

Title : Act of Military Service for Officers and Noncommissioned Officers of the Armed Forces (Amended)

CHAPTER 1 General Principles

Article 1 This Act is instituted in accordance with Item-2, Article-3 of Military Service Act.

Article 2 The military services of the Arm Forces Officers are regulated in this Act; Others not being regulated in this Act are applied to the regulations of other laws.

Article 3 The Officers mentioned in this Act refers to the Standing Commissioned Officers and Reserved Ranking Officers; while the Non Commissioned Officers refers to the Standing Non Commissioned Officers and Reserved Non Commissioned Officers.

Article 4 The military services of the Standing Commissioned Officers and Standing Non Commissioned Officers start from the day of the appointment of their Ranks; While the Reserved Ranking Officers and the Reserved Non Commissioned Officers start from their Ranks appointment or the day their Certificate of Confirmation of honoring as Reserved Ranking Officers and Reserved Non Commissioned Officers; Their undergoing of services are classified as follows:
Subparagraph 1 Active Service : referring to those serving as Commissioned Officers and Non Commission Officers in the Military Camp, until their suspension, retirement, mobilization is lifted, restricted from service or separated.
Subparagraph 2 Reserve Service : divided into First Reserve Service, Second Reserve Service and Third Reserve Service; and are served by those Suspended, retired, mobilization lifted Ranking Officers and Non Commissioned Officers now on Active Service, or those officers that have obtained a Certificate of honoring as Reserved Commissioned Officers, Reserved Non Commissioned Officers, and are not serving in the military camp, until their suspension, restricted from service, loss their Citizenships or separated.

The above mentioned personnel who have been sentenced to imprisonment for a crime and was suspended after receiving the announcement of striped off of their civil rights, except being restricted from services, may transfer to undergo an Active Service of Standing Soldier or Reserve Service before the approval of their restoration.

Article 5 The separation age of the Ranking Officer and Non Commission Officers are as follows:

Subparagraph 1 Corporal / Sergeant / First Sergeant - 50 years old.

Subparagraph 2 Master Sergeant - 58 years old.

Subparagraph 3 Captain - 50 years old.

Subparagraph 4 Colonel - 58 years old.

Subparagraph 5 Major General - 60 years old.

Subparagraph 6 Lieutenant General - 65 years old.

Subparagraph 7 General - 70 years old.

The separation age of a Full General is not restricted by the above 7 subsections.

Article 6 Maximum years of service limit or age limit of a Commissioned Officers and Non Commissioned Officers on Active Service are as follows:

Subparagraph 1 The age limit for a Non Commissioned Officers is the same as the Separation Age.

Subparagraph 2 Second Lieutenant and Lieutenant - 10 years.

Subparagraph 3 Captain - 15 years.

Subparagraph 4 Major - 20 years.

Subparagraph 5 Lieutenant Colonel - 24 years.

Subparagraph 6 Colonel - 28 years.

Subparagraph 7 Major General - 57 years old.

Subparagraph 8 Lieutenant General - 60 years old.

Subparagraph 9 Full General - 64 years old.

The maximum years of service for those on Active Service is counted from the day of the Rank appointment. The maximum age for those on Active Service is counted from their Birthday until the first day of the proceeding month when they reaches their full age limit.

The maximum age of a Full General on Active Service is not restricted by Subsection-9 of Item-1 of this Act.

Article 7 Standing Commissioned Officers Service refers to a service good for a Male at a suitable age or on Active Service or Reserved Non Commission Officers, Enlisted Soldier, who had voluntarily passed the entrance exams for a Military Academy/ College or its equivalent level of schools in the country or abroad, and had completed and passed a Standing Officers education.

Article 8 Standing Non Commissioned Officers Service refers to a service good for a Male at a suitable age or on Active Service or Reserved Enlisted Soldier, who had voluntarily passed the entrance exams for a Military Academy/ College or its equivalent level of schools in the country or abroad, and had completed and passed a Standing Non Commissioned Officers education.

Enlisted Soldiers with an outstanding performance records and had passed the selection may serve as Standing Non Commissioned Officers.

Article 9 Reserved Commissioned Officers Service refers to the following personnel who had voluntarily attended the exams and had completed and passed the Reserved Ranking Officers Education:

Subparagraph 1 Graduating from a Vocational School (or above) or possessing a same level of standard.

