「農民退休儲金條例」法律條文英譯內容(刊登期間:113年5月20日至6月20日)

倘有英譯修正建議,請於刊登期間內傳送本案承辦窗口:

承辦單位:農民輔導司

聯絡人:徐科員

電話:(02)2312-6365

電子郵件:aw4485@moa.gov.tw

法條中文	法條英文	英譯修正建議
第一章 總則	CHAPTER I General Provisions	
第1條	Article 1	
為鼓勵農民儲蓄養老,增進農民退休生	The specific legislative intent of this Act is to encourage farmers	
活保障,安定農村社會並促進農業經濟	to save money for their old age, enhance guarantees of the quality	
發展,特制定本條例。	of life for retired farmers, stabilize rural society, and promote rural	
	economic development.	
第2條	Article 2	
本條例之主管機關為行政院農業委員	The term "Competent Authority" as used in this Act shall mean	
會。	the Council of Agriculture, Executive Yuan.	
第3條	Article 3	
1. 本條例所定農民退休儲金,由農民	The term "farmers' pension" as used in this Act shall be comprised	
	of monthly payments from farmers and the Competent Authority.	

及主管機關按月共同提繳。

- 符合下列各款資格條件之農民,得 依本條例提繳農民退休儲金:
  - 一、未滿六十五歲實際從事農業工 作之農民健康保險(以下簡稱 農保)被保險人。
  - 二、未領取相關社會保險老年給 付。
- 前項農民依本條例提繳農民退休儲
  金期間應持續為農保被保險人。

Farmers who meet the following two qualifying criteria can, based on this Act, make payments into farmers' pensions:

1. Those who actually cultivate the land, are less than 65 years old, and are covered under Farmers Health Insurance (hereafter FHI).

2. Those who do not receive payments for the elderly from relevant social insurance.

Farmers mentioned in the preceding Paragraph who make payments into a farmers' pension based on this Act shall, during the period of such payments, continually be covered under FHI.

# 第 3-1 條

已領取軍人保險退伍給付,並依農民健康保險條例第五條之一規定參加農保之被保險人,得依前條規定提繳農民退休儲金,不受前條第二項第二款所定未領取相關社會保險老年給付之限制。

## Article 3-1

Persons who have already collected retirement payments under insurance for military personnel and who are insured persons participating in farmers' health insurance under the provisions of Article 5-1 of the Farmer Health Insurance Act can, based on the previous Article, make payments into farmers' pensions, and shall not be subject to the restriction in Subparagraph 2 of Paragraph 2 of the preceding Article that they shall not have received payments for the elderly under relevant social insurance.

### 第 4 條

- 農民退休儲金收支、保管業務及農 民退休基金之運用、經營及管理業 務之監理,應聘請政府機關代表、農 民代表及專家學者,以農民退休儲 金監理會(以下簡稱監理會)行之。
- 前項監理會之監理事項、程序、人員 組成、任期與遴聘及其他相關事項 之辦法,由主管機關定之。

# 第 5 條

- 農民退休儲金之收支、保管等業務, 由主管機關委託勞動部勞工保險局 (以下簡稱勞保局)辦理之。
- 農民退休基金之運用、經營及管理等業務,由主管機關委託勞動部勞動基金運用局(以下簡稱基金運用

#### Article 4

Supervision of matters related to revenues, expenditures, and management of farmers' pensions as well as the use, operation, and management of the farmers' pension fund shall be conducted by the Supervisory Board for the Farmers' Pension System (hereafter "the Supervisory Board"), which shall be comprised of representatives of relevant government agencies, farmers' representatives, and experts and scholars.

The supervisory matters, processes, staff organization, terms in office, and hiring of the Supervisory Board mentioned in the preceding Paragraph shall be stipulated by the Competent Authority.

### Article 5

The Competent Authority shall commission the Bureau of Labor Insurance (hereafter BLI) of the Ministry of Labor to handle matters related to revenues, expenditures, and management of farmers' pensions.

