行政訴訟
Administrative Litigations

裁判救濟程序

Adjudication Relief Proceedings

壹、 高等行政法院地方行政訴訟庭之教示條款

Legal Notice Provisions for the District Administrative Litigation Division of the High Administrative Court

《301》得上訴（通常訴訟程序第一審判決）

一、如不服本判決，應於送達後 20 日內，向本院地方行政訴訟庭提出上訴狀，其未表明上訴理由者，應於提出上訴後 20 日內補提理由書；如於本判決宣示或公告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（均須按他造人數附繕本）。

二、上訴未表明上訴理由且未於前述 20 日內補提上訴理由書者，逕以裁定駁回。

三、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 49 條之 1 第 1 項第 2 款）。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 3 項、第 4 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. 上訴人或其代表人、管理人、法定代理人具備法官、檢察官、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，上訴人或其代表人、管理人、

	法定代理人具備會計師資格者。 3. 專利行政事件，上訴人或其代表人、管理人、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，經高等行政法院高等行政訴訟庭認為適當者，亦得為上訴審訴訟代理人	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。 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。 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。
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。	

《301》Appealable (Judgment of First Instance under the Ordinary Proceedings)

(1) If there are any disagreements with the judgment at the time of service, a written appeal shall be filed with the District Administrative Litigation Division of this Court within 20 days after the service of the judgment. If the

reasons for the appeal are not stated, the appellant may submit an additional statement of reasons to the District Administrative Litigation Division of this Court within 20 days of the appeal filing. If the petition is filed after the judgment is announced or published but before it is served, a supplemental petition with reasons of the appeal shall be filed with the District Administrative Litigation Division of this Court within 20 days after the judgment is served. (Under either circumstance, the number of the written copies thereof to be submitted shall be the same as the number of opposing parties.)

(2) Under the condition that the appeal petition does not state the reasons for the appeal and no supplemental brief is submitted within the aforementioned 20-day period, the appeal shall be dismissed through a ruling without further proceedings.

(3) When filing an appeal, the appellant shall appoint an attorney as the litigation representative and submit a power of attorney (Administrative Litigation Act, Article 49-1, Paragraph 1, Subparagraph 2). However, when the circumstances specified below are met, the appointment of an attorney may be exempted (Paragraphs 3 and 4 of the same Article).

Conditions under which an appellant may be exempted from appointing a lawyer as his/her advocate	Requirements
(1) When any one of the conditions set out in the right column is met, an appellant be exempted from appointing a lawyer as his/her advocate.	1. The appellant or his/her representative, administrator, or legal representative is qualified to act as a judge, prosecutor, or attorney, or is a professor or an associate professor of public law in a university or an independent college accredited by the Ministry of Education. 2. For tax administrative matters, the appellant or his/her representative, administrator, or

	legal representative is qualified to act as a certified public accountant. 3. For patent administrative matters, the appellant or his/her representative, administrator, or 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 stipulated in the right column, and the High Administrative Litigation Division of the High Administrative Court considers it appropriate, such a non-lawyer may also act as an advocate in the appellant court.	1. 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. 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 the conditions of (1) and (2) above are met to form 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 a photocopy of the document indicating the relationship specified in (2) above and the Power of Attorney.	

《302》得上訴（簡易、交通裁決事件第一審判決）

一、如不服本判決，應於送達後 20 日內，以原判決違背法令為理由，向本院地方行政訴訟庭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，以及依訴訟資料合於該違背法令之具體事實)，其未表明上訴理由者，應於提出上訴後 20 日內補提理由書；如於本判決宣示

或公告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（均須按他造人數附繕本）。

二、上訴未表明上訴理由且未於前述 20 日內補提上訴理由書者，逕以裁定駁回。

《302》Appealable (Judgment of First Instance in Summary Proceedings or Traffic Adjudication Cases)

