

J. Y. Interpretation No.19 (June 3, 1953) *

ISSUE: Is the scope of prohibiting members of the Legislative Yuan from concurrently serving in other official capacities the same as that for members of the Control Yuan?

RELEVANT LAWS:

Articles 75 and 103 of the Constitution (憲法第七十五條、第一百零三條) .

KEYWORDS:

concurrently serving (兼職) , public officers (公職) , government positions (官吏) .**

HOLDING: The prohibition against concurrently serving in other public offices in accordance with Article 103 of the Constitution is different from the exclusive prohibition against the concurrent holding of a public office in accordance with Article 75 of the Constitution, and its meaning is not limited to government positions only.¹

解釋文：憲法第一百零三條所稱不得兼任其他公職，與憲法第七十五條之專限制兼任官吏者有別，其含義不僅以官吏為限。

* Translated by Professor Andy Y. Sun.

** Contents within frame, not part of the original text, are added for reference purpose only.

¹ Therefore, for example, positions in state-owned enterprises or many government-sponsored non-profit organization are within the scope of coverage under Article 103 of the Constitution.