

裁判救濟程序

Adjudication Relief Proceedings

壹、地方法院行政訴訟庭之教示條款

Legal Notice Provisions for the Administrative Litigation Panels of the District Courts

301 得上訴

如不服本判決，應於判決送達後 20 日內，以原判決違背法令為理由，向本院提出上訴狀並表明上訴理由（原判決所違背之法令及其具體內容或依訴訟資料可認為原判決有違背法令之具體事實）。其未載明上訴理由者，應於提出上訴後 20 日內，向本院補提理由書（上訴狀及上訴理由書均須按他造人數附繕本），並繳納上訴裁判費新臺幣 3,000 元；如未按期補提上訴理由書，則逕以裁定駁回上訴。

301 Appealable

If a party disagrees with this judgment, a written appeal petition on the ground that the original judgment is in contravention of the laws and regulations shall be filed with the Court within 20 days calculated from the date of service of the judgement indicating the reasons for the appeal (to specify the laws and regulations which the original judgment contravened and the specific content thereof; or the specific facts, as revealed by the litigation materials, which may lead to a finding that the original judgment is in contravention of said laws and regulations). If the reasons are not set forth in the appeal petition, a supplemental petition may be filed with the Court within 20 days after filing the appeal. (The number of the written copies of the appeal petition and the reasons for appeal in writing to be attached shall all be the same as the number of opposing parties.), and the court costs of NTD3,000 on an appeal shall be paid. If the appellant fails to submit the reason for the appeal within the aforementioned period, the Court shall dismiss the appeal immediately by a ruling.

302 得抗告（一般裁定）

如不服本裁定，應於送達後 10 日內，以書狀敘明理由向本院提出抗告狀。

302 Right to interlocutory appeals (General rulings)

A person who disagrees with this ruling shall file a written petition of appeal against the ruling specifying the reasons to the Court within 10 days calculated from the date of service of this ruling.

303 得抗告（收容聲請裁定）

如不服本裁定，應於裁定送達後 5 日內，向本院提出抗告狀。（應附繕本）

303 Right to interlocutory appeals (Rulings on detention applications)

A person who disagrees with this ruling shall file a written petition of appeal against the ruling to the Court within 5 days calculated from the date of service of this ruling. (A written copy thereof shall be attached.)

304 不得抗告

本裁定不得抗告。

304 No appeals against rulings

This ruling shall not be appealed.

305 不得聲明不服

不得聲明不服。

305 No objection may be raised

No objection may be raised.

貳、高等行政法院之教示條款

Legal Notice Provisions for the High Administrative Court

306 得上訴

一、如不服本判決，應於送達後 20 日內，向本院提出上訴狀並表明上訴理由，如於本判決宣示後送達前提起上訴者，應於判決送達後 20 日內補提上訴理由書（須按他造人數附繕本）。

二、上訴時應委任律師為訴訟代理人，並提出委任書。（行政訴訟法第 241 條之 1 第 1 項前段）

三、但符合下列情形者，得例外不委任律師為訴訟代理人。（同條第 1 項但書、第 2 項）

得不委任律師為訴訟代理人之情形	所需要件
(一)符合右列情形之一者，得不委任律師為訴訟代理人	1. 上訴人或其法定代理人具備律師資格或為教育部審定合格之大學或獨立學院公法學教授、副教授者。 2. 稅務行政事件，上訴人或其法定代理人具備會計師資格者。 3. 專利行政事件，上訴人或其法定代理人具備專利師資格或依法得為專利代理人者。
(二)非律師具有右列情形之一，經最高行政法院認為適當者，	1. 上訴人之配偶、三親等內之血親、二親等內之姻親具備律師資格者。 2. 稅務行政事件，具備會計師資格者。

亦得為上訴審訴訟代理人	<p>3. 專利行政事件，具備專利師資格或依法得為專利代理人者。</p> <p>4. 上訴人為公法人、中央或地方機關、公法上之非法人團體時，其所屬專任人員辦理法制、法務、訴願業務或與訴訟事件相關業務者。</p>
<p>是否符合(一)、(二)之情形，而得為強制律師代理之例外，上訴人應於提起上訴或委任時釋明之，並提出(二)所示關係之釋明文書影本及委任書。</p>	

306 Appealable

- (1) If a party disagrees with this judgment, a written appeal petition shall be filed with the Court within 20 days calculated from the date of service of the judgement indicating the reasons for the appeal. If the petition is filed after the judgment is announced but before it is served, a supplemental petition with reasons of the appeal shall be filed with the Court within 20 days after the judgment is served. (The number of the written copies thereof to be submitted shall be the same as the number of opposing parties.)
- (2) An appellant shall appoint an attorney as his/her advocate in the appeal and produce a power of attorney. (Administrative Litigation Act, Article 241-1, the fore part of paragraph 1)
- (3) However, provided that the following conditions are met, an appellant may exceptionally not to appoint a lawyer as his/her advocate. (the proviso of paragraph 1 and paragraph 2 of the same Article)

Conditions under which an appellant may exceptionally not to appoint a lawyer as his/her advocate	Requirements
(1) When any one of the conditions set out in the right column is met, an appellant may exceptionally not to appoint a lawyer as his/her advocate.	<ol style="list-style-type: none"> 1. The appellant or his/her legal representative is qualified to act as an attorney or is a professor or an associate professor of public law in a university or independent college accredited by the Ministry of Education. 2. For tax administrative matters, the appellant or his/her legal representative is qualified to act as a certified public accountant. 3. For patent administrative matters, the appellant or his/her legal representative is qualified to act as a

	patent attorney or legally qualified to act as a patent agent.
(2) Where a non-lawyer meets any one of the conditions set out in the right column, and the Supreme Administrative Court considers it appropriate, such a non-lawyer may also act as an advocate in the appellant court.	<ol style="list-style-type: none"> 1. Where the spouse, or a relative by blood within the third degree or a relative by marriage within the second degree to the appellant is qualified to act as an attorney. 2. For tax administrative matters, the person is qualified to act as a certified public accountant. 3. For patent administrative matters, the person is qualified to act as a patent attorney or legally qualified to act as a patent agent. 4. Where the appellant is a public legal person, a central or local government agency or an unincorporated group in public law and has full-time personnel who handle the legal system, legal affairs, petitions, or the business related to the litigation matter.
Whether it meets the conditions of (1) and (2) above to be an exception to the mandatory representation in court by an attorney, the appellant shall make a preliminary showing either upon appeal or upon appointing the advocate, and produce the photocopy of the document indicating the relationship specified in (2) above and the Power of Attorney.	

307 不得上訴

不得上訴。

307 Non-appealable

Non-appealable.

308 得抗告

如不服本裁定，應於送達後 10 日內向本院提出抗告狀（須按他造人數附繕本）。

308 Right to interlocutory appeals

A person who disagrees with this ruling shall file a written petition of appeal against the ruling specifying the reasons to the Court within 10 days calculated from the date of service of this ruling. (The number of the written copies thereof to be submitted shall be the same as the number of opposing parties.)

309 不得抗告

不得抗告。

309 [No interlocutory appeals may be raised against the ruling.]

No interlocutory appeals may be raised against the ruling.

310 [不得聲明不服]

不得聲明不服。

310 [No objection may be raised.]

No objection may be raised.