

Content

Title :	Enforcement Act of the Part of Obligations of the Civil Code CH
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Legislative :	1.Promulgated on February 10, 1930 and effective from May 5, 1930 2.Re-acted on April 21, 1999 and effective from May 5, 2000 3.As amended on May 5, 2000 4.Articles 36 as amended on December 30,2009 5.Amendment to Article 36 and addition of 10-1 promulgated on January 20,2021

- Article 1 Unless otherwise provided by the present Enforcement Act, the provisions of the Part of Obligations of the Civil Code shall not apply to obligations occurred before the coming into force of the Part of Obligations of the Civil Code; unless otherwise provided by the present Enforcement Act, the revised provisions shall also not apply to obligations occurred before the coming into force of the revision.
- Article 2 Before the coming into force of the Part of Obligations of the Civil Code, if according to the provisions of the Part of Obligations of the Civil Code, the extinctive prescription has already completed, or the remainder of the period of prescription is less than one year, the claim may be made within one year from the date of its coming into force. Except when the period, beginning from the completion of the prescription to the coming into force of the Part of Obligations of the Civil Code, exceeds half of the period of prescription as provided by the Part of Obligations of the Civil Code. If according to the provisions of the Part of Obligations of the Civil Code, the extinctive prescription is less than one year, and if it has not yet completed before the coming into force of the Part of Obligations of the Civil Code, the prescription is reckoned from the date of its coming into force.
- Article 3 If the statutory extinctive prescription has already completed before the coming into fore of the revision of the Part of Obligations of the Civil Code, the prescription has completed. If the period of a statutory extinctive prescription before the coming into fore of the revision of the Part of Obligations of the Civil Code is longer than that provided by the revision of the Part of Obligations of the Civil Code, the provisions before the revision shall be applied. However, if the remainder of the period of prescription reckoned form the date of the coming into force of the revision of Part of Obligations of the Civil Code is longer than that provided by the revision of the Part of Obligations of the Civil Code, the provisions provided by the revision of the Part of Obligations of the Civil Code shall be applied from the date of the coming into force of the revision.
- Article 4 The provisions of the preceding two articles apply mutatis mutandis to the statutory period of non-prescription as provided by the Part of Obligations of the Civil Code.
- Article 5 The provisions of the revised Article 164 of the Civil Code shall also apply to the rewarding public notice constituted before the coming into force of the revision of the Part of Obligations of the Civil Code.
- Article 6 The provisions of the revised second paragraph of Article 165 of the Civil Code shall also apply to the rewarding public notice which the

period of time for the performance is fixed in the public notice before the coming into force of the revision of the Part of Obligations of the Civil Code.

Article 7	The provisions of the revised Article 165-1 to Article 165-4 of the Civil Code shall also apply to the rewarding public notice for the best constituted before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 8	The provision of the revised third paragraph of Article 187 of the Civil Code shall also apply to the situation when the person of no capacity or limited in capacity to make juridical acts has wrongfully damaged the rights of another before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 9	The provisions of the revised Article 195 of the Civil Code shall also apply to the situation when the person has wrongfully damaged to the credit, privacy, chastity or other personality of another, or to the status based on the relationship to the father, mother, sons, daughters or spouse of another in a severe way before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 10	The provisions of Article 204 of the Civil Code shall also apply mutatis mutandis to rates of interest exceeding 12% per annum which were agreed upon before the coming into force of the Part of Obligations of the Civil Code.
Article 10-1	The provision of the revised Article 205 of the Civil Code shall also apply to the agreement that has been made before the effective date for the amendment of the Part of Obligations but its interest debt becomes effective after the amendment comes into force.
Article 11	The provisions of the Part of Obligations of the Civil Code shall also apply to the obligation of interest incurred before the coming into force of the PART of OBLIGATIONS of the Civil Code and which has not been performed at that time. But if, at the time when the Part of Obligations of the Civil Code comes into force, the total amount of unpaid interest exceeds the principal, the total amount of interest shall still be made not to exceed the principal.
Article 12	The provision of the revised third paragraph of Article 213 of the Civil Code shall also apply to the person who is bound to compensate for the injury and therefore shall restore the injured person to the prior condition before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 13	The provision of the revised Article 216-1 of the Civil Code shall also apply to the obligations occurred before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 14	<p>The provisions of the first or the second paragraph of Articles 217 and Article 218 of the Civil Code shall also apply mutatis mutandis to obligations to make compensation for the injury done before the coming into force of the Part of Obligations of the Civil Code.</p> <p>The provisions of the revised third paragraph of Article 217 of the Civil Code shall also apply to the situation when the agent of the injured person or the person performing the obligation for the injured person has negligently contributed to the injury before the coming into force of the revision of the Part of Obligations of the Civil Code.</p>
Article 15	The provisions of the revised Article 227-2 of the Civil Code shall also apply to the obligations occurred before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 16	<p>When an obligation occurred before the coming into force of the Part of Obligations of Civil Code is not performed after its coming into force, the debtor is responsible for the non-performance in accordance with the provisions of the Part of Obligations of the Civil Code.</p> <p>The provision of the preceding paragraph shall apply mutatis mutandis to the situation when the creditor refuses to or fails to accept the</p>

performance.

