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## Legislation Law of the People's Republic of China

(Adopted at the third Session of the Ninth National People's Congress on March 15, 2000 and promulgated by Order No. 31 of the President of the People's Republic of China on March 15, 2000)

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## Section 1 Local Regulations, Autonomous Regulations and Separate Regulations

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## 中 人民共和国立法法

(2000年3月15日第九届全国人民代表大会第三次会议通过  
2000年3月15日中华人民共和国主席令第31号公布  
自2000年7月1日起施行)

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Chapter I General Provisions

第一章 · ·

Article 1 This Law is enacted in accordance with the Constitution with a view to standardizing legislation, establishing a sound legislative system of the State, establishing and improving the socialist legal system with Chinese characteristics, safeguarding and developing socialist democracy, promoting the government of the country according to law and building a socialist country under the rule of law

第一条 了· 范立法活· ， 健全国家立法制度， 建立和完善有中国特色社会主义· 法律体系， 保障和· 展社会主· 民主， 推· 依法治国， 建· 社会主· 法治国家， 根据· 法， 制定本法。  
(相· 料 条文· 相· 文 3 篇 指南)

Article 2 This Law shall be applicable to the enactment, revision and nullification of laws, administrative regulations, local regulations, autonomous regulations and separate regulations

The rules of the departments under the State Council and of the local governments shall be formulated, revised and nullified in accordance with the relevant provisions of this Law

第二条 法律、行政法· 、地方性法· 、自治条例和 行条例的制定、修改和 止， 用本法。  
国 院部· 章和地方政府· 章的制定、修改和 止， 依照本法的有· 定· 行。

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(相 · 料: 条文 · 相 · 文 6 篇 指南)

Article 3 Laws shall be made in compliance with the basic principles laid down in the Constitution, principles of taking economic development as the central task, adhering to the socialist road and the people's democratic dictatorship, upholding leadership by the Communist Party of China, upholding Marxism-Leninism, Mao Zetong Thought and Deng Xiaoping theory and persevering in reform and in opening to the outside world.

第三条 立法: 当遵循· 法的基本原· , 以· · 建· 中心, · 持社会主· 道路, · 持人民民主 政、· 持中国共 党的· 、· 持· 克思列 主· 毛· · 思想· 小平理· , · 持改革 放。

(相 · 料: 地方法· 1 篇 条文 · 相 · 文 7 篇 指南)

Article 4 Laws shall be made in accordance with the statutory limits of power and procedures, on the basis of the overall interests of the State and for the purpose of safeguarding the uniformity and dignity of the socialist legal system.

第四条 立法: 当依照法定的· 限和程序, 从国家整体利益出· , · · 社会主· 法制的· 一和尊· 。

(相 · 料: 地方法· 1 篇 条文 · 指南)

Article 5 Laws shall be made in order to embody the will of the people, enhance socialist democracy and guarantee that the people participate in legislative activities through various channels.

第五条 立法: 当体· 人民的意志, · · 社会主· 民主, 保障人民通· 多· 途径参与立法活· 。

(相 · 料: 地方法· 1 篇 条文 · 相 · 文 11 篇 指南)

Article 6 Law shall be made by proceeding from reality and scientifically and rationally prescribing the rights and duties of citizens, legal persons and other organizations, and the powers and responsibilities of State organs.

第六条 立法: 当从· 出· , 科学合理地· 定公民、法人和其他· 的· 利与· 、国家机 的· 力与· 任。

(相 · 料: 地方法· 1 篇 条文 · 相 · 文 4 篇 指南)

Chapter II Laws

第二章 法律

## Section 1 Limits of Legislative Power

## 第一· 立法· 限

Article 7 The National People's Congress and its Standing Committee exercise the legislative power of the State.

The National People's Congress enacts and amends basic laws governing criminal offences, civil affairs, the State organs and other matters.

The Standing Committee of the National People's Congress enacts and amends laws other than the ones to be enacted by the National People's Congress, and when the National People's Congress is not in session, partially supplements and amends laws enacted by the National People's Congress, but not in contradiction to the basic principles of such laws.

第七条 全国人民代表大会和全国人民代表大会常· 委会行使国家立法· 。

全国人民代表大会制定和修改刑事、民事、国家机· 的和其他的基本法律。

全国人民代表大会常· 委会制定和修改除· 当由全国人民代表大会制定的法律以外的其他法律；在全国人民代表大会· 会期· 全国人民代表大会制定的法律· 行部分· 充和修改，但是不得同· 法律的基本原· 相抵触。

(相· 料· 条文· 相· 文15篇 指南)

Article 8 The following affairs shall only be governed by law:

- (1) affairs concerning State sovereignty;
- (2) formation, organization, and the functions and powers of the people's congresses, the people's governments, the people's courts and the people's procuratorates at all levels;
- (3) the system of regional national autonomy, the system of special administrative region, the system of self-government among people at the grassroots level;
- (4) criminal offences and their punishment;
- (5) mandatory measures and penalties involving deprivation of citizens of their political rights or restriction of the freedom of their person;

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- (6) requisition of non-State-owned property;
- (7) basic civil system;
- (8) basic economic system and basic systems of finance, taxation, customs, banking and foreign trade;
- (9) systems of litigation and arbitration; and
- (10) other affairs on which laws must be made by the National People's Congress or its Standing Committee.

第八条 下列事· 只能制定法律· :

- (一) 国家主· 的事· ;
- (二) 各· 人民代表大· 会、人民政府、人民法院和人民· 察院· 的· 生· · · 和· · · ;
- (三) 民族区域自治制度、特· 行政区制度、基· 群· 自治制度 ;
- (四) 犯罪和刑· ;
- (五) 公民政治· 利的· 剥· 、限制人身自由的· 制措施和· · · ;
- (六) 非国有· 的征收 ;
- (七) 民事基本制度 ;
- (八) 基本· · 制度以及· 政· 税收· 海· 、金融和外· 的基本制度 ;
- (九) · · 和仲裁制度 ;
- (十) 必· 由全国人民代表大会及其常· 委· 会制定法律的其他事· 。
- (相· 料· 部· · 章 3 篇 地方法· 29 篇 裁判文· 9 篇 杂文· 相· 文 80 篇 指南)

Article 9 If laws have not been enacted on the affairs specified in Article 8 of this Law, the National People's Congress or its Standing Committee has the power to make a decision to authorize the State Council to formulate, according to actual needs, administrative regulations first on part of those affairs, except for the affairs concerning criminal offences and their punishment, mandatory measures and penalties involving deprivation of citizens of their political rights or restriction of the freedom of their person, and the judicial system.

第九条 本法第八条· 定的事· 尚未制定法律的, 全国人民代表大会及其常· 委· 会有· 作出决定, 授· 国· 院可以根据· 需要, 其中的部分事· 先制定行政法· , 但是有· 犯罪和刑· 、公民政治· 利的· 剥· 和限制人身自由的· 制措施和· · · 、司法制度等事· 除外。

(相· 料· 部· · 章 1 篇 裁判文· 3 篇 杂文· 相· 文 21 篇 指南)

Article 10 In a decision on authorization, the purpose and scope of the authorization shall be clearly defined.

