

名 稱：免役禁役緩徵緩召實施辦法 (民國 90 年 08 月 22 日修正)

Title: Enforcement Regulations for Draft Exemption, Restriction,
Deferred Call & Draft (as amended on August 22, 2001)

第一章 總則

Chapter 1 General Articles

第 1 條 本辦法依兵役法施行法第四十一條規定訂定之。

Article 1 These Regulations have been incorporated pursuant to Article 41 of Bylaws of Conscription Law.

第 2 條 依法得予緩徵、緩召之應受常備兵及替代役現役徵集之役齡男子 (以下簡稱役男)、後備軍人及補充兵，國防軍事有必要時，得由內政部、國防部協調有關部會後、會銜報經行政院核准停止辦理一部或全部緩徵、緩召，並得依年次或學校性質等級，廢止已核准之緩徵及緩召，徵召服役。前項廢止緩徵在校學生之徵集，得於寒暑假期間實施。

Article 2 All men reaching conscription age who should be drafted to regular or substitute service (hereinafter to be referred to as the draftee), reservists and replacements may be duly subject to deferred call or draft shall be called and drafted if and when as deemed necessarily by Ministry of Defense (MOD) and provided with the approval from Executive Yuan to entirely or partially suspend accepting all the deferred call and draft depending on the order of conscription age or the rating of the nature of academic institutes after the results of coordination among MOD, Ministry of Interior (MOI) and all agencies involved have been reported to Executive Yuan.
The call or draft may be carried out during summer vacation or winter vacation for the students with deferred call or draft revoked.

第 3 條 役男經判處有期徒刑以上之刑或裁定感訓處分確定後，移送監獄或感訓處所執行者，司 (軍) 法機關應通知其戶籍地直轄市、縣 (市) 政府兵役業務專責機關或單位辦理登記；其經赦免、減刑、假釋、免予繼續執行或執行期滿後，亦同。

Article 3 Any draftee who is transferred to the jail or correction institute for being sentenced with an imprisonment or adjudged with a correction disposition and such sentence or judgment becomes final, the judicial institute (military court) shall notify the conscription agency or unit at the local city or county government where the household registration of the draftee is maintained to register such sentence or judgment; the same governs in the event the draftee has been amnestied, reduced sentence, probated, pardoned from doing the rest of the term, or has done the term.

第二章 免役

Chapter 2 Exemption from Conscription

第 4 條 役男經直轄市、縣 (市) 政府徵兵檢查判定為免役體位者，應依法核定免

役。

Article 4 When rated for his grade of physical condition as exemption from conscription examination by the city/county government, the draftee shall be duly exempted from taking military service.

第 5 條 尚未履行兵役義務役男於徵兵檢查後發生免役原因時，應依徵兵規則之規定，申請改判體位；替代役役男退役者，亦同。

Article 5 Any draftee having not yet perform his conscription obligation is justified for cause of exemption of military service as determined in conscription physical examination, the draftee shall apply for changed rating of physical condition pursuant to conscription regulations; the same governs in the case of any draftee having completed the substitute service.

第 6 條 後備軍人及補充兵發生免役原因者，應填具申請書，並檢附醫療機構診斷證明書，經戶籍地鄉（鎮、市、區）公所核轉國防部所屬權責單位送國軍醫院檢定後核定之。

後備軍人應召時具有明顯殘疾，經軍醫官檢定不堪服役者，由軍醫官出具證明交付本人，並由國防部所屬權責單位列冊送國軍醫院複檢；複檢結果合於免役者，報由管理權責單位核定之。

Article 6 If any cause of exemption from military service happens to any reservist or replacement, he shall complete an application form submitted together with a certificate of diagnosis issued by a medical institute to the originator unit of MOD in care of local public office (of Town, City, or District) where his household registration is maintained. The submittals then will be sent to a national army hospital for verification.

Upon answering the call, any reservist showing significant disabled or sick condition and is determined not competent for taking military service by a military medical officer, the medical officer will execute to the reservist a certificate of incompetence. The MOD originator unit then submits a list to the army hospital for review; and if the results of review indicate that the reservist is qualified for the exemption, the army hospital will report it to the authorities for official approval accordingly.

