

## J. Y. Interpretation No.33 ( April 2, 1954 ) \*

**ISSUE:** Is the provincial or local council speaker's improper conduct subject to the supervisory action of the Control Yuan?

**RELEVANT LAWS:**

Articles 97, Paragraph 2 and Article 98 of the Constitution  
(憲法第九十七條第二項及九十八條) .

**KEYWORDS:**

Control Yuan ( 監察院 ) , sanction ( 制裁 ) .\*\*

**HOLDING:** This Yuan's Interpretation No. 14 has held that elected representatives are not subject to the control power of the Control Yuan. Provincial and county councils are institutions for elected representatives. Elected by fellow representatives and charged with the responsibility of managing the council's business, a council speaker's status as an elected representative is not altered, and he or she should not be considered as a public official, under Article 97, Paragraph 2, and

**解釋文：**查民意代表並非監察權行使對象，業經本院釋字第十四號解釋有案，省縣議會為民意代表機關，其由議員互選之議長，雖有處理會務之責，但其民意代表身分並無變更，應不屬憲法第九十七條第二項及第九十八條所稱之公務人員，至議長處理會務如有不當情事，應由議會本身予以制裁。

---

\* Translated by Professor Andy Y. Sun.

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

Article 98 of the Constitution. The Speaker is subject to the council's self-imposed sanctions for any improper conduct committed in the course of the speaker's duties.