

**The Marriage Code of Thailand**  
**(The Civil and Commercial Code of Thailand, Book 5)**  
**Chapter I: Betrothal, Chapter II: Conditions of Marriage and Chapter III:**  
**Relationship of Husband and Wife**

**Chapter I: Betrothal**

**Section 1435.** A betrothal can be effected only when the man and woman have reached and concluded their seventeenth year or age.

The betrothal contrary to the provisions of paragraph one is void.

**Section 1436.** If a minor will conclude a betrothal, the consent of the following persons is required:

1. His or her parents, in case both of his or her father and mother are still alive;
2. His or her parent, in case his or her father or mother died, or is in a position or state of being unable to give consent, or is in a situation that make the minor unable to ask for such consent;
3. His or her adoptor, in case the minor is an adopted child;
4. His or her guardian, in case there is not person giving consent under (1), (2) and (3), or such person is deprived of parental power.

A betrothal completed by the minor without the said consent is voidable.

**Section 1437.** Betrothal is not valid until the man gives or transfers the property which is **Khongman** to the woman as proof that the marriage shall take place.

The **Khongman** shall become the property of the woman after the betrothal has taken place.

**Sinsod** is property given on behalf of the man to the parents, adoptor or guardian of the woman, as the case may be, in return for the woman agreeing to marry. If the marriage does not take place due to a cause related mainly from the woman or on account of any circumstances that make the woman responsible therefore and make the marriage unsuitable for the man or make the man unable to marry that woman, the man can claim the return of the

**Sinsod.**

The provisions of Section 412 to Section 418 of this Code on undue enrichment shall apply to the return of the **Khongman** or **Sinsod** under this Chapter, *mutatis mutandis*.

**Section 1438.** Betrothal does not allow grounds for an action for compulsory performance of the marriage. An agreement to pay the penalty in case of breach of the betrothal contract is void.

**Section 1439.** After the betrothal has occurred, if either party commits a breach of the betrothal agreement, such party shall be liable to dispense compensation. In case the woman commits a breach of the betrothal agreement, the **Khongman** shall also be returned to the man.

**Section 1440.** Compensation may be claimed as follows:

1. For injury caused to the body or reputation of the man or woman
2. For appropriate expenses or debt incurred in good faith by the betrothed, his or her parents or a person acting in the capacity of his or her parents in preparation for the marriage;
3. For damage suffered by the man or woman by having taken appropriate measures affecting his or her property or other affairs relating to his or her occupation or earning in expectation of the marriage.

In case where the woman is entitled to the compensation, the Court may determine that the **Khongman** which has become her property is the whole or a part of compensation she will receive, or the Court may order for payment of the compensation without regard to **Khongman** that has become the property of the woman.

**Section 1441.** Where one of the betrothal dies prior to the marriage, there shall be no claim for compensation. As for the **Khongman** or **Sinsod**, it need not be returned by the woman or on the part of the woman, irrespective of the death of either party.

**Section 1442.** In case where there is a vital event happening to the betrothed woman that causes the marriage to the woman to be unsuitable, the man is entitled to renounce the betrothal agreement and the woman shall return the **Khongman** to the man.

**Section 1443.** In case where there is a vital event happening to the betrothed that makes the marriage to the man unsuitable, the woman is entitled to renounce the betrothal agreement and the **Khongman** need not be returned to the man.

**Section 1444.** If the ground that makes the one betrothed renounce the betrothal contract is the gross misconduct of the other taken place after the conclusion of the betrothal, the betrothed who had committed the gross misconduct shall be liable to provide compensation to the other who has exercised his or her right to renounce the betrothal contract as if the former had committed a breach of the betrothal contract.

**Section 1445.** A man who is betrothed to a woman may, after the betrothal contract having been renounced under the Section 1442, demand compensation from any man who has had sexual intercourse with the woman and has known or should have known of her betrothal.

**Section 1446.** A man who is betrothed to a woman may, without requiring him to renounce the betrothal agreement, demand compensation from any man who has had sexual intercourse or attempted to have sexual intercourse with the woman against her will, and the fact that the woman had been betrothed has been known or ought to have been known to him.

**Section 1447.** The Court shall determine the compensation claimed under this Chapter in light of the circumstances.

The claim under this Chapter, except the one in Section 1440(2), cannot be transferred or inherited unless such claim has been acknowledged in writing or the action for compensation has been entered by the injured person.

**Section 1447/1.** The prescription for the claim for compensation under Section 1439 shall be six months from the date of the breach of the betrothal contract.

The prescription for the claim for compensation under section 1444 shall be six months from the day when the commission of gross misconduct which is the cause of renunciation of the betrothal agreement is known or should have been known to the other betrothed, but not later than five years from the date of the said commission.

The prescription for the claim for compensation under Section 1445 and Section 1446 shall be six months from the day when the man betrothed knows or should have known the commission of any other man which is the cause of the claim and the person bound to

provide the compensation is known, but not later than five years from the date of such commission.

**Section 1447/2.** The prescription for the claim for return of the **Khongman** under Section 1439 shall be no earlier than six months from the date of denunciation of the betrothal agreement.

The prescription for the claim for return of the **Khongman** under Section 1442 shall be no earlier than six months from the date of denunciation of the betrothal agreement.

