

英譯法規內容

法規名稱(Title) : The 37.5% Arable Rent Reduction Act

公發布日(Date) : 2002.05.15

法規沿革 : (Legislative)

- 1.Promulgated by the President, June 7, 1951
- 2.Amended by the President, December 9, 1954
- 3.Amended and enforced by Order Tai-Tong(1)-yi No.7090 of the President on Dec.23, 1983
- 4.Article 3, 4, 6 amended by Order Hua-Zong(1)-yi No. 09100095610 of the President on May 15, 2002

法規內文(Content) :

Article 1

(Area for implementation)

The leasing of farm land shall be carried out according to the provisions of this Act. Matters which are not provided for in this Act shall be governed by the Land Law or other related laws.

Article 2

(Amount of rent)

The amount of rent from farm land shall not exceed 37.5 per cent of the total annual harvest of the principal product of its main crops. It shall be reduced to 37.5 per cent if the originally agreed rent is more than 37.5 per cent. It shall not be increased to 37.5 per cent if the originally agreed rent is less than 37.5 per cent.

The main crops referred to in the preceding paragraph shall mean the most common crops planted according to local agriculture habit, or the actual crop in rotation. The principal product referred to in the preceding paragraph shall mean the most important product of the crop that is the purpose of the cultivation.

Article 3

(Farm Land Tenancy Committee)

The Municipal or County (City) Government and the Village (Township, City, District) Office shall respectively set up the Farm Land Tenancy Committee. But if there are too few landlords and tenants within the jurisdiction of any Village (Township, City, District) Office, it may not set up any committee, or may jointly set up the Farm Land Tenancy Committee with other Village (Township, City, District) Offices.

The number of the representatives of tenants in the Committee referred to in the preceding paragraph shall not be less than that of the representatives of landlords and owner-cultivators in total. Rules governing the organization of the

Committee shall be formulated by the Interior Ministry and the Municipal Government ,and shall be submitted to the Executive Yuan for approval.

The matters relating to tenancy for those Village(Township, City,District) Offices without the setting up of the Farm Land Tenancy Committee shall be undertaken by the Farm Land Tenancy Committee of the Municipal or County (City) Government.

Article 4

(Standard for the total annual harvest of the principal product of main crops) The standard amount of the total annual harvest of the principal product of main crops shall be evaluated,according to the classes of farm lands, by the Farm Land Tenancy Committee of the Village(Township, City, District) Office, and then reported to Farm Land Tenancy Committee of the Municipal or County (City) Government for decision, and to the Interior Ministry for record.

Article 5

(Period for farm land lease)

The period for any farm land lease shall not be less than six years. If the original contract is for more than six years, the originally agreed period shall be maintained.

Article 6

(Registration of contracts for farm land tenancy)

After the implementation of this Act, all contracts for farm land tenancy shall be in written form. The conclusion, change,termination or renewal of any farm land lease contract shall be jointly applied for registration by the lessor and lessee.

Rules governing the registration referred to in the preceding paragraph shall be formulated by the Interior Ministry and the Municipal Government, and shall be submitted to the Executive Yuan for approval.

Article 7

(Matters to be clearly noted in the lease contract)

The amounts, types, standard of quality and date and place for payment of land rent shall be clearly noted in the lease contract.If the payment is in kind and shall be transported by the lessee,the lessor shall be liable for the payment of transportation fees according to the distance.

Article 8

(Payment of rent)

The lessee shall pay the rent according to the time fixed. When receiving the rent, the lessor shall use the weight or measure which has passed the official sanction.

Article 9

(Objects of rents)

The lessee shall still pay the agreed main crops as rent even if he cultivates other crops during the growing seasons of the agreed main crops. But he may pay rent in cash, or by the said other crops, converted from the agreed main crops according to market value of the locality, if the lessor agrees.

Article 10

(Treatment of refusal to receive rent)

If the lessor refuses, without proper reason, to receive rent paid in according to the provisions of this Act and the lease contract, the lessee may, with the proof of the neighborhood chief or farmers associations, send the rent to the Village (Township, City, District) Office instead, and he must notify the lessor to collect the rent from the Office within 10 days. After the time limit the Village (Township, City, District) Office may, in the light of actual conditions, sell rent-in-kind by public tender according to the prevailing prices of the locality. The effect of this procedure is similar to that of a deposit in the local court.

