

J. Y. Interpretation No.97 ( September 7, 1962 ) \*

**ISSUE:** What are the requirements for the notice of an administrative disciplinary action to take effect?

**RELEVANT LAWS:**

Article 1; Article 2, Paragraph 1, Subparagraph 5; Article 3; Article 4; and Article 6 of the Act Governing the Forms of Official Documents ( 公文程式條例第一條、第二條第一項第五款、第三條、第四條及第六條 ) .

**KEYWORDS:**

administration sanction ( 行政官署 ) .\*\*

**HOLDING:** An administrative sanction, which is authorized by an administrative authority, is a notification whose contents include a disciplinary action. This notification is one kind of official document according to the Act Governing the Forms of Official Documents. Unless expressly stipulated by other regulations, the notification should conform to the applications and restrictions stated in the said Act. If an official document con-

**解釋文：**行政官署對於人民所為之行政處分製作以處分為內容之通知。此項通知原為公文程式條例所稱處理公務文書之一種。除法律別有規定者外，自應受同條例關於公文程式規定之適用及限制，必須其文書本身具備法定程式始得謂為合法之通知。

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\* Translated by Lawrence L. C. Lee.

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

forms to the requirement of legal form, it is considered to be a legal notification.

**REASONING:** An administrative sanction, which is authorized by an administrative authority, is a notification whose contents include a disciplinary action. This notification is made because of an official matter and is equivalent to an official document according to the Act Governing the Forms of Official Documents. Unless expressly stipulated by other regulations, it should conform to the applications and restrictions stated in the said Act. When a law does not stipulate the form of a document, the document should conform to legal form. These are our interpretations of Article 1; Article 2, Paragraph 1, Subparagraph 5; Article 3; Article 4 and Article 6 of the Act Governing the Forms of Official Documents.

**解釋理由書：**行政官署對於人民所為之行政處分製作以處分為內容之通知，此項通知係因處理公務所作成，核與公文程式條例所謂公文書之性質相當，除法律別有規定者外，其應受關於公文程式規定之適用及限制至為明顯，在法律別無規定時必須其文書本身具備法定程式始為合法，此為公文程式條例第一條、第二條第一項第五款、第三條、第四條及第六條各規定所生之當然解釋。