The Competent Authority shall commission the Bureau of Labor Funds (hereafter BLF) of the Ministry of Labor to handle matters

局)辦理。	related to the use, operation, and management of the farmers'	
	pension fund.	
第6條	Article 6	
依本條例提繳之農民退休儲金,應儲存	Payments made into farmers' pensions under this Act shall be	
於勞保局設立之農民退休儲金個人專戶	deposited into individual farmers' pension accounts set up by the	
(以下簡稱退休儲金專戶)。	BLI.	
第二章 退休儲金專戶之提繳及請領	CHAPTER II Payments into and Collections from Individual	
	Farmers' Pension Accounts	
第 7 條	Article 7	
1. 農民依第三條第一項規定按月共同	The monthly payments of farmers as stipulated in Article 3,	
提繳之款項,依勞動部公告之勞工	Paragraph 1 shall be calculated as a proportion of the basic wage	
每月基本工資乘以提繳比率計算。	as announced by the Ministry of Labor.	
2. 前項提繳比率由農民於百分之十範	The payment ratio mentioned in the previous Paragraph shall be	
圍內決定之,並以整數為限。	decided by farmers within a range of 10%, and shall be an integer.	
3. 農民依第一項規定提繳農民退休儲	It will only be after a farmer makes payments into his/her farmers'	
金後,主管機關始依農民提繳之農	pension that the Competent Authority will, based on the amount	
民退休儲金,按月提繳相同金額。	paid into the farmers' pension by a farmer, make a similar payment	
4. 農民每月提繳之農民退休儲金,不	each month.	
	Monthly payments made by farmers into farmers' pensions shall	
計入提繳年度自力耕作、漁、牧、林、		

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礦之所得課稅。	not be calculated as taxable income from self-employed farming,	
	fisheries, animal husbandry, forestry, or mining for the year.	
第8條	Article 8	
1. 農民自願開始或停止提繳農民退休	Farmers who voluntarily begin or cease making payments into	
儲金,應填具申請書向其農保投保	farmers' pensions shall fill out applications and file them with the	
之基層農會提出申請。	base level farmers' association through which they are covered by	
2. 農會依前項規定受理申請,應於審	FHI.	
查所屬農民符合第三條第二項規定	Farmers' associations that accept applications under the preceding	
	Paragraph shall, on the day that they review whether the applying	
或辦理停止提繳之當日,列表通知	farmer meets the criteria in Article 3, Paragraph 2 or handle the	
<b>勞保局,開始或停止提繳農民退休</b>	ceasing of payments, notify the BLI to begin or cease payments to	
儲金。	farmers' pensions.	
第9條	Article 9	
農民退休儲金之提繳,自農民開始提繳	Payment made into a farmers' pension shall continue from the day	
之日起至農民年滿六十五歲前一日、停	such payments begin until one day before the farmer reaches age	
止提繳或農保退保之當日止。	65, ceases payments, or withdraws from FHI.	
上水 · 水 · 水 · 水 · 水 · · · · · · · · · · ·		

第	10	條
-		시소

農民得於每年五月或十一月向農會提出 申請調整提繳比率,並由農會於受理申 請當月底前通知勞保局,其調整自通知 之次月一日起生效。

# 第11條

- 農民退休儲金之提繳,應以勞保局 指定之金融機構辦理自動轉帳或以 其他指定方式按月繳納。
- 農民應提繳農民退休儲金之款項, 經勞保局連續六個月扣繳未成功 者,視同自願停止提繳;農民申請再 提繳者,應依第八條規定辦理。

### Article 10

Farmers can apply to farmers' associations in May or November of each year to adjust the payment ratio, and the farmers' association shall notify the BLI before the end of the month in which the application was received; the adjustment shall take effect from the first day of the month following notification.

## Article 11

Payments into farmers' pensions shall be made monthly through automatic transfer from a financial institution designated by the BLI or using another designated method.

If the BLI has unsuccessfully tried to collect the funds that a farmer shall pay into his/her farmers' pension for six consecutive months, this will be seen as a voluntary ceasing of payments; in cases in which the farmer applies to begin payments anew, his/her application shall be handled under the provisions of Article 8.