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The authorization organ shall exercise the power strictly in compliance with the authorized purpose and scope.

The authorized organ may not impart the authorized power to any other organs.

第十条 授· 决定· 当明· 授· 的目的、范· 。  
 被授· 机 · 当· 格按照授· 目的和范· 行使· · · · 力。  
 被授· 机 · 不得得· · · · 力· 授· 其他机 · 。  
 (相 · 料· 裁判文 · 1 篇 条文 · 相 · 文 7 篇 指南)

Article 11 After the administrative regulations on an affair formulated under authorization have been tested in practice and when the conditions are ripe for making a law on the affair, the National People's Congress or its Standing Committee shall make a law on it in a timely manner. As soon as the law is made, the authorization with regard to that matter shall be terminated accordingly.

第十一条 授· 立法事· , · · · 程· · , 制定法律的条件成熟· , 由全国人民代表  
 大会及其常· 委· 会及· 制定法律。法律制定后, 相· 立法事· 的授· · 止。  
 (相 · 料· 裁判文 · 1 篇 条文 · 指南)

Section 2 Legislation Procedures for the National People's Congress

## 第二· 全国人民代表大会立法程序

Article 12 The Presidium of the National People's Congress may submit to the National People's Congress legislative bills, which shall be deliberated by the session of the National People's Congress

The Standing Committee of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate and the special committees of the National People's Congress may submit to the National People's Congress legislative bills, which shall be put on the agenda of a session by decision of the Presidium.

第十二条 全国人民代表大会主席 可以向全国人民代表大会提出法律案, 由全国人  
 民代表大会会 · · · 。

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全国人民代表大常委会、国务院、中央军委、最高人民法院、最高人民检察院、全国人民代表大会各委员会，可以向全国人民代表大会提出法律案，由主席决定列入会程。

(相·料·条文·相·文4篇 指南)

Article 13 A delegation or a group of thirty or more deputies may submit a legislative bill to the National People's Congress. The Presidium shall decide whether or not to put it on the agenda of the session, or shall refer do so after referring the bill to a relevant special committee for deliberation and for making a proposal as to whether to put it on the agenda.

When the special committee holds a meeting to deliberate the bill, it may invite the sponsoring person to attend the meeting and express opinions.

第十三条 一个代表或者三十名以上的代表名，可以向全国人民代表大会提出法律案，由主席决定是否列入会程。或者先交有关的委员会、提出是否列入会程的意见，再决定是否列入会程。

委员会的时候，可以邀提案人列席会，表意见。

(相·料·条文·相·文2篇 指南)

Article 14 A legislative bill to be submitted to the National People's Congress may be submitted first to the Standing Committee when the National People's Congress is not in session, and after the Standing Committee has deliberated on it at its meetings in accordance with the procedures stipulated in Section 3 of Chapter II of this Law and decides to submit it to the National People's Congress for deliberation, the Standing Committee or the sponsor shall make explanations to a plenary meeting of the session.

第十四条 向全国人民代表大会提出的法律案，在全国人民代表大会会期，可以先向常委会提出，常委会依照本法第二章第三节的程序后，决定提全国人民代表大会，由常委会向大会全体会议作说明，或者由提案人向大会全体会议作说明。

(相·料·条文·相·文1篇 指南)

Article 15 When the Standing Committee decides to submit a legislative bill to a session of the National People's Congress for deliberation, it shall distribute the draft bill to the deputies one month before the session is convoked.

第十五条 常委会决定提全国人民代表大会的法律案，当在会行的一个月前将法律草案代表。

(相·料·条文·指南)

Article 16 The legislative bill that has been placed on the agenda of a session of the National

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People's Congress shall be deliberated on by all the delegations after the explanation made by the sponsor has been heard at a plenary meeting of the session.

When the delegations are deliberating on a legislative bill, the sponsor shall send people to listen to their opinions and answer inquiries.

When the delegations are deliberating on a legislative bill, the relevant organ or organization shall, at the request of the delegations, send people to give briefings therefor.

第十六条 列入全国人民代表大会会·程的法律案,大会全体会·听取提案人的·明后,由各代表·行·。  
各代表·法律案·,提案人·当派人听取意·,回答·。  
各代表·法律案·,根据代表·的要求,有·机·、·、·、·当派人介·情况。  
(相·料·条文·指南)

Article 17 The legislative bill that has been placed on the agenda of a session of the National People's Congress shall be deliberated by the relevant special committee which shall submit its deliberated opinions to the Presidium, and the opinions shall also be printed and distributed at the session.

第十七条 列入全国人民代表大会会·程的法律案,由有·的·委·会·行·,向主席·提出·意·,并印·会·。  
(相·料·条文·相·文·1篇·指南)

Article 18 The legislative bill that has been placed on the agenda of a session of the National People's Congress shall be subject to a unified deliberation by its Law Committee on the basis of the deliberated opinions of the various delegations and the relevant special committee. The Law Committee shall submit to the Presidium a report on the result of its deliberation and a revised draft law; major dissenting views shall be stated in the report. After examination and approval by the Presidium, the report and the draft law shall be printed and distributed at the session.

第十八条 列入全国人民代表大会会·程的法律案,由法律委·会根据各代表·和有·的·委·会的·意·,法律案·行·一·,向主席·提出·果·告和法律草案修改稿,重要的不同意·当在·果·告中予以·明,主席·会·通·后,印·会·。  
(相·料·条文·指南)

Article 19 With regard to a legislative bill that has been placed on the agenda of a session of the National People's Congress, the executive chairmen of the Presidium may, when necessary, convene a meeting of the heads of the various delegations to hear and discuss the deliberated



opinions of the delegations on major questions in the legislative bill, and report the result of the discussion and the opinions expressed to the Presidium.

The executive chairmen of the Presidium may also convene a meeting of the interested deputies recommended by the delegations to discuss the major, special questions in the legislative bill, and report the result of the discussion and the opinions expressed to the Presidium.

第十九条 列入全国人民代表大会会·程的法律案, 必要·, 主席 常 主席可以召 各代表 ·会·, 就法律案中的重大· 听取各代表 的 ·意·, ·行·, 并得 ·的情况和意· 向主席 ·告。

主席 常 主席也可以就法律案中的重大的 ·性·, 召集代表 推·的有 代表·行·, 并得 ·的情况和意· 向主席 ·告。

(相 ·料· 条文 · 指南)

Article 20 With regard to a legislative bill that has been placed on the agenda of a session of the National People's Congress, if the sponsor requests its withdrawal before it is put to vote, he shall state the reasons, and deliberation of the bill at the session shall terminate as soon as the Presidium has accepted the request and reported the matter to the session.

第二十条 列入全国人民代表大会会·程的法律案, 在交付表决前, 提案人要求撤回的, ·当· 明理由, ·主席 同意, 并向大会·告, ·法律案的 ·即行·止。

(相 ·料· 条文 · 指南)

Article 21 Where important questions raised during the deliberation on a legislative bill call for further study, the Congress may, by decision of a plenary meeting according to a proposal made by the Presidium, authorize the Standing Committee to further deliberate on the bill on the basis of deputies' opinions, to make a decision and to give a report on the decision to the next session of the National People's Congress; or the Standing Committee may be authorized to further deliberate on the bill on the basis of deputies' opinions, to work out a revision proposal and to submit it to the next session of the National People's Congress for deliberation and decision.

