

J. Y. Interpretation No.10 (November 22, 1952) *

ISSUE: Is the stealing of the rails during wartime that were laid down by a governmental or private entity responsible for public transportation and supervised by the authorities in charge of transportation subject to the penalty as provided in the Act on the Protection of Communicatory Electric Equipment and Facilities during Wartime?

RELEVANT LAWS:

Act on the Protection of Communicatory Electric Equipment and Facilities during Wartime (戰時交通電業設備及器材防護條例).

KEYWORDS:

light rails (輕便軌道), transportation (運輸), public or private (公私營). **

HOLDING: If the rails or related equipment constructed by public or private business sectors, which are de facto responsible for public transportation and are simultaneously supervised by the transportation competent authorities, are stolen during wartime, the "Act on the

解釋文：公私營事業機關所敷設之鐵道，事實上已負公共運輸責任，又同受交通主管機關之監督管理。其器材被盜，在戰時自得適用戰時交通器材防護條例之規定，至輕便軌道（俗稱車線）既有別於通常鐵道，即不得併予援用。

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Protection of Communicatory Electric Equipment and Facilities during Wartime" should apply. In the case of light rails, which are different from normal rails as indicated above, the Act does not apply.