第 7 條 現役軍人發生免役原因者，經國軍醫院檢查證明後，其主管單位應依權責先行辦理停役，再轉送戶籍地國防部所屬權責單位核定之。

替代役役男服役期間發生免役原因者，經複檢醫院檢查證明後，內政部應依權責先行辦理停役，通知各相關機關；各直轄市、縣（市）政府並據以辦理免役之核定。

Article 7 In the event that any in-service found with the cause may be justified for exemption of military service when verified as true and correct by an army hospital, the service unit of the in-service shall first suspend his service before transferring the case to the originator unit of MOD at where the household registration of the in-service is maintained to seek the official approval of the exemption.

For any draftee serving the substitute service found with the cause may be justified for exemption of the service when verified as true and correct by a review hospital, MOI shall suspend his service as authorized and notify the

suspension to all units concerned while the local government shall carry out the official approval of the exemption accordingly.

第 8 條 已核定為免役體位者，其因檢查判定錯誤，經複檢醫院複檢不合原判定時體位區分標準之免役體位標準者，應由原核定機關撤銷其免役，並依權責按改判之體位徵（召）服其應服之兵役。

Article 8 In the event that the class of physical condition of a draftee is determined as qualified of exemption of military service and the determination is later overruled according to the results of a review hospital, the exemption shall be revoked by the original unit having made the determination while drafting (calling) the draftee to perform the military service depending on the class of physical condition newly determined.

第三章 禁役

Chapter 3 Restriction of Service

第 9 條 依兵役法第五條第一項第一款規定應予禁役者，司（軍）法機關應於判決確定後四十五日內，通知其戶籍地直轄市、縣（市）政府依法處理。
依兵役法第五條第一項第二款規定應予禁役者，直轄市、縣（市）政府依司（軍）法機關之通知依法處理。
有前二項規定之情形，由本人或其戶長向戶籍地鄉（鎮、市、區）公所申請者，應檢具判決書、執行指揮書及出監證明，轉報直轄市、縣（市）政府依法處理。

Article 9 For any draftee restricted from taking military service pursuant to Clause 1 of Paragraph 1 of Article 5 of Conscription Law, the judicial (military) court shall within forty-five (45) days after the judgment becomes final notify the local government to process accordingly.
For any draftee restricted from taking military service pursuant to Clause 2 of Paragraph 1 of Article 5 of Conscription Law, the local government shall process as notified by the judicial (military) court.
In either of the events as described in the preceding two paragraphs, if the application is filed by the draftee in person or the household head of his family with the Public Office at where the household registration of the draftee is maintained, the applicant shall submit the written judgment, letter of command of enforcement and the imprisonment certificate to the local government in care of the Public Office to process accordingly.

第 10 條 依兵役法第五條第一項第一款規定核准禁役，原判決經再審或非常上訴改判為未滿五年有期徒刑之刑或無罪者，司（軍）法機關應於判決確定後四十五日內，通知其戶籍地直轄市、縣（市）政府依下列規定處理：
一 尚未履行兵役義務者，辦理廢止禁役，並補行徵兵處理。
二 替代役役男退役者，辦理廢止禁役。
三 後備軍人或補充兵，轉知國防部所屬權責單位辦理廢止禁役。
前項人員如符合兵役法第五條第一項第二款所定禁役之條件者，依前條規定辦理。

Article 10 If the restriction of military service is approved pursuant to Clause 1 of

Paragraph 1 of Article 5 of Conscription Law, and the first judgment is changed to a sentence of imprisonment for a term not longer than five (5) years or the announcement of not guilty after the revision trial or extraordinary appeal, the judicial (military) court shall within forty-five (45) days after the judgment becomes final notify the local government to process as follows:

1. If the draftee has not yet performed his conscription duty, the restriction of military service upon the draftee shall be waived and a later draft shall be served to the draftee.
2. If the draftee has been discharged from serving his substitute service, the restriction of military service shall be waived.
3. If the draftee is a reservist or a replacement, MOD shall be notified to cause its originator unit to lift the restriction of military service.

