

## Content

Title :	The Administrative Execution Act <b>CH</b>
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Legislative :	<ol style="list-style-type: none"> <li>1.Promulgated on December 28, 1932</li> <li>2.Amended on December 1, 1943</li> <li>3.Amended on November 11, 1947</li> <li>4.Amended on November 11, 1998; Effective from January 1, 2001</li> <li>5.Amended on June 21, 2000; Effective from January 1, 2001</li> <li>6.Amended on June 22, 2005; Effective from July 28, 2005</li> <li>7.Amended on March 21, 2007; Effective from May 1, 2007</li> <li>8.Amended on April 29, 2009; Effective from June 1, 2009</li> <li>9.Amended on December 30, 2009; Effective from November 23, 2009</li> <li>10.Amended on February 3, 2010; Article 17 Effective from May 10, 2010; Article 17-1 Effective from June 3, 2010</li> </ol>

## Chapter 1 General Principle

Article 1	Administrative execution is executed in accordance with this Act. If there is no applicable provision for the administrative execution in this Act, relevant provisions of other laws shall apply.
Article 2	The term "administrative execution" used in this Act means the compulsory execution on obligatory payment under public law, compulsory execution on obligation of action or non-action, and immediate coercion.
Article 3	Administrative executions should be carried out under the principles of fairness and within reason, in the best interest of the common good and civil rights, using adequate methods not exceeding that needed for the execution.
Article 4	Administrative execution shall be executed by the original disciplinary agency or the competent administrative authority. But under public law, failure to honor monetary obligations before the deadline would result in the case being sent to the Ministry of Justice' s branch of Administrative Enforcement Agency to be executed. The organizational rules of the Administrative Enforcement Agency of the Ministry of Justice and its branch shall be determined by other laws.
Article 5	Administrative execution shall not be executed at night, on Sundays or holidays, except in instances the enforcement authority deems urgent, or has been given consent by the obligor. Executions started during daytime can continue into the night. During an execution, executors should provide identification to obligors. When necessary, personal identification or other documents may be requested of obligors or persons of interest.
Article 6	An authority may request official assistance particularly when: <ol style="list-style-type: none"> <li>1. Execution must be executed outside of jurisdiction.</li> <li>2. No applicable executors are available.</li> <li>3. The possibility of resistance exists.</li> <li>4. The execution may be very complicated to execute.</li> <li>5. Executions that involve other agencies.</li> </ol> The authority approached may not refuse assistance without just cause. it shall so inform the authority making the request

Article 7	<p>Administrative executions should not be started if the administrative disposition or ruling has not been executed within 5 years after the date of disposition or after the expiration period of performing deadlines provided by documents according to other laws and regulations. Executions started before the 5-year expiration period are to be continued. Executions not completed 5 years after the 5-year expiration period are not to be continued.</p> <p>The foregoing paragraph is inapplicable where the law stipulates otherwise.</p> <p>Executions started, as stated in the first paragraph, means one of the following:</p> <ol style="list-style-type: none"> <li>1. Notifying the obligor to appear at session or voluntarily commit all outstanding sums, report their finances or other necessary statements.</li> <li>2. The investigation process has commenced.</li> </ol> <p>The third paragraph also applies to cases transferred for enforcement before the amendments of this act came into force on March 5, 2007.</p>
Article 8	<p>If one of the following circumstances occurs, the enforcement authority shall terminate the execution pursuant to its authority or according to the application of the obligor or the interested person:</p> <ol style="list-style-type: none"> <li>1. The obligation has been completely performed or finished executing.</li> <li>2. The revocation or alteration of the administrative disposition or ruling has been confirmed.</li> <li>3. The performance of the obligation is proved to be impossible.</li> </ol> <p>That the administrative disposition or ruling has been partly revoked or altered has been confirmed, the enforcement authority shall terminate the execution for the revoked or altered proportion of the original disposition or ruling.</p>
Article 9	<p>For the execution decree, manner of execution, the applying procedures, or other events related to the infringement of rights, the obligor or interested person can submit a motion of objection to the enforcement authority before the end of the execution procedure.</p> <p>If the enforcement authority agrees with the foregoing motion of objection, the execution shall be stayed immediately and the execution already conducted shall be revoked or altered. If the enforcement authority does not agree with the motion of objection, within 10 days the enforcement authority should add comments and escalate to its superior authority to determine if the motion of objection is acceptable within 30 days.</p> <p>Administrative execution shall not be stayed due to any motion of objection, unless otherwise provided by the law. Notwithstanding, the enforcement authority can stay an execution according to the authority or upon an application for its necessity.</p>
Article 10	<p>During administrative execution, if there is any injury that state shall be liable for pursuant to State Compensation Law, the injured person may claim for compensation according to the Law.</p>