第二十一条 法律案在 ·中有重大· 需要· 研究的, ·主席 提出, 由大会 全体会· 决定, 可以授· 常 委· 会根据代表的意· ·, 作出决定, 并得决定情况向全国人民代表大会下次会·告; 也可以授· 常 委· 会根据代表的意· ·, 提出修改方案, 提· 全国人民代表大会下次会· 决定。

(相 ·料· 条文 · 指南)

Article 22 After a revised draft of the legislative bill has been deliberated on by the various delegations, the Law Committee shall revise revised draft according to the deliberated opinions of the delegations and prepare a draft for vote, the Presidium shall submit it for vote to a plenary meeting of the session, and the draft shall be subject to adoption by a simple majority of all the

deputies.

第二十二條 法律草案修改稿，各代表，由法律委員會根據各代表的意見，進行修改，提出法律草案表決稿，由主席提大會全體表決，由全體代表的半數通過。

(相料：條文 相文：第一篇 指南)

Article 23 A law adopted by the National People's Congress shall be promulgated by Order of the President signed by the President of the People's Republic of China.

第二十三條 全國人民代表大會通過的法律由國家主席、署主席令予以公布。(相料：條文 指南)

Section 3 Legislation Procedures for the Standing Committee of the National People's Congress

第三 全國人民代表大會常務委員會立法程序

Article 24 The Council of Chairmen may submit legislative bills to a meeting of the Standing Committee for deliberation.

The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate or a special committee of the National People's Congress may submit a legislative bill to the Standing Committee, and the Council of Chairmen shall decide whether to put it on the agenda of a meeting of the Standing Committee or to refer it first to the relevant special committee for deliberation before deciding whether to put it on the agenda of a meeting of the Standing Committee in light of the report submitted by the relevant special committee. If the Council of Chairmen believes that the legislative bill contains major questions calling for further study, it may advise the sponsor of the bill to revise and improve the bill before submitting it to the Standing Committee.

第二十四條 委員會可以向常務委員會提出法律案，由常務委員會。

國務院、中央軍事委員會、最高人民法院、最高人民檢察院、全國人民代表大會各委員會，可以向常務委員會提出法律案，由委員會決定列入常務委員會會議程，或者先交有關的委員會、提出報告，再決定列入常務委員會會議程。如果委員會認為法律案有重大需要進一步研究，可以建議提案人修改完善後再向常務委員會提出。

(相料：條文 相文：第一篇 指南)

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Article 25 Ten or more of the members of the Standing Committee may jointly submit a legislative bill to the Standing Committee, and the Council of Chairmen shall decide whether to put it on the agenda of a meeting of the Standing Committee, or to refer it first to the relevant special committee for deliberation before deciding whether to put it on the agenda of a meeting of the Standing Committee in light of the suggestions as to whether to put it on the agenda submitted by the relevant special committee. If the Council of Chairmen decides not to put the legislative bill on the agenda of a meeting of the Standing Committee, it shall report the matter to a meeting of the Standing Committee or give an explanation to the sponsor.

When a special committee holds a meeting to deliberate on a bill, the sponsor may be invited to attend the meeting and express opinions.

第二十五条 常委会成人十人以上名，可以向常委会提出法律案，由委·会·会·决定是否列入常委会会·程，或者先交有的·委·会·、提出是否列入会·程的意·，再决定是否列入常·委·会·会·程。不列入常·委·会·会·程的，·当向常·委·会·会·告或者向提案人·明。  
·委·会·的·候，可以邀·提案人列席会·，·表意·。  
(相·料·条文·相·文1篇 指南)

Article 26 When a legislative bill is placed on the agenda of a meeting of the Standing Committee, its draft shall, except under special circumstances, be delivered to the component members of the Standing Committee seven days before the meeting.

第二十六条 列入常·委·会·会·程的法律案，除特殊情况外，·当在会·行的七日前将法律草案·常·委·会·成人·。  
(相·料·条文·指南)

Article 27 As a rule, a legislative bill placed on the agenda of a meeting of the Standing Committee shall be put to vote after deliberations at three meetings of the Standing Committee.

When the Standing Committee is to deliberate on a legislative bill for the first time, it shall hear the explanation made by the sponsor at a plenary meeting, and then preliminary deliberation shall be conducted at group meetings.

When the Standing Committee is to deliberate on a legislative bill for the second time, it shall hear the report made by the Law Committee on the revision of the draft and the main problems thereof at a plenary meeting, and then further deliberation shall be conducted at group meetings.

When the Standing Committee is to deliberate on a legislative bill for the third time, it shall hear the report made by the Law Committee on the result of its deliberation on the draft at a plenary meeting, and then the revised draft of the legislative bill shall be deliberated on at group meetings.

When the Standing Committee is to deliberate on a legislative bill, it may, according to needs, convene joint group meetings or plenary meetings to discuss the main questions contained in the draft.

第二十七条 列入常务委员会议程的法律案，一般应当三次常务委员会后再交付表决。  
常务委员会第一次法律案，在全体会上听取提案人的说明，由分会先行初审。  
常务委员会第二次法律案，在全体会上听取法律委员会于法律草案修改情况和主要问题的报告，由分会先行初审。  
常务委员会第三次法律案，在全体会上听取法律委员会于法律草案修改情况的报告，由分会先行初审。  
常务委员会法律案，根据需要，可以召开小组会议或者全体会议，对法律草案中的主要问题进行审议。  
(相 料: 条文 相 文 2 篇 指南)

Article 28 If the various quarters have a consensus in the main on a legislative bill placed on the agenda of a meeting of the Standing Committee, the bill may be put to vote after deliberation at two meetings of the Standing Committee; if the various quarters have a consensus in the main on a legislative bill concerning partial amendment of a law, the bill may be put to vote after deliberated at one meeting only.

第二十八条 列入常务委员会议程的法律案，各方面意见比较一致的，可以经一次常务委员会会议即交付表决；部分修改的法律案，各方面的意见比较一致的，也可以经一次常务委员会会议即交付表决。  
(相 料: 条文 相 文 1 篇 指南)

Article 29 When group meetings of the Standing Committee are held to deliberate on a legislative bill, the sponsor shall send people to listen to opinions and answer inquiries.

When group meetings of the Standing Committee are held to deliberate on a legislative bill, the relevant organ or organization shall, at the request of any group, send people to give briefings thereof.

第二十九条 常务委员会分组会议审议法律案时，提案人应当派人听取意见，回答询问。  
常务委员会分组会议审议法律案时，根据小组的要求，有关部门应当派人介绍情况。  
(相 料: 条文 相 文 1 篇 指南)

Article 30 The legislative bill placed on the agenda of a meeting of the Standing Committee shall

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be deliberated by the relevant special committee, which shall offer its opinions after deliberation and have them printed and distributed at the Standing Committee meeting.