Article 9 shall govern in the event that the draftee as referred in the preceding paragraph is qualified with those conditions of restriction of military service defined in Clause 2 of Paragraph 1 of Article 5.

第四章 緩徵

Chapter 4 Deferred Draft

- 第 11 條 依兵役法第三十五條第一項第一款規定，申請緩徵之學生，學校應依學生戶籍地分別繕造申請緩徵學生名冊，於註冊截止之日起一個月內，送各直轄市、縣（市）政府核定。
前項申請緩徵作業程序，由教育部定之。

Article 11 In the event that any student files the application for a deferred draft pursuant to Clause 1 of Paragraph 1 of Article 35 of Conscription Law, the school the student is attending shall respectively produce a list of students applying for deferred draft according to the place of household registration of the student and submit the list within one (1) month upon the deadline of enrollment to seek the approval from the local government.
Ministry of Education shall set forth the procedure for the application for the deferred draft as described in the preceding paragraph.

- 第 12 條 申請緩徵學生名冊未送達直轄市、縣（市）政府前，學生收受徵集令時，得由學校出具證明書，交由學生本人、戶長或其家屬持向戶籍地鄉（鎮、市、區）公所，轉報直轄市、縣（市）政府，申請緩徵。

Article 12 If the student is served with the conscription order at a time before the school has submitted the list of students applying for deferred draft to the local government, the school may execute a certificate to the student, the household head of the student, or his family to present the certificate for applying for the deferred draft with the local government in care of the Public Office at where the household registration of the student is maintained.

- 第 13 條 直轄市、縣（市）政府接到學校造送之申請緩徵學生名冊，經查無第十五條各款所定情形之一者，應予核准，並將名冊一份送還原申請學校。

Article 13 Upon receiving the list of students applying for deferred draft delivered by the school, the local govern shall duly approve the application if there is the

absence of any of those events specified in Article 15 while returning one copy of the list to the applicant school.

第 14 條 經核准緩徵之學生，延長其修業年限者，學校應於次學期註冊截止之日起一個月內，繕造名冊送其戶籍地直轄市、縣（市）政府繼續緩徵。前項學生留級、復學、轉學或轉系、轉科而影響原核准修業年限者，均應重新辦理緩徵。

Article 14 The school shall within one (1) month upon the deadline of the enrollment set for then next semester produce and submit a list of the students approved with the deferred draft for extended year of studies to the local government to maintain the deferred draft.
An application for the renewal of the deferred draft shall be filed by the student referred in the preceding paragraph whose years of studies already approved is affected by the fact that the student is flunked, restored for studies, transfer to other school, section or department.

第 15 條 應受現役徵集之在學學生，有下列情形之一者，不得緩徵：
一 肄業學校未經主管教育行政機關立案者。
二 入學學籍未符合主管教育行政機關規定者。
三 高級中等以上學校畢業生未經內政部核定，再就讀相同等級或低於原等級之學校者。
四 年齡逾三十三歲仍未畢業者。

Article 15 No deferred draft will be granted to any student who should be subject to the draft of an active service when found with any of the following events:
1. The school he attends is not a duly accredited by the education regulating authorities;
2. The academic register fails to comply with those requirements set for by education regulating authorities;
3. The draftee having already graduated from a high school or above has registered to study at a school not higher than that of the school the draftee has graduated from without the prior approval by MOI; or
4. Having not yet graduated after reaching his full age of thirty-three (33)

第 16 條 經核准緩徵之學生，有下列情形之一者，其緩徵原因消滅：
一 畢業。
二 休學、退學或經開除學籍。
前項第二款規定之休學、退學或經開除學籍學生，其肄業學校應於學生離校之日起三十日內，通知其戶籍地直轄市、縣（市）政府廢止其緩徵核准，並依法徵集服役。

Article 16 In any of the following events, the cause justifying the deferred draft for any student already approved with the deferred draft shall cease to be:
1. The student is graduated.
2. The student has suspended his studies, dropped out of the school or is deprived of his student register.
In the event that any student having suspended his studies, dropped out of school or been deprived of his student register as described in Clause 2 of

the preceding paragraph, the school the student was attending shall within thirty (30) days upon the student is separated notify the local government where the household registration of the student is maintained to waive the approval of the deferred draft and to duly draft the student to take active service.