Subparagraph 2 Had served as a Standard Non Commission Officers for more than two years.

Subparagraph 3 Had completed a Reserved Non Commissioned Officers Education with an outstanding grades.

Subparagraph 4 A special technical personnel with a skill needed in the military.

Subparagraph 5 Graduated from Senior High School or its equivalent level of schools, or currently an outstanding Non Commissioned Officers, Enlisted Soldier

who had passed the entrance exams to a Military Academy / College or Military Training Class.

The personnel mentioned in the above Subsection-1 to Subsection-4, if needed by the National Defense Military, can be recruited or mobilized in accordance with the law, to be educated as Reserved Ranking Officers, and to serve as Reserve Ranking Officers; Personnel mentioned in Subseciton-5 should undergo a certain period of Active Service.

Those current outstanding Non Commissioned Officers that had been appointed as a Commissioned Officers can serve as current Reserved Commissioned Officers.

Article 10 Reserved Non Commissioned Officers Service refers to the following personnel who had voluntarily attended exams and had completed and passed the Reserve Non Commissioned Education:

Subparagraph 1 Graduated from a Vocational School (or above) or posses a same level of standard.

Subparagraph 2 Having served in a current Standard Soldier with outstanding grades.

Subparagraph 3 Having served in a current Replacement Soldier with outstanding grades.

Subparagraph 4 A special technical personnel with a skill needed in the military.

Subparagraph 5 Graduating from Senior High School or its equivalent level of schools, or currently an outstanding Enlisted Soldier who had passed the entrance exams to a Military Academy / College or a Non Commissioned Officers Training Class.

The personnel mentioned in the above Subparagraph-1 to Subparagraph-4, if needed by the National Defense Military, can be recruited or mobilized in accordance with the law, to be educated as Reserved Non Commissioned Officers, and to serve as Reserve Non Commissioned Officers; Personnel mentioned in Subseciton-5 should undergo a certain period of Active Service.

Those current outstanding Enlisted Soldiers that had been appointed as a Non Commissioned Officers can serve as current Reserved Commissioned Officers.

CHAPTER 2 Services of Standing Commissioned Officers and Non Commissioned Officers

Article 11 The Active Service of a Standing Ranking Officers can not be less than 6 years, while the Active Service of a Standing Non Commissioned Officers can not be less than 4 years, and they are clearly stated during the recruitment by the Ministry of National Defense base on the requirements of the military.

If the minimum years required for the Active Service stated above has a special rules stipulated in this Act, those rules should be complied.

The minimum years required for Active Service stated on Item-1 is counted from the day of Rank's appointment. However, for those Commissioned Officers and Non Commissioned Officers who have passed the entrance exams to a Military Academy/College and graduated from a Ranking Officers Basic Education, the

day should be counted from the day the officers are reinstated to their positions.

Article 12 After the suspension or retirement of a Standing Commissioned Officer, Standing Non Commissioned Officer, they should undergo a Reserved Officers Service according to the following regulations:

Subparagraph 1 Having served an Active Service for less than 10 years, will serve the First Reserved Service.

Subparagraph 2 Having served an Active Service for more than 10 years but less than 20 years, or have served an Active Service and the First Reserved Service totaling to more than 10 years but less than 20 years, will serve the Second Reserved Service.

Subparagraph 3 Hav served an Active Service for more than 20 years, or have served an Active Service for more than 15 years and have reached the age of 60, or have served an Active Service and the First Reserved Service, the Second Reserved totaling to more than 20 years, but have not reach the retirement age, will serve the Third Reserved Service.

Article 13 When a Temporary Mobilization or General Mobilization for those Standing Ranking Officers, Standing Non Commissioned Officers undergoing the Reserved Service personnel are received, they should serve according to their skills, ranks, age and physical conditions, and base on the First / Second / Third Reserved Service sequence. The service period of those serving a Temporary Mobilized Active Service during a war or totally disorder, is the same as the General Mobilization, but in an ordinary time, they should complete the minimum years requirement for an Active Service. The education, duty, and serving the mobilization, that the officers should take will be in accordance with the regulations of the Military Service Act and Enforcement Regulations of the Military Service Act.

Based on the Military requirements, those Standing Ranking Officers and the Non Commissioned Officers undergoing Reserved Service personnel may undergo an Active Service for one to three years according to their will, and again base on the military requirements on their own will, the continue to serve in the Active Service. The regulations of selecting a volunteers for enlisted into a military camp stated above are instituted by the Ministry of National Defense.