## **Chapter II: Conditions of Marriage**

**Section 1448.** A marriage can occur only when the man and woman have finished their seventeenth year of age. But the Court may, in case of having appropriate reason, permit them to marry before attaining such age.

**Section 1449.** A marriage cannot occur if either the man or woman is an insane person or adjudged incompetent.

**Section 1450.** A marriage cannot occur if the man and woman are blood relations in the direct ascendant or descendant line, or brother and sister of full or half blood. The said relationship shall be in accordance with blood relation without regard to its legitimacy.

**Section 1451.** An adopter cannot marry the adopted.

**Section 1452.** A marriage cannot occur if the man or woman is already married to another person.

**Section 1453.** In case of the woman whose husband died or whose marriage has been terminated, the marriage can only occur if no less than three hundred and ten days have elapsed since the termination of her previous marriage; unless

1. A child has been born during this period
2. The divorced couple remarry
3. There is a certificate issued by a qualified doctor who is a lawful physical practitioner in medicine showing that the woman is not pregnant;
4. There is an order of the Court granting permission for the woman to marry.

**Section 1454.** In case of marriage of a minor, the provisions of Section 1436 shall apply *mutatis mutandis*.

**Section 1455.** Providing consent that the marriage may be made:

1. By written signature of the person providing consent in the Register at the time of registration of the marriage;
2. By a consent document stating the names of the parties to the marriage and signed by the person providing consent;
3. By verbal declaration before at least two witnesses in case of necessity.

The consent having been given cannot be revoked.

**Section 1456.** In case where there is no person possessing the power to provide consent under Section 1454, or if the person refuses to provide consent or is in the position of being unable to provide consent, or the minor cannot, in such circumstances, ask for the consent, the minor may file an application with the Court to provide consent for the marriage.

**Section 1457.** Marriage under this Code shall be effected only on registration being submitted.

**Section 1458.** A marriage can occur only if the man and woman agree to take each other as husband and wife, and such agreement must be stated publicly before the Registrar in order to have it recorded by the Registrar.

**Section 1459.** A marriage in a foreign country between Thai people or between a Thai and a foreigner may be enacted according to the form prescribed by Thai law or by the law of the country where it takes place.

If the spouses would like to have the marriage registered according to Thai law, the registration shall be effected by a Thai Diplomatic or Consular Officer.

**Section 1460.** In case where there exists unique circumstances that cause the marriage registration by the Registrar unable to be effective because either or both of the man and woman were in imminent danger of death or in the state of armed conflict or war, if a statement of intention to marry has been made by the man and woman before a person of sui juris living there, who would have noted down as evidence such intention, and if the registration of marriage between the man and woman was effected thereafter not later than

ninety days as from the date of first possible opportunity to apply for registration of marriage with providing the evidence of the intention in order to have the date and place of statement of intention to marry and the unique circumstances recorded by the Registrar in the Marriage Register, the day on which statement of intention to marry has been made to the said person shall be deemed as the date of registration of marriage.

The provisions of this Section shall not apply to the marriage that is void if it should take place on the date of statement of intention.

### **Chapter III: Relationship of Husband and Wife**

**Section 1461.** Husband and wife shall cohabit as husband and wife. Husband and wife shall provide for and support each other according to his or her ability and condition in life.

**Section 1462.** Where the physical or mental health or happiness of either spouse is greatly imperiled by continuance of cohabitation, the spouse so imperiled may apply to the Court for authorization to live separately while the danger persists; and in such case, the Court may order such amount of maintenance to be provided by one of the spouses to the other as may be proper according to the situation.

**Section 1463.** If one of the spouses is adjudged incompetent or quasi-incompetent, the other becomes guardian or curator by operation of law. But on application of any interested individual or Public Prosecutor, the Court may on substantial grounds, appoint another person as guardian or curator.

**Section 1464.** If one of the spouse becomes insane, irrespective of whether he or she has been adjudged incompetent or not, and the other fails to provide proper care to the insane spouse under Section 1461 paragraph two, does or fails to do any thing to the extent that it puts the insane spouse into the position which is likely endangering the latter's body or mind, or causing any undue loss to the latter's property, the persons as specified in Section 28 or the guardian may enter an action against the other claiming maintenance for the insane spouse, or apply for any order of the Court for protection of the insane spouse.

If, in case of entering the action for maintenance under paragraph one, no order has yet been provided to effect the insane spouse to become an incapacitated person, an application shall be submitted to the Court in the same case for an order effecting such insane spouse to be an

incapacitated person and to appoint the applicant himself or herself as the guardian. If such order effecting the incapacitated person or the insane spouse has been given, an application for removal of the old guardian and appointment of a new one can be submitted.

In applying for any order of the Court for protecting the insane spouse without claiming maintenance, the applicant may not ask the Court to order effecting the insane spouse to be an incapacitated person or to change the guardian. If the measures for protection as requested, in the opinion of the Court, requires an appointment or change of the guardian, the Court shall firstly give an order effecting the carrying out of similar activities as provided in paragraph two, and then issue a protection order as it is deemed suitable.

Section 1464/1. During the Court trial under Section 1464, the Court may, upon request, determine any temporary measures having to do with the maintenance or protection of the insane spouse as it is deemed suitable. If it is a case of emergency, the provisions on the request in case of emergency under the Civil Procedure Code shall apply.

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