- 第 17 條 依兵役法第三十五條第一項第二款規定申請緩徵者，依下列規定辦理：
- 一 犯最重本刑為有期徒刑以上之刑之罪在追訴中者，應於該年次兵籍調查時，由其本人、戶長或其家屬，檢附起訴書或其他證明，送戶籍地鄉（鎮、市、區）公所，轉直轄市、縣（市）政府核准之。其於兵籍調查後，新發生緩徵原因者，得隨時申請之。
 - 二 犯罪判處徒刑在執行中者，由司（軍）法機關造送名冊，通知其戶籍地直轄市、縣（市）政府核准之。經核准緩徵之役男，於移監執行時，應重新通知辦理緩徵。

經交付感化或保安處分在執行中者，其緩徵準用前項第二款規定。

Article 17 The application for a deferred draft pursuant to Clause 2 of Paragraph 1 of Article 35 of Conscription Law shall be processed pursuant to the following requirements:

1. If the draftee is prosecuted for committing a crime with a principal sentence not less than an imprisonment, the draftee, the household head or his dependent in the course of the conscription register investigation held for then current year, the application shall be filed with the local government for approval in care of the Public Office where the household registration of the draftee is maintained. If any new cause justifying a deferred draft exists only after the conscription register investigation, the application for a deferred draft may be filed at any time.
2. If the draftee is sentenced to an imprisonment and is serving his term, the judicial (military) institute shall produce a list to notify the local government where the household registration of the draftee is maintained for the approval. A renewal of notice for processing the deferred draft shall be served to the local government for the draftee who has already been approved with the deferred draft and is transferred to the jail for serving his term.

Clause 2 of the preceding paragraph may be applicable for the deferred draft applied for by any draftee who is referred to a correction or security disposition.

- 第 18 條 依前條規定核准緩徵者，具有下列情形之一，其緩徵原因消滅：
- 一 經不起訴處分確定者。
 - 二 經無罪、免訴、免刑或不受理之判決確定者。
 - 三 判處罪刑經宣告緩刑確定者。
 - 四 刑期未執行完畢經准假釋者。
 - 五 刑期執行完畢或經赦免者。
 - 六 交付感化或保安處分執行期滿，或准免執行而無其他徒刑仍須繼續執行者。

前項緩徵原因消滅者，本人或其戶長應於三十日內向戶籍地鄉（鎮、市、區）公所自動申報，司（軍）法機關應於收受案卷後四十五日內，造送名

冊通知戶籍地直轄市、縣（市）政府廢止其緩徵核准，依法徵集服役。

- Article 18 The cause justifying a deferred draft approved under Article 17 hereof shall cease to be in any of the following events:
1. A disposition of not prosecuted become final;
 2. An judgment of not guilty, a discharge, a remission, or a rejection of an alleged accusation becomes final;
 3. A probation of for the verdict become final;
 4. A parole is approved before the completion of the imprisonment;
 5. The imprisonment is completed or pardoned; or
 6. The reference to correction or security disposition has been completed or a remission is granted and there is no other imprisonment pending to be served.
- Upon the cause justifying a deferred draft ceases to be as described in the preceding paragraph, the draftee or his household head shall within thirty (30) days voluntarily declare with the local Public Office where the household registration of the draftee is maintained. Upon receiving the docket file, the judicial (military) institute shall within forty-five (45) days produced and deliver a list to notify the local government where the household of the draftee is maintained to waive the approval for the deferred draft, and the draftee shall be duly drafted.

