).	 Investors who want long-term usage rights similar to ownership for investment and business.	 People who want to live and receive benefits (e.g., rent) from someone else’s property for life.	 People who only need the right to live in a property, without any commercial or investment purposes.

WARNING!
NOMINEE ARRANGEMENTS
ARE ILLEGAL

Using a Thai nominee to hold land on behalf of a foreigner is prohibited under Thai law. The land may be confiscated and the foreigner may face legal penalties.






Nominee
is a law need to
understand.

Q & A

Questions & Answers

Thank You
for Your Attention!

-  Own the Building.
-  Use the Property.
-  Protect Your Investment.

Legally. Securely. Transparently.



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