When a special committee holds a meeting to deliberate on a legislative bill, members of other relevant special committees may be invited to attend the meeting and express opinions.

第三十条 列入常委会会程的法律案，由有的委员会行，提出  
 意，印常委会会。  
 有的委员会法律案，可以邀其他委员会的成列席会，表意。  
 (相料条文 指南)

Article 31 With regard to a legislative bill placed on the agenda of a Standing Committee meeting, the Law Committee shall conduct a unified deliberation on the basis of the opinions expressed by members of the Standing Committee and relevant special committees after deliberation as well as the opinions offered by the various quarters, work out a revision report or a report on the result of its deliberation and a revised draft of the legislative bill, and state the major dissenting view in either of the two reports. It shall give feedback to the relevant special committees if their deliberated opinions of importance are not accepted.

When the Law Committee holds a meeting to deliberate on a legislative bill, members of other relevant special committees may be invited to attend the meeting and express opinions.

第三十一条 列入常委会会程的法律案，由法律委·会根据常委·会·成  
 人、有的·委·会的·意·和各方面提出的意·，法律案·行·一·，提出修  
 改情况的·或者··果·告和法律草案修改稿，重要的不同意·当在·或者·  
 ·果·告中予以·明。有的·委·会的重要·意·没有采·的·，当向有的·  
 委·会反·。  
 法律委·会·法律案·，可以邀·有的·委·会的成·列席会·，·表意·。  
 (相·料·条文· 指南)

Article 32 When a special committee is to deliberate on a legislative bill, it shall hold a plenary meeting and may, in light of need, request the relevant organ or organization to send the leading members concerned to make explanation.

第三十二条 ·委·会·法律案·，·当召·全体会·，·根据需·要·，可以要  
 求有·机·、··派·有··人··明·情·况·。  
 (相·料·条文· 指南)

Article 33 Where the special committees disagree on major questions contained in a draft law, the matter shall be reported to the Council of Chairmen.

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第三十三条 委员会之法律草案的重要意见不一致，应当向委员会告。  
(相 料: 条文 相 文 1 篇 指南)

Article 34 With regard to a legislative bill placed on the agenda of a Standing Committee meeting, the Law Committee, the relevant special committee and the working offices of the Standing Committee shall listen to opinions of the various quarters by holding forums, seminars, hearings, etc.

The working offices of the Standing Committee shall send copies of the draft law to the relevant organs, organizations and specialists to solicit their opinions and then sort out the opinions and submit them to the Law Committee and the relevant special committee and, where necessary, print and distribute them at a meeting of the Standing Committee.

第三十四条 列入常务委员会之程的法律案，法律委员会、有的委员会和常委会工作机，当听取各方面的意见。听取意见可以采取座谈会、听会等多种形式。  
常委会工作机，当将法律草案送有关机关、团体征求意见，将意见整理后送法律委员会和有的委员会，并根据需要，印常委会会。  
(相 料: 条文 相 文 5 篇 指南)

Article 35 With regard to a legislative bill placed on the agenda of a Standing Committee meeting, it may, by decision of the Council of Chairmen, be published for soliciting opinions. Opinions gathered from the organs, organizations and citizens shall be sent to the working offices of the Standing Committee.

第三十五条 列入常务委员会之程的重要的法律案，委员会决定，可以将法律草案公布，征求意见。各机关、团体和公民提出的意见送常委会工作机。  
(相 料: 条文 相 文 2 篇 指南)

Article 36 With regard to a legislative bill placed on the agenda of a meeting of the Standing Committee, its working offices shall collect and sort out the deliberated opinions from group meetings and the opinions offered by the various quarters as well as other relevant information, and then send them to the Law Committee and the relevant special committee and, where necessary, print and distribute them at a meeting of the Standing Committee.

第三十六条 列入常务委员会之程的法律案，常委会工作机，当收集整理各方面的意见和各方面提出的意见以及其他有关材料，分送法律委员会和有的委员会，并根据需要，印常委会会。  
(相 料: 条文 指南)

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Article 37 With regard to a legislative bill placed on the agenda of a meeting of the Standing Committee, if the sponsor requests its withdrawal before it is put to vote, he shall state the reasons, and deliberation of the bill at the meeting shall terminate as soon as the Council of Chairmen has accepted the request and reported the matter to the Standing Committee.

第三十七条 列入常务委员会会期的法律案，在交付表决前，提案人要求撤回的，应当明理由，经委员会同意，并向常务委员会告，法律案的即行止。  
(相关材料条文 相关文1篇 指南)

Article 38 Where a legislative bill has been deliberated on by the Standing Committee at three meetings and there are still major questions calling for further study, the Council of Chairmen may propose, provided with the consent of a joint group meeting or a plenary meeting, not to put the bill to vote for the time being, and refer it to the Law Committee and the relevant committee for further deliberation.

第三十八条 法律案经常务委员会三次会后，仍有重大需要进一步研究的，由委员会提出，经委员会或者全体会议同意，可以付表决，交法律委员会和有关的委员会进一步研究。  
(相关材料条文 指南)

Article 39 Where the deliberation of a legislative bill has been laid aside for two full years owing to significant disagreement among the various quarters on the necessity and feasibility of making the bill into a law, or where a legislative bill that has been proposed not to be put to vote for the time being has failed to be placed again on the agenda of a meeting of the Standing Committee for deliberation within two years, the Council of Chairmen shall report the matter to the Standing Committee and deliberation on the said bill shall terminate.

第三十九条 列入常务委员会会期的法律案，因各方面制定法律的必要性、可行性等重大问题存在较大分歧搁置满两年的，或者因不付表决满两年没有再次列入常务委员会会期的，由委员会向常务委员会告，法律案即行止。  
(相关材料条文 指南)

Article 40 After the revised draft of a law has been deliberated by the Standing Committee at its meeting, the Law Committee shall further revise it on the basis of the deliberated opinions of the members of the Standing Committee before preparing a draft for vote; then, the Council of Chairmen shall request the Standing Committee to put the draft to vote at a plenary meeting, and the draft shall be subject to adoption by a simple majority of the total membership of the Standing Committee.

第四十条 法律草案修改稿，由常务委员会，由法律委员会根据常务委员会的，由常务委员会全体组成人员的过半数通过。

(相·料·条文·指南)

Article 41 A law adopted by the Standing Committee shall be promulgated by Order of the President signed by the president of the People's Republic of China.

第四十一条 常务委员会通过的法律由国家主席、副主席予以公布。

(相·料·条文·相·文1篇·指南)

Section 4 Legal Interpretation

#### 第四· 法律解

Article 42 The power of legal interpretation belongs to the Standing Committee of the National People's Congress.

A law shall be interpreted by the Standing Committee of the National People's Congress if:

- (1) the specific meaning of a provision needs to be further defined, or
- (2) after its enactment, new developments make it necessary to define the basis on which to apply the law.