第五章 緩召

Chapter 5 Deferred Call

- 第 19 條 兵役法第四十一條第一項第一款所稱患病經證明不堪負作戰任務，指患重大疾病或傷殘不能行動，不符常備役體位者。
- 前項人員由其本人、戶長或其家屬，檢具內政部指定之體（複）檢醫院診斷證明書，向國防部所屬權責單位申請核准；已接獲召集令者，向召集單位申請，轉送國防部所屬權責單位核准。

- Article 19 The patient provided incompetent to handle combat operation as referred in Clause 1 of Paragraph 1 of Article 41 of Conscription Law relates to a draftee who suffers major ailment, is injured or handicapped and whose grade of physical condition is not qualified as that of a reservist.
- The draftee as referred in the preceding paragraph may file in person, or by his household head or dependent the application for a deferred call submitted together with a certificate of diagnosis executed by an examination/review hospital appointed by MOI to the originator authorities of MOD for approval; if the applicant has received the call order, the application for deferred call shall be filed with the originator authorities of MOD for approval in care of the unit serving the order of call.

- 第 20 條 兵役法第四十一條第一項第二款所稱國防工業，其種類如下：
- 一 國防部及所屬機關直接經辦之軍需工業。
 - 二 國防部軍需工業動員計畫中之公民營工業。
 - 三 承攬國防部及所屬機關軍事工程之公民營工業。
 - 四 維持國防所需之動力機構。
 - 五 維持國防所需之資源開發、提鍊機構。

六 國防及民生所需之重要給水機構。

七 全民防衛動員所需戰時重要生產事業。

符合前項國防工業之公民營機構，應檢具相關資料，向其中央目的事業主管機關申請，轉送國防部核定為國防工業緩召機構。

Article 20 The national defense industry referred in Clause 2 of Paragraph 1 of Article 41 of Conscription Law is comprised of the following types:

1. Any industry of national defense necessity directly operated by MOD or its agencies;
2. Any public or private industry included in the mobilization program of national defense necessity industry owned by MOD;
3. Public and private industries undertaking military projects owned by MOD and its agencies;
4. Any dynamo-institute required to maintain national defense;
5. Any institute of resources development and refinery for supplies required to maintain national defense;
6. Any important institute of supplying water required by consumer and national defense; and
7. Key production industries in national defense mobilization during the war

Any public or private industry falling in any of those types described in the preceding paragraph may present related information to file with MOD in care of the regulating authorities of business entities for that industry at the central level for recognition as an institute of national industry with authorized deferred call.

第 21 條 兵役法第四十一條第一項第二款所稱現任國防工業專門技術員工，應具條件如下：

- 一 於國防工業緩召機構任職滿一年者。
- 二 擔任之專門技術職務，他人不能代替者。

Article 21 Any active professional technician working in a national defense industry as referred in Clause 2 of Paragraph 1 of Article 41 of Conscription Law shall meet the following qualification requirements:

1. He has been employed for one (1) full year by the institute of national industry with authorized deterred call; and
2. His function as a professional technician is not replaceable by others.

第 22 條 國防工業緩召機構，應列舉符合前條第二款規定之專門技術職務，向其中央目的事業主管機關申請，轉送國防部核定；其機構名稱或專門技術職務之編制、職稱變動時，亦同。

前項申請，國防部得視需要會同有關機關審議後核定之。

Article 22 Any institute of national defense industry with authorized deferred call shall produce a list including all professional technician functions complying with the requirements specified in Paragraph 2 of Article 21 and submit the list to apply for the approval with MOD in care of its regulating authorities of business entities at the central level; the same governs in case of changed job title and/or organizational system of the title of the institute or the professional technician functions.

MOD may seek advices from any institute concerned as applicable before

deciding whether the approval will be granted for the application filed under the preceding paragraph.

第 23 條 國防工業緩召機構應就其所屬得予緩召之人員，造具名冊，並檢附有關證明，送請戶籍地之國防部所屬權責單位核准。
國防部所屬權責單位對轄區內之國防工業緩召機構，應適時訪查，如發現有歇業、停工情形或因業務變更、承攬關係消滅者，應報請國防部廢止其國防工業緩召機構資格。

Article 23 The deferred call authorized institute of national defense industry shall produce a list of employee who is a draftee and may be qualified for a deferred call, and submit the list together with documents as required to apply for the approval with the MOD originator unit at where the household register of the draftee is maintained.
The MOD originator unit shall visit from time to time at the institutes of national defense industry with authorities deferred call that are located within its jurisdiction, and shall report to MOD to disqualify any institute with authorized deferred call upon identifying any wind-up, suspended operation, changed nature of operation, or terminated undertaking contract.

