

J. Y. Interpretation No.16 (May 15, 1953) *

ISSUE: May a compulsory execution be carried out by an administrative agency after the Compulsory Execution Act was put into force?

RELEVANT LAWS:

Article 8 of the Constitution (憲法第八條) ; Compulsory Execution Act (強制執行法) .

KEYWORDS:

compulsory enforcement (強制執行) , due process of court (依法移送法院辦理) .**

HOLDING: Given the enactment of the Compulsory Enforcement Act, only the court has the authority to execute a compulsory enforcement. Without following the due process of the court, any fine imposed by executive agencies in accordance with law is not readily enforceable against the properties of the person who failed to make due payment voluntarily. The interpretive ruling of this Yuan Interpretation Yuan-tze No. 3308, is still in force.

解釋文：強制執行法施行後，強制執行僅得由法院為之。行政官署依法科處之罰鍰，除依法移送法院辦理外，不得逕就抗不繳納者之財產而為強制執行。本院院解字第三三零八號解釋，仍應適用。

* Translated by LEE & LI, ATTORNEYS-AT-LAW.

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