第四十二条 法律解释属于全国人民代表大会常务委员会。

法律有以下情况之一的，由全国人民代表大会常务委员会解释：

- (一) 法律的规定需要进一步明确具体含义的；
- (二) 法律制定后出现新的情况，需要明确适用法律依据的。

(相·料·部·章1篇·裁判文·2篇·条文·相·文15篇·指南)

Article 43 The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, a special committee of the National People's Congress and the standing committee of the people's congress of a province, autonomous region or municipality directly under the Central Government may request the Standing Committee of the National People's Congress to give legal interpretation.



第四十三条 国 院、中央 事委 会、最高人民法院、最高人民 察院和全国人民代表大会各 委 会以省、自治区、直 市的人民代表大会常 委 会可以向全国人民代表大会常 委 会提出法律解 要求。

(相 料: 条文 相 文 7 篇 指南)

Article 44 The working offices of the Standing Committee shall study and work out a draft for the legal interpretation, which shall be put on the agenda of the Standing Committee meeting by decision of the Council of Chairmen.

第四十四条 常 委 会工作机 研究 法律解 草案, 由委 会 决定列入常 委 会会 程。

(相 料: 条文 相 文 2 篇 指南)

Article 45 After a draft for legal interpretation has been deliberated by the Standing Committee at its meeting, the Law Committee shall, on the basis of the deliberated opinions of members of the Standing Committee, deliberate on the draft and revise it before working out a draft legal interpretation for vote.

第四十五条 法律解 草案 常 委 会会 程, 由法律委 会根据常 委 会 成人 的 意 行 、修改, 提出法律解 草案表决稿。

(相 料: 条文 相 文 1 篇 指南)

Article 46 The draft legal interpretation for vote shall be subject to adoption by a simple majority of the total membership of the Standing Committee and be promulgated by the Standing Committee in an announcement.

第四十六条 法律解 草案表决稿由常 委 会全体 成人 的 半数通 , 由常 委 会 布公告予以公布。

(相 料: 条文 相 文 2 篇 指南)

Article 47 The legal interpretation adopted by the Standing Committee of the National People's Congress has the same effect as the laws enacted by it.

第四十七条 全国人民代表大会常 委 会的法律解 同法律具有同等效力。(相 料: 司法解 1 篇 条文 相 文 3 篇 指南)

Section 5 Other Provisions

第五 其他 定

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Article 48 When a legislative bill is submitted, a version of the draft law, its explanation and other necessary information shall be provided at the same time. The explanation on the draft law shall cover the necessity of its enactment and its main contents.

第四十八条 提出法律案, 应当同时提出法律草案文本及其说明, 并提供必要的资料。法律草案的说明应当包括制定法律的必要性和主要内容。  
(相关资料条文 相文1篇 指南)

Article 49 With regard to a legislative bill submitted to the National People's Congress or its Standing Committee, the sponsor has the right to withdraw it before it is put on the agenda of a Congress session or Committee meeting.

第四十九条 向全国人民代表大会及其常委会提出的法律案, 在列入会程前, 提案人有撤回。  
(相关资料条文 相文1篇 指南)

Article 50 With regard to a legislative bill that has failed to pass the vote at a plenary meeting of the National People's Congress or its Standing Committee, if the sponsor still considers it necessary to enact the proposed law, he may submit the bill anew in accordance with the statutory procedures, and the Presidium or the Council of Chairmen shall decide whether to put it on the agenda of a session of the Congress or a meeting of the Standing Committee; for a bill that has failed to be adopted by the National People's Congress, the case shall be referred to the National People's Congress for deliberation and decision.

第五十条 交付全国人民代表大会及其常委会全体会议表决未得通过的法律案, 如果提案人仍然坚持制定法律, 可以按照法律规定的程序重新提出, 由主席团、委员会决定是否列入会程; 其中, 未得全国人民代表大会通过的法律案, 应当提请全国人民代表大会决定。  
(相关资料条文 指南)

Article 51 In a law, the time for its entry into effect shall be clearly stipulated.

第五十一条 法律应当明确规定施行日期。  
(相关资料条文 指南)

Article 52 In an Order of the President signed for promulgating a law, the organ that enacts the law,

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the date of its adoption and the time for its entry into effect shall be clearly stated.

Once a law is promulgated upon signing, it shall be published in the Bulletin of the Standing Committee of the National People's Congress and in the newspapers with a nationwide distribution.

The text of a law published in the Bulletin of the Standing Committee shall be the standard text.

第五十二条 公布法律的主席令，应当明定法律的制定机关、通过和施行日期。  
法律公布后，及在全国人民代表大会常委会公布，和在全国范围内执行的，  
上刊登。

在常委会公布上刊登的法律文本，准文本。  
(相·料：地方法·1篇 条文·相·文2篇 指南)

Article 53 The procedures for revising or nullifying a law shall be governed by the relevant provisions in this Chapter.

Where only part of the Articles of a law are revised or nullified, the new text of the law must be promulgated.

第五十三条 法律的修改和终止程序，用本章的有关规定。  
法律部分条文被修改或者终止的，必公布新的法律文本。  
(相·料：条文·相·文1篇 指南)

Article 54 According to the need of the contents, a law may consist of parts, chapters, sections, Articles, paragraphs, subparagraphs and items.

The sequence of the different parts, chapters, sections and Articles shall be marked in the order of Chinese numerals, the sequence of the paragraphs shall not be marked, that of subparagraphs shall be marked in the order of bracketed Chinese numerals and that of items marked with Arabic numerals.

In the note to the title of a law, the organ that enacts the law and the date of adoption shall be clearly stated.

第五十四条 法律根据内容需要，可以分章、条、款、项、目。  
章、条、款的序号用中文数字依次表述，款不编序号，项的序号用中文数字加括号  
依次表述，目的序号用阿拉伯数字依次表述。

法律标题的注应当明制定机关、通过日期。  
(相·料：条文·相·文1篇 指南)

Article 55 The working offices of the Standing Committee of the National People's Congress may reply, after study, to any legal inquiries regarding specific questions and shall report thereon to the Standing Committee for the record.

第五十五条 全国人民代表大会常 委 会工作机 可以 有 具体 的 法律 行研究予以答 并 常 委 会 案。

(相 料: 法律 1 篇 部 章 2 篇 条文 相 文 1 篇 指南)

Chapter III Administrative Regulations

### 第三章 行政法

Article 56 The State Council shall, in accordance with the Constitution and laws, formulate administrative regulations.

The administrative regulations may be formulated to govern the following matters:

- (1) matters requiring the formulation of administrative regulations in order to implement the provisions of law; and
- (2) matters within the administrative functions and powers of the State Council as provided for in Article 89 of the Constitution.

When the administrative regulations governing an affair which has been formulated first by the State Council under authorization decided on by the National People's Congress or its Standing Committee, an affair on which the National People's Congress or its Standing Committee is responsible to make a law; have been tested in practice and when the conditions are ripe for making a law on the affair, the State Council shall, in a timely manner, request the National People's Congress or its Standing Committee to make the law.