Article 11

(Reduction due to failure of crops)

When there is a failure of crops of the farm land due to calamities or force majeure, the lessee may request the Farm Land Tenancy Committee of the Village (Township, City, District) Office to investigate and survey the degree of failure of crops, and decide after deliberation the measures for rent reduction. The Farm Land Tenancy Committee of the Village (Township, City, District) Office shall deal with the matters within three days of the request, or, if necessary, report to the Farm Land Tenancy Committee of the Municipal or County (City) Government for re-survey and to make decision.

If the failure of crops, as referred to in the preceding paragraph, is a common occurrence in the locality, the Farm Land Tenancy Committee of the Village (Township, City, District) Office shall immediately survey and decide the degree of failure of crops in the affected areas, and report to the Farm Land Tenancy

Committee of the Municipal or County (City) Government who shall decide after deliberation the measures for rent reduction.

If the actual amount harvested by the farm land is less than 70 per cent of the normal amount due to failure of crops, the rent should be exempted.

Article 12

(Use of the farm house)

If before this Act is enacted, the lessee lives in the farmhouse, offered by the lessor without any condition, the lessee may still live in the same farmhouse. The lessor cannot refuse or charge payment for any reason whatsoever.

Article 13

(Special improvement by the lessee)

The lessee may carry out special improvements without restraint on the leased farm land. The lessor shall compensate him with the value of the improvement, but limited to the portion which is still effective, upon the termination of the lease contract.

The special improvement of the farm land referred to in the preceding paragraph means the increase of input of labor and capital on to the farm land, beyond the need to maintain its original character and efficiency, so as to increase its productivity and convenience of cultivation.

Article 14

(Prohibition of the collection of rent in advance and rent deposit)

The lessor shall not collect rent in advance neither shall he collect rent deposit.

Article 15

(Lessee's preferential right to take over)

When the farm land is for sale or for the creation of dien, the lessee has the preferential right to take over, and the lessor shall notify the lessee with the terms of the sale or for the creation of dien in written form.

The lessee is deemed to waive the preferential right if he does not indicate his will to take over within 15 days in written form. The lessor still has to perform according to the provisions of the preceding paragraph, if he re-offers the land for sale or for the creation of dien at a reduced price after nobody responds to his first offer.

If the lessor infringes the provisions of the two preceding paragraphs and closes a contract with any third parties, the validity of that contract would not be sustained if challenged by the lessee.

Article 16

(Prohibition of subleasing by the lessee)

The lessee shall cultivate by himself, and shall not sublease part or the whole of the leased farm land to others.

If the lessee infringes the provisions of the preceding paragraph, the original lease contract becomes invalid, and the lessor may retrieve the land for cultivation by himself or may separately lease out again.

If the lessee entrusts others with the cultivation of part or the whole of the leased farm land since he is faced with a reduction of manpower due to performing national service, it is not deemed to be subleasing.

Article 17

(Termination of the contract before the expiration of the term)

The lease contract shall not be terminated before the expiration of the leasing term, unless one of the following conditions applies:

1. The lessee dies without any heirs.
2. The lessee gives up his right to cultivation.
3. The rents overdue have accumulated to the amount equivalent to the sum for two years.
4. The lessee fails to cultivate for one complete year based on reasons other than force majeure.
5. The leased farm land has been categorized as, or changed to, non-farm land use according to laws.

When the lease contract is terminated according to the provisions of Subparagraph five of the preceding paragraph, the lessor shall compensate the lessee with the following items, unless the provisions of laws provide the contrary:

1. The expenses the lessee has incurred in making land improvements. But limited to the portion which is still effective.
2. The price of any crops not yet harvested.
3. The amount equivalent to one third of the difference between the publicly announced current land value at the time of the termination of lease contract and the anticipated land value increment tax.

Article 18

(Timing for the termination of lease contract for farm land)

The termination of a lease contract for farm land shall be carried out after the harvest

season and before the operation for the next term starts. But if there exists special custom for the locality, that custom shall be followed.