### 第 12 條

- 農會應於審查農民喪失農保資格退保之當日,列表通知勞保局停止提繳農民退休儲金。
- 勞保局應結算農民不符合第三條第 二項、第三項所定資格條件之日起 已提繳金額,並退還予農民。

# 第 13 條

- 勞保局應結算農民不符合第三條第 二項、第三項所定資格條件之日起 主管機關已提繳金額,自退休儲金 專戶扣還之。
- 前項農民已開始請領農民退休儲金者,由勞保局按其每月得領取金額之三分之一,自退休儲金專戶辦理扣還至足額清償為止。未能扣還或

### Article 12

Farmers' associations shall, on the day that a farmer loses his/her qualifications to participate in FHI and withdraws from FHI, make up a list and notify the BLI to cease payments to that farmers' pension.

The BLI shall calculate the amounts already paid by a farmer starting from the day when the farmer does not meet the qualifying conditions set out in Article 3, Paragraph 2 and Paragraph 3, and return this money to the farmer.

## Article 13

The BLI shall calculate the amounts already paid by the Competent Authority starting from the day when a farmer does not meet the qualifying criteria set out in Article 3, Paragraph 2 and Paragraph 3, and take back this money out of the individual farmers' pension account.

For farmers who have already begun to receive benefit from farmers' pensions, the BLI shall take back one-third of the amount that the farmer is entitled to collect each month from the individual

扣還不足者,勞保局應以書面命農
民限期返還; 屆期未返還者, 依法移
送行政執行。

3. 前項農民於未足額清償前死亡者, 由勞保局自退休儲金專戶一次扣還 主管機關。未能扣還或扣還不足者, 勞保局應以書面命其法定繼承人於 繼承遺產範圍內限期返還;屆期未 返還者,依法移送行政執行。

farmers' pension account until the amount owed is fully repaid. In cases in which it is not possible to take back the money or there is not enough money to take back, the BLI shall use a written order for the farmer to repay the money within a fixed time period; in cases in which a farmer has not repaid the money by the deadline, the case shall be referred for administrative action under the law. For farmers who die prior to fully repaying what they owe under the previous Paragraph, the BLI shall take back the owed amount in a single payment from the individual farmers' pension account. In cases in which it is not possible to take back the money or there is not enough money to take back, the BLI shall use a written order for the legal heirs to repay the money within a fixed time period out of the inheritance; in cases in which the heirs have not repaid the money by the deadline, the case shall be referred for administrative action under the law.

# 第 14 條

依本條例提繳農民退休儲金之農民,於 年滿六十五歲時,得請領該儲金。

# Article 14

Farmers who make payments into farmers' pensions under this Act shall be able to collect their pensions from the time they turn 65

		years of age.
第	15 條	Article 15
1.	農民退休儲金之領取及計算方式為	The calculating method for the amount that a farmer can collect
	退休儲金專戶本金及累積收益,依	from the farmers' pension shall be based on the principal and
	據年金生命表,以平均餘命及利率	accumulated income in the individual farmers' pension account,
	等基礎計算所得之金額,按月定期	with the amount calculated on the basis of average life expectancy
	發給	based on the pension life table as well as the interest rate, and shall
2.	前項農民退休儲金運用收益,不得	be paid out each month.
	低於以當地銀行二年定期存款利率	The income from use of the farmers' pensions as mentioned in the
	計算之收益;有不足者,由國庫補足	preceding Paragraph shall not be less than the income calculated
	之。	based on the interest rate of a two-year certificate of deposit at
3.	第一項所定年金生命表、平均餘命、	local banks; in cases where the income does not reach this level,
	利率及金額之計算,由勞保局依全	the national treasury shall make up the difference.
	國、原住民及身心障礙身分,分別擬	The calculation of the pension life table, average life expectancy,
	訂,報請主管機關核定。	interest rate, and amounts shall be separately determined by the
		BLI for the nation, for indigenous people, and for the disabled, and
		shall be reported to the Competent Authority for approval.
第	16 條	Article 16

- 農民未滿六十五歲,有下列情形之 一者,得請領農民退休儲金:
  - 一、領取農民健康保險條例所定身 心障礙給付,經保險人認定不 能繼續從事農業工作。
  - 二、領取勞工保險條例所定失能年 金給付或失能等級三等以上之 一次失能給付。
  - 三、領取國民年金法所定身心障礙 年金給付或身心障礙基本保證 年金給付。
  - 四、非屬前三款之被保險人,符合 前三款所定身心障礙或失能狀態。
- 依前項規定請領農民退休儲金者, 由農民決定請領之年限,並按月定 期發給。
- 3. 依第一項規定請領農民退休儲金且