Article 14 During the Active Service period of the Standing Commissioned Officers, Standing Non Commissioned Officers, if one of the following situations is encountered, they will be suspended:

Subparagraph 1 Missing for more than 3 months.

Subparagraph 2 Captive.

Subparagraph 3 Being Dismissed.

Subparagraph 4 On Leave.

Subparagraph 5 Being detained due to a crime for more than 3 months.

Subparagraph 6 Serving a sentence.

Subparagraph 7 Serving a Civil Servant's Position other than the Military Position.

Subparagraph 8 Other incidents that need to be suspended.

Those personnel stated on above Subsection-4 are allowed to be reinstated after taking their leave; But the personnel stated on Subsection-7 are not allowed to be reinstated, Other personnel stated on the other subsections are allowed to be reinstated or exempted, when the reasons for their suspensions are destroyed and base on their situations and the military requirements.

Article 15 Standing Commissioned Officers, Standing Non Commissioned Officers that have one of the following situations are allowed to retire:

Subparagraph 1 Having completed the minimum years required for an Active Service and want to retire on their own will.

Subparagraph 2 Having reached the maximum years of Active Service or Age.

Subparagraph 3 Due to illness, injury or weak physical condition and was proven not suitable for service.

Subparagraph 4 Exceeding the population instituted on the organization system.

Subparagraph 5 Annual evaluation grades of lower than a "C" or have been recorded for two "Demerit" due to personal cause, and were determined by the Personnel Reviewing Board not suitable for service.

Subparagraph 6 Having been on the same rank for eight years when promoted to the rank of General AFTER the implementation of this Act, or have been on the same rank for 10 years when promoted to the rank of General BEFORE the implementation of this Act, and have not occupied a vacant position.

Subparagraph 7 The reasons for suspension have been destroyed and exempted from reinstating.

Subparagraph 8 Based on the regulations stated on Subsection-3 to Subsection-8, Item-1 of the above Article, have reached three years of suspension and are not reinstated. However if they wish to retire within 3 years, their wish will be granted.

Article 16 During the Active Service period of the Standing Commissioned Officers, Standing Non Commission Officers, if one of the following situations is encountered, separation will be allowed:

Subparagraph 1 Having reached the age of separation.

Subparagraph 2 Due to illness, injury, disabled, and proven not capable of undergoing a service.

Subparagraph 3 Being restricted.

Subparagraph 4 Being missing or captured for three years and have not return.

Those personnel stated on above Subsection-4 that have returned, and have not reach their separation age, will be transferred to the Reserved Service; Those who have not reach the maximum years of service or age, will be reinstated according to their conditions, military needs and their will.

For those due to illness, injury, or disabled stated on Subsection-2 of Item-1 that have been proven not capable of taking the service and those due to illness, injury or weak physical conditions stated on Subsectio3 Item-1 of the previous

Article that are proven not capable taking the service, the examination standards for Casualties Retirement and Suspension are instituted by the Ministry of National Defense.

Article 17 Those serving the Reserved Service's Standing Commissioned Officers and Non Commissioned Officers that are mobilized to serve in the Active Service, their mobilization can be lifted when they have completed their service or has one of the situations stated on Item-1 of Article-14, and all the Subsections of Article - 15.

Article 18 When the Standing Officers and Non Commissioned Officers have completed their services on the Active Service, and have one of the following situations, will be allowed for an extension:

Subparagraph 1 During a war or very disorder.

Subparagraph 2 Sailing or on duty abroad.

Subparagraph 3 Important military exercise, parade or serving a special duty.

Subparagraph 4 Due to natural calamities or other circumstances beyond control.

For those have reached the maximum years of service or maximum age, but their skills are needed within the military and wish to continue their services, are allowed for an extension until they reach the age of separation.

The extension mentioned on Subsection-1 of Item-1 is limited to six months after the war or incident; and the extension mentioned on Subsection-2 to Subsection-4 is until the reasons are destroyed.

When the extension period mentioned on Item-1 and Item-2 have expired or the reasons are destroyed, they are allowed for a retirement, lifting of mobilization or suspension.