第 24 條 兵役法第四十一條第一項第三款所稱現任國民學校教員，指現於主管教育行政機關設立之公立或核准設立之私立國民中、小學校或特殊學校，擔任專任教師者。同款所定任教一年以上，其任教年資有間斷時，應予合併計算。
得予緩召之前項人員，應檢具學經歷證件，向所任職學校申請，轉送國防部所屬權責單位核准。

Article 24 Any active teacher of national school referred in Clause 3 of Paragraph 1 of Article 41 of Conscription Law relates to a full-time teacher at a public school currently established by education regulating authorities, or accredited private national elementary school or national junior high school. According to the same Subparagraph 3, any teacher having being employed for one (1) year or longer, his/her previous service years in case of any interruption shall be accountable and incorporated accordingly.
Any teacher referred in the preceding paragraph who may be entitled with a deferred call shall file the application for a deferred call by submitting documents of academic background and work experience with the MOD originator unit for approval in care of the school he is teaching.

第 25 條 兵役法第四十一條第一項第四款所稱負家庭生計主要責任，指其家屬均屬六十歲以上或二十歲以下，或患有身心障礙，無其他家屬照顧者。
符合兵役法第四十一條第一項第四款規定得予緩召人員，應依國防部公告期限，檢具證明文件，向戶籍地鄉（鎮、市、區）公所申請，陳報直轄市、縣（市）政府，轉送國防部所屬權責單位核准。

Article 25 The bread earner referred in Clause 4 of Paragraph 1 of Article 41 of Conscription Law relates to that all his dependents are respectively of age either under 20 (included) or over 60 (included), or handicapped, mentally or physically, and the absence of any other dependent to take care of his family.

Any draftee entitled with a deferred call as provided in Clause 4 of Paragraph 1 of Article 41 of Conscription Law shall within the term published by MOD apply by submitting documents with the Public Office where the household registration of the applicant is maintained to seek approval from the MOD originator unit in care of the local government.

第 26 條 前條第一項所稱家屬，以下列親屬為限：

- 一 直系血親。
- 二 配偶或配偶之父母。
- 三 兄弟姊妹。

前項第三款規定之親屬，以得予緩召者年滿十八歲之前，已辦竣戶籍登記者為限。

第一項規定之家屬，有下列情形之一者，免予列計：

- 一 因案羈押、判處徒刑在執行或受感訓處分、感化教育、保安處分、觀察勒戒、強制戒治中者。
- 二 失蹤，並經戶籍登記有案者。
- 三 已被社會福利機構公費收容安養者。

前項各款情形，於應召集入營前已消滅者，應恢復家屬之計列。

Article 26 The dependent referred in the first paragraph of Article 25 shall be limited to the following persons:

1. Direct blood;
2. Spouse or parents-in-law;
3. Siblings.

Siblings as specified in Clause 3 may be entitled with a deferred call shall be limited to those who have already completed the household registration before reaching his full age of eighteen (18).

Any of those dependents defined in Paragraph 1 when found with any of the following events shall be excluded:

1. Retained, in jail, under mandatory training, correction, security disposition, treatment of addicts under observation, or mandatory treatment;
2. Listed as a missing person;
3. Having already been accepted by public charity institute.

In the event that any of those events in the preceding paragraph has ceased to be before the bread earner is called to active service, the status of his dependent shall be restored.

第 27 條 兄弟同時接獲動員、臨時召集令時，得協議推定一名負擔家庭生計主要責任，依兵役法第四十一條第一項第四款第二目規定申請緩召；無法協議而均申請時，得依軍事需要之專長擇一核准之；其在申請期間，得准予延期入營。

Article 27 In the event that two brothers are served the mobilization order or temporary call order at the same time, they shall negotiate and agree to elect one to function as the bread earner to apply for the deferred call pursuant to Item 2 of Clause 4 of Paragraph 1 of Article 41 of Conscription Law; should the negotiation fail and both have filed the application for the deferred call, one shall be approved depending on the specialty as required by military purpose. In either case, the date of reporting to active service may be

extended, as long as the application for the deferred call is pending approval.