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## Chapter 2 The Monetary obligation pursuant under public laws

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Article 11	<p>According to laws and regulations of administrative disposition or rulings by the court, if the obligor bound to monetary obligation under public laws is in any of the following circumstances, and has not performed their obligation within a specific period, the case will be transferred by the competent authorities to the branch of Administrative Enforcement Agency who will execute the obligor's property:</p> <ol style="list-style-type: none"> <li>1. There is a mentioned time period within which such performance shall be effectuated on the documents or rule in writing.</li> <li>2. There is not a mentioned time period within which such performance shall be effectuated on the documents or rule in writing, but a notification with reasonable period in writing has been sent to the obligor.</li> <li>3. The obligor is bound to the performance of the obligation, and has been notified in writing of the time period within which such performance shall be effectuated.</li> </ol> <p>The foregoing paragraph shall be applied if the provisional attachment or provisional injunction ruled by the court for monetary obligation under</p>
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public laws is transferred by the competent authorities to the branch of Administrative Enforcement Agency.

Article 12	Enforcement officer and enforcement clerk accompanied with junior enforcement officer from the branch of Administrative Enforcement Agency, are not be interfered with illegally or inappropriately, handle the execution of monetary obligation under public law.
Article 13	<p>When referring cases to the branch of Administrative Enforcement, the referring authority should include the following documents:</p> <ol style="list-style-type: none"><li>1. Referral paper.</li><li>2. Disposition document, rule in writing or certificates of obligation by law.</li><li>3. Inventory of obligor's properties. No needs to provide the list if referring authority is not aware of obligor's property.</li><li>4. Certificates to testify that the obligor fail to perform the obligation within specific period.</li><li>5. Other related documents.</li></ol> <p>The referral paper should specify the name, age, sex/gender, occupation, and residence of the obligor, if the obligor is a juristic person or a group with a manager or representative, the name of the group, principal office or business office, the name, sex/gender, age, occupation, residence of the manager or representative; the reason causing the obligation and when the obligation occurred; the amount the obligor should pay.</p>
Article 14	In order to handle executions, the branch of Administrative Enforcement Agency may notify the obligor to be present or to pay the amount automatically, report financial situation or make other necessary statements.
Article 15	If an obligor dies leaving property, the branch of Administrative Enforcement Agency may forthwith enforce against such property.
Article 16	Before attachment, if the property is discovered to have been attached by another authority, the executor shall not attach said property again. Properties already attached by the branch of Administrative Enforcement Agency shall not be attached by other authorities.
Article 17	<p>If the obligor is in any of the following circumstances, the branch of Administrative Enforcement Agency can order him to provide security, order him to perform the obligation within specific period, and restrict his residence:</p> <ol style="list-style-type: none"><li>1. Apparently able to, yet intentionally does not perform.</li><li>2. Apparent risk of absconding.</li><li>3. The obligor has concealed or disposed of the assets subject to compulsory execution.</li><li>4. Maintains silence during investigations into the subject matter of execution.</li><li>5. Refuses to report or makes false report after being ordered to report property.</li><li>6. Absent without legitimate reason after legal notice.</li></ol> <p>If the obligor in the foregoing paragraph is in any of the following circumstances, the residence restriction shall not apply:</p> <ol style="list-style-type: none"><li>1. The overdue fees or fines are not exceeding NT\$100,000, but not including the circumstance that the obligor has exited twice.</li><li>2. The inheritance tax, fines, overdue fees, and interests have been paid by the obligor according to his/her entitled portion of the inheritance, but not including the circumstance that when the share he/she inherits is more than his/her entitled portions, he/she does not pay according the percentage of his/her inheritance.</li></ol> <p>According to the first paragraph, if the obligor neither performs an obligation nor provides the security within a specific period, it is compulsory for him to appear at the session for any of following circumstances, the branch of Administrative Enforcement Agency can make a claim to the rule of arrest of the obligor by the court.</p> <ol style="list-style-type: none"><li>1. Apparent risk of absconding.</li><li>2. After legal notice, fails to appear at session without just cause.</li></ol> <p>For the foregoing paragraph, the court shall verdict it within 5 days,</p>

