ADMINISTRATIVE LITIGATION ACT

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English Translation[1]

Translated by
Dennis Te-Chung Tang, S.J.D.
Academia Sinica, Taipei, Taiwan
National Taiwan University, Taipei, Taiwan

PART I GENERAL PROVISIONS

CHAPTER I Matters Subject to Administrative Litigation

Article 1 The Administrative Litigation Act is enacted for the purpose of protecting the rights of the people, ensuring the legitimate exercise of the government's administrative powers, and enhancing judicial efficacy.

Article 2 For disputes arising under public law, unless expressly provided otherwise by other statutes, administrative litigation may be initiated pursuant to this Act.

Article 3 The "administrative litigation" mentioned in the immediately preceding Article refers to actions for revocation, declaration, and effecting payments.

Article 4 Where a person's rights or legal interestsare infringed upon through an unlawful administrative act by a central or local government agency, at and the person disagrees with the decision rendered by the administrative appeal instituted in accordance with the Administrative Appeal Act, or if no decision has been rendered within three months after initiating the appeal nor during the two-month extension

[1] Translators' note: This translation is for informational purposes only and does not represent the binding law of the Republic of China. The binding law appears only in the Chinese version.

thereafter, such a person may initiate an action for revocation in the high administrative court.

Administrative acts which are beyond the scope of the powers conferred upon it by law or which have resulted in an abuse of power shall be deemed unlawful.

A person with substantial interest other than the party initiating the administrative appeal referred to in the first Section of this Article may initiate an action for revocation in the high administrative court if such a person's rights or legal interests are infringed upon by the decision rendered in the appeal.

Article 5 A person suffering damages to his rights or legal interests due to the failure of a central or local government agency to act when it should have acted in the legally prescribed period in response to an application duly submitted by said person in accordance with the law, and having exhausted the recourse of administrative appeal, may initiate an action in the high administrative court to order said agency to take an administrative act of specific content.

A person suffering damages to his rights or legal interests due to a dismissal by a central or local government agency of an application duly submitted by the person in accordance with the law, and having exhausted the recourse of administrative appeal may initiate an action in the high administrative court to order said agency to take an administrative act or an administrative act of specific content.

Article 6 No actions for a declaration of the nullity of an administrative act or for a declaration of whether a certain legal relation under public law does or does not exist shall be initiated, unless the plaintiff has a legal interest in obtaining said declaratory judgment. The same shall apply to the initiation of an action for a declaration of the illegality of an administrative act which was previously executed or vitiated due to other reasons.

An action for a declaration of the nullity of an administrative act may be initiated only when there has been a denial of a petition for the declaration of the nullity of an act by the government agency which initially created the act or when no response has been heard within thirty (30) days after said petition was filed.

No actions for a declaration regarding whether a certain legal relation

under public law does or does not exist may be initiated when the plaintiff is entitled to initiate an action for revocation.
With respect to an action for declaration, the high administrative court shall have jurisdiction for the first instance of trial.
Should an action for declaration of the nullity of an administrative act be erroneously initiated, in place of initiating an action for revocation, and had the case not gone through an administrative appeal before such litigation was brought to the court, the high administrative court shall by order transfer the proceedings to the government agency which has jurisdiction over the administrative appeal for said case; the initiation of the administrative appeal shall be deemed enacted upon the receipt of the order by the high administrative court.

Article 7 When initiating administrative litigation, requests for both damage awards and payment for other property interests may be consolidated in a single proceeding.

Article 8 An action for effecting payments with respect to payments in property interests due to certain reasons arising from the public law, or for payments in non-property interests other than a petition for taking an administrative act, may be initiated by a person against a central or local government agency. The same shall apply to payments arising from public law contracts.
Where a judgement in an action for effecting payments initiated in accordance with the preceding Section of this Article shall depend upon whether an administrative act is to be revoked, [the plaintiff] shall request said payments simultaneously with the initiation of an action for revocation in accordance with Article 4, Sections 1 or 3. The presiding judge shall inform the plaintiff of this right should the plaintiff not have included such a payment request in the plea.
Unless provided otherwise, with respect to any action for effecting payments, the high administrative court shall have jurisdiction for the first instance of trial.

Article 9 A person acting on behalf of public interests, may initiate administrative litigation against an unlawful action by an administrative government agency with respect to matters which do not concern his or her own personal rights or legal interests. However,

said litigation may be initiated only when it is expressly provided by law.

Article 10 Administrative litigation may be initiated in accordance with this Act for disputes arising from elections and recalls, except as provided otherwise in other statutes.

Article 11 With respect to the proceedings mentioned in the two immediately preceding Articles, depending upon their nature, the provisions concerning actions for revocation, declaration, or effecting payments shall apply where appropriate.

Article 12 Where a court decision in a civil or criminal suit is based upon whether the underlying administrative act is null or unlawful, this preliminary issue shall be decided via administrative litigation.
When administrative litigation as referred to in the preceding Section has commenced, the civil or criminal court shall suspend its trial proceedings until the administrative litigation [on the matter in question] is concluded.

CHAPTER II ADMINISTRATIVE COURTS

Subchapter 1 Jurisdiction

Article 13 Litigation against a public legal entity shall be subject to the jurisdiction of the administrative court presiding over the district in which the office of the public legal entity is located. Litigation against an agency of a public legal entity shall be subject to the jurisdiction of the administrative court presiding over the district in which the agency of said legal entity is located.
Litigation against a private legal entity or any corporate body which is legally competent to be a party in the litigation shall be subject to the jurisdiction of the administrative court presiding over the district in which the principal office or principal business establishment of the given legal entity or corporate body is located.
Litigation against a foreign legal entity or any foreign corporate body which is legally competent to be a party in the litigation shall be subject to the jurisdiction of the administrative court presiding over the

district in which the principle office or principle business establishment of the given legal entity or corporate body in the Republic of China is located.

Article 14 Litigation other than that referred to in the preceding Article shall be subject to the jurisdiction of the administrative court presiding over the district in which the defendant has his domicile. In cases where the administrative court is unable to exercise its vested powers, the proceedings shall be subject to the jurisdiction of the administrative court presiding over the district in which the defendant has his domicile.

In the event that a defendant currently has no domicile in the Republic of China, or his domicile is unascertainable, his place of residence in the Republic of China shall be deemed his domicile; in the event that the defendant has no place of residence or his place of residence is unascertainable, the place of his last known domicile in the Republic of China shall be deemed his domicile; where the defendant has no such last known domicile, the location of the central government shall be deemed the place of his final domicile.

Litigation arising from an incident which occurred at the place of the defendant's residence may be subject to the jurisdiction of the administrative court presiding over the district in which the defendant maintains his residence.

Article 15 For a litigation involving rights or legal relationships with respect to certain real property arising from public law, the administrative court presiding over the district in which such real property is located shall have exclusive jurisdiction.

Article 16 In any of the following circumstances, the Supreme Administrative Court shall designate jurisdiction upon a petition by a party or at the request of the administrative court presiding over the proceedings:

1. The administrative court of jurisdiction is unable to exercise its power of adjudication due to legal or factual circumstances;
2. The court of jurisdiction is unascertainable due to the obscurity of jurisdictional boundaries; or
3. Public safety may be threatened or there is serious doubt as to the impartiality of the proceedings due to extraordinary circumstances,

if the proceedings are adjudicated by the administrative court of jurisdiction.

The petition as referred to in the immediately preceding Section may be directed to the administrative court presiding over the proceedings or to the Supreme Administrative Court.

Article 17 Determination of the jurisdiction of the administrative court shall be made at the time when the litigation is initiated.

Article 18 The provisions of Articles 3, 6, 15, 17, 20 through 22, and 28 through 31 of the Civil Procedure Act shall apply to this Subchapter where appropriate.

Subchapter 2 Recusal of Judges

Article 19 In any of the following circumstances, a judge shall recuse himself, of his own accord, from performing his duties:

1. One or more of the situations described in Items (1) through (6) of Article 32 of the Civil Procedure Act occurs;
2. The judge has taken part in the decision-making of the administrative act or the decision of the administrative appeal with respect to the pending proceedings matter in a central or local government agency;
3. The judge has taken part in the adjudication of the civil or criminal matters that have a binding nexus to the pending proceedings matter;
4. The judge has taken part in the decision regarding disciplinary measures against public functionaries which has a binding nexus to the pending proceedings matter;
5. The judge has taken part in the adjudication of the trial of prior instance of the pending proceedings matter, or in the original adjudication of the pending proceedings matter prior to the remand of the same; or
6. The judge has taken part in the adjudication of the pending proceedings matter prior to its remand for re-trial. However, no more than one such recusal shall be permitted.

Article 20 The provisions of Articles 33 through 38 of the Civil Procedure Act, except those related to the period of appeal against court orders prescribed in Article 36, shall apply where appropriate, to this Subchapter.

Article 21 The provisions in the immediately preceding two Articles shall apply where appropriate, to court clerks and interpreters.

CHAPTER III PARTIES

Subchapter 1 Capacity to be a Party and to Bring Proceeding

Article 22 A natural person, a legal entity, a central or local government agency, and a corporate body having no juristic personality, each shall have the capacity to be a party.

Article 23 The parties to administrative litigation shall be referred to as the plaintiff, the defendant, and those intervening in the litigation pursuant to Articles 41 and 42 of this Act.

Article 24 With respect to administrative litigation initiated following an administrative appeal, the defendant shall be the following government agency:

1. The agency effected the original administrative act when the administrative appeal was dismissed; or

2. The agency effected the last revocation or alteration where the original administrative act or decision was revoked or altered.

Article 25 A person initiating administrative litigation against a corporate body or an individual which has been mandated to exercise administrative authority over the mandated matter shall have said mandated corporate body or individual as a defendant

Article 26 Where a defendant government agency has been abolished or reorganized, the government agency which assumes the responsibilities for the affairs of said abolished or reorganized government agency shall be the defendant government agency; where no succeeding government agency assumes the responsibilities for the affairs of the

abolished or reorganized government agency, its immediately superior government agency shall be the defendant.

Article 27 A person capable of independently incurring liabilities and obligations by his or her juristic acts, shall have the proceeding capacity.
A juristic person, a central or local government agency, or a corporate body having no juristic personality, shall effect proceeding acts via its representative or administrator on its behalf.
The provision of the immediately preceding Section shall apply, where appropriate, to an agent authorized by law or regulations to effect proceeding acts.

Article 28 The provisions of Articles 46 through 49, and Article 51 of the Civil Procedure Act, shall apply, where appropriate, to this Subchapter.

Subchapter 2 Selection of Parties

Article 29 A group of persons sharing common interests may select from among the group one to five persons to sue or be sued on behalf of the group.
Where the litigation target pursued by a group of persons sharing common interests is only cognizable as a unified action and thus shall be jointly decided , and where the selection of party(ies) has not been made in accordance with the immediately preceding Section, the administrative court may order said selection to be made within a specified time period; where no selection is made within the specified time period, the administrative court may, pursuant to powers vested in its office, designate said selection.
When the party or parties to litigation are selected or designated after the action is filed, the other party or parties shall then be dismissed from the litigation.

Article 30 After a party or parties to litigation have been selected or designated by the administrative court pursuant to powers vested in its office, a group of persons sharing common interests may, upon the unanimous agreement of the members of the group, replace, add to, or dismiss selected or designated party or parties from the litigation.
When necessary, the administrative court having designated a party or parties to litigation pursuant to Section 2 of the preceding Article may replace, add to, or dismiss a designated party or parties pursuant to the

powers vested in its office.

Where replacement of, addition , or dismissal of the party or parties has been effected in accordance with the provisions of the immediately preceding two Sections, the originally selected or designated party or parties to the litigation shall lose their status as party or parties to the litigation.

Article 31 When one or more of the selected or designated party or parties lose their status due to death or other causes, the remaining selected or designated party or parties may act with respect to the litigation on behalf of all (persons within the group).

Article 32 The opposing party in the litigation shall be notified of the selection or designation of the party or parties to the litigation, as well as the replacement(s) or addition/deletion of their members thereof in accordance with Articles 29 and 30.

Article 33 Unless unanimously agreed upon by the entire group, the selected party or parties may not waive any right, yield to any claim, withdraw [from the entirety or a portion] of the litigation, or enter into any settlement. However, where the litigation target pursued by a group of persons sharing common interests is cognizable and can be decided separately, and where there is an unanimous agreement among persons within the group who originally selected the party or parties, a partial withdrawal or settlement of the litigation shall not be subjected to the restrictions (prescribed in the preceding Sentence).

Article 34 The selection of the party or parties to litigation, or the replacement(s), addition/deletion of the members thereof, shall be evidenced in writing.

Article 35 A legal entity with the public interest as its object and within the scope of the objectives as defined in its charter, where the majority of its members have common interests, concerning certain specific legal relations, and where the legal entity is empowered to effect proceeding acts, may initiate litigation for the public interest.

The provisions of the immediately preceding Section shall apply, where appropriate, to a corporate body having no juristic personality

but having the public interest as its object.

The empowerment of effecting the proceeding act referred to in the immediately preceding two Sections shall be evidenced in writing.

The provisions of Article 33 shall apply, where appropriate, in the case of a legal entity as referred to in Section 1 of this Article, as well as in the case of a corporate body having no juristic personality as referred to in Section 2 of this Article.

Article 36 The Provisions of Articles 48 and 49 of the Civil Procedure Act shall apply, where appropriate, to this Subchapter.

Subchapter 3 Joint Proceedings

Article 37 Under any of the following circumstances, two or more persons may become co-parties, to sue or be sued jointly:

1. Where the administrative act which was the litigation target was effected jointly by two or more government agencies;
2. Where the rights, duties, or legal interests serving as the litigation targets are jointly shared by these persons; or
3. Where the rights, duties, or legal interests are the litigation targets arising from the same question(s) of fact or law, or question(s) of fact or law of the same nature.

A joint proceeding based on questions of fact or law of the same nature, as referred to in the third Item of the immediately preceding Section, shall not be initiated unless the domiciles or residences, offices, government agencies, principle offices or business establishments of the defendants are within the competent jurisdictional district of a single administrative court.

Article 38 In an action with co-parties, any proceeding act by one of the co-parties, or any act taken by the opposing party against one of the co-parties, or any matters related to one of the co-parties, unless otherwise provided, shall not effect the remaining co-parties.

Article 39 Whenever the litigation target with respect to each of the co-parties is only cognizable as a unified action and thus shall be jointly decided , the provisions in the following Items shall apply:

1. Where acts taken by one of the co-parties are favorable to other

co-parties, they are effective with respect to all of the co-parties; but where such acts are unfavorable, they are ineffective with respect to all co-parties.

2. Acts taken by the opposing party with respect to one of the co-parties shall be effective with respect to all co-parties.