第 28 條 養子依兵役法第四十一條第一項第五款規定申請緩召，以十歲以前依法被收養者為限。

前項緩召之申請，應依國防部公告期限，檢具必要證件，向戶籍地鄉（鎮、市、區）公所為之，陳報直轄市、縣（市）政府，轉送國防部所屬權責單位核定。

Article 28 Any adopted son applying for a deferred call pursuant to Clause 5 of Paragraph 1 of Article 41 of Conscription Law shall be limited to the fact that the applicant has been adopted at a time before reaching his full age of ten (10).

The application for the deferred call as referred in the preceding paragraph shall be submitted together with documents as specified within the term published by MOD to the local Public Office at where his household registration is maintained to seek approval from the MOD originator unit in care of the local government.

第 29 條 依兵役法第四十一條第一項第六款規定得予緩召者，依下列規定辦理：

一 犯最重本刑為有期徒刑以上之罪在追訴中或受羈押處分中者，應於接到召集令時，由本人或其戶長檢具必要證件，向戶籍地國防部所屬權責單位申請緩召。

二 犯罪判處徒刑在執行中者，其緩召應依司（軍）法機關之通知辦理。

Article 29 The following procedure shall govern the application for a deferred call under Clause 6 of Paragraph 1 of Article 41 of Conscription Law:

1. Any one receiving the order of call at a time when he is under prosecution or retained for a crime subject to imprisonment to its maximal gravity shall apply either in person or by the household head of his family for the deferred call with the MOD originator unit located at where his household registration is maintained.

2. The deferred call for any one who is serving his imprisonment shall be processed as notified by the judicial (military) institute.

第 30 條 合於緩召情形而不依規定之期限或程序申請緩召者，國防部所屬權責單位得駁回申請。但緩召原因發生於規定期限之後者，應於原因發生之次日起一個月內，檢具有關證件，申請之。

申請緩召應備文件或其程序不完備或不符規定程序而得補正者，受理機關應通知其於七日內補正，不依期限補正或補正不完備者，由國防部所屬權責單位駁回其申請。

Article 30 Any one qualified for a deferred call fails to file the application for the deferred call within the time or according to the procedure specified, MOD originator unit may reject the application: Provided, however, that when the cause justifying the deferred call takes place at a time after the term specified, the application shall be filed by submitting documents specified within one (1) month upon the next day immediately following that of the cause takes place.

If a later correction is allowed for any insufficiency in the submittals or any

noncompliance with the procedure specified for the documents specified in the application for a deferred call, the attending authorities shall notify the applicant to correct within seven (7) days. Any absence of making the correction or the correction is incomplete within the time specified will cause the application to be rejected by the MOD originator unit.

第 31 條 經核准緩召者，如緩召期限屆滿，而緩召原因尚未消滅，得檢具緩召證明書及有關證件，依原申請程序申請延長，由國防部所屬權責單位核准。

Article 31 For any one approved with a deferred call and the cause justifying such deferred call remains existing upon the expiry of the term of the deferred call approved, he may submit the certificate of deferred call and support documents to apply for an extension for the deferred call by following the same procedure in applying for the original deferred call to seek the approval from the MOD originator unit.

第 32 條 兵役法第四十一條第一項各款所定得予緩召情形，得由國防部依其性質及軍事需要，分別規定其申請年次、對象、範圍及核定之年限。

Article 32 MOD may depending on the nature and military purpose respectively specify the conscription age, subject, scope and length of approval for those events permitting deferred calls as provided in Paragraph 1 of Article 41 of Conscription Law.

第 33 條 緩召年度起迄期間，由國防部定之，有關年次之計算，依徵兵規則之規定。

Article 33 MOD shall define the duration of the year of deferred call and the solving of the conscription age shall be made pursuant to conscription regulations.

