

Foreigners Excluded from Agricultural Land Leases in Thailand

The Agricultural Land Lease Act B.E. 2524 (A.D. 1981) as amended recently by the Agricultural Land Lease (No. 2) B.E. 2559 (A.D. 2016) (the "**Law**") prohibits foreigners from leasing agricultural land in Thailand effective from 30th April 2016.

Under Section 5/2 of the Law, the definition of foreigners includes foreign individuals and juristic entities whose at least 25% of the capital is owned by a foreign person. This however does not include foreigners who have been granted investment promotion under the investment promotion law.

The Law does not contain any grandfathering clause. Existing agricultural land leases by foreigners are granted a period of three years to comply with the Law.

The violation of the Law is punishable by jail terms and fines in accordance with Section 65/1 and 65/2 of the Law. The lessor is liable for a maximum jail term of three months and a maximum fine of THB500,000 while the foreign lessee is liable for a jail term ranging from three months to three years and a fine between THB200,000 to THB1,000,000.



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