

# CHANDLER MHM

## Newsletter

### UPDATE: NEW SECONDARY LAWS UNDER THE SUB-ING-SITHI ACT

Until recently despite the Sub-Ing-Sithi Act B.E. 2562 (2019) (the “**Sub-Ing-Sithi Act**”) becoming effective (see our [newsletter](#)), there had not been any precedent case indicating that the Sub-Ing-Sithi right had been established. This was due to the secondary laws under the Sub-Ing-Sithi Act enabling the implementation of the Sub-Ing-Sithi Act not having been issued. In November and December of 2020, the Ministry of Interior of Thailand finally issued the secondary laws under the Sub-Ing-Sithi. Those secondary laws include:

- 1) Ministerial Regulation on the Establishment and the Cancellation of Sub-Ing-Sithi, Juristic Act in relation to Sub-Ing-Sithi, the Issuance of a Sub-Ing-Sithi Certificate, the Issuance of a Sub-Ing-Sithi Certificate Replacement and the Revocation of a Sub-Ing-Sithi Certificate B.E. 2563 (2020) issued on 18 November 2020;
- 2) Ministerial Regulation on the Fees and Costs associated with Sub-Ing-Sithi B.E. 2563 (2020) issued on 18 November 2020; and
- 3) Department of Land Regulation on the Registration in relation to the Establishment and the Cancellation of Sub-Ing-Sithi and the Issuance of a Sub-Ing-Sithi’s Certificate pursuant to the law of Sub-Ing-Sithi B.E. 2563 (2020) issued on 7 December 2020.

(Collectively, the “**Secondary Laws**”)

The Secondary Laws mainly provide guidelines to the relevant authority under the Sub-Ing-Sithi Act as well as persons who desire to create a right under the Sub-Ing-Sithi Act (i.e. establishing a Sub-Ing-Sithi right) on how they are able to proceed with establishing their right. This includes information on what are the application forms to establish the Sub-Ing-Sithi right, how the relevant authority inspects an application form submitted in order to establish the Sub-Ing-Sithi right and issues the Sub-Ing-Sithi Certificate upon completion of such inspection.

After the Secondary Laws become effective, it is expected that rights under the Sub-Ing-Sithi Act will be created in the real estate market in Thailand.

If you would like to discuss any of the legal implications of the matters discussed above, please contact the authors listed in the right-hand column.

#### Key Contacts



Tananan Thammakiat  
TEL + 66-2-009-5000 Ext. 3202  
[tananan.t@mhm-global.com](mailto:tananan.t@mhm-global.com)



Tanyamai Thanissranont  
TEL + 66-2-009-5000 Ext. 3202  
[tanyamai.t@mhm-global.com](mailto:tanyamai.t@mhm-global.com)

#### CHANDLER MHM

Chandler MHM Limited  
36th Floor, Sathorn Square  
Office Tower  
98 North Sathorn Road  
Silom, Bangrak, Bangkok 10500  
Thailand  
[www.chandlermhm.com](http://www.chandlermhm.com)