and for any urgency, the court shall verdict it immediately.  
After the obligor appears at the session by arrest, the enforcement officer shall examine the obligor's identity, order the obligor to report his/her true financial situation, and make other necessary investigations.

After examining the obligor, if it is necessary to take him/her into custody for following circumstances, within 24 hours after the arrest, the branch of Administrative Enforcement Agency shall make a claim to the rule of taking the obligor into custody:

1. Apparently able to, yet intentionally does not perform.
  2. Apparent risk of absconding.
  3. The obligor has concealed or disposed of the assets subject to compulsory execution.
  4. The obligor's current properties are not enough to perform the obligation, but according to the obligor's total amount of income, financial situation, and working ability, it is possible for him/her to perform the obligation, and there are no other manners of execution, but the obligor refuses to report his/her real financial situation.
- The obligor may appear at the session on his/her own initiative or appear after being notified, and after being examined by the enforcement officer, and being considered to be in any circumstances of the foregoing paragraph, the branch of Administrative Enforcement Agency can retain him/her in the branch temporarily for making a claim to take the obligor in custody; the time period of examination and retaining total cannot exceed 24 hours.

The application for arrest or taking into custody shall be made to the district court located where branch of Administrative Enforcement Agency is located.

After accepting the application for taking into custody, the district court shall examine the obligor immediately then rule on it, and when necessary, the district court shall notify the branch of Administrative Enforcement Agency to assign executors to attend the session to make necessary statement or make necessary correction.

The branch of Administrative Enforcement Agency or the obligor can appeal for the ruling, determined by the court, of arrest or taking into custody within 10 days; the provisions pertaining to appeals from rulings of the Code of Civil Procedure shall be applicable mutatis mutandis to the foregoing procedures.

During appeal of the ruling, arrest or taking into custody continues to be proceeded. Once the original ruling is reversed, the execution of arrest or taking into custody shall cease, and the obligor arrested or took into custody shall be released.

Unless otherwise provided for by this Act, provisions regarding examination, arrest, and custody in the Compulsory Enforcement Act, the Act of Custody, and the Code of Criminal Procedure shall be applicable mutatis mutandis to arrest and taking into custody here.

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Article 17-1

If the obligor who is a natural person owes a certain amount of fines or fees to his/her obligation and finds that he/she has no more properties to fulfill the obligation but has living conditions above reasonable standards, the branch of Administrative Enforcement Agency shall order the following injunctions according to its authority or at the request of the interested person and notify the third party who shall comply with:

1. The prohibition of purchasing, renting, or using some goods or services above certain amounts.
2. The prohibition of traveling by specific transportation vehicles.
3. The prohibition of specific investments.
4. The prohibition of entering specific high expense places.
5. The prohibition of granting or lending goods or money to other people above certain amounts.
6. The prohibition of living expense exceeding a certain amount.
7. Other necessary prohibitions.