(1) If a party disagrees with the judgment, a written appeal petition on the ground that the original judgment is in contravention of the laws or regulations shall be filed with the District Administrative Litigation Division of the Court within 20 days starting from the date of service of the judgment, and the reasons for the appeal shall be specified (including the laws or regulations violated by the original judgment and the specific contents thereof, as well as the specific facts established from the litigation materials demonstrating such violation). If the reasons are not stated in the appeal petition, a supplemental brief stating the reasons shall be filed within 20 days after the appeal filing. If the appeal is filed after the judgment is pronounced or publicly announced but before service, the reasons shall be supplemented within 20 days after the service of the judgment. (The number of written copies to be attached shall be the same as the number of opposing parties.)

(2) Where the appeal petition does not state the reasons for the appeal and no supplemental brief is submitted within the aforesaid 20-day period, the appeal shall be dismissed by a ruling without further proceedings.

《303》得抗告（一般裁定）

如不服本裁定，應於送達後 10 日內，向本院地方行政訴訟庭提出抗告狀並敘明理由（須按他造人數附繕本）。

《303》Right to interlocutory appeals (General rulings)

A person who disagrees with the ruling shall file a written petition of interlocutory appeal with the District Administrative Litigation Division of this High Administrative Court within 10 days starting from the date of service of this ruling, stating the reasons for the appeal. (The number of transcript copies to be attached shall correspond to the number of persons in the opposing parties.)

《304》得抗告（收容聲請裁定）

如不服本裁定，應於送達後 5 日內，以書狀敘明理由向本院提出抗告狀（須按他造人數附繕本）。

《304》Right to interlocutory appeals (Rulings on detention applications)

A person who disagrees with this ruling shall file a written petition of interlocutory appeal stating reasons against the ruling to the Court within 5 days starting from the date of service of this ruling. (Under either circumstance, the number of transcript copies should be attached, as per the number of persons in the other parties.)

《305》不得抗告

不得抗告。

《305》No Interlocutory appeal is permitted.

No Interlocutory appeal is permitted.

《306》不得聲明不服

不得聲明不服。

《306》No objection may be raised

No objection may be raised.

貳、 高等行政法院高等行政訴訟庭之教示條款

Legal Notice Provisions for the High Administrative Litigation Division of High Administrative Courts

《307》得上訴

一、如不服本判決，應於送達後 20 日內，向本院高等行政訴訟庭提出上訴狀，其未表明上訴理由者，應於提出上訴後 20 日內補提理由書；如於本判決宣示或公告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（均須按他造人數附繕本）。

二、上訴未表明上訴理由且未於前述 20 日內補提上訴理由書者，逕以裁定駁回。

三、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 49 條之 1 第 1 項第 3 款）。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 3 項、第 4 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. 上訴人或其代表人、管理人、法定代理人具備法官、檢察官、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，上訴人或其代表人、管理人、法定代理人具備會計師資格者。

	3. 專利行政事件，上訴人或其代表人、管理人、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，亦得為上訴審訴訟代理人	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。 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。 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。
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。	

《307》 Appealable

(1) If there are any disagreements with the judgment at the time of service, a written appeal shall be filed with the High Administrative Litigation Division of this Court within 20 days after the service of the judgment. If the reasons for the appeal are not stated, the appellant may submit an additional statement of reasons to the High Administrative Litigation Division of this Court within 20 days of the appeal filing. If the petition is

filed after the judgment is announced or published but before it is served, a supplemental petition with reasons of the appeal shall be filed with the High Administrative Litigation Division of this Court within 20 days after the judgment is served. (Under either circumstance, the number of the written copies thereof to be submitted shall be the same as the number of opposing parties.)

(2) Where the appeal petition does not state the reasons for appeal and no supplemental brief is submitted within the aforementioned 20-day period, the appeal shall be dismissed by a ruling without further proceedings.