CHAPTER 3 Reserved Commissioned Officers and Reserved Non Commission Officers Military Services

Article 19 The rules and regulations of the Reserve Services or in accordance with the Law serving the Mobilization Services of the Reserved Ranking Officers and Non Commissioned Officers, starting from the day of their service, are as follows:

Subparagraph 1 Mobilized to undergo an Active Service during their Reserve Services period in accordance with the regulations of the Military Service Act and its Enforcement Regulations,

Subparagraph 2 Served in the Reserve Service or Active Service or totaling to less than 10 years, are required to serve the First Reserve Service. More than 10 years but less than 20 years, will serve the Second Reserve Service. More than years, will serve the Third Reserve Service.

Those Reserved Commissioned Officers and Non Commissioned Officers who wish to serve the Active Service from the first day of their service, the service period will be, 1 ~ 5 years for the Reserved Ranking Officers, and 1 ~ 3 years for the Non Commissioned Officers. When completed and still needed in the military and on their own will, can continue to serve for 1 ~ 3 years per term.

The rules of selecting the voluntary personnel mentioned above are instituted by

the Ministry of National Defense.

Article 20 The suspension, reinstating, of the Standing Commissioned Officers and Non Commissioned Officers during their Active Service period, except during the period of mobilization or temporary mobilization that they are allowed for a suspension due to illness for six months and still not well, and been treated and had returned to service, the others are handled in accordance with the regulations stipulated on Article -14.

Article 21 The mobilization service, retirement, lifting of mobilization, suspension, and extension of the Standing Commissioned Officers and Non Commissioned Officers, except those who are regulated in this Chapter, are allowed to apply the relevant regulations of the Standing Commissioned Officers and Standing Non Commissioned Officers in Chapter-2.

Article 22 After completing the 6 years Active Service of the Reserved Ranking Officers and 4 years Active Service of the Reserved Non Commissioned Officers, and have an outstanding performance during their service, can be transferred, on their own will, to the Active Service of the Standing Commissioned Officers and Standing Non Commissioned Officers when needed by the military.

CHAPTER 4 Retirement Separations and Payables

Article 23 The payables for Retirement Separation of the Commissioned Officers and Non Commissioned Officers are as follows:

Subparagraph 1 Having served for more than 3 years but less than 20 years, are given a retirements according to their years of service.

Subparagraph 2 Having served for more than 20 years, or have served for more than 15 years and have reached the age of 60, will be given a lifetime monthly pension according to their years of service, or as they wish, be given one lump sum retirements base on the regulations stated above.

Subparagraph 3 During the period of their services, were injured or disabled because of war and was proven not capable of continuing their services, and have match the supporting standard instituted by the Executive Yuan, is given a lifetime monthly compensation, or, as they wish, be given a retirements pay or retirement compensation according to the rules stated in the previous two subsections.

Article 24 The Commissioned Officers and Non Commissioned Officers currently serving in the Active Service and has one of the following situations, are not entitled of retirement separation pay:

Subparagraph 1 Committing a civil commotion, invasion or corruption crime, and was sentenced to a penal servitude for a definite period and not declared for a probation, or was sentenced to death, or life imprisonment.

Subparagraph 2 Being discharged in accordance to the regulations of the Arm Forces Penalty Act. However, those were discharged due to negligence or involved are not restricted to this rule.

Article 25 Payment Standards for the Retirement Pay, Retirement Pension, Compensation

areas follows:

Subparagraph 1 Retirement Pay : taking effect on the day of retirement separation. Double the basic salary of the personnel currently on service, with the same level of officer's rank salary, as one 'Basic Point', will be given 1-1/2 points for every one year of service, for the maximum of 35 years, will be given 53 basic points. Last figure of less than six months are counted as 1 basic points, more than 6 months but less than one year, is counted as one year. However those who are currently on service for more than 15 years but less than 20 years, and have not reach the maximum years of service, and willing to retire early, add 1/2 basic point for every one early, but less than one year will not be counted, and the maximum of additional point is up to 5 basic points.

Subparagraph 2 Retirement Pension : doubling the basic salary of the personnel currently on service, with the same level of officer's rank salary, as one 'Basic Point', and will be given 2% of the 'Basic Point' for every year of service, with a maximum of 35 years and limited to 70%. I last figure is less than 6 months, will give an extra 1%, and for more than 6 months but less than a year is counted as one year.

Subparagraph 3 Compensation : doubling the basic salary of the personnel currently on service, with the same level of officer's rank salary as 'Basic Point', and be given 50%.