第五十六条 国 院根据 法和法律, 制定行政法。

行政法 可以就下列事 作出 定:

- (一) 行法律 定需要制定行政法 的事;
- (二) 法八十九条 定的国 院行政管理 的事。

当由全国人民代表大会及其常 委 会制定法律的事, 国 院根据全国人民代表大会及其常 委 会的授 决定先制定的行政法 , 践 , 制定法律的条件成熟, 国 院 当及 提 全国人民代表大会及其常 委 会制定法律。

(相 料: 部 章 2 篇 裁判文 2 篇 相 文 9 篇 指南)

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Article 57 The drafting of administrative regulations shall be arranged by the State Council. Where a relevant department under the State Council considers it necessary to formulate administrative regulations to govern a matter, it shall apply to the State Council for including the matter in its legislation list.

第五十七条 行政法· 由国 院· 起草。国 院有 部· 需要制定行政法· 的· 当向国 院· 立· 。  
(相 · 料· 条文 · 相 · 文 1 篇 指南)

Article 58 In drafting administrative regulations, opinions from relevant organs, organizations and citizens shall be widely listened to, and forums, seminars, hearings, etc. may be held for the purpose.

第五十八条 行政法· 在起草· 程中, · 当广泛听取有 机 · 和公民的意· 。  
听取意· 可以采取座· 会、 · 会、听· 会等多· 形式。  
(相 · 料· 条文 · 相 · 文 3 篇 指南)

Article 59 When the drafting of the administrative regulations is completed, the drafting unit shall submit the draft, its explanation, differing opinions from the various quarters on major questions in the draft and other relevant information to the legislative affairs department under the State Council for examination.

The legislative affairs department under the State Council shall submit an examination report and a revised draft to the State Council and in its examination report explain the major questions in the draft.

第五十九条 行政法· 起草工作完成后, 起草 位· 当将草案及其· 明、各方面 草案主要· 的不同意· 和其他有 · 料送国 院法制机· 行 · 。  
国 院法制机· 当向国 院提出 · 告和草案修改稿, · 告· 当 草案主要· 作出· 明。  
(相 · 料· 条文 · 指南)

Article 60 The decision-making procedures for administrative regulations shall comply with the relevant provisions in the Organic Law of the State Council of the People's Republic of China.

第六十条 行政法· 的决定程序依照中 人民共和国国 院· 法的有 · 定 理。  
(相 · 料· 条文 · 指南)

Article 61 Administrative regulations shall be promulgated by Order of the State Council signed

by the Premier of the State Council.

第六十一条 行政法·由·理·署国·院令公布。  
(相·料·裁判文·1篇·条文·相·文2篇·指南)

Article 62 After promulgation upon signing, the administrative regulations shall immediately be published in the Bulletin of the State Council and in newspapers with a nationwide distribution.

The text of the administrative regulations published in the Bulletin of the State Council shall be the standard text.

第六十二条 行政法··署公布后,及·在国·院公·和在全国范·内·行的··上刊登。

在国·院公·上刊登的行政法·文本·准文本。  
(相·料·地方法·8篇·条文·相·文2篇·指南)  
Chapter IV Local Regulations, Autonomous Regulations, Separate Regulations, and Rules

#### 第四章 地方性法·、自治条例和 行条例、·章

##### Section 1 Local Regulations, Autonomous Regulations and Separate Regulations

#### 第一· 地方性法·、自治条例和 行条例

Article 63 The people's congresses or their standing committees of the provinces, autonomous regions and municipalities directly under the Central Government may, in light of the specific conditions and actual needs of their respective administrative areas, formulate local regulations, provided that such regulations do not contradict the Constitution, the laws and the administrative regulations.

The people's congresses or their standing committees of the comparatively larger cities may, in light of the specific local conditions and actual needs, formulate local regulations, provided that they do not contradict the Constitution, the laws, the administrative regulations and the local regulations of their respective provinces or autonomous regions, and they shall submit the regulations to the standing committees of the people's congresses of the provinces or autonomous regions for approval before implementation. The standing committees of the people's congresses

of the provinces or autonomous regions shall examine the legality of such local regulations which are submitted for approval, and shall approve them within four months if they do not contradict the Constitution, the laws, the administrative regulations, and the local regulations of their respective provinces or autonomous regions.

When the standing committee of the people's congress of a province or autonomous region examines the local regulations of a comparatively larger city submitted for approval, it shall make a decision to deal with the matter if it finds that the said regulations contradict the rules of the people's government of the province or autonomous region.

A "comparatively larger city" used in this Law refers to a city where a provincial or autonomous regional people's government is located or where a special economic zone is located, or a city approved as such by the State Council.

第六十三条 省、自治区、直·市的人民代表大会及其常·委会根据本行政区域的具体情况·和·需要,在不同·法、法律、行政法·相抵触的前提下,可以制定地方性法·。  
·大的市的人民代表大会及其常·委会根据本市的具体情况和·需要,在不同·法、法律、行政法·和本省、自治区的地方性法·相抵触的前提下,可以制定地方性法·。  
·省、自治区的人民代表大会常·委会批准后施行。省、自治区的人民代表大会常·委会·批准的地方性法·,·当·其合法性·行·,同·法、法律、行政法·和本省、自治区的地方性法·不抵触的,·当在四个月内予以批准。  
·省、自治区的人民代表大会常·委会在·批准的地方性法··行·,·其同本省、自治区的人民政府的·章相抵触的,·当作出·理决定。  
本法所称·大的市是指省、自治区的人民政府所在地的市,··特区所在地的市和·国院批准的·大的市。  
(相·料·司法解·1篇·地方法·5篇·裁判文·4篇·条文·相·文10篇·指·南)

Article 64 Local regulations may be formulated to govern the following matters:

- (1) matters requiring the formulation of specific provisions in light of the actual conditions of an respective administrative area for implementing the provisions of laws or administrative regulations, and
- (2) matters of local character that require the formulation of local regulations.

Except for the affairs provided for in Article 8 of this Law, the provinces, autonomous regions, municipalities directly under the Central Government and the comparatively larger cities may, in light of the specific local conditions and actual needs, first formulate local regulations on all other affairs for which the State has not yet formulated any laws or administrative regulations. Once the laws or administrative regulations formulated on such matters by the State come into effect, the provisions in local regulations which contradict the said laws or administrative regulations shall be null or void, and the organs that have formulated such regulations shall promptly amend or annul

the provisions.

第六十四条 地方性法·可以就下列事·作出·定·

(一) 行法律、行政法·的·定, 需要根据本行政区域的·情况作具体·定的事

(二) 属于地方性事· 需要制定地方性法·的事·。

除本法第八条·定的事·外, 其他事· 国家尚未制定法律或者行政法·的, 省、自治区、直·市和·大的市根据本地方的具体情况和·需要, 可以先制定地方性法·。在国家制定的法律或者行政法·生效后, 地方性法·同法律或者行政法·相抵触的·定无效, 制定机·当及·予以修改或者·止。

(相·料: 司法解 1篇 地方法· 4篇 裁判文· 4篇 相·文 12篇 指南)

Article 65 The people's congresses or their standing committees of the provinces and cities where special economic zones are located may, upon authorization by decision of the National People's Congress, formulate regulations and enforce them within the limits of the special economic zones.