Farmers who are not yet 65 years of age can collect the farmers' pension in the following cases:

- 1. Those who collect disability payments under the Farmer Health Insurance Act who are determined by their insurer to be unable to continue to do agricultural work.
- 2. Those who collect disability pension payments under the Farmer Health Insurance Act or have collected the one-time disability payment for Third Level disability or above.
- 3. Those who collect disability pension payments or disability basic guaranteed pension payments under the National Pension Act.
- 4.Insured persons who do not fall under the previous three Subparagraphs who are nevertheless disabled in conformance with the previous three Subparagraphs.

In cases in which a farmer applies to collect from his/her farmers' pension based on the preceding Paragraph, the farmer shall decide the limit to the number of years he/she can collect, and the money shall be disbursed monthly.

For farmers who apply to collect from their farmers' pensions under Paragraph 1 above and have withdrawn from FHI, in cases 農保退保之農民,因於未滿六十五 歲前可繼續從事農業工作而為農保 被保險人者,得依本條例申請開始 提繳農民退休儲金,其實際提繳期 間重新計算。 where they were able to continue to do agricultural work prior to age 65 and were covered by FHI, they can apply to begin making payments into farmers' pensions based on this Act, and the period of actual payments shall be recalculated.

### 第17條

- 農民於請領農民退休儲金前死亡者,應由其遺屬或指定請領人一次請領農民退休儲金。
- 2. 已領取農民退休儲金者,於未屆第 十五條第三項所定平均餘命或前條 第二項所定請領年限前死亡者,停 止發給農民退休儲金。其退休儲金 專戶結算賸餘金額,由其遺屬或指 定請領人領回。

# Article 17

In cases of a farmer who dies prior to collecting from his/her farmers' pension, the farmers' pension shall be collected by the farmer's heirs or a designated beneficiary in a single payment.

For a farmer who collected payments from his/her farmers' pension but died before reaching average life expectancy as noted in Article 15, Paragraph 3 or before reaching the limit to the number of years the farmer can collect as noted in the preceding Article, Paragraph 2, the payments from the farmers' pension shall cease. The remaining amount in the individual farmers' pension account shall be collected by the heirs of the farmer or a designated beneficiary.

# 第18條

- 依前條規定請領農民退休儲金遺屬 之順位如下:
  - 一、配偶及子女。
  - 二、父母。
  - 三、祖父母。
  - 四、孫子女。
  - 五、兄弟姊妹。
- 2. 前項遺屬同一順位有數人時,應共 同具領,有未具名之遺屬者,由具領 之遺屬負責分配之;有死亡、放棄退 休儲金請領權或因法定事由喪失繼 承權者,由其餘遺屬請領之。但生前 預立遺囑指定請領人者,從其遺囑。
- 農民死亡後,有下列情形之一者,其退休儲金專戶之本金及累積收益應歸入農民退休基金:
  - 一、無第一項之遺屬或指定請領

### Article 18

The order of priority of heirs for collection of farmers' pensions as stipulated in the previous Article shall be as follows:

- 1. Spouses and children
- 2. Parents.
- 3. Grandparents.
- 4. Grandchildren.
- 5. Siblings.

When there are multiple individuals in the same category of heirs as described in the preceding Paragraph, they shall collectively collect the pension, and in cases where there are unnamed heirs, the heirs who collect the pension shall be responsible for giving them a share. In cases where a potential heir is deceased, has given up the right to collect the pension, or has lost the right of inheritance for a legally defined reason, the remaining heirs shall collect the pension. However, in cases where the farmer, while still alive, named a designated collector in a will, the will shall be followed.

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二、第一項遺屬或指定請領人之農 民退休儲金請求權,因時效消 滅。 After a farmer dies, the principal and accumulated income in the individual farmers' pension account shall, in any of the following situations, be transferred to the farmers' pension fund:

- 1. There are no heirs as described in Paragraph 1 nor is there any designated collector.
- 2. The right to apply to collect the farmers' pension of the heirs as described in Paragraph 1 or of a designated collector has lapsed because of time limitations.