Article 17	The provisions of the revised Article 247-1 of the Civil Code shall also apply to the contract made before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 18	The provisions of Articles 250 to Article 253 of the Civil Code shall also apply to the penalty which was agreed upon before the coming into force of the Part of Obligations of the Civil Code.
Article 19	On the publicly certified acknowledgement mentioned in Article 308 of the Civil Code shall be made by the creditor, and the notary public, police authorities, the communities of commerce, or local autonomous institution of the place of performance shall be applied to affix his or their seal and signature.
Article 20	<p>The provisions of Article 318 of the Civil Code shall apply to the obligations assumed before the coming into force of the Part of Obligations of the Civil Code.</p> <p>The provision of the revised second paragraph of Article 318 of the Civil Code shall also apply to the obligations assumed before the coming into force of the revision of the Part of Obligations of the Civil Code.</p>
Article 21	Obligations occurred before the coming into force of the Part of Obligations of the Civil Code may also be offset in accordance with the provisions of the Part of Obligations of the Civil Code.
Article 22	In a contract of redemption constituted before the coming into force of the Part of Obligations of the Civil Code, if the redemption period is fixed, such period shall be followed. But if the remainder of the period, reckoning from the date of the coming into force of the Part of Obligations of the Civil Code is longer than that provided by Article 380 of the Civil Code, provision of Article 380 of the Civil Code shall be applied as from the date of their coming into force. In the event where no definite period is provided by the contract of redemption, the period shall not exceed five years beginning from the date of the coming into force of the Part of Obligations of the Civil Code.
Article 23	The provision of the revised Article 422-1 of the Civil Code shall also apply to leasing a land (station) for building a house before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 24	<p>The validity of a lease contract which was made before the coming into force of the Part of Obligations of the Civil Code shall be in accordance with the provisions of the Part of Obligations of the Civil Code.</p> <p>If the period of the lease mentioned in the preceding paragraph is fixed in the contract, such period shall be followed. But if the remainder of the period, reckoning from the date of the coming into force of the Part of Obligations of the Civil Code is longer than that provided by Article 449 of the Civil Code, the provisions of Article 449 of the Civil Code shall be applied as from the date of their coming force.</p>
Article 25	The provision of the revised Article 465-1 of the Civil Code shall also apply to the agreement on constituting a contract of a loan for use made before the coming into force of the revision of the Part of Obligations of the Civil Code
Article 26	The provisions of the revised Article 475-1 of the Civil Code shall also apply to the agreement on constituting a contract of a loan for consumption constituted made before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 27	The provision of the revised second paragraph of Article 495 of the Civil Code shall also apply to the contract of hire of work constituted before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 28	Before the promulgation of the Law of Auction Sale, the auction as provided by the Part of Obligations of the Civil Code may be sold according to the current market value. But it shall be certified by the

court, the notary public, the police authorities, the communities of commerce or the local autonomous institution.

Article 29	The unended part of a contract of travel constituted before the coming into force of the revision of the Part of Obligations of the Civil Code shall be in accordance with the provisions concerning the travel of the revised Part of Obligations of the Civil Code from the date of the coming into force of the revision.
Article 30	The provision of the revised Article 618-1 of the Civil Code shall also apply to the receipt of warehousing lost, stolen, or destroyed before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 31	The provision of the revised Article 629-1 of the Civil Code shall also apply to the bill of lading lost, stolen, or destroyed before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 32	The provision of the revised Article 722 of the Civil Code shall also apply the bearer instrument acquired in bad faith before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 33	The provision of the revised Article 739-1 of the Civil Code shall also apply to the suretyship constituted before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 34	The provision of the revised Article 742-1 of the Civil Code shall also apply to the suretyship constituted before the coming into force of the Part of Obligations of the Civil Code.
Article 35	The provisions of the newly added section 24-1, except the second paragraph of Article 756-2, shall also apply to the employment suretyship constituted before the coming into force of the revision of the Part of Obligations of the Civil Code.
Article 36	<p>This present Enforcement Act comes into force as from the effective date for the Part of Obligations of the Civil Code.</p> <p>Unless otherwise specified, the amendment of the Part of Obligations of the Civil Code and the present Enforcement Act shall come into force as from the date of promulgation.</p> <p>The provisions of the revision of the Part of Obligations of the Civil Code and the present Enforcement Act come into force on May 5, 2000, except the effective date for the Article 166-1 of the Civil Code shall be otherwise determined jointly by the Executive Yuan and the Judicial Yuan.</p> <p>Article 687 and Article 708 of the Civil Code which were revised on December 15, 2009 shall take effect from the date of November 23, 2009.</p> <p>Article 205 of the Civil Code which were revised on December 29, 2020 shall take effect six months after promulgation.</p>