3. Whenever one co-party is subject to suspension in a proceeding, either as matter "of course" or by court order, the effect of said suspension shall extend to all parties.

Article 40 Each of the co-parties is entitled to resume the litigation proceedings. Whenever the administrative court sets a date [for such proceedings], all of the co-parties shall be notified to appear on said date.

Subchapter 4 Intervention

Article 41 Where the litigation target is only cognizable as a unified action and thus shall be jointly decided with respect to a third party and one of the parties to the litigation, the administrative court shall order said third party to intervene in the litigation.

Article 42 Whenever a court determines that the outcome of an action for revocation will injure the rights or legal interests of a third party, the court may, pursuant to powers vested in its office, order said third party to intervene independently in the litigation; the court may also permit by a ruling said third party to intervene upon its petition.

Provisions in the third Item of Article 39 shall apply, where appropriate, as an intervention as described in the immediately preceding Section. Said intervening party may submit claims and/or defenses independently.

Provisions in the immediately preceding two Sections shall apply, where appropriate, to other types of administrative litigation.

After the appellant in an administrative appeal has initiated an action for revocation in the high administrative court, the fact that a person with related interests initiates litigation based on the same cause shall be deemed as an intervention prescribed in Section 1 of this Article.

Article 43 A third party petitioning to intervene in accordance with the immediately preceding Article shall submit its written petition to the

administrative court in which the proceeding is in which intervention is sought, setting forth the following particulars:

1. The proceeding in which intervention is sought and the names of the parties;

2. A description of how the rights or legal interests of the intervening party will be injured by the outcome of the action for revocation; and

3. A statement on the party's willingness to intervene.

The administrative court shall dismiss said petition through a ruling if it determines that the petition described in the immediately preceding Section does not meet the requirements prescribed in the immediately preceding Article.

A ruling as referred to in the immediately preceding Section may be appealed.

Before a ruling dismissing an intervention becomes irrevocable, the intervening party is entitled to effect proceeding acts.

Article 44 Whenever an administrative court determines that it is necessary for another administrative agency (or agencies) to assist one of the parties in the litigation, the court may order said agency (or agencies) to intervene.

The administrative agency mentioned in the preceding Section, or a third party having a related interest thereof, may also petition for intervention.

Article 45 An order requiring intervention shall indicate the ongoing stage of the litigation and the grounds for ordering said intervention, which shall be served to all parties in the litigation.

Prior to issuing a ruling as referred to in the immediately preceding Section, the administrative court shall request each of the parties in the litigation or the third party to state its grounds for intervention in either a written or oral statement.

No objection may be made to a ruling ordering intervention in a proceeding.

Article 46 The provisions in Article 39 shall apply, where appropriate, to an intervention as prescribed in Article 41.

Article 47 A court decision shall be binding upon a person who failed to intervene after having been ordered or given permission to intervene by the administrative court pursuant to the provisions of Articles 41 and 42.

Article 48 The provisions in Articles 59 through 61 and Articles 63 through 67 shall apply, where appropriate, to the interventions prescribed in Article 44.

Subchapter 5 Agents Ad Litem and Assistants

Article 49 A party to administrative litigation may appoint an agent ad litem to effect proceeding acts on its behalf. However, the number of agents ad litem appointed by each party may not exceed three.

In administrative litigation, the agent ad litem shall be an attorney-at-law. A person who is not an attorney-at-law may nonetheless be an agent ad litem provided said person meets one of the following criteria:

1. The person has obtained qualifications pursuant to relevant statutory provisions to act as an agent ad litem with respect to matters in the proceeding;

2. The person possesses expertise related to the matters under dispute;

3. The person is an agent ad litem by reason of certain employment responsibilities; or

4. The person is related by blood or marriage to one of the parties.

The court may enjoin the agent ad litem as described in Items 2 and 4 of the immediately preceding Sections from acting as such in the event that representation by said agent ad litem is deemed improper by the court.

Article 50 An agent ad litem shall present a power of attorney immediately prior to his or her engagement in the proceeding, unless he or she is orally appointed by the party and said oral appointment is stipulated in the court transcript by the court clerk.

Article 51 With respect to the matter for which he or she is appointed, an agent ad litem may perform all proceeding acts. However, an agent ad litem may not waive any right, withdraw from the litigation, enter into any

settlement, file a counter-claim, appeal, file a petition for re-trial or appoint an agent , unless said agent ad litem has been specifically authorized to do so.

The proviso in the immediately preceding Section shall apply, where appropriate, to acts in compulsory execution proceedings and the receipt of the object in dispute.

Any restrictions placed upon the authority of an agent ad litem referred to in Section 1 of this Article , shall be expressly stated in the power of attorney or the court transcript mentioned in the immediately preceding Article.

Article 52 Whenever there are more than two agents ad litem, any one of them may act independently on behalf of the party.

An agent ad litem appointed in violation of the provisions of the immediately preceding Section may nevertheless act independently on behalf of the principal.

Article 53 The authority to act as an agent ad litem is not terminated upon the principal's death, bankruptcy, or loss of the proceeding capacity, nor upon a change of the statutory agent, nor upon the abolishment or reorganization of the government agency concerned.

Article 54 A termination of agency ad litem shall be submitted to the administrative court in writing, and the court shall serve the opposing party with a copy of the written termination.

In the event that the agency ad litem is terminated by the agent, the agent shall nevertheless perform all proceeding acts necessary for the protection of the rights of the principal for a period of fifteen (15) days following the manifestation of the intent to terminate the agency.

Article 55 Upon permission granted by the administrative court, the party or the agent ad litem may appear in court accompanied by an assistant on the scheduled dates.

Whenever it is deemed necessary by the administrative court, the court may order the party or the agent ad litem to be accompanied by an assistant for court appearances.

With respect to the assistant mentioned in the two preceding Sections, the administrative court may, as deemed appropriate, revoke its

permission or enjoin said assistant from further participation in the proceedings.

Article 56 The provisions in Articles 72, 75, and 77 of the Civil Procedure Act shall apply, where appropriate, to this Subchapter.

CHAPTER IV PROCEDURES

Subchapter 1 Written Statements of the Parties

Article 57 The written statement submitted by a party, except where it is provided otherwise, shall specify the following particulars:

1. The party's full name, gender, age, identification number, occupation, and domicile or place of residence; in the event that the party is a legal entity, government agency, or other corporate body, its name, location, and the place of its office or business establishment;

2. When there is a statutory agent, representative, or administrator, his or her full name, gender, age, identification number, occupation, domicile or place of residence, and his or her relationship to the legal entity, government agency, or corporate body;

3. Where there is an agent ad litem, his or her full name, gender, age, identification number, occupation, domicile or place of residence;

4. A statement of allegations;

5. A statement pertaining to facts or law;

6. Evidentiary items to be used as proof or as prima facie evidence;

7. Annexed documents and the number of said documents;

8. The specific administrative court (to which the written statement is to be submitted); and

9. The date of submission (day, month, and year).

Article 58 The parties, statutory agents, representatives, administrators, or agents ad litem shall sign his or her name or affix his or her seal on the written statement; in cases where the fingerprints of the aforementioned persons are used in lieu of his or her signature, a second person shall write the person's name on the written statement on said person's behalf and state the reasons therefor, and this second person shall also

sign his or her own name thereto.

Article 59 The provisions in Articles 118 through 121 of the Civil Procedure Act shall apply, where appropriate, to this Subchapter.

Article 60 Any allegations or statements in reference to the litigation not made in the course of oral arguments, except those which must be submitted in written form under this Act, may be made orally before the administrative court clerk.

In cases as referred to in the immediately preceding Section, the administrative court clerk shall record said statements in the court transcript and sign his or her name thereon.

With respect to the court transcript referred to in the immediately preceding Section, the provisions of Article 57 of this Act and Articles 118 through 120 of the Civil Procedure Act shall apply, where appropriate.

Subchapter 2 Service of Process

Article 61 Except where provided otherwise, a clerk of the administrative court shall, pursuant to powers vested in his or her office, effect service of process.

Article 62 To effect service of process, the clerk of the administrative court shall deliver the relevant documents to the process-server or the Post Office which shall serve the process.

Whenever the service of process is effected by the Post Office, the postal carrier shall be the process-server; the implementation regulations hereof shall be promulgated jointly by the Judicial Yuan and the relevant government agencies.

Article 63 An administrative court may request the high administrative court presiding over the district in which process is to be served to effect the service; whenever necessary, the administrative court may also request the district court presiding over the district in which process is to be served to effect the service.

Article 64 Whenever process is to be served on a person having no proceeding capacity, service shall be effected upon said person's statutory agent.
Whenever process is to be served on a legal entity, central or local government agency, or corporate body having no juristic personality, service shall be effected upon its representative or administrator.
Whenever there are two or more statutory agents, representatives, or administrators, it is permissible to serve process on only one of them.
When a person having no proceeding capacity is a party to litigation, and said person has not reported his or her statutory agent to the administrative court, the administrative court may serve process on said person prior to the rectification of such an omission.

Article 65 Whenever service of process is to be effected upon a foreign legal entity or corporate body having an office or business establishment in the Republic of China, said process shall be served on its representative or administrator in the Republic of China.
Whenever there are two or more representatives or administrators as referred to in the immediately preceding Section, it shall be permissible to serve process on only one of them.

Article 66 Unless and to the extent that his or her authority to be served is so restricted, process shall be served on the agent ad litem. However, if deemed necessary by the presiding judge, he or she may order service of process upon the principal directly.

Article 67 When a party or its agent designates a receiver for service of process, and notifies the administrative court of such, service of process shall be effected upon said receiver. However, when deemed necessary by the presiding judge, he or she may order service of process upon the principal directly.
When a party or its agent does not have a domicile or place of residence, an office, or a business establishment within the district in which the administrative court presiding over the proceedings concerned is located, the presiding judge may order the party or its agent to designate a receiver for service of process within a specified time period.
Whenever a receiver for service of process has not been designated and reported to the administrative court within the specified time period

mentioned in the immediately preceding Section, the clerk of the administrative court may report such facts to the presiding judge. Upon the judge's permission, the clerk may specify the domicile or place of residence, office, or business establishment of the party or his agent on the documents to be served, and deliver the documents to the Post Office for dispatch by registered mail. The time of the document delivery shall be deemed the time of service of process.

Article 68 Unless otherwise reported by a party or its agent, the designation and report to the administrative court of a receiver for service of process shall be effective with respect to all levels of administrative courts having jurisdiction over the same district.

Article 69 A party or its agent who does not have a domicile or place of residence, an office, or a business establishment within the Republic of China, shall designate a receiver for service of process and report to the administrative court presiding over the proceedings concerned.

Article 70 Whenever the party or its agent has not designated a receiver for service of process as prescribed in the immediately preceding Article, the administrative court may deliver the documents to be served to the Post Office for dispatch by registered mail.

Article 71 Service of process shall be effected on the domicile or place of residence, office, or business establishment of the person to be served. However, in the event that the person to be served is met (by the process-server) at a separate place, process shall be served at the separate meeting place.

When process is to be served upon the representative or administrator of a legal entity, a government agency, or a corporate body having no juristic personality, process shall be served to the office or business establishment of said legal entity or corporate body, or the place where the government agency is located. But whenever necessary, process may also be served at a (separate) place where such representative or administrator is met or upon the domicile or place of residence of said representative or administrator.

In the event that the person to be served process is employed at a certain location, the process may be served to the person at said

location.

Article 72 If service of process at the domicile or place of residence, office, business establishment, or location of government agency, of the person to be served is unsuccessful because the person to be served is not found therein, the documents to be served may be deposited with some other person dwelling in the same abode, an employee of the person to be served, or a co-host of the dwelling who is willing to receive service in place of the person to be served, provided that the other person, employee or co-host is of sound mind.

The person charged with receiving mail regularly at the place where process is to be served as described in the immediately preceding Article, shall be deemed a person dwelling in the same abode with, or an employee of, the person to be served as referred to in the immediately preceding Section.

In the event that the person dwelling in the same abode, the employee, the co-host of the dwelling, or the person charged with receiving mail regularly is the opposing party, the provisions of the two immediately preceding Sections shall not apply.

Article 73 In the event that process cannot be served in the manner as prescribed in either of the two immediately preceding Articles, as an alternative, the documents to be served may be deposited with a local self-governing body or policy office at the place of service; and two copies of service notification shall be prepared: one copy shall be posted on the door of the domicile or place of residence, office, or business establishment of the person to be served, and the other copy shall be delivered to a neighbor which is to be later given to the person to be served, or be deposited in the mailbox of the person to be served or in other appropriate places.

Where the process-server is a postal carrier, the documents (to be served) may be deposited with a nearby Post Office should the circumstances referred to in the immediately preceding Section apply.

The agency with which the documents to be served are deposited shall keep said documents for three months commencing from the day of the deposit.

Article 74 In the event that the person to be served refuses receipt of the served documents without legal grounds, said documents shall be deposited at the place of service as an alternative service delivery.
When there is difficulty in depositing the documents to be served in accordance with the immediately preceding Section, the provisions of the immediately proceding Article shall apply where appropriate.

Article 75 Unless effected by the Post Office , no service of process may be effected on Sundays or other holidays, or before sunrise or after sunset, unless permission for the same is granted by the presiding judge, the commissioned judge, the requested judge, the judge of the high administrative court, or the judge of the district court at the place of service. However, a service of process which has not been rejected by the person to be served shall not be subject to the restrictions referred to in the preceding Sentence.
The clerk of the administrative court shall indicate the permission as referred to in the immediately preceding Section in the documents to be served.

Article 76 Whenever an administrative court clerk delivers to the person to be served said served documents in the court itself, , the clerk shall order said person to present a receipt for the documents as an attachment to the court record.
Whenever process is served in accordance with the provisions in Section 3 of Article 67, the clerk of the administrative court shall prepare a certificate stipulating the facts, time, day, month, and year (of such service) for attachment to the record.

Article 77 Whenever process is to be served in a foreign nation or outside the territory of the Republic of China, a competent authority in that nation, or the ambassador, diplomatic minister, or consul of the Republic of China residing in that nation, or other officials of the Republic of China stationed abroad shall be requested to effect the service.
In the event that service cannot be effected in the manner prescribed in the immediately preceding Section, the administrative court may deliver the documents to be served to the Post Office for dispatch by registered mail.

Article 78 A service of process upon an ambassador, a diplomatic minister, a consul of the Republic of China, or other officials of the Republic of China stationed abroad shall be effected, upon request, by the Ministry of Foreign Affairs.

Article 79 A service of process upon a person who is serving in the army or warship at sea shall be effected, upon request, by a competent military authority or superior officers.

Article 80 A service of process upon a person in a jail or prison, shall be effected, upon request, by the competent officer of said jail or prison.