The certain amount stipulated in the preceding paragraph shall be prescribed by the Ministry of Justice.

Before issuing the injunction in accordance with the first paragraph, the branch of Administrative Enforcement Agency shall notify the obligor to appear at the session to present his/her opinion. That the obligor is absent without justified reasons shall not influence the investigation and reviewing processes the branch of Administrative Enforcement Agency

conducts according to this Article.

When reviewing whether the obligor's living condition is above normal people's reasonable standards, in order to issue the injunction in accordance with the first paragraph, the branch of Administrative Enforcement Agency shall consider reasons why the obligor failed to comply with the amount he/she owes, the complying situation, the opinions of the transferring agency, the reasons why the interested person applied for the injunction, and some other matters for making the final suitable decisions.

The branch of Administrative Enforcement Agency shall terminate the injunction of the first paragraph, and notify the third party who shall comply with the injunction when finishing the executive processes.

If the obligor violates the foregoing injunction without any justified reason, the branch of Administrative Enforcement Agency shall order him/her to pay a certain amount of money within a limited time period or to report the situations of his/her properties, income, and the employment of capital. If the obligor does not pay off, report, or makes a false statement, the branch of Administrative Enforcement Agency may treat it as the obligor apparently can afford his/her obligation and proceeds the processes according to the foregoing article.

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Article 18	If the promissory note is mentioned, the provider of the security is liable for the payment when the obligor flees or fails to perform the obligation, the branch of Administrative Enforcement Agency can execute the properties of the security provider once the obligor fails to perform the obligation within the time period as mentioned in the first paragraph of the preceding article.
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Article 19	<p>After rendering the order of arrest, the court should offer the warrant to the junior enforcement officer assigned from branch of Administrative Enforcement Agency to carry out the arrest. After arrest, the branch of Administrative Enforcement Agency should release the obligor who is in any circumstances of the following:</p> <ol style="list-style-type: none"><li>1. All obligations are performed.</li><li>2. The obligor has provided security for obligation performance.</li><li>3. The obligor does not qualify for custody.</li></ol> <p>After the court rules custody, the ticket shall be offered to the junior enforcement officer assigned by the branch of Administrative Enforcement Agency to send the obligor to the institution of custody; if the obligor is absent when the ticket issued, the assigned junior enforcement officer can take the ticket to enforce the obligor to be taken into custody. The time period for the custody cannot exceed three months from the first day of custody. If there are new reasons for custody, or the reason for ceasing custody is annihilated, the branch of Administrative Enforcement Agency can make a claim to the rule of custody once and only one time. The obligor is not relieved from the monetary obligation under public laws when he/she is ruled to be in custody.</p>
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Article 20	<p>The branch of Administrative Enforcement Agency shall examine people under the custody at least three times per month.</p> <p>When the people under the custody is examined or sent back to the custodian institution, the custodian institution shall be notified of it in writing.</p>
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Article 21	<p>If obligor or other people under the custody by law are in any of the following circumstances, they shall not be in custody; if they are in the following circumstances after they are taken into custody, the branch of Administrative Enforcement Agency shall send a written notification to the custodian institution to suspend the custody:</p> <ol style="list-style-type: none"><li>1. It is difficult for the inmate's family to maintain a living because the inmate is in custody.</li><li>2. People under the custody is over 5 months pregnant or within 2 months after giving birth.</li><li>3. Suffering from an illness which may not be treated due to being in custody.</li></ol>
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Article 22	<p>For any of the following circumstances, the branch of Administrative Enforcement Agency shall send a written notification to the Custodian Institution to release the inmate.</p>
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1. The obligation has been completely performed or finished executing.
2. The execution ceases because the revocation or alteration of the administrative disposition or ruling has been confirmed.
3. The custody is up.
4. The obligor already provided security for the obligation performance.