第六章 附則

Chapter 6 Special Articles

第 34 條 申請免役、禁役、緩徵、緩召之役男，經直轄市、縣（市）政府或國防部所屬權責單位核准者，核准機關按名製給證明書或依第十三條規定辦理。經核定不准免役、禁役、緩徵、緩召者，按名製給通知書，分別發由役男所屬鄉（鎮、市、區）公所或機構、學校轉交其本人或戶長。前項核定機關於核定之同時，分別繕造處理名冊通知有關機關。

Article 34 In the event that any draftee applying for exemption or restriction of military service, or for a deferred call or draft when approved by the local government or the MOD originator unit, the approval institute shall issue to the draftee a certificate or resolve to Article 13 hereof.

A list shall be produced to include any draftee rejected with his application for an exemption or restriction of military service or a deferred call or draft shall be individually so notified to him in person or to the household head of his family in care of the local Public Office, institute or school as the case may be.

Upon approving or rejecting an application as described in the preceding paragraph, the originator authorities shall produce lists to respectively notify

all institutes concerned.

- 第 35 條 直轄市、縣 (市) 政府及國防部所屬權責單位於每一年度辦理免役、禁役、緩徵、緩召後，應分別繕造統計表，除分別層報內政部、國防部備查外，並相互分送彙計統計表備查。
- Article 35 Each year upon completing the routines of applications for exemption or restriction of military service, or deferred draft or call, the local governments and the MOD originator units shall produce the statistical statement separately by the nature of the application and submit the same to MOI and MOD, while communicating the same to one another for reference.
- 第 36 條 對於免役、禁役、緩徵、緩召之核定有異議者，應於接到證明書或通知書之次日起三十日內，填具複核申請書，檢附有效證件，尚未履行兵役義務及替代役役男送由戶籍地鄉 (鎮、市、區) 公所轉報直轄市、縣 (市) 政府複核；後備軍人送由原辦理機關依原申請程序層轉國防部所屬權責單位複核之。申請複核，除特殊情形者外，以複核一次為限。
- Article 36 Any objection to the decision of the application for exemption or restriction of military service, or the deferred draft or call, shall be submitted in writing an application for review attached with valid documents within thirty (30) days upon the next day immediately upon receiving the certificate or notice to the local government in care of the local Public Office for review if the draftee has not yet performed his obligated service and substitute service; or to the MOD originator unit for review by following the same procedure in filing the application for the approval in case of a reservist. Unless provided with a special case, the application for a review shall be accepted for one time.
- 第 37 條 在免役、禁役、緩徵、緩召申請複核期間，不得停止徵集或召集之執行。在申請複核期間，經徵集或召集入營後核准免役、禁役、緩徵、緩召者，由複核機關列冊分別報由內政部、國防部辦理廢止其徵集或召集。
- Article 37 While the application for review of the decision on the application of exemption or restriction of military service, or the deferred draft or call is pending, the enforcement of a draft or a call will not be suspended. Any draftee called or drafted to take active service while the review is pending has been approved with his application for an exemption or restriction of military service, or the deferred draft or call, the review unit will respectively produce a list and report it to MOI and MOD to waive the draft or the call.
- 第 38 條 各級學校應指定專人承辦緩徵、緩召業務，並報請上級主管教育行政機關備查。
- Article 38 Each level of school shall assign a staff to undertake the transactions of the deferred call and deferred draft and report the personal particulars of the staff to its superior education administration regulating authorities for reference.
- 第 39 條 本辦法有關司 (軍) 法機關應通知直轄市、縣 (市) 政府作業規定，由法務部會同內政部、國防部定之。

- Article 39 Ministry of Justice shall jointly with MOI and MOD specify the operation requirements governing the notification to the local government by the judicial (military) institute as provided under these Regulations.
- 第 40 條 本辦法所需書表格式，由內政部、國防部分別定之。
- Article 40 MOI and MOD shall respectively set forth the format each for the forms provided hereunder.
- 第 41 條 本辦法自發布日施行。
- Article 41 These Regulations shall become operative on and after the day they are published.