Article 81 In any of the following circumstances, the administrative court may, by petition or pursuant to powers vested in its office, effect service of process on the parties by public notice:

1. The place of service is unascertainable;

2. Service upon the domicile or place of residence, or office of a person who is entitled to extraterritorial privileges is futile; or

3. Service of process to be effected in a foreign nation cannot be effected in the manner as prescribed in Article 77 or a similar unsuccessful result is anticipated.

Article 82 Service of process by public notice shall take effect after twenty (20) days, commencing on the first day of the posting of the public notice or (service) notification on a bulletin board; and, in the case of publication (of the notice) in an official gazette(s) or newspaper(s), commencing on the last day of publication. A service of process effected by public notice in the manner described in Item 3 of the immediately preceding Section shall take effect after sixty (60) days (commencing on the notice's first date of publication). But in the event that service by public notice is to be repeatedly effected upon the same party, service shall take effect the day after posting the notice on a bulletin board.

Article 83 The provisions in Articles 126, 131, 135, 141, 142, 144, 148, 151 and 153 of the Civil Procedure Act shall apply, where appropriate, to this Subchapter.

Subchapter 3 Dates and Periods of Limitation

Article 84 Dates, unless prescribed otherwise, shall be set by the presiding judge pursuant to the powers vested in his or her office.

Dates, except in exceptional circumstances, may not be set on Sundays or other holidays.

Article 85 After the presiding judge sets the date (for a proceeding), the clerk of the administrative court shall prepare a summons and serve the same on the parties and those concerned in the litigation. In case the presiding judge notifies the party in person of the date and orders his or her appearance on the date, or if the party concerned in the litigation has previously stipulated his or her appearance on the date in writing, such acts shall have the same effect as a service of summons.

Article 86 Proceeding acts that have been scheduled for a given date, shall be performed in the administrative court accordingly. However, the proceeding acts whose performance in the administrative court is impractical or inappropriate shall not be subject to said restrictions.

Article 87 Proceedings for a scheduled date shall commence by announcing the subject matter of the litigation.

A scheduled date may be altered or postponed upon a showing of substantive grounds.

An alteration or postponement of a scheduled date, unless otherwise provided, shall be ruled by the presiding judge.

Article 88 The periods of limitation, unless fixed by law, shall be set at the discretion of the administrative court or the presiding judge after taking into account relevant situations.

The period of limitation set by the administrative court or the presiding judge commences from the time of the service of the documents stipulating said periods; in cases where service is not required, the period commences from the time the court announces its decision that stipulats the period.

The period of limitation shall be computed in the manner as prescribed in the Civil Code.

Article 89 With respect to a party who does not reside in the district of the administrative court, the time spent traveling to the court shall be deducted when computing the period of limitation as fixed by law. However, deductions do not apply in cases where the party has an agent ad litem who may perform the stipulated proceeding acts for the said period and who resides in the district of the administrative court.
The Judicial Yuan shall determine the amount of deduction allowed for time spent traveling to the court as referred to in the immediately preceding Section.

Article 90 Periods of limitation may be extended or reduced upon a showing of substantive grounds. However, no extensions or reductions shall be made with respect to inalterable periods.
An extension or reduction of a time period shall be ruled on by the administrative court. However, in cases where the time period is fixed by the presiding judge, said period shall be ruled on by the presiding judge.

Article 91 In the event that a party is in default for delaying an inalterable period due to cause(s) of force majeure or cause(s) non-attributable to the party, the party may request for a restoration to status quo ante within one month after the termination of said cause(s), or if the inalterable period is less than a month, then in an equal number of days.
The period (to request restoration) as referred to in the immediately preceding Section may not be extended or reduced.
In the event that the default for delaying an inalterable period lasts for more than one year , no petition for a restoration to status quo ante may be made. The same restriction applies in cases where the default for delaying the period of limitation for initiating litigation as referred to in Article 106 lasts for more than three years.
The petition as referred to in the first Section shall be made in writing, and the cause(s) for the default and the time of cessation of said cause(s) shall be manifested therein.

Article 92 A petition for a restoration to status quo ante due to a default for delaying the period for appeal against a judgment or for an objection against a ruling by a judge, shall be directed to the administrative court which rendered said judgment or ruling in the first place; A petition for

restoration due to a default for delaying other periods shall be directed at the administrative court having jurisdiction over the proceeding acts which should have been performed during the defaulted period.

A petition for a restoration to status quo ante shall be made in conjunction with the proceeding acts which should have been performed during the defaulted period.

Article 93 A petition for a restoration to status quo ante shall be ruled on by the petitioned administrative court and in conjunction with the complementarily performed proceeding acts. However, in the event that the petitioned administrative court rules that the petition shall be granted and thus forwards an appeal against the judgment or an objection to the ruling to its superior administrative court, the superior administrative court shall jointly rule on both.

In the event that the original judgment or ruling is altered due to a restoration to status quo ante, the provisions of Article 282 shall apply where appropriate.

Article 94 With respect to (proceeding) acts which he or she is empowered to take, the commissioned judge or the requested judge may set dates and periods of limitation.

Whenever a date or period of limitation is set by a commissioned judge or an entrusted judge, the provisions in Articles 84 through 87, Sections 1 and 2 of Article 88, and Article 90 shall apply where appropriate.

Subchapter 4 Proceedings Files

Article 95 Written statements or memoranda by the parties, court transcripts or records, written judgments and other documents in connection with the proceedings to be kept in the care of the administrative court shall be compiled into files by the administrative court clerk.

In the event that said files are lost, the provisions of the Act Dealing with the Loss of files in Civil or Criminal Procedures shall apply where appropriate.

Article 96 The parties may request that the clerk of the administrative court review, copy, photocopy or photograph documents in the files; or pay

in advance the required fees for obtaining a transcript, photocopy, or copy of an abridged version [of these documents].

A third party, upon permission by the party to the litigation or upon presenting prima facie evidence showing his or her legal interests in the litigation, after obtaining permission from the chief judge of the administrative court, may make requests as referred to in the immediately preceding Section.

Article 97 The draft of a written judgment, documents related to the preparation thereof, or documents relating to the deliberation of a decision, may not be given to the parties or a third party for reviewing, copying, photocopying or photographing, nor shall a transcript, photocopy or abridged copy thereof be given. The same restrictions shall apply to a written judgment prior to its being announced or signed by the judges.

Subchapter 5 Costs of Litigation

Article 98 No fee for rendering judgment shall be imposed in administrative litigation.

The terms and conditions of necessary fees other than those for rendering judgment shall be promulgated by the Judicial Yuan.

Costs as referred to in the immediately preceding Section shall be borne by the defeated party in the litigation. However, in case a judgment is rendered pursuant to Article 198 of this Act, the defendant shall bear the costs.

Article 99 With respect to costs incurred by causes attributable to the intervening party which confer no benefit to the litigation, the administrative court may order the intervening party to bear all or part of the costs.

With respect to costs incurred by an intervention pursuant to Article 44, the intervening party shall bear the costs. However, for costs to be borne by the other party pursuant to Section 3, Article 98 and, mutatis mutandis, pursuant to provisions of Articles 79 through 84 of the Civil Procedure Act said party shall bear the costs.

Article 100 The administrative court may order the parties to pay the necessary costs of litigation by a specified date in advance of the litigation. In the event that the party or parties fail to pay by the due date, the payment

shall be tendered by the Treasury of the Republic of China, and subsequent to an irrevocable judgment rendered for the litigation, the administrative court shall, pursuant to the powers vested in its office, issue an order imposing the costs of the litigation upon the party or parties who should bear said costs.

The order referred to in the immediately preceding Section may be invoked as a title for compulsory execution.

Article 101 When a party to the litigation is incapable of paying the costs of the litigation, the administrative court shall, upon motion, rule that the party is eligible for relief from litigation. However, this relief shall not be granted when such party apparently has no prospects of prevailing.

Article 102 A motion for relief from litigation shall be directed at the administrative court presiding over the proceedings.

The motion shall manifest grounds for the moving party's inability to bear the costs of litigation.

The proof of grounds as referred to in the immediately preceding Section may be substituted by a guarantee from a person who is located within the jurisdictional district of the administrative court and is capable of paying the costs.

The guarantee referred to in the immediately preceding Section shall stipulate that the guarantor will pay the costs which were temporarily exempted, on behalf of the party moving for relief from litigation when said costs need to be paid for by said party.

Article 103 A party granted eligibility for relief from litigation shall be temporarily exempted from paying the necessary costs of the litigation.

Article 104 The provisions of Articles 79 through 85, 87 through 95, 108, 111 through 113 of the Civil Procedure Act shall apply, where appropriate, to this Subchapter.

PART II PROCEDURES IN THE HIGH ADMINISTRATIVE COURT AS FIRST INSTANCE OF TRIAL

CHAPTER I GENERAL PROCEDURES

Subchapter 1 Commencement of Proceedings

Article 105 Proceedings are commenced by filing a complaint with the administrative court, stipulating the following particulars:

1. The names of the parties;

2. A statement of allegations for the proceedings; and

3. The litigation target (statement of the claim) and the statement of alleged facts.

The complaint shall contain matters in respect to relevant procedures, methods of evidence gathering, and preparations for oral argument proceedings; in the event of having previously filed an administrative appeal, the written decision of the appeal shall be annexed thereto.

Article 106 An action for revocation shall be initiated within the two-month inalterable period after receipt of a written decision on the administrative appeal. However, where an interested party other than the appellant only subsequently learns of the written decision, the period of limitation commences from the time said knowledge is acquired.

An action for revocation may not be initiated after a period of three (3) years from the time the written decision of the administrative appeal was served.

Article 107 A complaint filed by the plaintiff shall be dismissed by a ruling of the administrative court upon the occurrence of any of the following events; however, if the petition may be rectified by amendment, before dismissal, the presiding judge shall order a rectification within a stipulated time-period:

1. The matters to be addressed in the proceedings are not within the vested adjudicative powers of the administrative courts;

2. The matters to be addressed in the proceedings are not within the jurisdiction of the administrative court to which the complaint is

directed, and thus a motion for a designated jurisdiction is precluded, nor can the administrative court make a ruling for venue transfer;

3. The plaintiff or the defendant is a person with no legal capacity to be a party to the litigation;
4. The plaintiff or the defendant did not perform the necessary proceedings via a lawful statutory agent, representative, or administrator;
5. The litigation is initiated by an agent ad litem who lacks power of attorney;
6. The litigation is initiated in default of a statutory period of limitations;
7. The matters being addressed in the proceedings have already been addressed and are being pending in an administrative court;
8. Re-initiating litigation for a claim following its withdrawal of the litigation from previous proceedings for the same claim subsequent to a final judgment rendered therein and yet prior to being irrevocable;
9. The subject matter of the proceedings is covered by the effect of a final and irrevocable judgment or a settlement; or
10. The commencement of the proceedings does not comply with stipulated procedural formats or other requirements.

With respect to an action for revocation, in the event that the plaintiff errs in naming the correct defendant agency in the complaint, the provisions in Section 1 of this Article shall apply where appropriate.

When the facts as alleged by the plaintiff in the complaint apparently fail to present plausible legal grounds [for the petition], the administrative court may, without hearing oral arguments, rule to summarily dismiss the petition.

Article 108 The administrative court, except where the plaintiff's complaint shall be dismissed or forwarded pursuant to the provisions in the immediately preceding Article, shall serve the complaint on the defendant, and may order the defendant to answer in a written response.

With respect to an action for revocation, the original government agency that effected the administrative act in the first place and the government agency against which an administrative appeal was filed

shall, within ten (10) days after receiving notification from the administrative court, deliver the relevant file and evidence to the administrative court.

Article 109 Whenever the presiding judge deems that the timing is right for an oral argument , he or she shall expeditiously set a date for oral argument proceedings.

Between the dates for oral argument proceedings and the service of process, at least ten (10) days shall be allowed for the defendant to make preparations. But in case of exigent circumstances, the immediately preceding Sentence shall not apply.

Article 110 While proceedings are pending, even if the legal relationship constituting the litigation target is shifted to a third party, the proceedings shall not be affected. However, the third party, upon the consent of original parties, may assume the place and position of one of the original parties in the litigation.

In the circumstances described in the immediately preceding Section, if only the opposing party does not consent, the party from which the legal relations have shifted or the third party as referred to, may petition the administrative court to permit via ruling said third party to substitute for the party in question in the litigation.

The ruling as referred to in the immediately preceding Section may be appealed.

Whenever the shifting of the litigation target is made known, the administrative court shall notify the third party in writing of the pendency of the litigation.

Subsequent to a decision of administrative appeal, if the legal relations constituting the litigation target shift to a third party, said third party may initiate an action for revocation.

Article 111 Subsequent to the service of a complaint on the defendant, the plaintiff may not alter the original claim or join additional claims. However, this restriction shall not apply in cases where the defendant has consented thereto or where deemed appropriate by the administrative court.

Whenever the defendant does not object to the alteration of or the joinder to the original claim, and has presented oral arguments on the

merits of the case, he or she shall be deemed to have consented to the said alteration or joinder.

In any one of the following circumstances, the alteration of or joinder to the original claim shall be permitted:

1. Where the litigation target is only cognizable as a unified action and thus shall be jointly decided and where the joinder of persons who were originally non-parties to the litigation is sought.

2. Where the claims of the litigation target have been altered, but the legal grounds for such claims remain the same;

3. Where, due to changes in circumstances, the original statement of allegation is replaced by a new statement of allegation;

4. Where an action for revocation was initiated in error when a an action for declaration should instead have been initiated; or

5. Where an alteration of or joinder to the original claim shall be permitted pursuant to Article 197 or other statutory provisions.

The provisions of the first three Items shall be inapplicable if the new claim(s) resulting from said alteration of or joinder to the original claim is made with respect to an action for revocation without having previously undergone the administrative appeal procedure.

With respect to a ruling by the administrative court that the original claim is not subject to alteration or joinder or a ruling permitting alteration or joinder of the original claim, no petition for appeal may be made. However, with respect to an action for revocation, the objection that the action has not previously undergone administrative appeal may be included in an appeal with respect to the final judgment rendered by the administrative court.

Article 112 A defendant may, prior to the conclusion of oral argument proceedings, file counter-claim(s) in the administrative court in which the original proceedings is pending. However, said counter-claim may not be filed with respect to an action for revocation. With respect to the counter-claims filed by the defendant, the plaintiff may not respond with further counter-claims.

Where the counter-claims are subject to the exclusive jurisdiction of a different administrative court, or are unconnected to either the claims in the present litigation or any of the defenses therein, said counter-claims may not be filed.

In the event that the defendant files counter-claims with the intention

of delaying the litigation, the administrative court may dismiss said counter-claims.

