

J. Y. Interpretation No.27 (November 27, 1953) *

ISSUE: Is an employee of the Central Trust Company serving pursuant to law a “public functionary” as provided under the Public Functionary Service Act?

RELEVANT LAWS:

Article 24 of the Public Functionary Service Act (公務員服務法第二十四條); J. Y. Interpretations Nos. 6 and 11 (司法院釋字第六號、第十一號解釋).

KEYWORDS:

public official (公務員), state-owned enterprise (公營事業機關). **

HOLDING: At the twenty-Ninth Meeting of the Grand Justices Council, it was resolved on the first ad hoc proposal: “Petitions submitted by the Central or local government agencies pertinent to Interpretations of the Judicial Yuan may be considered as in compliance with Article 4 of the Regulation Governing the Adjudication of the Grand Justices Council.” In accordance with the above resolution,

解釋文：查大法官會議第二十九次會議臨時動議第一案決議：「中央或地方機關，就其職權上適用法律或命令，對於本會議所為之解釋發生疑義聲請解釋時，得認為合於本會議規則第四條之規定」。本件係對於本院釋字第六及第十一兩號解釋。發生疑義，依照上項決議，認為應予解答。

* Translated by Professor Andy Y. Sun.

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the present case concerns questions about Interpretations Nos. 6 and 11 and must be resolved.

In accordance with Article 24 of the Public Functionary Service Act, all personnel within state-owned enterprise are expressly under the scope of that law. The Central Trust of China is a state-owned business entity, thus all personnel serving in that agency naturally are public officials in accordance with the Public Functionary Service Act, and shall be subject to the restriction of J. Y. Interpretations Nos. 6 and 11.

公營事業機關服務人員均適用公務員服務法，為該法第二十四條所明定，中央信託局係國營事業機關，其依法令在該局服務人員自屬公務員服務法上之公務員，仍應受本院釋字第六號及第十一號解釋之限制。