After the implementation of this Act, those receiving one lump sum Retirement Pay with an additional of 0.5% of 'Basic Point' to every one year, the maximum of additional is limited to 10 'Basic Points'.

Please refer to the attached Table-1 for the Rules of Retirement Pay, Retirement Pension and Compensations.

Article 26 Those personnel receiving the Retirement Pension, or Compensation, the replacing Certificate for the person and family members and the family supporting money should be given in full.

Those personnel receiving Retirement Pay are given an additional of one month personal Certificate for every one basic point, and one additional Certificate for the family members and family supporting funds. The rules are as follows:

Subparagraph 1 Serving for more than 3 years but less than 4 years, is given 6 months.

Subparagraph 2 Serving for more than 4 years but less than 5 years, is given one year.

Subparagraph 3 Serving for more than 5 years, is given 2 years.

Article 27 The payment of retirement separations for the Commissioned Officers and Non Commissioned Officers should be allocated from the government and the Active Service personnel, and establish a funds to take charge of the payment, and should be guaranteed by the government to be responsible for the last payment. The standard of allocating funds mentioned above is base on the rates of 8% to

12% of the doubled basic salary of the Active Service personnel, and 65% is allocated from the government and 35% from the Active Service personnel. Then will stop after 35 years of allocation.

Those Commissioned Offices and Non Commissioned Officers who are not qualified for a retirements, can apply for a refund of the salary being allocated for the funds, and should be refunded one time plus the interest computed base on the Savings Interest Rate of the Bank of Taiwan.

The allocation, management and usage of the funds mentioned on Item-1 are handled in accordance with the regulations stipulated in the relevant laws.

Article 28 Those Commissioned Officers, Non Commissioned Officers that are separated during their Active Service period in accordance with the Subsection-1 to Subsection-3 of the Item-1 of Article-16, or those personnel who have returned from a mission after January 1 of 1949 and were separated in accordance with Subsection-4, and were not reinstated, their Retirement Separation Pay can be based on the regulations stipulated in Article-23.

Those personnel who have been captured and proven not to have destroy the military honor, the period of their captivity is not accumulated into the years of service. However it will be included into the computation of their Retirement Separations Payment.

Article 29 The rules of Retirement Separations Payment of the Reserved Commissioned Officers, Reserved Non Commissioned Officers, been mobilized or on their own will have serve the Active Service for more than one year, when retiring, lifting of mobilization or separating, are as follows:

Subparagraph 1 Those who have not collected their Retirement Separation Pay, the number of years of their services should be included for computing and release their Retirement Separations in accordance with Article-23.

Subparagraph 2 Those who have already collected their Retirement Separation Pay, the number of years of their returning to Active Service, accumulated with the previous years of service, and after deducting the already collected Retirements 'Basic Points', release the Retirements Pay, and can not be included into the Retirements Pension. However the years of service of their returning to the Active Service match the Retirements Pension payment, can collect the Retirement Pension on their own free will.

Subparagraph 3 Those who have already collected the Retirement Pension, the number of years of their returning to Active Service can, according to their own free will, increase the ratio of their Retirement Pension or Retirements Pay.

The personnel who have returned for the Active Service mentioned above, their combined computation of the Retirements Basic Points or the ratio of their Retirement Pension payment can not exceed the highest standard stated in Article - 25.

Article 30 Commissioned Officers, Non Commissioned Officers, during their Active Service period, have an outstanding achievement because of war or in National Defense

Military development, are rewarded with an Achievement Reward once during their retirement separation, Its Standard and Amount are determined by the Executive Yuan.

Article 31 The payment for the Retirement Separations of the Commissioned Officers and Non Commissioned Officers should be released upon their retirement. However, for those have not collected the Retirement Separations and have transferred to Civil Service, their years of service at the military can be combined, on their own free will, with the years of service as a Civil Servant, and process their Civil Servant's retirement.

Those Commissioned Officers, Non Commissioned Officers that are entitled for a Retirement Pension, and have served in a Civil Servant position due to their suspension, can select to collect the Retirement Pension when they retire from their Civil Service. However, they can not apply for a Monthly Pension at the same time or collecting a Monthly Pension at the same time.