Article 113 Prior to a judgment becoming final and irrevocable, the plaintiff may withdraw his or her claims in their entirety or portions thereof. However, after the defendant presents his or her oral arguments on the merits of the subject matter of the proceedings, his or her consent thereto must be obtained.

A withdrawal of claims shall be stated in a memorandum to the court. However, a withdrawal may be made orally on a scheduled date.

A withdrawal made during a scheduled date shall be stipulated in the transcript. In the event that the opposing party is absent, the transcript thereof shall be served on him or her.

With respect to a withdrawal of a claim, if the opposing party raises no objections within ten (10) days after receiving the memorandum or transcript stipulating the claim withdrawal, he or she shall be deemed to have consented to the withdrawal. The immediately preceding Sentence shall also apply in cases where the opposing party is present in court during a scheduled date but raises no objections within ten (10) days commencing from the day the petition for the claim withdrawal is filed.

Article 114 In the event that a withdrawal of claims would run counter to the public interest, said withdrawal may not be permitted.

Whenever the administrative court deems that a withdrawal of claims would run counter to the public interest or otherwise violate the law , the administrative court shall resume the proceedings within four months from the time of said withdrawal, and render a ruling pursuant to Article 193, or elucidate its decision in a final judgment.

Article 115 The provisions in Articles 245, 246, 248, 252, 253, 257, 261, 263 and 264 of the Civil Procedure Act shall apply, where appropriate, to this Subchapter.

Subchapter 2 Suspension of Execution

Article 116 The execution of the original administrative act or administrative appeal decision, except where it is expressly provided otherwise by

law, shall not be suspended due to the initiation of administrative litigation.

During the course of administrative litigation, if the administrative court deems that the execution of the original administrative act or administrative appeal decision shall result in irreparable harm, and exigent circumstances exist, the administrative court may, pursuant to powers vested in its office or upon a petition, suspend the execution by a ruling. However, in the event that serious harm will befall the public interest , or if the litigation initiated by the plaintiff is obviously without any legal grounds, said suspension may not be effected.

Prior to the initiation of administrative litigation, the administrative court may, upon a petition by the person to whom the original administrative act is directed or by the person who initiated an administrative appeal against the administrative act, suspend through a ruling the execution of the original administrative act or the administrative appeal decision, if execution of the original administrative act or administrative appeal decision would result in irreparable harm, and exigent circumstances exist. However, in the event that the suspension would run counter to the public interest, said suspension may not be effected.

Prior to rendering a ruling as referred to in the two immediately preceding Sections, the administrative court shall consult with the relevant parties. In the event that the government agency which engaged in the original administrative act or rendered the administrative appeal decision suspends the execution pursuant to its vested powers or upon a petition, the administrative court shall dismiss the petition for suspension of execution through a ruling.

A ruling ordering the suspension of execution may suspend, in whole or in part, the effect of the original administrative act or the administrative appeal decision, the execution thereof , or the continuation of the procedures thereof.

Article 117 The provisions in the immediately preceding Article shall apply, where appropriate, to an action for declaration of the nullity of an administrative act.

Article 118 Upon cessation of the cause(s) giving rise to suspension of execution, or changes in other circumstances, the administrative court may,

pursuant to powers vested in its office or upon a petition, repeal the ruling ordering the suspension of execution.

Article 119 Rulings ordering suspension of execution or withdrawal of such rulings may be appealed.

Subchapter 3 Oral Argument Proceedings

Article 120 A plaintiff's memorandum in preparation for oral argument proceedings shall follow the provisions of Article 105.

As to preparations for oral arguments, the defendant would be best to submit his or her memorandum of answers before the time-period reserved for preparation reaches its halfway point.

Article 121 An administrative court, in order to facilitate conclusion of oral argument proceedings, may take the following measures prior to the oral arguments when deemed necessary:

1. Ordering the appearance of the parties, their statutory agents, representatives, or administrator in court;

2. Ordering the parties to submit plans and drawings, schedules and lists, translations of documents written in foreign languages, or other documents and/or artifacts;

3. Conducting on-site inspections, ordering expert examinations and determinations, or commissioning public agencies or corporate bodies to conduct investigations;

4. Notifying the witnesses or expert witnesses, and obtaining by request, or by ordering a third party to submit, documents or artifacts; and

5. Causing a commissioned judge or requested judge to investigate evidence.

The administrative court, in order to clarify or ascertain relevant legal relations, may, during oral argument proceedings, effect measures as described in the first to third Items of the immediately preceding Section, and may temporarily keep in its care, documents or artifacts submitted by the parties or a third party.

Article 122 The oral argument proceedings shall commence with a party's statement of claims that give rise to the litigation.

Each of the parties shall make statements of facts and law in respect to the claims in the proceedings.

Neither of the parties may refer to documentation in lieu of oral statements. However, in the event that citation of passages from a document is necessary, the necessary portions thereof may be recited orally.

Article 123 Unless provided otherwise, an administrative court shall investigate evidence during the date set for oral argument proceedings.

Each of the parties shall declare evidence in accordance with the provisions in Part 2, Chapter 1, Subchapter 4 of this Act.

Article 124 The presiding judge shall open, conduct, and close oral argument proceedings, as well as pronounce the judgement of the administrative court.

With respect to any person disobeying orders during oral argument proceedings, the presiding judge may enjoin that person from making any further statements.

Whenever oral argument proceedings are to be continued in further sessions, the presiding judge shall expeditiously set the time and date of the next session.

Article 125 An administrative court shall investigate questions of facts pursuant to powers vested in its office, unencumbered by the claims of the parties.

The presiding judge shall ensure that each party is afforded the opportunity to make proper and complete arguments based on law or fact.

The presiding judge shall question or address each of the parties, order each of the parties to state facts, declare evidence or make other necessary allegations or statements; and whenever allegations or statements are unclear or insufficient, the presiding judge shall order further elucidation or supplementation be made.

An associate judge, upon informing the presiding judge, may question or address the parties directly.

Article 126 With respect to any acts which should be performed by a commissioned judge pursuant to this Act, the presiding judge shall designate a judge to be commissioned therefor.

With respect to requests that should be made by the administrative court, except where provided otherwise, said requests shall be made by the presiding judge.

Article 127 When several litigation based upon questions of law or fact, which are the same or of the same nature, are separately commenced, an administrative court may consolidate (oral) argument proceedings with respect to the said group of proceedings.

A group of proceedings for which the arguments have been consolidated may be simultaneously adjudicated.

Article 128 The clerk of the administrative court shall prepare a transcript of oral argument proceedings, and stipulate therein the following particulars:

1. The place and date of the oral argument proceedings;

2. The names of the judge(s), the clerk(s), and the interpreter(s);

3. The subject matter of the litigation;

4. The names of the parties, either party's statutory agent, representative, administrator, agent ad litem, assistant who appear in court, and the name of any other persons who appear in court pursuant to court notification;

5. Whether the oral argument proceeding is open to the public, and if not, the reasons therefor.

Article 129 The main points of oral argument proceedings shall be recorded in the transcript and the following particulars shall be stipulated clearly therein:

1. Any waiver of a right, yield to a claim, admission in respect to the litigation target, or withdrawal of the litigation;

2. Any allegation or withdrawal of evidence, or objection to any violation of the statutory procedural provisions;

3. Any other important allegations or statements made by the parties, or the fact that allegations or statements were not made after having been given notice thereof.

4. Any other allegations or statements which shall be stipulated in the transcript under the provisions of this Act;

5. Statements by the witness or expert witness, or results from on-site inspections;

6. Any other stipulations ordered by the presiding judge;

7. Decisions other than those which shall be made in written form and annexed to the proceedings file; and
8. The pronouncement of judgment.

Article 130 Stipulations of Items one through six as referred to in the immediately preceding Article, which are in the court transcript, or attached to the court transcript, or in the documents annexed to the proceedings file, upon a motion, shall either be recited in the open court to the relevant party or parties or be reviewed by said party or parties; a statement noting that this has occurred shall also be made in the transcript.
Whenever a related party raises an objection with respect to what is recorded in the transcript, the clerk of the administrative court may amend or supplement the transcript accordingly. If the objection is deemed improper, said objection shall also be noted in the transcript.
In cases where a mechanical device is used for recording the proceedings of oral arguments, the Judicial Yuan shall promulgate rules governing the use of the device.

Article 131 The provisions in Section 2 of Articles 121, and 124 of this Act, as well as those in Articles 200, 207, 208, Section 2 of Article 213, and Articles 214, 217, and 268 of the Civil Procedure Act with respect to limitations placed on powers vested in the court or in the office of the presiding judge, shall apply where appropriate, in cases where preparatory procedures are stipulated by the commissioned judge.

Article 132 The provisions in Articles 195 through 197, 200, 201, 204, 206 through 208, 210, 211, 214, 215, 217 through 219, 265, 267, 268, 270, 271, and 273 through 276 of the Civil Procedure Act shall apply, where appropriate, to this Subchapter.

Subchapter 4 Evidence

Article 133 With respect actions for revocation, an administrative court shall, pursuant to powers vested in its office, conduct evidentiary investigations; with respect to other proceedings, the administrative court shall conduct evidentiary investigations for the purpose of safeguarding the public interest.

Article 134 With respect to the litigation referred to in the immediately preceding Article, when facts alleged by one party are admitted by the opposing party, an administrative court shall nevertheless conduct an investigation in respect to other necessary evidence.

Article 135 In case one party, in order to obstruct access of the opposing party to the evidence, intentionally destroys, hides, or otherwise renders evidence inaccessible, an administrative court may, in taking the entire circumstance into consideration, deem the claim(s) by the opposing party with respect to the said evidence, or the fact which was supposed to be ascertained by the said evidence, as true.

In the circumstances referred to in the immediately preceding Section, the party obstructing access of the opposing party to the evidence shall be given an opportunity by court order to explain him or herself, prior to the rendering of judgment.

Article 136 Except as provided otherwise in this Act, the provisions in Article 277 of the Civil Procedure Act shall apply, where appropriate, to this Subchapter.

Article 137 Whenever the customs or prevailing laws of a foreign nation are unknown to the administrative court, the party or parties shall bear the burden of proving said customs or laws. However, the administrative court may conduct its own investigation pursuant to powers vested in its office.

Article 138 An administrative court may request a civil/criminal court or other agency, school, or corporate body to conduct evidentiary investigations.

Article 139 Whenever an administrative court deems appropriate, it may order one member of the bench to serve as the commissioned judge, or may request another administrative court to designate a judge to conduct evidentiary investigations.

Article 140 In the event that an administrative court has conducted evidentiary investigations prior to oral argument proceedings, or the commissioned judge or the requested judge has conducted evidentiary investigations,

a clerk of the administrative court shall make a transcript of the evidentiary investigations.

The provisions of Articles 128 through 130 shall apply, where appropriate, with respect to the transcript referred to in the immediately preceding Section.

A transcript of evidentiary investigations conducted by a requested judge shall be delivered to the administrative court presiding over the proceedings.

Article 141 Findings of any evidentiary investigations shall be made known to the parties during the presentation of oral arguments therefor.

In the event that evidentiary investigations were conducted independently from the administrative court, the party or parties shall state the result of said investigations during the oral argument sessions. However, the presiding judge may order a member of the bench or the clerk of the administrative court to recite from the transcript of said evidentiary investigations in lieu such statement.

Article 142 Unless otherwise provided by law, each and every person has the duty to serve as a witness in administrative litigation instituted by others.

Article 143 In the event that a witness who has been duly summoned fails to appear in court without any justifiable grounds, the administrative court may penalize such witness by a ruling with a fine not to exceed NT$ 3,000.

In the event that a witness has been penalized by a ruling as described in the immediately preceding Section, and fails to appear in court following a second summons, said witness may be penalized by a fine not to exceed NT$ 15,000, and may be compelled to appear in court by arrest.

When arresting a witness for his or her compulsory appearance in court, the provisions in respect of arresting a defendant for court appearances in the Criminal Procedure Act shall apply where appropriate; in cases where the witness is a member of the military serving active duty, a warrant for the person's arrest shall be entrusted to his or her commanding officer for execution.

Rulings for penalizing a witness with fines may be appealed, and the execution pursuant to said ruling shall be suspended pending the

appeal.

Article 144 Whenever a witness is or was a public official or a member of the Legislative Yuan or National Assembly, in respect of being questioned on matters which should be classified as confidential information in connection with his or her official duty, approval by his or her supervising superior or the Legislative Yuan or National Assembly shall be obtained.

The approvals as referred to in the immediately preceding Section, except in cases where highly classified national confidential information will be endangered, may not be withheld.

In the event that a witness is entrusted by an agency of public affairs to conduct business of public affairs, the provisions in the two immediately preceding Sections shall apply where appropriate.

Article 145 When a witness fears that due to his or her testified statement(s), he or she or any of the persons listed below may be subject to criminal prosecution or suffer humiliation, said witness may refuse to testify:

1. The spouse, ex-spouse, any relative by blood within the fourth degree or relative by marriage within the third degree of the witness, or a person who was once thus related to the witness, or a person who is betrothed to the witness; or

2. The guardian of the witness, or someone to whom the witness serves as a guardian;

Article 146 In the event of any of the following, the witness may refuse to testify:

1. One or more of the grounds referred to in Article 144 applies to the witness;

2. The witness was engaged in the profession of a physician, pharmacist, medicine manufacturer/vendor, mid-wife, religious practitioner, attorney-at-law, chartered accountant, or any other profession of similar nature, or has been an assistant to the businesses conducted by said professionals, or was once said professional, who is being questioned in respect to another's confidential matters learned in the course of practicing his or her profession; or

3. The witness is being questioned in respect to confidential matters pertaining to technical information, or his or her profession.

The provisions in the immediately preceding Section, in the event that the witness has been released from his or her obligation to maintain confidence, shall not apply.

Article 147 With respect to a witness who may refuse to testify pursuant to the provisions in the two immediately preceding Articles, the presiding judge shall, prior to the witness being questioned, or when the presiding judge learns of the existence of the pertinent circumstances, inform the witness of the privilege to refuse to testify.

Article 148 In the event that a witness refuses to testify without clearly stating factual grounds for said refusal, or continues to refuse to testify after it has been ruled that said refusal was improper, the administrative court may penalize said witness by a ruling of a fine not to exceed NT$ 3,000.

The ruling as referred to in the immediately preceding Section may be appealed, and the execution pursuant to the ruling shall be suspended pending the appeal.

Article 149 The presiding judge shall, prior to questioning, order the witnesses to take independent written oaths. However, in cases where if the said oath shall be taken is in doubt, the oath shall be taken after questioning.

The presiding judge shall inform the witnesses, before taking a written oath, of their obligation to take a written oath and the punishment for swearing falsely.