# 第19條

- 1. 農民或其遺屬或指定請領人請領農 民退休儲金時,應填具申請書,並檢 附相關文件,交由第八條第一項之 農會向勞保局請領;申請書與相關 文件之內容及請領程序,由勞保局 定之。
- 請領手續完備,經審查應予發給農 民退休儲金者,勞保局應自收到申 請書次月底前發給。

### Article 19

When farmers or their heirs or designated collectors apply to collect farmers' pensions, they shall fill out an application form and attach relevant documents and turn these over to the farmers' association stipulated in Article 8, Paragraph 1 for application to be made to the BLI; the contents of the application form and relevant documents as well as the application process shall be stipulated by the BLI.

In cases where the application process has been completed and it has been determined that the farmers' pension shall be paid out,

3.	第一項農民之遺屬或指定請領人農
	民退休儲金請求權,自得請領之日
	起,因十年間不行使而消滅。

the BLI shall begin payments before the end of the month following receipt of the application.

The right of heirs or a designated collector as described in Paragraph 1 to apply to collect the farmers' pension shall lapse if it is not exercised for a ten-year period starting from the day that they are allowed to apply.

# 第20條

- 農民之農民退休儲金,及農民或其 遺屬或指定請領人請領農民退休儲 金之權利,不得讓與、扣押、抵銷或 供擔保。
- 農民依本條例規定請領農民退休儲金者,得檢具勞保局出具之證明文件,於金融機構開立專戶,專供存入農民退休儲金之用。
- 3. 前項專戶內之存款,不得作為抵銷、 扣押、供擔保或強制執行之標的。

## Article 20

Farmers' pensions, and the right of farmers or their heirs or designated collectors to collect farmers' pensions, shall not be the objects of transfer, mortgage, offset, or security.

Farmers who collect farmers' pensions under the stipulations of this Act, can show their identification document issued by the BLI to set up a special account in a financial institution specially for deposit of the farmers' pension.

The deposits into the special accounts mentioned in the preceding Paragraph shall not be used as objects of offset, mortgage, security, or compulsory execution.

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第二	21 條	Article 21
1.	農會未依第八條第二項、第十條或	Farmers' associations that do not, under Article 8, Paragraph 2,
	第十二條第一項規定通知勞保局提	Article 10, or Article 12, Paragraph 1, notify the BLI that payments
	繳農民退休儲金、調整提繳比率或	are being made into a farmers' pension, that the payment ratio is
	停止提繳農民退休儲金,致農民受	being adjusted, or that payments into a farmers' pension are being
	有損害者,應負賠償責任。	ceased, shall be responsible for compensation in cases in which
2.	前項請求權,自農民知悉發生損害	the farmer incurs losses.
	之日起,因二年間不行使而消滅;自	The farmer's right to appeal based on the previous Paragraph shall
	損害發生時起,逾五年者亦同。	lapse if it is not exercised within two years after the farmer
		becomes aware of incurring losses; the same shall apply if the right
		is not exercised within five years of losses occurring.
第三	三章 農民退休基金	CHAPTER III The Farmers' Pension Fund
第二		Article 22
農用	民退休基金之來源如下:	The sources of the farmers' pension fund are as follows:
_	、退休儲金專戶之農民退休儲金。	1. Farmers' pensions in individual farmers' pension accounts.
=	、基金運用之收益。	2. Income from use of the fund.
Ξ	、其他收入。	3. Other income.

第 23 條	Article 23
農民退休基金之運用、經營及管理,基金	The BLF shall commission financial institutions to handle the use,
運用局得委託金融機構辦理; 其委託運	operation, and management of the farmers' pension fund;
用、經營及管理規定、範圍及經費,由基	regulations for the commissioned use, operation, and management
金運用局擬訂,報請主管機關核定。	of the fund, and the scope and fees, shall be drafted by the BLF,
	which shall report these rules to the Competent Authority for
	approval.
第 24 條	Article 24
農民退休基金除作為給付農民退休儲金	Besides being used for paying farmers' pensions and investment,
及投資運用之用外,不得扣押、供擔保或	the farmers' pension fund shall not be used as the object of
移作他用;其管理、運用及盈虧分配之辦	mortgage or security nor for any other purpose; regulations for the
法,由主管機關擬訂,報請行政院核定。	management, use, and distribution of profit or loss of the fund
	shall be drafted by the Competent Authority, which shall report
	these rules to the Executive Yuan for approval.
第 25 條	Article 25
勞保局與基金運用局對於農民退休儲金	The BLI and BLF shall maintain separate accounts for the
及農民退休基金之財務收支,應分戶立	financial revenues and expenditures of farmers' pensions and the
帳,並與其辦理之其他業務分開處理;其	farmers' pension fund, and shall handle these separately from

