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| Title :       | Provisional Act Governing the Welfare Allowance for Elderly Farmers   |
| Date :        | 2014.07.16   |
| Legislative : | <p>1.May 31, 1995: Complete text, comprising six articles, promulgated by the President (promulgation decree number: Huazong (1) Yizi No.3499).</p> <p>2.November 11, 1998: Amended text of entire law, comprising seven articles, promulgated by the President (promulgation decree number: Huazong (1) Yizi 8700231350).</p> <p>3.June 14, 2000: Amended version of Article 2 promulgated by the President (promulgation decree number: Huazong (1) Yizi 8900147010).</p> <p>4.June 12, 2002: Amended version of Article 4 promulgated by the President (promulgation decree number: Huazong 1 Yizi 0900120590).</p> <p>5.December 17, 2003: Amended versions of Article 4 and Article 7, plus addition of new Article 4-1, promulgated by the President (promulgation decree number: Huazong 1 Yizi 09200235591). Amended version of Article 4 to take effect as of January 1, 2004.</p> <p>6.December 28, 2005: Amended versions of Article 4, Article 6, and Article 7 promulgated by the President (promulgation decree number: Huazong 1 Yizi 09400212611). Amended versions of Article 6 and Article 7 to take effect immediately, amended version of Article 4 to take effect as of January 1, 2006.</p> <p>7.August 8, 2007: Amended version of Article 4 promulgated by the President (promulgation decree number: Huazong 1 Yizi 09600103211).</p> <p>8.December 21, 2011: Amended versions of Article 4 and Article 6 promulgated by the President (promulgation decree number: Huazong 1 Yizi 10000283801).</p> <p>9.January 29, 2014: Amended version of Article 4-1 promulgated by the President (promulgation decree number: Huazong 1 Yizi 10300013761).</p> <p>10.Amended version promulgated on July 16, 2014, by document Zongyi Yizi No. 10300105341</p> |
| Content :     | <p><b>Article 1</b></p> <p>The specific legislative intent of this Act is to assist elderly farmers in their daily lives and to improve the well-being of the farming population. For any relevant matters not specified or stipulated in this Act, the provisions of other laws shall apply.</p> <p><b>Article 2</b></p> <p>The term "Implementing Authority" in this Act shall mean: at the level of the central government, the Council of Agriculture of the Executive Yuan; at the level of special municipalities directly under the central government, the municipality government; and at the county (city) level, the county (city) government.</p> <p><b>Article 3</b></p> <p>The term "elderly farmer" as used this Act shall be a person who meets both the following criteria:</p>   |

1. A citizen of the ROC 65 years of age or older, who has his or her legal domicile in the ROC, and who has stayed in the ROC for over 183 days each year, for each of the last three years.

2. A farmer who, at the time of application for the Welfare Allowance for Elderly Farmers, has been participating in the Farmers Health Insurance program for a cumulative total of 15 years or more; or who has been a category A member of a Fishermen's Association, has maintained membership for a cumulative total of at least 15 years, and has already begun receiving the Welfare Benefit for the Elderly under the Labor Insurance program.

For persons who, prior to the coming into force of the amendments to Article 3 of this Act of June 27, 2014, had been participating in the Farmers Health Insurance program, and moreover, at the time of application for the Welfare Benefit for Elderly Farmers, had continued to pay premiums for a cumulative total of more than six months but less than 15 years, the qualifications for such persons shall not be subject to the limitations contained in Subparagraph 2 of the previous Paragraph of this Article, but they shall instead be issued one-half of the Welfare Benefit for Elderly Farmers as prescribed in Article 4, Paragraph 1 of this Act.

Any elderly farmers who had already started collecting the Welfare Benefit prior to the coming into force of the amendments to Article 3 of this Act of June 27, 2014, but who thereafter fail to meet the criteria in either Subparagraphs 1 or 2 of Paragraph 1 of this amended Article, shall no longer be issued the Welfare Benefit, and the termination of the Benefit will continue until such time as the reason for its termination has ceased to exist.