Article 32 Those Commissioned Officers, Non Commissioned Officers who are collecting Retirement Pension, will be ceased from releasing their Retirement Pension starting from the day they took over a Civil Service, until they leave their Civil Service. However those with one of the following situations will not cease from releasing of their Retirement Pension:

Subparagraph 1 Monthly pay has not reach the highest salary amount of an appointed First Grade position and the total amount professional allowances of an ordinary Civil Servant.

Subparagraph 2 Security, driver, technician, janitor, or worker hired by each Agency, School, Public owned Business Establishment or Military Unit.

Subparagraph 3 All level of ordinary and evaluated personnel hired by a Military Unit.

If the salary of the position of those who have been ceased of releasing Retirement Pension, mentioned above, is lower than their Retirement Pension, can apply for replacing the difference with their former approving agency.

Those personnel who have been ceased of Retirement Pension and have taken a Civil Service, should honestly report that they are the personnel who have been ceased of retirement pension. Those who have not honestly reported and continue to collect the retirement pension will be punish in accordance with the relevant laws.

The regulations of ceasing the release of retirement pension stated in Item-1 are instituted by the Executive Yuan.

Article 33 Commissioned Officers, Non Commissioned Officers that have one of the following situation during the period of receiving the Retirement Pension or Supporting fund, will be stopped of their rights until their reasons are destroyed before restoring:

Subparagraph 1 Having violated the Military Service Act and currently serving the sentence of imprisonment.

Subparagraph 2 Committing a corruption crime and currently serving the sentence of imprisonment.

Subparagraph 3 Having been stripped off their civil rights and have not been reinstated.

Article 34 Ranking Officers, Non Commissioned Officers during their receiving of Retirement Pension or Supporting Funds, and have one of the following situations, will lose their rights for a Retirement Pension or Supporting Funds:

Subparagraph 1 Lossing their Citizenships and having violated the Citizenship's Law.

Subparagraph 2 Having committed a civil commotion or subversive crime or having corruption behavior during the Active Service, and having been sentenced to imprisonment with no probation declared.

Subparagraph 3 Death sentence or life sentence.

Subparagraph 4 Died.

Article 35 Commissioned Officers, Non Commissioned Officers who are collecting Retirement Pension or Support Fund, may apply to change to one lump sum amount Retirements, and compute and release according to the Retirement Separations payment standard at the time of change and the following rules:

Subparagraph 1 Collecting Retirement Pension, Supporting Fund for less than one year, release the full amount of Retirements.

Subparagraph 2 Collecting Retirement Pension, Supporting Fund for more than one year but less than 3 years, release the full amount of Retirements. However if the remaining Retirements amount is less than half of the total Retirements, then release one half of the total Retirements amount.

Subparagraph 3 Collecting Retirement Pension, Supporting Fund for more than 3 years, release the remaining amount of the Retirements.

Article 36 If a Ranking Officer or Non Commissioned Officer died during the period of receiving Retirement Pension or Supporting Funds, then the payment will stop starting from the second month of his death, and according to the Standard of Retirement Separations Payment when the beneficiary have died, release one lump sum amount of indemnity to the bereaved family. The rules are as follows:

Subparagraph 1 Collecting Retirement Pension, Supporting Fund for less than one year, release the full amount of Retirements.

Subparagraph 2 Collecting Retirement Pension, Supporting Fund for more than one year but less than 3 years, release the full amount of Retirements. However if the remaining Retirements amount is less than half of the total Retirements, then release one half of the total Retirements amount.

Subparagraph 3 Collecting Retirement Pension, Supporting Fund for more than 3 years, release the remaining amount of the Retirements, and also release an indemnity equivalent to 6 basic points of an Active Service personnel of the same level, will be the same for those who have no remaining balance.

The coverage of the bereaved family mentioned above and the sequence of

collecting indemnity are based on the rules and regulations stipulated in Article 1138 of the Civil Law.

If the bereaved parents, spouse or minor children or adult children but unable to earn a living due to disability, don't want to collect one lump sum amount of indemnity, may change to collect 1/2 of the original Retirement Pension, or Supporting Fund, and also release a family commodity certificate and family Supporting Fund, in accordance with the Active Service Personnel Standard, to the bereaved family until the death of the deceased parents, death of spouse or being remarried, children became adults. However, although the children are adults but still studying or incapable of earning a living, can continue to release the indemnity until college graduate or the reasons are ended.

If 1/2 of the retirement pension, or the supporting fund mentioned above, is lower than 1/2 of the basic salary of the original rank's Active Service, release 1/2 of the basic salary.