Article 150 A witness who is not over sixteen years of age or who does not comprehend the meaning and effect of taking a written oath as the result of mental impairment, shall not be ordered to take a written oath.

Article 151 The requirement to take a written oath may be waived for a witness under any of the following categories:

1. The witness is the spouse, ex-spouse, a relative by blood within the fourth degree or a relative by marriage within the third degree of a party to the litigation or a person who was once thus related to said party, or a person who is betrothed to said party;

2. The witness has available one of the grounds listed in Article 145,

but does not refuse to testify therefor;

3. The witness is the employee or live-in partner of the party to the litigation.

Article 152 A witness being questioned for matters which are in direct and immediate conflict of interest with respect to him or herself or any person referenced in Article 145, may refuse to take a written oath.

Article 153 The provisions of Article 148, in the event a witness refuses to take a written oath, shall apply where appropriate.

Article 154 The party or parties to the litigation may move to have the presiding judge direct necessary questions to a witness, and the presiding judge may grant either party permission to directly question a witness.

Whenever the presiding judge deems the questions petitioned by the party or the questions directed by the party after permission to do so improper, the judge may withhold said petitioned questions or enjoin said party from directing further questions.

The administrative court shall rule with respect to objections regarding whether permission should be granted for direct questioning or if direct questioning should be enjoined.

Article 155 An administrative court shall dispense statutorily prescribed stipends for compensation and travel to witnesses; and a witness may claim said stipends at the conclusion of his or her witness questioning. However, said stipends shall not be available to witnesses who are compelled to appear in court by arrest or who refuse to take a written oath or to testify without justifiable grounds.

Rulings on the stipends for compensation and travel as referred to in the immediately preceding Section may be appealed.

The cost for travelling to court as required by a witness may, upon petition, be paid for by the administrative court in advance, in part or in whole, at the court’s discretion.

Article 156 With respect to opinion testimony given by expert witnesses, except where it is provided otherwise, the provisions of this Act in respect to testimony given by witnesses shall apply.

Article 157 A person who engages in academic research, technical arts, or a profession that provides the underlying base for required expert testimony, or who is entrusted by an agency to carry out an expert examination and determination, is obligated to provide opinion testimony as an expert witness.

Article 158 An expert witness may not be compelled to appear in court by means of arrest.

Article 159 In the event an expert witness refuses to provide expert testimony, even if on grounds which do not meet the provisions for refusal to testify as prescribed in this Act, he or she may nonetheless be relieved of his or her obligation to provide expert testimony, provided that the administrative court finds the grounds of said refusal proper.

Article 160 An expert witness may claim reasonable remuneration in addition to the statutorily prescribed stipends for compensation and travel.
Costs incurred during expert examinations and determinations may be paid in advance upon petition by the expert, in whole or in part, at the court's discretion.
Rulings with respect to claims described in the two immediately preceding Sections may be appealed.

Article 161 Whenever the administrative court requests an agency, academic institution, or corporate body to provide opinionss in respect to expert examinations and determinations, or to provide expert reviews pursuant to the provisions Article 138 of this Act, the provisions of Article 160 of this Act and in Articles 335 through 337 of the Civil Procedure Act shall apply where appropriate. The opinions of expert examinations and determinations by said agency, academic institution, or corporate body shall be composed by a person designated by said agency, academic institution or corporate body.

Article 162 With respect to legal issues in the proceedings related to professional expertise, the administrative court may when necessary inquire into the opinion of the person engaged in the corresponding research and discipline; the person may provide written opinion statements or verbal statement in court on the scheduled date for trial.

The opinion referred to in the immediately preceding Section shall be made known to the parties for dispute and arguments prior to the rendition of judgment.

The provisions in respect to expert witnesses shall apply, where appropriate, in the event of a person giving an opinion statement as described in the first Section. However, said person may not be ordered to take a written oath.

Article 163 A party to the litigation has the duty to produce the following documentary item or items:

1. Any documentary item or items to which the party has referred to in the course of litigation;

2. Any documentary item or items with respect to the other party and who is legally entitled to take delivery of or to make inspection of;

3. Any documentary item or items which was or were made for the benefit of the other party;

4. Any documentary item or items which was or were made in respect to the legal issues of the proceedings;

5. Business accounting books and records.

Article 164 An administrative court may obtain by request any documentary item or items which is or are in the custody of a government official or government office. In the event that the said government office is a party to the litigation, said government office has the duty to produce the requested documentary item or items.

The request for submission or production of relevant documentary item or items may not be denied unless the release of said documentary item or items will result in endangering the confidentiality of certain highly classified, government information.

Article 165 In the event that a party to the litigation refuses to comply with an administrative court order to submit certain documentary item or items without any justifiable grounds for said refusal, the administrative court may in its discretion, following a consideration of all relevant circumstances, deem the claims by the other party in respect to the said documentary item or items, or alleged facts to be substantiated by the said documentary item or items, as true.

With respect to circumstances as described in the immediately preceding Section, prior to the rendition of judgment, the non-compliant party shall be afforded an opportunity to state its position in respect thereof.

Article 166 In the event that documentary evidence exhibited is based on documentary item or items possessed by a third party, a motion shall be made to the administrative court to order said third party to submit the underlying documentary item or items or to set a period during which time the party which exhibits the documentary evidence shall produce the underlying documentary item or items.

The provisions of Section 2, Article 342 of the Civil Procedure Act shall apply, where appropriate, with respect to the motion referred to in the immediately preceding Section.

The circumstances surrounding the possession of the relevant documentary item or items by a third party and the basis of the third party's duty to submit the same shall be manifested by a showing of prima facie evidence to the administrative court.

Article 167 Whenever an administrative court deems the alleged facts to be substantiated as being important, and the motion by the party having the burden of proof proper, the administrative court shall order by a ruling the third party in possession of the relevant documentary item or items to submit the same, or shall set a period during which time the party having the burden of proof shall produce the same.

The administrative court shall, prior to entering a ruling as referred to in the immediately preceding Section, afford the third party an opportunity to express his or her opinion with respect thereto.

Article 168 With respect to the duty for documentary submission by the third party, the provisions of Article 144 through 146, and Items 2 to 5 of Article 163 of this Act shall apply where appropriate.

Article 169 In the event that a third party fails to comply with an administrative court order for documentary submission without justifiable grounds for such failure, the administrative court may, by a ruling, penalize said third party by a fine not to exceed NT$ 3,000; the administrative court may also take compulsory action if necessary.

The provisions of Article 306 shall apply with respect to the execution of compulsory action as referred to in the immediately preceding Section.

The ruling as referred to in the first Section may be appealed; the execution pursuant to such ruling shall be suspended pending the appeal.

Article 170 A third party may claim the costs incurred in submitting the requested documentary item or items.

The provisions of Article 155 shall apply, where appropriate, in circumstances described in the immediately preceding Section.

Article 171 The authenticity of a documentary item may be proved by comparing handwritings or chops.

With respect to making comparisons as referred to in the immediately preceding Section, the administrative court may order the party or a third party to submit relevant documentary item or items for said comparisons. The provisions in respect to on-site inspections shall apply when making comparisons of handwritings or chops.

Article 172 In the event that no appropriate handwriting sample is available for the purpose of making handwriting comparisons, the administrative court may designate certain [Chinese] characters and order the person purporting to be the author of the documentary item in question to write the same characters for comparison purposes.

In the event that the person purporting to be the author of the documentary item does not comply with the administrative court order as referred to in the immediately preceding Section, the provisions of Article 165 or 169 shall apply where appropriate.

The handwriting sample made for the purpose of handwriting comparisons shall be retained in the proceedings transcript; other handwriting samples provided for the purpose of handwriting comparisons, which need not be returned, shall also be retained in the proceedings transcript.

Article 173 The provisions of this Act with respect to documentary items shall apply with respect to artifacts other than documentary items, purporting to achieve the same substantiation as the documentary

items.

With respect to a documentary item or an artifact as referred to in the immediately preceding Section, in the event that use of technical instruments is required to show the contents of said documentary item or artifact, or production of the original of said documentary item or artifact is difficult to achieve , submission of certain written documents depicting the contents of said documentary item or artifact may be accepted, provided that proof is given that the contents depicted are consistent with those of the original.

Article 174 The provisions of Articles 164 through 170 shall apply, where appropriate, with respect to conducting on-site inspections.

Article 175 Petitions for evidence preservation shall be made to the administrative court subsequent to the initiation of the administrative litigation; prior to said initiation, a petition for evidence preservation shall be made to the high administrative court at the district where a particular person to be questioned domiciles or resides, or where the particular evidence is located.

Under exigent circumstances, a petition for evidence preservation may also be made to the high administrative court referred to in the immediately preceding Section subsequent to the initiation of the administrative litigation.

Article 176 The provisions of Articles 215, 217 through 219, 278, 281, 282, 284 through 286, 291 through 293, 295, 296, 298 through 301, 304, 305, 309, 310, 313, 316 through 319, 321, 322, 325 through 327, 331 through 337, 339, 341 through 343, 352 through 358, 361, 364 through 366, 368, and 370 through 376 of the Civil Procedure Act, except during the time-period for appeal as prescribed in Article 333 of the Civil Procedure Act, shall apply, where appropriate, to this Subchapter.

Subchapter 5 Suspension of Proceedings

Article 177 When the decision of administrative litigation is dependent on the validity of certain civil relations which are currently under litigation in a separate pending proceedings, the administrative court shall suspend the administrative litigation by a ruling.

In situations other than those described in the immediately preceding Section, where there is a close nexus between the decision of the pending administrative litigation and a separate litigation of civil, criminal, or administrative matters, the administrative court may suspend by a ruling, prior to the conclusion of said litigation of civil, criminal, or administrative matters, the pending administrative litigation.

Article 178 When an administrative court holds, with respect to the competency of its jurisdiction, that an opinion is inconsistent with the opinion held by the civil/criminal court in its final and irrevocable decision, the administrative court shall suspend the pending administrative litigation through a ruling, and petition to the Council of Grand Justices of the Judicial Yuan for an interpretation thereon.

Article 179 In cases where a person who, on the basis of certain qualifications, assumes the place of a party to the litigation not in his or her own name but on behalf of another, and loses said qualifications or dies, the administrative litigation shall, prior to the assumption of the proceedings by another person having identical qualifications, be automatically suspended.

With respect to the persons who were selected or designated, pursuant to the provisions of Article 29, as a party to the litigation on behalf of the entire group of persons sharing common interests, in the event that all said selected or designated persons lose their qualifications, prior to the assumption of the proceedings either by the entire group of persons sharing common interests or by a group of newly selected or designated persons on behalf of the entire group, the pending administrative litigation shall be automatically suspended.

Article 180 The provisions of Article 179 shall not apply when an agent ad litem is readily available. However, the administrative court may, at its discretion, following a consideration of relevant circumstances, suspend the pending administrative litigation by a ruling.

Article 181 Subsequent to an automatic suspension of administrative litigation, the person who is entitled to assume the proceedings pursuant to relevant laws shall make a declaration of assumption when he or she assumes

the proceedings.
The opposing party to the litigation may also declare assumption of the proceedings.

Article 182 After administrative litigation is automatically suspended or suspended by a ruling, neither the administrative court nor the parties may effect any proceeding acts on the merits of the subject matter with respect to the suspended proceedings. However, where the automatic suspension of litigation only occurs following the conclusion of oral argument proceedings, the administrative court may pronounce its decision based on the oral argument proceedings.
Whenever administrative litigation is suspended automatically or by a ruling, all relevant periods of limitation are tolled; however, commencing from the termination of said litigation suspension, all said periods shall run anew.

Article 183 With respect to administrative litigation other than actions for revocation, parties to the litigation may suspend the proceedings through mutual agreement. But in the event that the administrative court deems resumption of proceedings imperative for purposes of safeguarding the public interest, the administrative court shall resume administrative litigation within a period of four months from the time of suspension.
The mutual agreement as referred to in the immediately preceding Section shall be stated clearly by both parties to the administrative court presiding over the proceedings.
The running of any inalterable period is unaffected by the mutual agreement to a suspension as referred to in the immediately preceding Section.

Article 184 In circumstances other than those described in the Provision of Section 1 of the immediately preceding Article, the parties who have mutually agreed to suspend the proceedings are deemed to have withdrawn their respective claims if the administrative proceedings do not resume within four months commencing from the time of the declaration of the suspension of the proceedings through mutual agreement; resumed administrative litigation may thereafter be suspended only once; further declarations of proceedings suspension through mutual

agreement shall be deemed equivalent to the withdrawal of all respective claims.

Article 185 In the event that both parties, having no justifiable grounds, fail to observe the date set for oral argument proceedings, unless the administrative litigation involves actions for revocation or as otherwise provided by law, said failure shall be deemed as a suspension of proceedings through mutual agreement. If no resumption of administrative litigation occurs within four-months thereafter, both parties shall be deemed to have withdrawn their respective claims.

During suspension of administrative litigation as referred to in the immediately preceding Section, the administrative court may, whenever it deems necessary, resume the heretofore suspended administrative litigation. In the event that both parties, having no justifiable grounds [for such suspension], still fail to observe said date, they shall be deemed to have withdrawn their respective claims.

Article 186 The provisions of Articles 168 through 171, 173, 174, 176 through 181, and 185 through 187 of the Civil Procedure Act, shall apply, where appropriate, to this Subchapter.

Subchapter 6 Decisions

Article 187 Each and every decision rendered by the administrative court shall be in the form of a ruling, except where pursuant to this Act it is required to be in the form of a judgement.

Article 188 Each and every administrative litigation, except where it is provided otherwise, shall be decided on the basis of oral arguments.

A member of the bench may not take part in decisions to be rendered by the administrative court, unless he or she has taken part in prior oral arguments which form the basis of the court's decision.

A ruling may be rendered (by the administrative court) without having entertained oral arguments.

Whenever a ruling is to be rendered where the court has not entertained oral arguments, except where it is otherwise provided, the administrative court may order the relevant party or parties to make statements thereof either in writing or orally.

Article 189 Unless otherwise provided, an administrative court shall render its decision after taking into consideration the entire meaning and purposes of all arguments and findings from evidentiary investigations, and judging upon the truth or falsity of the alleged facts with reasoning and analysis based on experience principles.

Grounds for conviction by the administrative court derived from deliberations described in the immediately preceding Section shall be stated clearly in the judgment.

Article 190 Whenever administrative litigation has progressed to the stage where an administrative court is ready to render its decision , the administrative court shall render a final judgment thereto accordingly.

Article 191 Whenever a portion of the litigation target or one among several targets (claims) asserted in a litigation has reached the stage where a decision is appropriate, the administrative court shall render a final judgment in part with respect thereto accordingly.

