

J. Y. Interpretation No.42 (November 17, 1954) *

ISSUE: Are the elected representatives at all levels, public functionaries of central and local agencies and other people engaged in official affairs by law considered as holders of public offices under Article 18 of the Constitution?

RELEVANT LAWS:

Article 18 of the Constitution (憲法第十八條).

KEYWORDS:

the scope of “public office” (公職範圍), civil servant (公務員), the central government agency (中央機關), the local government agency (地方機關), official affairs (公務), elected representative (民意代表).**

HOLDING: The scope of “public office” under Article 18 of the Constitution is extensive. All levels of elected representatives, civil servants of the central and local government agencies and other personnel who are engaged in official affairs pursuant to the law, fall within the scope of public office as defined by Article 18 of the Constitution.

解釋文：憲法第十八條所稱之公職涵義甚廣，凡各級民意代表、中央與地方機關之公務員及其他依法令從事於公務者皆屬之。

* Translated by Li-Chih Lin, Esq., J.D.

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