Article 19

(Protection for the lessee at the expiration of the lease contract)

When the lease contract expires, the lessor shall not retrieve his farm land for self cultivation if one of the following conditions applies:

1. The lessor cannot cultivate by himself.
2. All the lessor's current income can maintain his family's subsistence.
3. The lessee will lose the subsistence to maintain his family if the lessor retrieves the leased farm land.

In order to expand the scale of farm operated by his family, the lessor may retrieve the farm land which is located in the same section, or adjacent sections, of the farm lands currently cultivated by him, without being subject to the restrictions of the provisions of Subparagraph two of the preceding paragraph.

If the lessor retrieves the farm land according to the provisions of the preceding paragraph, the provisions of Paragraph two of Article 17 shall, *mutatis mutandis*, apply for the compensation of the lessee.

If the lessor cannot maintain his family and the situation referred to in Subparagraph three of Paragraph one applies, he may apply to the Farm Land Tenancy Committee of the Village (Township, City, District) Office for conciliation.

Article 20

(Renewal of the lease contract)

When the leasing term expires, the farm land lease contract shall be renewed if the lessee is willing to continuously cultivate unless the lessor wants to retrieve the land for self cultivation according to this Act.

Article 21

(The offence of forcing the lessee to give up the right to cultivation)

Any lessor who forces his lessee to give up the right to cultivation with violence or threat shall be liable to imprisonment of not more than three years.

Article 22

(The offence of terminating the lease contract for self cultivation and refusing to renew it)

Any lessor who commits one of the following offences shall be liable to imprisonment of not more than one year or detention:

1. Terminating the lease contract by infringing the provisions of Paragraph one of Article 17.
2. Retrieving the leased land for self cultivation by infringing the provisions of Article 19.
3. Refusing the renewal of the lease contract by infringing the provisions of Article 20.

Article 23

(The offence of collecting rent in excess or in advance or by receiving deposit)

Any lessor who commits one of the following offences shall be liable to detention or a fine of not less than 400 yuan and not more than 4,000 yuan:

1. Collecting rent in excess and so infringing the provisions of Article two.
2. Collecting rent in advance or receiving deposit and so infringing the provisions of Article 14.

Article 24

(The offence of the lessee subleasing)

Any lessee who commits an offence by infringing the provisions of Paragraph one of Article 16 shall be liable to detention or a fine of not less than 400 yuan and not more than 4,000 yuan.

Article 25

(Validity of the leasing contract after the transaction of ownership before the expiration of the leasing term)

Even if the lessor disposes of his ownership, or creates a dien to the third party, before the expiration of the leasing term, the leasing contract is still legally binding on the new owner or the holder of dien. The new owner or the holder of dien shall jointly apply with the lessee for the registration of change of the leasing contract.

Article 26

(Mediation and conciliation of disputes)

Any dispute arising out of the lease of a farm land between the lessor and the lessee shall be submitted to the Farm Land Lease Committee of the Village (Township, City, District) Office in the locality for mediation. If the mediation fails to reach any agreement, the case shall be reported to the Farm Land Lease Committee of the Municipal or County (City) Government for conciliation. If any party to the dispute refuses to abide by the terms of conciliation, the Farm Land Lease Committee of the Municipal or County (City) Committee shall transfer the case to the judicial authorities, and the judicial authorities shall adjudicate immediately without charging any cost for adjudication.

Any dispute, as referred to in the preceding paragraph, may not be brought before the judicial authorities for adjudication before any mediation and conciliation have been held. After an agreement has been reached through mediation and conciliation, the Farm Land Tenancy Committee of the Municipal or County (City) Government shall issue a written certificate.

Article 27

(Validity of mediation and conciliation of disputes)

After an agreement has been reached over any dispute, referred to in the preceding Article, through mediation and conciliation, if any party concerned fails to fulfill his obligation, another party concerned may directly apply to the court for special performance free of any charge of cost.

Article 28

(Application to any farm land encumbered with yungtien)

The provisions of this Act shall, mutatis mutandis, apply to any farm land which is encumbered with yungtien.

Article 29

(Protection measures for farm workers)

Any farm land operated according to the provisions of the Agriculture Development Act shall be regulated by the said Act.

Article 30

(Areas for implementation)

The areas subject to this Act shall be enacted by the Executive Yuan by decree.

Article 31

(Date for enforcement)

This Act shall come into force on the day of its promulgation.