Those who are receiving 1/2 of the Retirement Pension or Supporting Fund, and has one of the situations stated in Article-33, will be stopped from receiving the indemnity.

Article 37 If the Commissioned Officers or the Non Commissioned Officers have already years of Active Service before and after the implementation of this Act, they should be combined for computation. However the maximum number of years of Active Service before the implementation of this Act, should only be 30 years, and adding up the number of years of active Service after the implementation of this ACT, if the total exceeds 35 years, still be counted as 35 years. If the accumulated number of years before the implementation of this Act is less than one year, it should be combined into the number of years of service after the implementation of this Act. With regard to the excluding or including the number of years of service before and after the implementation of this Act, use a method that is of benefit to the right person.

If the Commissioned Officers or the Non Commissioned Officers have already years of Active Service before and after the implementation of this Act, and are entitled of a Retirement Pension, the applicant should select the same method of payment in applying for the release of the Retirement Separation.

The payment of Retirement Separations for the personnel mentioned in Item-1 is base on the following regulations:

Subparagraph 1 The number of years of Active Service before the implementation of this Act, the release of payment is in accordance with the regulations in Attachment-2 Table and other payments approved by the Executive Yuan.

Subparagraph 2 The number of years of Active Service after the implementation of this Act, the release of payment is in accordance with the regulation stipulated in Article-25.

Article 38 The Commissioned Officers or the Non Commissioned Officers who have already less than 15 years of Active Service before the implementation of this Act, and have retired after the implementation of this Act, and have chosen a Retirement Pension, can base on the years of service of less than 15 years as its criteria, and choose one compensation method according to the following rules:

Subparagraph 1 For every reduce of one year add 1/2 basic point in one lump sum compensation.

Subparagraph 2 For every reduce of one year, add 0.5% of the basic point monthly compensation.

The Commissioned Officers or the Non Commissioned Officers who have already less than 15 years of Active Service before the implementation of this Act, and retired after the implementation of this Act, their total number of years of Active Service have reached 15 years, and have chosen a Retirement Pension, based on the number of years of their Active Service after the implementation of this Act, for every 1/2 year add 1/2 basic point and release a one lump sum compensation, the maximum of 3 basic point is allowed for one time release, until it reaches 20 years; If the total number of years of Active Service before and after the implementation exceeds 20 years, then reduce 1/2 point for every one year, and when they reaches 26 years, then will no longer reduce, the additional and the deduction of basic points are paid by the Funds.

Article 39 If retired before the implementation of this Act, the payment of Retirement Separations and other Allowances are based on the original rules.

Was enlisted for Military Service before the implementation of this Act and retired after the implementation, and if the Retirement Separations pay is lower than the Retirement Separations pay before the implementation, the variance should be made up.

If being guided to work and is suspended from the military service before the implementation of this Act, and possessed a Retirement Separations and computation slips or a payment personnel, one should release the payment according to the payment standard on the Attachment-2 Table.

Those who are receiving leaving allowances before the implementation of this Act, and had joined the civil service job after the implementation of this Act, should be processed in accordance with the regulation stipulated in Article-32.

Commissioned Officers or Non Commissioned Officers who retired after July 1st 1970, their Retirement Separations payment is based on Releasing of Civil Servant Retirements and Other Cash Payment Compensation, The Regulations for its release and targets are determined by the Executive Yuan.

Those Commissioned Officers and Non Commissioned Officers who have retired in Taiwan between January 1st 1949 and June 30th 1970, the retirements separations paid were rather low, the Executive Yuan should have it handled properly; Its regulations and targets will be handled according to the budgeting

procedures within two years.

Article 40 Those who are receiving leaving allowances before the approval of implementing this Act, should be handled according to the following rules:

Subparagraph 1 Those who served as a Commissioned Officer or Non Commissioned Officer for less than 20 years, will continue to receive their leaving allowances according to the former regulations.

Subparagraph 2 Those who served as a Commissioned Officer or Non Commissioned Officer for more than 20 years, and those exceeding 20 years service Non Commissioned Officers and Enlisted Soldiers that have received one lump sum amount of Retirements, can receive a Retirement Pension of 80% of the basic salary of their current Active Service changed from the Ranks at the time of their retirement. The number of years of service that were already been paid of Retirements, can not be included in computing the percentage of the Retirement Pension.