#### **Article 4**

An elderly farmer who meets the criteria stated in the preceding article may apply for the issuance of the welfare allowance, which, as of January 1, 2012, shall be adjusted to NT\$7000 per month, and the issuance shall continue until the month of the decease of the individual concerned. In the future, the amount shall be adjusted once every four years. The adjustment shall be made (and publicly announced) by the Implementing Authority at the central government level, with reference to the percentage change of the consumer price index for the most recent year (as issued by the central government's accounting and statistics agency) in comparison with the consumer price index for the years prior to the previous adjustment. However, where the percentage change is zero or negative, no adjustment shall be made.

The issuance of the welfare allowance shall be calculated, following a review that concludes that the applicant is qualified, from the month in which was the day on which the application was received.

Following a one-year period for informing and educating the public, starting on January 1, 2013, for any elderly farmer who applies to collect the welfare allowance and falls under any one of the following circumstances, the pension shall not be issued, or shall be interrupted until the month when the said circumstance ceases to exist. However, this shall not apply to any elderly farmer who was already receiving the welfare allowance prior to January 1, 2013.

1. A total combined individual income exceeding NT\$500,000, above and beyond income from farming, for the preceding tax year.
2. A total combined value exceeding NT\$5 million for land and houses owned by the individual.

The value of land as referred to in Subparagraph 2 of the preceding paragraph shall be calculated using the "publicly declared present value" of the land; the value of houses shall be calculated using the assessed price. However, deductions shall be made from the total combined value for any of the following circumstances:

1. Land zoned for agricultural use.
2. The individual's farmhouse.
3. For a person who does not own a farm house, the total combined value of the one and only house that serves as the actual residence of the individual (based on the assessed price) plus the "publicly declared present value" of that house's land, where such combined value does not exceed NT\$4 million; where the value exceeds that amount, the deduction shall be limited to NT\$4 million.

A person who, for a given time period, qualifies for the welfare allowance for elderly farmers under the preceding Article (i.e. Article 3) and also for other government payments or living subsidies, may apply for all such allowances and subsidies, but may only receive one; the applicant shall choose which to receive.

For a person who is already receiving a social insurance welfare allowance for the elderly, if said person, following the promulgation of the amended version of this law on November 11, 1998, either (a) reenters Farmers Health Insurance or (b) is a category A member of a Fishermen's Association who joins Labor Insurance, the provisions of this Act shall not apply.

For any person who does not qualify for the welfare allowance in this Act but receives said benefit, the individual or the individual's legal heirs shall repay the unlawfully collected welfare allowance within 30 days of the discovery of the fact; those who do not make repayment will be subject to prosecution under the law.

The regulations governing specific methods for applying for the welfare allowance for elderly farmers, and for reviewing and approving said applications, shall be stipulated by the Implementing Authority at the central government level.

#### **Article 4-1**

Neither the welfare allowance for elderly farmers, nor the right to apply for and collect said welfare allowance, shall serve as an object for the purposes of mortgage, assignment, offset or security.

Persons who are qualified under this Act to apply for and collect the welfare allowance may open a specialized account at a financial institution specifically for the purpose of the deposit of this welfare allowance; the individual must, at the time of opening said account, present identification documentation issued by the Implementing Authority at the central government level.

#### **Article 5**

Elderly farmers who, as a result of Article 2, Paragraph 2, Subparagraphs 2

through 4 of the Regulations Governing Application for and Approval for Receiving the Welfare Allowance for Elderly Farmers (announced on, and implemented as of, June 8, 1995), are barred from applying for and collecting the welfare allowance, may, following the coming into effect of the amended version of this Act, apply for compensatory issuance under the regulations in effect prior to the coming into effect of the amended version of this Act.

#### **Article 6**

In special municipalities directly under the jurisdiction of the central government, the Implementing Authority at the central government level shall be responsible for paying 50% of the welfare allowance for elderly farmers, while the special municipality shall be responsible for 50%. In areas under the jurisdiction of provinces, the central government (only) shall be responsible. Moreover, the central government shall take full responsibility for paying increases in the amount of the welfare allowance stipulated by amendments made on December 13, 2005; July 20, 2007; and December 2, 2011.

#### **Article 7**

This Act shall take effect starting on the day of its promulgation. However, Article 4 as amended on December 4, 2003 shall take effect as of January 1, 2004; and Article 4 as amended on December 13, 2005, shall take effect as of January 1, 2006.