In cases where several administrative litigation have been consolidated for the purpose of joint arguments thereto, in the event that one of said joint administrative litigation reaches the stage where a decision is appropriate, the provisions of the immediately preceding Section shall apply where appropriate.

Article 192 Whenever any independent claim or defense in the administrative litigation reaches the stage where a decision is appropriate, the administrative court may render an interlocutory judgment with respect thereto; in the event that both the grounds and the amount of a claim are in dispute, and whenever the administrative court deems said grounds proper, an interlocutory judgment may be rendered with respect thereto.

Article 193 With respect to any dispute regarding procedural issues arising in the course of administrative litigation, and whenever such disputes have reached a stage where a decision is appropriate, the administrative court shall render an expeditious ruling with respect thereto.

Article 194 With respect to actions for revocation or other types of administrative

litigation for purposes of safeguarding the public interest, in the event that both parties to the litigation, having no justifiable grounds, fail to appear in court on the date set for oral argument proceedings, the administrative court may, pursuant to powers vested in its office, conduct an investigation with respect to the underlying facts and may, without having entertained any oral arguments, directly render a judgment on the action in question.

Article 195 Whenever the administrative court finds claims by the plaintiff well-grounded, except where provided otherwise, it shall enter a judgment in the plaintiff's favor; and whenever the administrative court finds claims by the plaintiff groundless, it shall dismiss said claims through a judgment.

In cases where a judgment in an action for revocation alters the original administrative act or the administrative appeal decision, said alteration shall not result in a scenario less favorable to the plaintiff than the original administrative act or administrative appeal decision.

Article 196 In the event that an administrative act has been completely effected, the administrative court in rendering judgment with respect to a revocation of said administrative act may, upon a petition by the plaintiff, and if said petition is deemed proper by the administrative court, order the relevant government agency to effect the necessary actions for restoring the status quo ante in its judgment.

Article 197 With respect to actions for revocation, if the administrative act, which is the litigation target, involves the payment or the declaration of a given sum of money or any other items of replacement, the administrative court may declare payments for separate, specific sums of money or a separate replacement.

Article 198 While reviewing actions for revocation, if an administrative court discovers that, although the original administrative act or administrative appeal decision was in violation of the law, the revocation or alteration of said administrative act or administrative appeal decision will result in great harm to the public interest, in the event that after careful deliberation of damages sustained by the plaintiff, preventive measures with respect thereto, and any other

relevant considerations, the administrative court determines that the revocation or alteration of the original administrative act or decision will obviously result in harm to the public interest, the administrative court may dismiss the plaintiff's claim.

In circumstances described in the immediately preceding Section, the illegality of the original administrative act or decision shall be clearly noted in the main text of the judgment.

Article 199 Whenever an administrative court renders a judgment as described in the immediately preceding Article, the administrative court shall in the judgement, pursuant to the claims petitioned by the plaintiff, order the defendant government agency to compensate plaintiff for damages sustained as the result of the illegal administrative act or decision.

In the event that the plaintiff did not petition claims for compensation as referred to in the immediately preceding Section, the plaintiff may, within one year from the rendition of the judgment as referred to in the immediately preceding Article, petition the high administrative court for award damages.

Article 200 With respect to administrative litigation initiated pursuant to Article 5 to order a given governmental agency to take an administrative act or an administrative act of specific content, the administrative court shall render its decision in one of the following ways:

1. Where claims by the plaintiff are procedurally illegal, said claims shall be dismissed by a ruling;

2. Where claims by the plaintiff are groundless, said claims shall be dismissed by a judgment;

3. Where claims by the plaintiff are well-grounded, and well supported by substantiated alleged facts, the administrative court shall render a decision in which the relevant government agency shall be ordered to take an administrative act of specific content pursuant to the plaintiff's claim;

4. With respect to a well-grounded claim by the plaintiff, in the event that supporting alleged facts have yet to be substantiated or that claims involving the authorized discretion of the administrative government agency, the administrative court shall render a decision ordering the government agency to give effect to a given decision regarding the plaintiff in accordance with the

court's legal opinion.

Article 201 With respect to an administrative act effected by an administrative agency pursuant to its discretion, the administrative court may revoke said administrative act only when the action or inaction involved exceeds its power conferred by law (an ultra vires act) or constitute an abuse of power by said agency.

Article 202 With respect to a party's waiver of or yield to the litigation target during oral argument proceedings, the administrative court may render a judgment, based on said waiver or yield against said party as long as the said party is entitled to make such a waiver or yield and no public interest is controvened.

Article 203 With respect to a contract entered into pursuant to public law, due to subsequent changes in circumstances unforeseeable during the formation of said contract, the execution of said contract shall result in apparent unfairness, the administrative court may, pursuant to petition by the party to the litigation, render a judgment ordering an increase, decrease or other alterations of the payment agreed, or extinguishing the original contractual effects.

In order to prevent or remove certain manifestations of great harm to the public interest, an administrative agency that is a party to the litigation may make a petition as referred to in the immediately preceding Section.

The provisions of the two immediately preceding Sections shall apply, where appropriate, with respect to payments in connection with property interests due to other reasons arising from public law.

Article 204 A judgment rendered pursuant to oral argument proceedings shall be pronounced in the open court. A judgment rendered without any oral argument proceedings shall be issued by public notice.

The pronouncement of judgment in the open court shall be effected on the date of the conclusion of oral argument proceedings or on the date designated during the conclusion of oral argument proceedings.

The designated date of judgment pronouncement as referred to in the immediately preceding Section may not exceed seven (7) days from the conclusion of oral argument proceedings.

Whenever a judgment is issued by public notice, the clerk of the administrative court shall prepare a certificate to be annexed to the proceedings file, stipulating the rationale, and the time, day, month, and year of the judgement.

Article 205 The pronouncement of judgment is effective regardless of whether the party or parties are present in court.

Subsequent to the pronouncement of judgment, the main text of the judgment shall be posted on the administrative court's bulletin board for public notice.

Following the pronouncement or issuance of said judgment, a party may prior to receiving the service of said judgment engage in further proceeding acts based upon the judgment directly.

Article 206 Following the pronouncement of judgment, the administrative court which rendered the judgment is bound thereby; a judgment not pronounced, but whose main text has been posted for public notice, has the same power and effect.

Article 207 A ruling rendered pursuant to oral argument proceedings shall be pronounced in the open court.

A ruling with respect to the conclusion of the proceedings shall be issued by public notice.

Article 208 Following the pronouncement of a ruling, the administrative court, the presiding judge, the commissioned judge, or the requested judge who made said ruling is bound thereby; for a ruling not pronounced, the administrative court, the presiding judge, the commissioned judge, or the requested judge who made said ruling is bound after said ruling has been issued by public notice or served. The immediately preceding Sentence shall not apply with respect to a ruling issued with respect to conduct of the proceedings or where otherwise provided.

Article 209 In rendering a judgement, a written judgement with the following particulars shall be made:

1. The name, gender, age, identification card number, domicile or place of residence of the party; when the party is a legal entity, a government agency, or other corporate body, the name, place of

location, and locations of its office or business establishment of said legal entity, a government agency, or other corporate body;

2. Whenever there is a statutory agent, representative, or administrator , his or her name, domicile or place of residence, and his or her relationship to said legal entity, government agency, or corporate body;
3. Whenever there is an agent ad litem , his or her name, domicile or place of residence;
4. Whenever the judgment is made pursuant to oral argument proceedings, the date of the conclusion of said oral argument proceedings;
5. The main text;
6. The statement of facts;
7. The rationale behind the judgement;
8. The day, month, and year; and
9. The presiding administrative court.

Under the item "the statement of facts," allegations made by each of the respective parties during oral argument proceedings and the main points of the claims and defenses offered during said proceedings shall be stated therein. Whenever deemed necessary by the administrative court, written petitions, court transcripts, or other documents may be annexed thereto.

Under the section "rationale behind the judgement," opinions with respect to claims or defenses offered and legal opinions shall be stated therein.

Article 210 An certified copies of the judgment, shall be served on the parties to the litigation.

The service referred to in the immediately preceding Section shall be effected within ten (10) days commencing from the time when the clerk of the administrative court receives the original judgment.

With respect to a judgment which may be appealed, the period in which a timely appeal may be filed and the administrative court to which said an appeal shall be submitted, shall be stated in the certified copies of the judgment served on the parties.

In the event that an error is made with respect to the stated period in which a timely appeal may be filed as described in the immediately preceding Section, and where the stated period is shorter than the

statutory period, the statutory period shall apply; whenever the stated period is longer than the statutory period, the clerk of the administrative court shall rectify said error by sending a notice to each of the parties within twenty (20) days commencing from the date of service of the judgment exemplification copies, and the statutory period shall commence from the time said rectification notice is received by each of the parties.

In the event that a party has failed to file a timely appeal due to the administrative court's failure to inform the party pursuant to the provisions of the third Section above, or its failure to rectify any erroneously stated period by a subsequent notice in the manner as described in the immediately preceding Section, said failure shall be construed as a cause non-attributable to the party, and the party may petition for restoration of status quo ante pursuant to Article 91 within one year commencing from the time of the service of the judgment.

Article 211 A judgment which may not be appealed shall not be affected by an erroneously stated period for timely appeal.

Article 212 A judgment shall become final and irrevocable upon the expiration of the period in which a timely appeal may be filed. However, whenever an appeal is submitted in a timely manner, said appeal shall stay the judgment from becoming final and irrevocable.

A judgment which may not be appealed shall become final and irrevocable upon its pronouncement; where no such pronouncement is made, the judgment shall become final and irrevocable upon the time when the main text of the judgment is issued by public notice.

Article 213 Whenever a final and irrevocable judgment has been rendered with respect to administrative litigation, the litigation target thereof shall become final and irrevocable and subject to no further dispute.

Article 214 A final and irrevocable judgment shall be binding not only on the parties to the litigation, but also on the successor which succeeds to the position of a party in the litigation during the pendency of the litigation, and any other person who has taken possession of the object which is the target of the claim on behalf of a party and/or a successor thereto.

A final and irrevocable judgment binding on a plaintiff or defendant

who engaged in the proceedings on behalf of another person, shall also be binding on said other person.

Article 215 A judgment which revokes or alters an original administrative act or administrative appeal decision shall also be binding on any third party.

Article 216 A judgment which revokes or alters an original administrative act or administrative appeal decision shall be binding on the relevant government agencies with respect to matters thus decided.

Whenever an original administrative act or administrative appeal decision is revoked by a judgment, such that a government agency shall take de novo an administrative act or decision in accordance with the meaning and intent of the judgment.

The provisions of the two immediately preceding Sections shall apply, where appropriate, in other proceedings.

Article 217 The provisions of Sections 2 through 4 of Article 204, Articles 205, and 210 shall apply, where appropriate, with respect to the rendition of a ruling.

Article 218 The provisions of Articles 224, 227, 228, 230, 232, 233, 236, 237, 240, 385 through 388, Sections one and two of Article 396, and Article 399 of the Civil Procedure Act shall apply, where appropriate, to this Subchapter.

Subchapter 7 Settlement

Article 219 When a party to the litigation has the right to rescind the litigation target, and said rescission will not harm the public interest, the administrative court may, at any stage of the litigation, attempt to reach a settlement between the parties to the litigation. The immediately preceding Sentence shall also apply with respect to a commissioned judge or a requested judge.

Upon approval by the administrative court, a third party may also enter into a settlement [with the plaintiff and defendant]. Whenever it deems necessary, the administrative court may notify a third party to take part in a settlement.

Article 220 For the purposes of entering into a settlement, the administrative court may order the parties to the litigation, their statutory agents, representatives, or administrators to personally appear in court.

Article 221 When the parties enter into a settlement, the terms and conditions of said settlement shall be recorded in a settlement transcript.

The provisions of Articles 128 through 130 of this Act, and Articles 214, 215, 217 through 219 of the Civil Procedure Act shall apply, where appropriate, to the transcript referred to in the immediately preceding Section.

Certified copies of the settlement transcript shall be served on the parties to the litigation and any third parties who have taken part in the settlement within ten (10) days commencing from the day on which the parties entered into said settlement.

Article 222 The provisions of Articles 213, 214, and 216 (of this Act) shall apply, where appropriate, with respect to the effects of a settlement entered into.

Article 223 Whenever a settlement may be nullified or revoked due to the existence of certain conditions, the party or parties to the litigation may petition the administrative court to resume the litigation proceedings.

Article 224 A petition for resumption of the litigation proceedings must be filed within an inalterable period of thirty (30) days.

The time period referred to in the immediately preceding Section shall commence from the day on which the settlement is entered into. However, in the event that knowledge of the conditions due to which said settlement may be nullified or revoked is gained at a subsequent point in time, said inalterable period shall commence from the point in time when said knowledge was gained.

A petition for resumption of administrative litigation shall not be permitted if the same is filed three years or more after the settlement was entered into. However, the immediately preceding Sentence shall not apply in cases where a party asserts that there was a lack of power of attorney for entering into the said settlement.

Article 225 Whenever a petition for resumption of administrative litigation is procedurally illegal, the administrative court shall dismiss said petition by a ruling.

Whenever the petition for resumption of administrative litigation is manifestly groundless, the administrative court may, without entertaining any oral arguments, dismiss said petition by a judgment;

Article 226 In the event that the terms and conditions of a settlement are altered due to a resumption of administrative litigation, the provisions of Article 282 shall apply, where appropriate, thereto.

Article 227 A third party who has taken part in a settlement, may thereby invoke said settlement as a cumpulsory execution.

In the event that certain conditions exist as a result of a settlement between a party to the litigation and a third party may be nullified or revoked, said party to the litigation may initiate new litigation in the original administrative court for declaration of the nullity or revocation of said settlement.

In the circumstances described in the immediately preceding Section, a party to the litigation may petition for a consolidated adjudication of the litigation referenced in the immediately preceding Section with the original administrative suit.

Article 228 The provisions of Articles 224 through 226 shall apply, where appropriate, to the circumstance described in Section 2 of the immediately preceding Article.

Article 229 The simplified procedures provided in this Chapter shall apply to administrative litigation with respect to matters arising from any of the following circumstances:

1. Where administrative litigation involve matters in connection with the levy and assessment of taxes, and the amount of taxes assessed is less than NT$ 30,000;

2. Where the administrative litigation involve a disagreement regarding an administrative penalty imposed by an administrative agency and where the amount of the penalty is less than NT$ 30,000;

3. Other administrative litigation involving legal relations of

property interests arising from public law, where the litigation target is valued at or priced less than NT$ 30,000;

4. Where administrative litigation involve a disagreement regarding a reprimand, warning, demerit, citation or other similar minor penalties imposed by an administrative agency; or
5. Where the application of simplified procedures is specified under law.