(3) When filing an appeal, the appellant shall appoint an attorney as litigation representative and submit a power of attorney (Administrative Litigation Act, Article 49-1, Paragraph 1, Subparagraph 3). However, when the circumstances specified below are met, the appointment of an attorney may be exempted (Paragraphs 3 and 4 of the same Article).

Conditions under which an appellant may be exempted from appointing 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 be exempted from appointing a lawyer as his/her advocate.	1. The appellant or his/her representative, administrator, or legal representative is qualified to act as a judge, prosecutor, or attorney, or is a professor or an associate professor of public law in a university or an independent college accredited by the Ministry of Education. 2. For tax administrative matters, the appellant or his/her representative, administrator, or legal representative is qualified to act as a certified public accountant. 3. For patent administrative matters, the appellant or his/her representative, administrator, or 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 stipulated 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.	1. 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. 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 the conditions of (1) and (2) above are met to form 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 a photocopy of the document indicating the relationship specified in (2) above and the Power of Attorney.	

《308》不得上訴

不得上訴。

《308》Non-appealable

Non-appealable.

《309》得抗告

一、如不服本裁定，應於送達後 10 日內，向本院高等行政訴訟庭提出抗告狀並敘明理由（須按他造人數附繕本）。

二、抗告時應委任律師為訴訟代理人，並提出委任書（行政訴訟法第 49 條之 1 第 1 項第 3 款）。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 3 項、第 4 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.抗告人或其代表人、管理人、法定代理人具備法官、檢察官、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,抗告人或其代表人、管理人、法定代理人具備會計師資格者。 3.專利行政事件,抗告人或其代表人、管理人、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，亦得為上訴審訴訟代理人	1.抗告人之配偶、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。 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。 4.抗告人為公法人、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。
是否符合(一)、(二)之情形，而得為強制律師代理之例外，抗告人應於提起抗告或委任時釋明之，並提出(二)所示關係之釋明文書影本及委任書。	

《309》An interlocutory appeal is permitted

(1) A person who disagrees with the ruling shall file a written petition of interlocutory appeal to the High Administrative Litigation Division of this Court within 10 days starting from the date of service of this ruling, stating reasons against the ruling. (The number of the written copies thereof to be submitted shall be the same as the number of opposing parties.)

(2) When filing an interlocutory appeal, the appellant shall appoint an attorney as litigation representative and submit a power of attorney (Administrative Litigation Act, Article 49-1, Paragraph 1, Subparagraph 3). However, where the circumstances specified below are met, the appointment of an attorney may be exempted (Paragraphs 3 and 4 of the same Article).

Conditions under which an appellant may be exempted from appointing a lawyer as his/her advocate	Requirements
(1) When any one of the conditions stipulated in the right column is met, an appellant may be exempted from	1. Either the appellant against a ruling or his/her representative, administrator, or legal representative is qualified to act as a judge, prosecutor, or attorney, or is a professor or an associate professor of public law in a university or an independent college

appointing a lawyer as his/her advocate.	accredited by the Ministry of Education. 2. For tax administrative matters, either the appellant against a ruling or his/her representative, administrator, or legal representative is qualified to act as a certified public accountant. 3. For patent administrative matters, either the appellant against a ruling or his/her representative, administrator, or 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.	1. The spouse, or a relative by blood within the third degree or a relative by marriage within the second degree to the appellant against a ruling 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. The appellant against a ruling is a public legal person, a central or local government agency, belongs to 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 the conditions of (1) and (2) above are met to form an exemption to the mandatory representation in court by an attorney, the appellant against a ruling shall make a preliminary showing either upon appeal or upon appointing the advocate, and produce a photocopy of the document indicating the relationship specified in (2) above and the Power of Attorney.	

《310》不得抗告

不得抗告。

《310》No interlocutory appeals may be raised against the ruling.

No interlocutory appeals may be raised against the ruling.

《311》不得聲明不服

不得聲明不服。

《311》No objection may be raised.

No objection may be raised.