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Article 23	The Branch of Administrative Enforcement Agency shall report the result of the arrest or custody to the ruling court. The same is for examination, suspension of custody, and discharging.
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Article 24	<p>The provisions of the arrest, custody, and obligation of the obligor pertain to the following party:</p> <ol style="list-style-type: none"><li>1. When the obligor is a minor or a person who has become subject to the order of the commencement of guardianship, the statutory agent.</li><li>2. The manager or liquidator of a firm; the member who manages the partnership.</li><li>3. The representative or manager of a non-juridical group.</li><li>4. The responsible person of a company or other juridical person.</li><li>5. The heirs, the manager of the property of the deceased or the executor of a will after the obligor's death.</li></ol>
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Article 25	There is no charge for execution mentioned in this Chapter. The necessary expenses due to compulsory execution are charged to the obligor.
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Article 26	Unless otherwise provided by this Act, the provisions in the Compulsory Enforcement Act shall apply mutatis mutandis to the execution mentioned in this Chapter.
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### **Chapter 3 The Execution of Action or Non-action**

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Article 27	<p>If there is an obligation of action or non-action pursuant to laws or regulations or the administrative disposition by laws or regulations, and the action or non-action which shall be performed within a definite period specified in the deposition document or other written document, fails to be performed within the definite period, the action or non-action will be executed in direct compulsory means or indirect compulsory means by the enforcement authority.</p> <p>There shall be an indication specified in the documents in the preceding paragraph, and the indication is of that a compulsory execution will be executed when the obligation is not performed by the deadline.</p>
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Article 28	<p>The indirect compulsory executions meant in the foregoing article are as follows:</p> <ol style="list-style-type: none"><li>1. Substituted fulfillment.</li><li>2. Default surcharges.</li></ol> <p>The direct compulsory executions meant in the foregoing article are as follows:</p> <ol style="list-style-type: none"><li>1. Retain, delivery receive, possession dissolve, disposition, use or limited use of the personal property and real property.</li><li>2. Enter, close, tear down a residence, building, or other places.</li><li>3. Recover, cancel license.</li><li>4. Cut off running water, electricity, or other resources for operation.</li><li>5. Other ways performed by the real enforcement to fulfill the same contents as what is of the obligation performance.</li></ol>
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Article 29	<p>If there is an obligation of an action or non-action pursuant to laws or regulations or the administrative disposition by the laws or regulations, which can be as a substituted behavior of fulfilling, the enforcement authority can commission the obligation to a third party or an appointed person to substitute the obligor to perform the obligation.</p> <p>The amount for substituted fulfillment is estimated by the enforcement authority and the obligor is charged the amount; if the payment received is in non-conformity with the amount, there shall be refund for any overpayment or a supplemental payment for any deficiency.</p>
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Article 30	<p>If there is an obligation of an action pursuant to laws or regulations or the administrative disposition by the laws or regulations, which cannot be as a substituted behavior of fulfillment, and the obligor fails, he/she will be charged 5,000 to 300,000 NTD, depending on the</p>
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circumstances.

If there is an obligation of non-action pursuant to laws or regulations or the administrative disposition by the laws or regulations and the obligor fails, the foregoing paragraph also applies too.

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Article 31	According to the foregoing article, if the obligor fails to perform his obligation after being fined, the obligor may be issued a series of default surcharges by the enforcement authority. Before the punishment of a series of default surcharges, the obligor shall be notified in writing to perform the obligation within a definite period as mentioned in the foregoing provision of Article 27, unless otherwise is provided by law.
Article 32	If the goal cannot be accomplished through indirect compulsory execution, or it is urgent to execute the object otherwise the goal cannot be accomplished, the enforcement authority can execute the object by direct compulsory means.
Article 33	The provisions in this Chapter pertain to the compulsory execution for delivery.
Article 34	If the fees resulting from substituted fulfillment or default surcharge are not paid by the deadline, the branch of Administrative Enforcement Agency will execute it in accordance with the provisions in Chapter 2.
Article 35	The provisions in Chapter 3 & 4 in the Compulsory Enforcement Act apply <i>mutatis mutandis</i> to this Chapter.