With respect to the amounts prescribed in the immediately preceding Section, the Judicial Yuan may by an administrative order, when it deems necessary in light of social developments, to either decrease the relevant amounts to NT$ 20,000 or increase the same to NT$ 200,000.

Article 230 With respect to administrative litigation as referred to in Items 1 through 3 in Section 1 of the immediately preceding Article, in the event that the value or price of the target of the proceedings exceeds NT$ 30,000 due to an amendment of the original claim, neither the oral argument proceedings nor the court decision with respect thereto may proceed pursuant to the provisions of the simplified procedures; with respect to a joinder of the original claim or a counter-claim where the value or price of the litigation target exceeds NT$ 30,000, and if said claim is adjudicated jointly with the original claim in consolidated oral argument proceedings and a court decision is rendered, the immediately preceding Sentence shall apply with respect thereto.

Article 231 The initiation of administrative litigation as well as declarations and statements other than those to be made at fixed court dates may be made orally.

Whenever the initiation of administrative litigation is initiated verbally, the court transcript thereof shall be served on the other party.

Article 232 Administrative litigation conducted pursuant to simplified procedures may be conducted before a single judge.

Article 233 The administrative court may render a decision with respect to administrative litigation conducted pursuant to simplified procedures without having entertained any oral arguments.

Whenever the court decides to entertain oral arguments, a notice of the date set for said oral arguments shall be served on the other party to the

litigation, together with the pleadings or the court transcript referred to in Section 2 of Article 231.

Article 234 The facts and grounds in a written judgment [rendered pursuant to simplified procedures] may be stated in a non-itemized manner; only the essential points need be stated in the judgment.

Article 235 Prior to filing an appeal against a court decision rendered pursuant to simplified procedures, approval of the Supreme Administrative Court with respect to filing said appeal must be obtained.
The approval referred to in the immediately preceding Section shall be granted only when the legal opinion with respect to the administrative litigation is related to legal principle(s).

Article 236 Unless provided otherwise in this Chapter 2, the provisions with respect to general procedures shall apply to simplified procedures for administrative litigation.

Article 237 The provisions of Articles 430, 431, and 433 of the Civil Procedure Act shall apply, where appropriate, to this Chapter.

PART III APPELLATE PROCEDURE

Article 238 An appeal against a judgment rendered by the high administrative court may, unless provided otherwise by law, be filed with the Supreme Administrative Court.
No amendment or joinder to an original claim, or counter-claim may be permitted in an appeal.

Article 239 Whenever court decisions preceding a judgment, as referred to in the immediately preceding Article, are in a binding nexus with said judgment, said decisions shall be adjudicated jointly with said judgment by the Supreme Administrative Court, unless, pursuant to this Act, either no objection to said a decision may be raised, or said decision constitutes a ruling and an appeal may be filed with respect thereto.

Article 240 A party to administrative litigation may waive his or her right of appeal subsequent to the pronouncement, public notice, or service of the judgment rendered by the high administrative court.

When a party to administrative litigation waives his or her right of appeal by oral statements at the pronouncement of judgment, said statements shall be recorded in the transcript of the oral argument proceedings; if said statements are made in the absence of the other party to the litigation, a transcript with respect thereto shall be served on said other party.

Article 241 An appeal shall be filed within the inalterable period of twenty (20) days following the service of the judgment rendered by the high administrative court. However, an appeal filed subsequent to the pronouncement or the public notice of the judgment, but prior to the service of the same, shall be equally effective.

Article 242 An appeal may not be filed against a judgment rendered by the high administrative court, unless said appeal is based on the grounds that said judgment was in violation of laws and/or regulations.

Article 243 Whenever a judgment is rendered in disregard of applicable laws and/or regulations, or is rendered by an improper application of the applicable laws and/or regulations, said judgment shall be deemed to be in violation of laws and/or regulations.

With respect to any of the following circumstances, a judgment rendered therein is automatically deemed to be in violation of laws and/or regulations:

1. When the administrative court which renders the judgment is unlawfully constituted;

2. When the judge who should have been recused from the administrative litigation pursuant either to law or a judicial decision, nonetheless took part in the court decision with respect to said administrative litigation;

3. When the administrative court errs in discerning its jurisdiction, or violates provisions in respect to the issues of exclusive jurisdiction.

4. When a party to the administrative litigation has not been duly represented by its statutory agent or representative in the course of

litigation;

5. When provisions stipulating that oral argument proceedings shall be open to the public are violated;
6. When the judgment rendered is not based on any legal grounds, or on inconsistent legal grounds.

Article 244 An appeal against a judgment rendered by the high administrative court shall be initiated by filing an appeal petition with the original high administrative court, in which the following particulars shall be clearly stated:

1. The names of the parties;
2. The judgment rendered by the high administrative court and a statement of appeal with respect to said judgment;
3. The extent to which the petitioner disagrees with the judgment rendered by the high administrative court, and a statement as to how said judgment should be rescinded or altered; and
4. The grounds for said appeal.

The appeal petition referred to in the immediately preceding Section shall contain necessary supporting evidence with respect to the appeal annexed therewith.

Whenever an appeal is filed against a judgment rendered with respect to administrative litigation conducted pursuant to simplified procedures, the specific interpretation of the legal principle involved in said administrative litigation shall be clearly stated in the grounds for appeal.

Article 245 Whenever grounds for appeal are not stated clearly in the appeal petition, the appellant shall submit a memorandum regarding the grounds for appeal within twenty (20) days after filing the appeal to the original high administrative court; in cases where an appellant fails to submit said memorandum within the prescribed time, the high administrative court is not required to order said submission, and shall dismiss the appeal by a ruling.

Whenever an appeal is filed subsequent to a pronouncement or public notice of a judgment, but prior to the service of said judgment, the period referred to in the immediately preceding Section shall commence from the date on which said judgment is served.

Article 246 When an appeal is initiated in a manner that contravenes procedural requirements, and said illegality cannot be rectified, the original high administrative court shall dismiss said appeal by a ruling.

When an appeal is initiated in a procedurally illegal manner, and said illegality may be rectified, the original high administrative court shall prescribe a period during which time said rectification must be effected; in the event that said rectification is not effected within the prescribed period, the original high administrative court shall dismiss said appeal by a ruling.

Whenever an appeal is filed against a judgment rendered with respect to administrative litigation conducted pursuant to simplified procedures, and the specific interpretation of the legal principle(s) involved in said administrative litigation is not clearly stated in the grounds for appeal, the provisions of the immediately preceding Section shall apply.

Article 247 Whenever an appeal is not dismissed pursuant to the provisions of the immediately preceding Article, the high administrative court shall serve the appeal petition upon the appellee in an expeditious manner.

The appellee may, within fifteen (15) days from the date of receipt of the service of the appeal petition or the statement of the grounds for appeal as referred to in Section 1 of Article 245, submit a memorandum of answers to the original high administrative court.

The high administrative court shall forward the court record and/or files with respect to the litigation matter on appeal to the Supreme Administrative Court only upon the receipt of the memorandum of answers to the appeal or the expiration of the period as provided in the immediately preceding Paragraph, and after the expiration of the relevant appeal period during which time each party to the original administrative litigation may file an appeal.

With respect to the court record to be forwarded by the high administrative court referred to in the immediately preceding Section, in the event that portions thereof must be retained by the high administrative court, the court shall make a written copy, a photocopy, or an abridged copy thereof for its own use.

Article 248 The appellee may, prior to a judgment being rendered by the Supreme Administrative Court, submit a memorandum of answers as well as

amendments thereto to that Court. The appellant may also submit amendments to his or her memorandum of grounds for appeal.
Only when the Supreme Administrative Court deems necessary, may it serve the respective memoranda and the amendments thereto upon the other party.

Article 249 When an appeal is initiated in contravention of stipulated procedures, the Supreme Administrative Court shall dismiss said appeal by a ruling. However, where said illegality may be rectified, the presiding judge shall prescribe a time period for rectification.
In the event that the illegality with respect to an appeal initiated in contravention of stipulated procedures has not been rectified despite having been so ordered by the original high administrative court, the Supreme Administrative Court is not bound to follow the procedures prescribed in the proviso of the immediately preceding Section.

Article 250 The statement of allegations in an appeal may not be altered or expanded.

Article 251 The Supreme Administrative Court shall conduct its investigation within the scope of the allegations alleged in the appeal.
When the Supreme Administrative Court conducts its investigation with respect to whether the judgment rendered by the high administrative court was in violation of laws and/or regulations, said investigation shall be conducted unencumbered by the stated grounds for appeal.

Article 252 When in the course of adjudication, the Supreme Administrative Court is convinced that the law which the Court should apply with respect thereto is unconstitutional, the Court may suspend the pending litigation by a ruling, and petition to the Council of Grand Justices of the Judicial Yuan for an interpretation with respect thereto.

Article 253 The Supreme Administrative Court shall render its judgment without entertaining oral arguments. However, in any one of the following circumstances, the Court may entertain oral arguments pursuant to powers vested in its office or upon petition:

1. Where the legal relations involved are so complex, or the legal

opinions with respect thereto are so controversial, that clarification by oral arguments is necessary;

2. Where specialized knowledge or uncommon empirical principles are involved such that clarification by oral arguments is necessary; or
3. Where matters of grave concern to public interests or the rights and obligations of the party or parties to the litigation are to be greatly affected, such that oral arguments are necessary.

Oral arguments shall be limited to within the scope of the allegations stated in the appeal.

Article 254 Unless provided otherwise, the Supreme Administrative Court shall base its judgment upon the facts established pursuant to the judgment rendered by the high administrative court.

When grounds for appeal are based on alleged violations of procedural provisions in the course of administrative litigation, the Supreme Administrative Court may take into consideration the alleged facts in respect to said violations; so as to the facts alleged thereof, when the grounds for appeal are based on illegal violations in establishing facts or omitting certain facts.

The Supreme Administrative Court may also consider the facts clarified during oral arguments as referred to in the proviso of Section 1 of the immediately preceding Article, or the facts supplementing the legal relations in the litigation.

Article 255 Whenever the Supreme Administrative Court deems an appeal groundless, the Court shall dismiss said appeal by a judgment.

With respect to the original judgment which, based upon its professed grounds is found to be improper, but based on certain other grounds can be found to be proper, an appeal with respect to such judgment shall also be deemed to be groundless.

Article 256 When an appeal is deemed to be properly grounded by the Supreme Administrative Court, the portion of the original judgment which is so appealed shall be abolished.

In the event that an original judgment is abolished due to certain violations of procedural provisions during the litigation, the portion of the proceedings conducted in violation of said procedural provisions

shall also be abolished.

Article 257 The Supreme Administrative Court shall not abolish the original judgment on the basis that the high administrative court lacked jurisdiction. However, the immediately preceding Sentence shall not apply to violations of the provisions with respect to exclusive jurisdiction.

When a judgment is rescinded due to lack of jurisdiction of the high administrative court, the Supreme Administrative Court shall forward the case to an administrative court of competent jurisdiction.

Article 258 Except in circumstances described in Items 1 through 5 of, Section 2 of Article 243, where the outcome of the adjudication shall remain the same despite the fact that the original high administrative court judgment violated laws and/or regulations, said judgment shall not be abolished.

Article 259 In any of the following circumstances following the rescission of an original judgment, the Supreme Administrative Court shall render a judgment with respect to the relevant proceeding matter:

1. Where based upon established facts or facts subject to deliberation pursuant to law, an original judgment is rescinded due to non-application of relevant laws and/or regulations or misapplication of the same, and the subject matter under dispute may be adjudicated on the basis of said facts;

2. Where an original judgment is rescinded because the subject matter under dispute was not within the competent jurisdiction of the administrative court; or

3. Where oral arguments were entertained pursuant to Section 1 of Article 253.

Article 260 Except where provided otherwise, whenever an original judgment is rescinded, the Supreme Administrative Court shall by judgment remand the the subject matter under dispute to the original high administrative court or to another high administrative court.

Within the judgement remanded for adjudication, the Supreme Administrative Court shall instruct with specificity the particulars of the evidentiary investigation which the high administrative court shall

conduct.

The high administrative court to which the relevant proceedings matter is remanded for adjudication shall render its judgment based upon the legal reasoning adopted in the Supreme Administrative Court's judgement abolishing the original judgment.

Article 261 Whenever the Supreme Administrative Court remands a proceedings matter by a judgment, the Court shall annex the certified copy of said judgment to the court record and/or files and forward the same to the high administrative court to which the proceedings matter is remanded.

Article 262 An appellant may withdraw the appeal at any point prior to the pronouncement or public notice of the judgment rendered with respect to the appeal.

A party who withdraws an appeal forfeits his/her right to further appeal thereof.

The withdrawal of an appeal shall be effected by a written statement. However, when withdrawal of an appeal is made in an oral argument proceeding, such withdrawal may be effected by an oral statement.

Whenever withdrawal of an appeal is effected during an oral argument proceeding, such withdrawal shall be recorded in the court transcript for the oral argument proceeding; in the event that said withdrawal is effected in the absence of the other party, the transcript with respect thereto shall be served upon said other party.

Article 263 Except where provided otherwise in this Part, the provisions of Chapter 1 of the immediately preceding Part shall apply, where appropriate, to the appeal procedures.

PART IV APPEALS FROM RULINGS

Article 264 Any ruling may be appealed. However where it is otherwise expressly prescribed, said appeal shall not be permitted.

Article 265 Rulings made in the course of administrative litigation, unless otherwise provided, may not be appealed

Article 266 Rulings made by a commissioned judge or a requested judge may not

be appealed. However, in the event that said rulings are made by the administrative court presiding over the proceedings and may be appealed pursuant to law, respective motions of objection with respect to said rulings may be directed to the administrative court where the administrative litigation is pending.

In effecting a motion of objection as referred to in the immediately preceding Section, the administrative court's provisions with respect to appeals against rulings of the same nature shall apply.

A ruling made by the administrative court presiding over the proceedings in respect to a motion of objection may be appealed by applying the provisions for appeals against rulings as prescribed in this Part.

With respect to rulings by a commissioned judge or a requested judge made in respect to matters pending in the Supreme Administrative Court, respective motions of objection with respect to said rulings may be directed to the Supreme Administrative Court. With respect to matters which may not be appealed to the Supreme Administrative Court, respective motions of objection against rulings made by a commissioned judge or a requested judge of the high administrative court may be directed to the same court.

Article 267 The Supreme Administrative Court shall render a ruling with respect to any appeal against a ruling.

Article 268 Any appeal against a ruling shall be initiated within the inalterable period of ten (10) days commencing from the date of the service of said ruling to the party or parties. However, an appeal initiated prior to the receipt of said service shall be equally effective.

Article 269 An appeal against a ruling shall be initiated by submitting an petition for appeal to the high administrative court which rendered said ruling, or to the high administrative court at which the presiding judge who rendered said ruling is a member of the bench.