第六十五条 ··特区所在地的省、市的人民代表大会及其常·委·会根据全国人民代表大会的授·决定, 制定法·, 在··特区内·施。

(相·料: 裁判文· 3篇 条文· 相·文 5篇 指南)

Article 66 The people's congresses of the national autonomous areas have the power to formulate autonomous regulations and separate regulations on the basis of the political, economic and cultural characteristics of the local nationality(nationalities). The autonomous regulations and separate regulations of the autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval and shall go into effect upon approval. The autonomous regulations and separate regulations of the autonomous prefectures or counties shall be submitted to the standing committees of the people's congresses of the relevant provinces, autonomous regions or municipalities directly under the Central Government for approval and shall go into effect upon approval.

Where certain provisions of the laws and administrative regulations are concerned, adaptation on the basis of the characteristics of the local nationality (nationalities) may be made in autonomous regulations and separate regulations, but such adaptation may not contradict the basis principles of the laws and administrative regulations, where the provisions of the Constitution and the Law on Regional National Autonomy as well as the provisions in other laws and administrative regulations specially formulated to govern the national autonomous areas are concerned, no adaptation may be made.

第六十六条 民族自治地方的人民代表大会有·依照当地民族的政治、··和文化的特·点, 制定自治条例和·行条例。自治区的自治条例和·行条例, ·全国人民代表大会常·委·会批准·后生效。自治州、自治·的自治条例和·行条例, ·省、自治区、直·市的人民



代表大会常 委 会批准后生效。

自治条例和 行条例可以依照当地民族的特点， 法律和行政法 的 定作出 通 定，但不得 背法律或者行政法 的基本原 ，不得 法和民族区域自治法的 定以及其他有 法律、行政法 就民族自治地方所作的 定作出 通 定。

(相 料: 地方法 4 篇 裁判文 1 篇 条文 相 文 3 篇 指南)

Article 67 Local regulations governing especially important matters of an administrative area shall be subject to adoption by the people's congress of the area.

第六十七条 定本行政区域特 重大事 的地方性法 ， 当由人民代表大会通 。  
(相 料: 地方法 1 篇 条文 指南)

Article 68 The procedures for submission, deliberation and voting of bills of local regulations, autonomous regulations or separate regulations shall be enacted by the people's congress at the corresponding level in accordance with the Organic Law of the People's Republic of China on Local People's Congresses and Local People's Governments and with reference to the provisions of Sections 2, 3 and 5 in Chapter II of this Law.

The organ in charge of unified deliberation of a draft of local regulations shall prepare a report on the result of its a conclusive report on deliberation and a revised draft of the regulations.

第六十八条 地方性法 案、自治条例和 行条例案的提出、 和表决程序，根据 中 人民共和国地方各 人民代表大会和地方各 人民政府 法，参照本法第二章第二 、第三、第五 的 定，由本 人民代表大会 定。

地方性法 草案由 的机 提出 果的 告和草案修改稿。

(相 料: 地方法 9 篇 条文 相 文 1 篇 指南)

Article 69 Local regulations formulated by the people's congress of a province, autonomous region or municipality directly under the Central Government shall be promulgated by the presidium of the congress in an announcement.

Local regulations formulated by the standing committee of the people's congress of a province, autonomous region or municipality directly under the Central Government shall be promulgated by the standing committee in an announcement.

Local regulations formulated by the people's congress or its standing committee of a comparatively larger city shall, upon approval, be promulgated by the standing committee of the people's congress of the city in an announcement.

Autonomous regulations or separate regulations shall, upon approval, be promulgated by the standing committee of the local people's congress of the autonomous region, autonomous prefecture or autonomous county in an announcement.

第六十九条 省、自治区、直辖市的人民代表大会制定的地方性法规，由大会主席团发布公告予以公布。

省、自治区、直辖市的人民代表大会常务委员会制定的地方性法规，由常务委员会发布公告予以公布。

较大的市的人民代表大会及其常务委员会制定的地方性法规，批准后，由较大的市的人民代表大会常务委员会发布公告予以公布。

自治条例和单行条例，批准后，分别由自治区、自治州、自治县的人民代表大会常委会发布公告予以公布。

(相·料: 地方法·1篇 条文·相·文1篇 指南)

Article 70 Once local regulations or autonomous regulations and separate regulations of an autonomous region are promulgated, they shall be published in the gazette of the standing committee of the local people's congress and in newspapers distributed within the administrative area.

The text of local regulations or autonomous regulations and separate regulations published in the gazette of the standing committee of the people's congress shall be the standard text.

第七十条 地方性法规、自治区的自治条例和单行条例公布后，及在本人民代表大会常委会公告和本行政区域内公布，并在本行政区域内公布。

在常委会公告上刊登的地方性法规、自治条例和单行条例文本，准文本。

(相·料: 地方法·1篇 裁判文·2篇 条文·相·文1篇 指南)

Section 2 Rules

## 第二章

Article 71 The ministries and commissions of the State Council, the People's Bank of China, the State Audit Administration as well as the other organs endowed with administrative functions directly under the State Council may, in accordance with the laws as well as the administrative regulations, decisions and orders of the State Council and within the limits of their power, formulate rules.

Matters governed by the rules of departments shall be those for the enforcement of the laws or the administrative regulations, decisions and orders of the State Council.

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第七十一条 国务院各部、委员会、中国人民行政、署和具有行政管理能力的直属机构，可以根据法律和国务院的行政法规、决定、命令，在本部的权限内，制定规章。

部、章、定的事、当属于、行法律或者国务院的行政法、决定、命令的事。  
(相、料、司法解 1篇 裁判文、2篇 条文、相、文 10篇 指南)

Article 72 With regard to a matter that falls within the limits of power of two or more departments under the State Council, the State Council shall be requested to formulate administrative regulations, or the departments concerned under the State Council shall jointly formulate rules.

第七十二条 及、个以上国务院部、范、的事、当提、国、院制定行政法、或者由国、院有、部、合制定、章。

(相、料、司法解 1篇 条文、相、文 1篇 指南)

Article 73 The people's governments of the provinces, autonomous regions, municipalities directly under the Central Government and the comparatively larger cities may, in accordance with laws and administrative regulations and the local regulations of their respective province, autonomous regions or municipalities, formulate rules.

Local governments may formulate rules to govern the following matters:

- (1) matters requiring the formulation of rules to implement the provisions of laws, administrative regulations and local regulations; and
- (2) specific administrative matters pertaining to their respective administrative areas.

第七十三条 省、自治区、直、市和、大的市的人民政府，可以根据法律、行政法、和本省、自治区、直、市的地方性法、，制定、章。

地方政府、章可以就下列事、作出、定、：

- (一)、行法律、行政法、地方性法、的、定需要制定、章的事、；
- (二) 属于本行政区域的具体行政管理事、。

(相、料、司法解 1篇 地方法、3篇 条文、相、文 5篇 指南)

Article 74 The procedures for formulating the rules of departments under the State Council and rules of local governments shall be enacted by the State Council with reference to the provisions in Chapter III of this Law.