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#### **Chapter 4 Administrative Immediate coercion**

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Article 36	In the interest of preventing crime, dangerous situations, avoiding imminent danger, and there is the need for immediate disposition, administrative immediate coercion shall be executed. Administrative immediate coercion shall process as follows: <ol style="list-style-type: none"><li>1. Physically restraining the person.</li><li>2. The retaining, use, disposing, or limiting the use of objects.</li><li>3. Entering residence, buildings, or other places.</li><li>4. Other necessary disposition by statutory authority.</li></ol>
Article 37	Placing a person under physical restraint is limited to the following circumstances: <ol style="list-style-type: none"><li>1. It is necessary to place a person who is insane or intoxicated under physical restraint to prevent his or other people's life and body from being endangered.</li><li>2. It is necessary to place a person under physical restraint to prevent his suicide.</li><li>3. It is necessary to place a person who commits an act of violence under physical restraint to prevent any harm.</li><li>4. If there are any circumstances that a person needs to be rescued or public security may be endangered, and it can only be prevented by physical restraint.</li></ol> The time for the physical restraint mentioned in the preceding paragraph shall not exceed 24 hours.
Article 38	To avoid a danger, an implement of war, a dangerous weapon, or other dangerous articles may be seized if necessary. Unless the seized objects shall be confiscated, forfeited, destroyed or reimbursed financially, the time to retain the seized object cannot exceed 30 days. The time can be prolonged no more than 2 months before the reasons for seizure disappear. If the object is no longer necessary to be seized, it shall be returned; if it is not picked up or it cannot be returned, the ownership shall return to the Treasury; it is the same for the seized object reimbursed financially.
Article 39	If it is necessary to use, dispose or limit the use of the land, residence, building or objects for the purpose of preventing the danger caused by force majeure, accident, or preventing danger lying on traffic matters, hygiene matters or public security, the use, disposition or

limit is allowed.

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| Article 40 | Entering a residence, building, or other places is only allowed when a person's life, body or property is in imminent danger and need rescue. |
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| Article 41 | <p>A person suffering special loss of life, body or property as a result of the administrative immediate coercion executed by the enforcement authority according to law may claim for reimbursement, except when the loss is imputable to the person.</p> <p>The reimbursement in the foregoing paragraph shall be made in money only for the real special loss.</p> <p>Anyone disagreeing with the decision on the reimbursement made by the enforcement authority may file an appeal and initiate an administrative litigation according to the law.</p> <p>The claim shall be honored by the enforcement authority within 2 years from the date when the loss became known to the person, the person shall claim a reimbursement for the loss. If it is after 5 years since the loss, the person cannot claim a reimbursement for the loss.</p> |
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#### Chapter 5 Supplementary Provisions

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| Article 42 | <p>Since the date for enforcement of the amendments to this Act, other regulations regarding sending monetary obligation under public laws to court to be enforced shall not be applicable.</p> <p>The administrative execution matters occurring before the date for enforcement of this amendment to this Act which have not been executed or have not been finished shall be executed according to the regulations of this Act since the date for enforcement of the amendments to this Act;</p> <p>The matters regarding the compulsory execution for monetary obligation under public laws sent to the court to be executed, shall be transferred to the competent branch of Administrative Enforcement Agency of authority to be continually executed.</p> <p>The execution period regulated in the section 7 in the foregoing paragraph shall start from the date for enforcement of the amendments to this Act.</p> |
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| Article 43 | The enforcement rules of this Act are determined by the Executive Yuan. |
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| Article 44 | <p>This Act shall come into force from the date of promulgation.</p> <p>The date that the amendments to this Act come into effect shall be gazetted by the Executive Yuan. But the articles amended on December 15, 2009 shall come into force on November 23, 2009.</p> |
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