In cases where the high administrative court follows simplified procedures, or where the appeal is initiated in respect to relief from litigation, or by witnesses, expert witnesses, a third party in possession of certain evidentiary item(s), said appeal may be initiated orally.

Article 270 The provisions with respect to the waiver of the right of appeal and the withdrawal of an appeal against a judgment shall apply to appeals against rulings.

Article 271 In the event that, pursuant to the relevant provisions of this Part, whenever a motion of objection is erroneously filed in place of an appeal against a ruling, an appeal against a ruling is presumed to have been duly initiated; whenever an appeal against a ruling is erroneously initiated in place of a motion of objection, a motion of objection is presumed to have been duly filed.

Article 272 The provisions of Articles 489 through 492 and 494 of the Civil Procedure Act shall apply, where appropriate, to this PART.

PART V PROCEDURES FOR RETRIAL

Article 273 In any of the following circumstances, a judgment which has become irrevocable may be objected to by initiating administrative litigation for retrial, except where a party has already raised the allegations in an appeal or failed to raise the allegations in an appeal despite having been aware of said allegations:

1. Where it is apparent that laws and/or regulations have been improperly applied;

2. Where the grounds of a judgment are manifestly in contradiction with the main text;

3. Where the administrative court which renders the judgment is unlawfully constituted;

4. Where the judge who should have been recused from the administrative litigation pursuant either to law or a judicial decision, nonetheless took part in the court decision with respect to said administrative litigation;

5. Where a party to the administrative litigation has not been duly represented by its statutory agent or representative in the course of the litigation;

6. Where a party who initiated administrative litigation , while having the knowledge of the domicile or place of residence of the other party, alleged that said other party's domicile or place of residence was unascertainable, unless said other party has

conceded to said litigation;

7. Where a judge who took part in the court decision has violated his or her official duties in respect to the litigation, and has committed a crime with respect thereto;
8. Where any agent, representative or administrator of the party who initiated the administrative litigation, or the other party, or said other party's agent, representative or administrator, committed an act which is punishable under the criminal law, in respect to the administrative litigation, and where said act influenced the judgment with respect to the litigation;
9. Where an evidentiary item served as the basis of the judgment thereof, is discovered to have been forged or fraudulently altered;
10. Where a witness, an expert-witness, or an interpreter made perjured testimony, opinion, or interpretation, and the judgment was based on said perjured testimony, opinion, or interpretation;
11. Where a civil or criminal judgment or any other decision or administrative act on which the judgment was based has been altered by a subsequent irrevocable judicial decision or administrative act;
12. Where a party discovers the existence of an irrevocable judgment or settlement previously rendered or entered into with respect to the target of the current administrative litigation; or if said judgment or settlement may be relied upon by said party with respect to the current administrative litigation;
13. Where a party discovers evidence which was not considered by the court in its deliberations, or an item which could have served as evidence; provided that a more favorable judgment could have been rendered had said item been considered by the court in its deliberations; or
14. When in rendering the original judgment, the court did not consider a decisively probative item of evidence in its deliberations.

In the event that certain laws and/or regulations applied in a final and irrevocable judgment are interpreted by the Council of Grand Justices of the Judicial Yuan, upon petition by a party to the litigation, as unconstitutional, said party may also initiate an an action for re-trial.

With respect to circumstances as described in Items 7 through 10, Section 1 of this Article, administrative litigation for retrial may be

initiated only when the judgment of criminal conviction thereof has become irrevocable or when said criminal prosecution proceeding can not be commenced or resumed due to reasons other than insufficiency of evidence.

Article 274 In the event that a decision which involves one of the circumstances described in the immediately preceding Article and serves as the basis of a judgment, an action for retrial with respect to said judgment may be initiated.

Article 275 An action for retrial is subject to the exclusive jurisdiction of the administrative court which rendered the original judgment thereof.

With respect to an action for retrial initiated with respect to judgments rendered by administrative courts of different trial instances with respect to the same proceedings matter, the Supreme Administrative Court shall have consolidated jurisdiction with respect to said action for retrial.

Actions for retrial initiated because of any of the situations described in Items 9 through 14, Section 1 of Article 273, with respect to a judgment rendered by the Supreme Administrative Court shall remain within the exclusive jurisdiction of the original high administrative court, even if the circumstances as described in the two immediately preceding Articles exist

Article 276 An action for retrial must be initiated within the inalterable time period of thirty (30) days.

The period as prescribed in the immediately preceding Section shall commence from the date on which the judgment becomes irrevocable. However, when a party learns of the grounds for retrial only subsequent to the date the judgment became irrevocable, the inalterable time period as prescribed in the immediately preceding Section shall commence from the time the party learns of said grounds for retrial.

In cases where the action for retrial is initiated pursuant to Section 2 of Article 273, the inalterable time period as prescribed in Section 1 of this Article shall commence from the same day on which the interpretation by the Council of Grand Justices is made public.

No action for retrial may be initiated subsequent to the expiration of a period of five (5) years commencing from the day when the judgment

thereof became irrevocable, unless said administrative litigation for retrial is initiated on the grounds as described in Items 5, 6, and 12, Section 1 of Article 273.

Article 277 An action for retrial shall be initiated by submitting a written petition, with a written copy of the irrevocable judgment annexed thereto, to the competent administrative court setting forth in the written petition the following particulars:

1. The names of the parties;

2. A statement of allegations with respect to the objection to the [original] judgment and the initiation of the action for retrial;

3. A statement as to the extent the original judgment is sought to be rescinded, and what judgment shall be rendered with respect thereto; and

4. The grounds for retrial, and the evidence by which the grounds for retrial as well as the fact that the inalterable time period therefor has been observed.

In the written petition for retrial, the matters in preparation for oral argument proceedings shall be stated.

Article 278 When an action for retrial initiated in a manner that contravenes the stipulated procedural requirements, the administrative court shall dismiss the same by a ruling.

Whenever an action is manifestly groundless, the administrative court may dismiss the same without entertaining any oral arguments.

Article 279 The oral argument proceedings, as well as the decision with respect to the merits of the proceedings, shall be confined to that part of the judgment to which the objection is directed.

Article 280 Where the original judgment is deemed proper and just, even if proper grounds for retrial exist, the administrative court shall nevertheless dismiss the action for retrial by a judgment.

Article 281 Unless otherwise provided in this Part, the procedural provisions applied in respective administrative courts of different instances shall apply, where appropriate, to procedures for retrial.

Article 282 A judgment rendered with respect to an action for retrial shall not affect the rights acquired by a bona fide third party in reliance of the original judgment which said third party believed to be final and irrevocable; however, in the event where it is manifestly clear that the public interest will be greatly harmed thereby, the immediately preceding Sentence shall not apply.

Article 283 With respect to a ruling which has become irrevocable, in the event that any one of the circumstances as referred to in Article 273 exists, an action for retrial may be initiated pursuant to the provisions of this Part.

PART VI *DE NOVO* TRIAL

Article 284 With respect to a third party whose rights are injured due to a judgment which rescinded or altered an original administrative act or administrative appeal decision, if said third party failed to intervene in relevant administrative litigation due to certain causes not attributable to said a third party, and as a result said third party was not afforded an opportunity to present claims and defenses which might have affected the outcome of the judgment, said third party may petition for de novo trial with respect to the irrevocable judgment.

The petition referred to in the immediately preceding Section, shall be filed within the inalterable time period of thirty (30) days following knowledge of the irrevocable judgment. However, said petition may not be filed after the judgment has become irrevocable for a period of more than one year.

Article 285 The provisions in respect of the competency of jurisdiction as provided in Sections 1 and 2 of Article 275 above shall be applied, where appropriate, in a petition for de novo trial.

Article 286 A petition for de novo trial shall be filed by submitting a written petition to the administrative court having competent jurisdiction, with the following particulars stated therein:

1. The names of the petitioner, and both parties to the original administrative litigation;

2. The subject matter to be tried de novo, and a statement of

allegations with respect to de novo trial;

3. A statement of allegations with respect to what judgment is sought with respect to the subject matter; and

4. The grounds for de novo trial, and evidence supporting the facts including evidence that de novo trial complies with relevant inalterable time periods ;

In the written petition for de novo trial, the matters in preparation for oral argument proceedings should be stated.

Article 287 When the petition for de novo trial filed is procedurally illegal, the administrative court shall dismiss said petition by a ruling.

Article 288 When the administrative court deems the petition filed pursuant to the provisions of Section 1 of Article 284 above to be based on valid grounds, the court shall order via ruling a de novo trial to take place with respect thereto; when the court deems said petition groundless, the court shall dismiss said petition by a ruling.

Article 289 A petitioner may withdraw his or her petition prior to the time the ruling referred to in each of the two immediately preceding Articles becomes irrevocable.

A party who has withdrawn its petition for de novo trial shall forfeit the right to further petition for the same.

The withdrawal of the petition shall be made either by a written or oral statement.

Article 290 When the ruling granting de novo trial becomes irrevocable, the original administrative litigation shall be restored, and a de novo trial shall commence pursuant to the original litigation instance of the court. The petitioner shall automatically be permitted to take part in the original administrative litigation so restored.

Article 291 A petition for de novo trial shall not have the effect to stay execution with respect to the enforcement of the original irrevocable judgment; however, whenever the administrative court deems necessary, the court may order the stay of said execution.

Article 292 The provisions of Article 282 above shall apply, where appropriate, to the procedures for de novo trial.

Part VII Precautionary Proceedings

Article 293 In order to preserve compulsory execution with respect to a claim for monetary payments arising from public law, a provisional attachment with respect thereto may be petitioned.

The petition referred to in the immediately preceding Section may also be filed with respect to a claim for monetary payments where performance with respect to said monetary payments has yet to become due.

Article 294 A petition for provisional attachment shall be subject to the jurisdiction of the high administrative court having competent jurisdiction over the subject matter, or the jurisdiction of the high administrative court presiding over the district in which the object of said provisional attachment is located.

The high administrative court having competent jurisdiction over the subject matter shall be the high administrative court in which administrative litigation with respect to said subject matter is pending, or should be pending.

When the object of a provisional attachment is an obligatory right, the place of the domicile of the debtor, or the place where the object [property] provided as security is located, shall be deemed as the place where the object of said provisional attachment is located.

Article 295 Subsequent to a ruling granting provisional attachment, the claim for payment heretofore uninitiated must be initiated within ten (10) days following the service of the ruling thereof; where said claim for payment is not initiated within the prescribed period, the administrative court shall revoke, upon petition, the ruling which granted the provisional attachment.

Article 296 In the event that a ruling granting provisional attachment is revoked on grounds that said ruling was improper ab initio, or that said ruling is revoked pursuant to the provisions of the immediately preceding Article or Section 3 of Article 530 of the Civil Procedure Act, the

creditor shall indemnify the debtor for damages which the debtor has sustained as a result of said provisional attachment or as a result of providing security with respect to said provisional attachment.

With respect to a claim which has been preserved pursuant to a provisional attachment, and with respect to which administrative litigation has been initiated, prior to the conclusion of oral argument proceedings, the administrative court shall, upon petition by the debtor, in its judgment rendered for the present litigation, order the creditor to indemnify the debtor [in the manner as described in the immediately preceding Section]; in case the debtor has not petitioned the court, the administrative court shall inform said debtor that he or she may so petition.

Article 297 The provisions of Articles 523, 525 through 528, and 530 of the Civil Procedure Act shall apply, where appropriate, to the procedures for provisional attachment prescribed in this Part.

Article 298 When certain rights based on public law may become unenforceable or very difficult to enforce due to changes in present circumstances, a petition for a provisional injunction may be filed to preserve the compulsory execution with respect thereto.

With respect to certain legal relations under dispute arising from public law , when necessary to prevent possible occurrences of material damage or certain imminent danger, a petition to effect temporary disposal of said legal relations may be filed (in the administrative court).

The temporary disposal referred to in the immediately preceding Section may include an order for making specific payments.

Before making a ruling with respect to a provisional injunction, the administrative court may question the parties to the litigation, other interested parties, and conduct other necessary investigations.

Article 299 No administrative acts taken by an administrative agency may be subject to a provisional injunction pursuant to the immediately preceding Article.

Article 300 A petition for a provisional injunction shall be subject to the jurisdiction of the high administrative court having competent

jurisdiction over the subject matter. However, when under exigent circumstances, the high administrative court presiding over the district in which the object of the provisional injunction is located shall have jurisdiction.

Article 301 Unless under extraordinary circumstances, an order for the provision of security in lieu of a showing by prima facie evidence may not be issued with respect to clarifying the claims and grounds of a provisional injunction.

Article 302 Except provided otherwise, the provisions with respect to a provisional attachment shall apply, where appropriate, with respect to a provisional injunction.

Article 303 The provisions of Articles 535 and 536 of the Civil Procedure Act shall apply, where appropriate, to the procedures for the provisional injunction prescribed in this Part.

PART VIII COMPULSORY EXECUTION

Article 304 When a judgment granting revocation becomes irrevocable, the relevant government agency shall effect necessary measures for the fulfillment of said judgment.

Article 305 When a debtor is ordered to effect a specific payment pursuant to a court decision rendered with respect to administrative litigation, where said debtor fails to effect the payment after such decision has become irrevocable, the creditor may invoke the judgement as a title of execution and petition to the high administrative court for compulsory execution.

The high administrative court shall prescribe a specific period and notify the debtor to perform its obligation within said period; in the event that the debtor fails to perform as notified within this period, compulsory execution thereto shall commence.

In the event that the debtor is a central or local government agency or any other public legal entity, the superior agency of said debtor shall be notified to urge its performance thereof within the prescribed period.

A settlement entered into pursuant to this Act, a ruling rendered pursuant to this Act which may be invoked for compulsory execution, and a ruling which imposes fines, may all be invoked as grounds for compulsory execution.

Article 306 In order to handle matters related to compulsory execution, the administrative court may establish a department for execution, or request that the execution department of a civil court, or an administrative government agency to perform the execution on its behalf.

With respect to a procedure of compulsory execution, except where otherwise provided in this Act, the provisions of the Compulsory Execution Act or the provisions of the Administrative Execution Act shall apply respectively, depending on whether the executing agency is a civil court or an administrative agency.

When a debtor objects to the title for execution of the requested execution as referred to in the first Section of this Article, the high administrative court shall rule on such objection.

Article 307 The high administrative court shall adjudicate an action initiated per an objection from a debtor; any other litigation initiated with respect to the compulsory execution shall be adjudicated by a civil court.

PART IX SUPPLEMENTARY PROVISIONS

Article 308 This Act shall enter into force upon its promulgation. The effective date of the amendments to this Act shall be set by order of the Judicial Yuan.