


Content

Title :	The Organization Act of the Administrative Enforcement Agency, Ministry of Justice 
Announced Date :	2011.06.29
Legislative :	1. Full text of 9 articles are promulgated by the Presidential Decree of Hua-Zong-1-Yi-Zi No.10000135171 on June 29,2011 and enforced on January 1, 2012
Article 1	The Ministry of Justice shall establish the Administrative Enforcement Agency (hereafter referred to as “the Agency”) to administer the compulsory execution on obligation payment under public law.
Article 2	<p>The Agency shall be in charge of the following matters:</p> <ol style="list-style-type: none">1. Studying, formulating, and interpreting relevant regulations of the compulsory execution on obligation payment under public law;2. Determining the motion of objection against the compulsory execution on obligation payment under public law;3. Supervising, auditing, coordinating, and contacting the compulsory execution on obligation payment under public law; and4. Other matters regarding of the compulsory execution on obligation payment under public law.
Article 3	<p>The Agency shall appoint one Director-General who is the selected appointment with 12th to 13th grade in the civil service system and one Deputy Director-General who is the selected appointment with 12th grade in the civil service system.</p> <p>The Director-General and the Deputy Director-General in the foregoing paragraph shall have the qualification of the enforcement officer.</p>
Article 4	The Agency shall appoint one Chief Secretary who is the selected appointment with 11th grade in the civil service system.
Article 5	For the need of the agency functions within the jurisdictions, the Agency shall establish the branches.
Article 6	The titles for the appointed officers with the official ranks and grading of positions under the civil service system within the Agency and the number of personnel shall be presented in a formal staffing table.
Article 7	<p>The tenured judge can be temporarily transferred to the Agency to be the Director-General and the Deputy Director-General of the Agency, the Director of the Branch, the Chief Enforcement Officer, and the Enforcement Officer. The temporary transfer comes into the force after the Judicial Yuan or the Ministry of Justice has approved the application.</p> <p>The tenured judge transfers to the Agency to be the Director-General and the Deputy Director-General of the Agency, the Director of the Branch, the Chief Enforcement Officer, and the Enforcement Officer, whose years of service and remuneration shall account according to the equivalent position of judicial officer; three months before the compulsory retirement for the judicial administration officer, he/she shall return to the position of the judicial judge.</p>
Article 8	<p>The enforcement officer of the Agency and each Branch shall satisfy one of the criteria set forth below to qualify for the position:</p> <ol style="list-style-type: none">1. Serves or has served as a tenured judge or tenured prosecutor and has the qualification for the assigned position;2. Has passed the exam of judge and prosecutor or enforcement officer;3. Has been admitted to the bar and served as a practicing attorney for over three years with good track record, and has the qualification for

the assigned position;

4. Graduated from a public or private university, an independent college, a graduate school, or a foreign university, independent college, or graduate school recognized by the Ministry of Education, and serves or has served as a judicial administration officer, clerk assistant of the prosecutors office or the court, or enforcement clerk over six years with good track record, and has the qualification for the assigned position;

5. Graduated from a public or private university, an independent college, a graduate school, or a foreign university, independent college, or graduate school recognized by the Ministry of Education, and serves or has served in the tax administration affairs or customs administration affairs with good track record, and has the qualification for the assigned position;

6. Graduated from a public or private university, an independent college, a graduate school, or a foreign university, independent college, or graduate school recognized by the Ministry of Education, and serves or has served in the legislative affairs of the agency in each level of the government with good track record, and has the qualification for the assigned position.

Candidates who possess the qualifications set forth in Subparagraphs three to six of the preceding first paragraph shall pass the review and admission processes and receive pre-job training; the rules for the review and admission processes and pre-job training shall be determined by the Ministry of Justice.

The qualification for the clerks in the Branch shall apply mutatis mutandis to the articles 18 and 19 of the Judicial Personnel Management Act.

The qualification of the executive officers in the Branch shall apply mutatis mutandis to the first paragraph of the article 26 of the Judicial Personnel Management Act, which is regarding the rules for the bailiffs.

Article 9

The date for the enforcement of this Act is determined in administrative ordinances by the Executive Yuan.
