

**The Legal Relationship Concerning the Measures of  
Preferential Deposit for Retired Civil and Teaching Personnel  
and the Related Issues of the Reliance Protection**

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**Abstract**

Preferential deposit for retired civil and teaching personnel is not a part of legal safeguard for civil and teaching personnel but a part of social welfare measures by administrative agencies based on their own legal authorities. The mere fact that such administrative practice is not authorized by legislation should not make it invalid because this practice involves no requirement for legal reservation. Furthermore, the offer and alteration of Preferential deposit for retired civil and teaching personnel have little relevance with the legal safeguard for retirement of civil and teaching personnel. In terms of the legal nature, the administrative regulations and guidelines regarding Preferential deposit for retired civil and teaching personnel instituted by authorities concerned are not legal orders based on the authorization by legislation; instead, they are simply administrative rules. The regulated subject of these correlative regulations is primarily the Bank of Taiwan that undertakes preferential deposit affairs, and these correlative regulations did not grant retired civil and teaching personnel any legal standing. Bank of Taiwan is neither an administrative auxiliary nor is it an entity commissioned to exercise public authority. Between the administrative agencies that offer the interests subvention and the Bank of Taiwan exists an implied mandatory relationship of a private law nature. The relationship between retired civil and teaching personnel (depositor) and the Bank of Taiwan is also in a private law nature that is established by private law contract; therefore, the

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so-called “two-stage-theory” is not applicable here. The letter on reducing preferential deposits amount is not an administrative act but merely a notice of terms of future contract renewal. In addition, this article contends that administrative rules should not be the basis for reliance protection claims. As for the legal relationship concerning measures of preferential deposits for retired civil and teaching personnel, there is no reliance basis for the depositor to claim the reliance protection.

**Keywords: reliance protection, reliance basis, retired civil and teaching personnel, measures of preferential deposit, administrative auxiliary, administrative rules, legal safeguard for retirement, implied mandatory relationship**