相關之會計報告及年度決算,應依有關	other business affairs handled by the BLI and BLF; relevant	
法令規定辦理,並由基金運用局彙整,報	financial reports and the final accounting at the end of each fiscal	
請主管機關備查。	year shall be done in accord with relevant laws and regulations,	
	and these shall be collated by the BLF and reported to the	
	Competent Authority for review.	
第 26 條	Article 26	
農民退休基金之收支、運用與其積存金	The revenues and expenditures, use, accumulated amount of	
額及財務報表,基金運用局應按月報請	deposits, and financial reports for the farmers' pension fund shall	
主管機關備查,主管機關應按年公告之。	be reported by the BLF to the Competent Authority each month	
	for review; the Competent Authority shall make them public each	
	year.	
第四章 監督及經費	CHAPTER IV Supervision and Fees	
第 27 條	Article 27	
依第二十三條規定受委託運用、經營及	Whenever financial institutions commissioned to use, operate, and	
管理農民退休基金之金融機構,發現有	manage the farmers' pension fund under Article 23 discover any	
意圖干涉、操縱、指示其運用或其他有損	intent to interfere with, manipulate, or direct its use, or any other	
農民利益之情事時,應通知基金運用局。	situation detrimental to farmers' rights and interests, they shall	
基金運用局認有處置必要者,應即通知	notify the BLF. In cases in which the BLF believes there is a need	

主管機關採取必要措施	to take action, the BLF shall notify the Competent Authority to	
	take the necessary measures.	
第 28 條	Article 28	
主管機關、勞保局、基金運用局、受委託	Personnel belonging to the Competent Authority, the BLI, the	
之金融機構及其相關機關、團體所屬人	BLF, commissioned financial institutions, or relevant	
員,不得對外洩漏業務處理上之秘密或	organizations may not reveal secrets related to the handling of	
謀取非法利益,並應盡善良管理人之注	affairs to outsiders, nor may they seek illicit profits; they shall	
意義務,為基金謀取最大之效益。	fulfill the obligations of an administrator of good will and seek the	
	maximum benefit for the fund.	
第 29 條	Article 29	
勞保局及基金運用局辦理本條例規定行	Funds needed for administration by the BLI and the BLF as	
政所需之費用,應編列預算支應。	required by this Act shall be budgeted.	
第 30 條	Article 30	
勞保局及基金運用局辦理本條例規定業	All revenues and expenditures for accounting books, receipts, and	
務之一切帳冊、單據及業務收支,均免課	business affairs of the BLI and BLF as required by this Act shall	
稅捐。	be tax-free.	
第五章 附則	CHAPTER V Additional Provisions	

第 31 條		Article 31	
1.	勞保局為辦理農民退休儲金業務所	The BLI may request relevant organizations to provide	
	需必要資料,得請相關機關提供,各	information needed for handling farmers' pension affairs, and	
	該機關無正當理由不得拒絕。	these organizations may not refuse such a request without a	
2.	勞保局依前項規定取得之個人資	legitimate reason.	
	料,其處理、利用應依個人資料保護	The BLF shall follow the provisions of the Personal Data	
	法之規定為之。	Protection Act in handling and using personal data acquired under	
		the previous Paragraph.	
第 32 條		Article 32	
本條例施行細則,由主管機關定之。		The Enforcement Rules for this Act shall be stipulated by the	
		Competent Authority.	
第 33 條		Article 33	
本條例施行日期,由行政院定之。		The date on which this Act takes effect shall be determined by the	
		Executive Yuan.	