Subparagraph 3 If the combined total number of years of service of Commissioned Officers, Non Commissioned Officers, Enlisted Soldiers is more than 20 years, and those exceeding 20 years service Non Commissioned Officers and Enlisted Soldiers that have not received one lump sum amount of Retirements, can combine the Non Commissioned Officer Service years with the Ranking Officer Service years, and collect a Retirement Pension base on the rank by the time of retirement, and the current Active Service basic salary percentage in accordance with the Attachment Table of Article-37. The number of years of service of the Enlisted Soldiers is based on the basic salary as its basic point of the Active Service's Private First Class and pay one lump sum amount of Retirement, at one basic point for every 1/2 year, less than 1/2 year is counted as 1/2 year. If the identification can not prove the exact date of enlisted, will one he offered only one basic point.

Article 41 The rights of applying for retirement separations payment of a Commissioned Office or Non Commissioned Officer, will disappear after 5 years from the second month of their retirement. However, the rights can not be exercised due to circumstances beyond control, the retirements is computed from the day of exercising the application rights.

For those receiving a monthly retirement pension, the applying rights of each period during the payment period is computed from the second month of the application date.

Article 42 The rights for applying the Retirement Separations payment of a Commissioned Officer of Non Commissioned Officer can not be embargoed, transferred or mortgaged.

Article 43 All the payment instituted in this Act are being paid by the Funds. However the following items are budgeted and paid by the Executive Yuan:

Subparagraph 1 The additional Retirements stated in Subseciton-1, Item-1 of Article-25 and the Additional one time Retirements stated in Item-2.

Subparagraph 2 The Supporting Funds of the unpaid Funds Expenses stated in Subsection-3, Item-1 of Article-25.

Subparagraph 3 The Retirement Separation payment of a person during his captivity and has returned, as stated in Item-2 of Article-28.

Subparagraph 4 The former uncollected Retirement Separations payment portion stated in Subsection-1 Item-1 of Article-29.

Subparagraph 5 Achievement Award paid once as stated in Article-30.

Subparagraph 6 The Additional expenses of the Retirements changed as one time payment as stated in Article-35.

Subparagraph 7 The payment stated in Subsection-1-Item-3 of Article-37.

Subparagraph 8 One time additional Supporting Funds paid as stated in Subsection-1 Item-1 of Article-38.

Subparagraph 9 The required expenses regulated in Article-39.

Subparagraph 10 The required expenses regulated in Article-40.

Article 44 The Female Volunteers servicing as Commissioned Officers or Non Commissioned Officers, except for the following items, can apply to the regulations of this Act:

Subparagraph 1 Having passed the entrance exams to a Military Academy/College before the implementation of this Act, and had served the minimum limit years of the Active Service, in accordance with the Students Recruitment Regulations.

Subparagraph 2 Reserved Service is voluntary.

CHAPTER 5 Supplementary Provisions

Article 45 Commissioned Officers or Non Commissioned Officers that were sent to study abroad, Advance Study in colleges or above schools in the country, Advance Master Study in a Military Academy/College, or Doctorate Degree, except for taking a minimum years of Active Service, must extend their Active Service period equals to two times the period of their advance study. However the maximum years of extension is limited to 8 years.

The counting date of the above said extension of Active Service period is as follows:

Subparagraph 1 Those who have not serve the minimum limit of years of Active Service, is counted from the following day of their completion of minimum limit year of service.

Subparagraph 2 One who has completed the minimum limit of years of Active Service, is counted from the day the reassignment, appointment order becomes effective.

One who has been sent to study abroad and have been reinstated before the implementation of this Act, the extension period of Active Service is based on its original requirements.

Article 46 One who has passed the entrance exams to study in a Military Academy / College or have been appointed as Officers, their minimum limit of years of Active

Service is based on the minimum years of Active Service regulated on the Students Recruitment Regulations. However those Commissioned Officers who has exceeded the limit of 8 years of Active Service, is limited to 8 years;and those Non Commissioned Officers who have exceeded the limit of 6 years of Active service, is limited to 6 years.

Article 47 Those serving as Commissioned Officers and Non Commissioned Officers must swear to be loyal to the Republic of China, and obey the laws of the country, and must be responsible to keep the confidentiality of the official affairs.

Article 48 The Enforcement Regulations of this Act is determined by the Executive Yuan.

Article 49 The Implementation date of this Act is ordered by the Executive Yuan.