

Appendix 8 – Temporary Provisions Effective During the Period of the Communist Rebellion (1948)

Source: The Taiwan Documents Project. Available at: <http://www.taiwandocuments.org/constitution07.htm>

(Adopted by the National Assembly on April 18, 1948, promulgated by the National Government on May 10, 1948, amended by the National Assembly on March 11, 1960, Amended by the extraordinary session of the National Assembly on February 7, 1966, amended by the National Assembly at its ninth plenary meeting March 17, 1972)

In accordance with the procedure prescribed in Paragraph 1 of Article 174 of the Constitution, the following Temporary Provisions to be effective during the Period of Communist Rebellion are hereby enacted:

1. The President during the Period of Communist Rebellion may, by resolution of the Executive Yuan Council, take emergency measures to avert any imminent danger to the security of the State or of the people or to cope with any serious financial or economic crisis, without being subject to the procedural restrictions prescribed in Article 39 or Article 43 of the Constitution.
2. The emergency measures mentioned in the preceding paragraph may be modified or abrogated by the Legislative Yuan in accordance with Paragraph 2 of Article 57 of the Constitution.
3. During the Period of the Communist Rebellion, the President and the Vice President may be reelected without being subject to the two-term restriction prescribed in Article 47 of the Constitution.
4. During the period of Communist Rebellion, the President is authorized to establish, in accordance with the constitutional system, an organ for making major policy decisions concerned with national mobilization and suppression of the Communist rebellion and for assuming administrative control in war zones.
5. To meet the requirements of national mobilization and suppression of the Communist rebellion, the President may make adjustments in the administrative and personnel organs of the Central Government, as well as their organizations.
6. During the period of national mobilization and the suppression of the Communist rebellion, the President may, in accordance with the following stipulations, initiate and promulgate for enforcement regulations providing for elections to strengthen elective offices at the Central Government level without being subject to the restrictions prescribed in Article 26, Article 64, or Article 91 of the Constitution:
7. In free areas, additional members of the National Assembly, the Legislative Yuan,

and the Control Yuan may be added through regular elections. Members of the Legislative Yuan and Control Yuan that must be elected by Chinese citizens living abroad who are unable to hold elections shall be chosen according to regulations established by the President of the Republic.

8. Representatives elected to the National Assembly, Legislative Yuan, and Control Yuan in the first elections were chosen through popular vote by the people of the entire nation. These representatives exercise their powers of office in accordance with law; the same principle applies the representatives elected to fill vacancies or provide additional representation.
9. Elections for the National Assembly, Legislative Yuan, and Control Yuan shall be held on the Chinese mainland, one by one, as each area is recovered.
10. Additional members elected to serve in the national Assembly, Legislative Yuan, and Control Yuan, shall exercise the same powers of office in accordance with law as the members elected in the first elections.
11. Additional members of the National Assembly shall stand for reelection every six years; members of the Legislative Yuan, every three years; and members of the Control Yuan, every six years.
12. During the Period of Communist Rebellion, the National Assembly may enact measures to initiate principles concerning Central Government laws and submit Central Government laws to referendum without being subject to the restriction prescribed in Paragraph 2 of Article 27 of the Constitution.
13. During the Period of Communist Rebellion, the President may, when he deems necessary, convoke an extraordinary session of the National Assembly to discuss initiative or referendum measures.
14. The National Assembly shall establish an organ to study, during its recess, problems relating to constitutional rule.
15. The termination of the Period of Communist Rebellion shall be declared by the President.
16. Amendment or abrogation of the Temporary Provisions shall be resolved by the National Assembly.