第七十四条 国、院部、章和地方政府、章的制定程序，参照本法第三章的、定、，由国、院、定、。

(相、料、条文、相、文 1篇 指南)

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Article 75 The Rules of departments shall be subject to decision by the executive meetings of ministries or meetings of commissions.

The rules of local governments shall be subject to decision by the executive meetings or plenary meetings of the respective governments.

第七十五条 部·章·当·部·会·或者委·委会·决定。  
地方政府·章·当·政府常·会·或者全体会·决定。  
(相·料·裁判文·1篇 条文·指南)

Article 76 The rules of departments shall be promulgated by orders signed by the heads of the departments.

The rules of local governments shall be promulgated by orders signed by governors of provinces, chairmen of autonomous regions or mayors.

第七十六条 部·章·由部·首·署命令予以公布。  
地方政府·章·由省·或者自治区主席或者市·署命令予以公布。  
(相·料·条文·相·文1篇 指南)

Article 77 the rules of departments shall, upon promulgation by signed orders, be promptly published in the gazette of the State Council or gazettes of the departments and in newspapers with a nationwide distribution.

The rules of local governments shall, upon promulgation by signed orders, be promptly published in gazettes of the local people's governments and in newspapers distributed within their respective administrative areas.

The text of rules published in the gazette of the State Council or of the department and in the gazette of the local people's government shall be the standard text.

第七十七条 部·章·署公布后, 及·在国·院公·或者部·公·和在全国范·内·行的·上刊登。

地方政府·章·署公布后, 及·在本·人民政府公·和在本行政区域范·内·行的·上刊登。

在国·院公·或者部·公·和地方人民政府公·上刊登的·章文本·准文本。  
(相·料·部·章1篇 地方法·9篇 条文·相·文1篇 指南)

## Chapter V Application and Record

### 第五章 用与·案

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Article 78 The legal effect of the Constitution is the highest, and no laws, administrative regulations, local regulations, autonomous regulations, separate regulations or rules whatever may contradict it.

第七十八条 法具有最高的法律效力，一切法律、行政法规、地方性法规、自治条例和行政规章都不得同法相抵触。

(相·料·司法解 1篇 裁判文· 2篇 条文· 相·文 9篇 指南)

Article 79 The effect of laws is higher than that of administrative regulations, local regulations, and rules

The effect of administrative regulations is higher than that of local regulations, and rules.

第七十九条 法律的效力高于行政法规、地方性法规、规章。  
行政法规的效力高于地方性法规、规章。

(相·料·部·章 5篇 司法解 1篇 地方法· 1篇 裁判文· 9篇 条文· 相·文 19篇 指南)

Article 80 The effect of local regulations is higher than that of the rules of the local governments at or below the corresponding level.

The effect of the rules formulated by the people's governments of the provinces or autonomous regions is higher than that of the rules formulated by the people's governments of the comparatively larger cities within the administrative areas of the provinces and autonomous regions

第八十条 地方性法规的效力高于本行政区域内较大的市的人民政府制定的规章。  
省、自治区的人民政府制定的规章的效力高于本行政区域内的较大的市的人民政府制定的规章。

(相·料·地方法· 1篇 条文· 相·文 3篇 指南)

Article 81 Where in autonomous regulations or separate regulations provisions are formulated in accordance with law to make adaptations with regard to certain provisions of laws, administrative regulations or local regulations, the provisions of the autonomous regulations or separate regulations shall apply in the autonomous areas concerned.

Where regulations of special economic zones are formulated, upon authorization, to make adaptations with regard to certain provisions of laws, administrative regulations or local regulations, the provisions of the regulations of special economic zones shall apply in the special economic zones concerned.

第八十一条 自治条例和 行条例依法 法律、行政法·、地方性法·作 通·定的, 在本自治地方 用自治条例和 行条例的·定。

· 特区法·根据授· 法律、行政法·、地方性法·作 通·定的, 在本· 特区 用· 特区法·的·定。

(相·料·裁判文· 5 篇 条文· 指南)

Article 82 The effect of the rules of different departments is equal between the departments, and the effect of the rules of departments and of the rules of local governments is equal between the departments and local governments, their application shall be confined to their respective limits of authority.

第八十二条 部·章之·、部·章与地方政府·章之·具有同等效力, 在各自的· 限范·内施行。

(相·料·裁判文· 2 篇 条文· 相·文 2 篇 指南)

Article 83 With regard to laws, administrative regulations, local regulations, autonomous regulations, separate regulations or rules, if they are formulated by one and same organ and if there is inconsistency between special provisions and general provisions, the special provisions shall prevail, if there is inconsistency between the new provisions and the old provisions, the new provisions shall prevail.

第八十三条 同一机 制定的法律、行政法·、地方性法·、自治条例和 行条例、·章, 特·定与一般·定不一致的, 用特·定; 新的·定与旧的·定不一致的, 用新的·定。

(相·料·部·章 3 篇 裁判文· 7 篇 条文· 相·文 15 篇 指南)

Article 84 Laws, administrative regulations, local regulations, autonomous regulations, separate regulations and rules shall not be retroactive, but the regulations formulated specially for the purpose of better protecting the rights and interests of citizens, legal persons and other organizations are excepted.

第八十四条 法律、行政法·、地方性法·、自治条例和 行条例、·章不溯及既往, 但 为了更好地保·公民、法人和其他·的·利和利益而作的特·定除外。

(相·料·部·章 3 篇 地方法· 1 篇 裁判文· 10 篇 条文· 相·文 7 篇 指南)

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Article 85 Where there is inconsistency between the new general provisions and the old special provisions in different laws governing one and the same matter and it is hard to decide which provisions shall prevail, a ruling shall be made by the Standing Committee of the National People's Congress.

Where there is inconsistency between the new general provisions and the old special provisions in different administrative regulations governing one and the same matter and it is hard to decide which provisions shall prevail, a ruling shall be made by the State Council.

第八十五条 法律之同一事之新的一般规定与旧的特殊规定不一致，不能定如何用法，由全国人民代表大会常委会裁决。

行政法规之同一事之新的一般规定与旧的特殊规定不一致，不能定如何用法，由国务院裁决。

(相·料·裁判文书·1篇条文·相·文9篇 指南)

Article 86 Where there is inconsistency between local regulations and rules, a ruling shall be made by the organ concerned according to the limits of power prescribed below:

(1) Where there is inconsistency between the new general provisions and the old special provisions formulated by one and the same organ, the said organ shall make a ruling;

(2) Where there is inconsistency between the provisions of local regulations and those of the rules of departments governing one and same matter and it is hard to decide which provisions shall prevail, the State Council shall make a decision; if it considers that the provisions of the local regulations should be applied, it shall decide that the provisions of the local regulations be applied in the locality concerned, if it considers that the rules of departments should be applied, the case shall be submitted to the Standing Committee of the National People's Congress for a ruling, and

(3) Where there is inconsistency between the provisions in the rules of different departments or between the provisions in the rules of the departments and those in the rules of local governments governing one and the same matter, the State Council shall make a ruling.

Where there is inconsistency between the regulations formulated upon authorization and the provisions of laws and it is hard to decide which shall prevail, the Standing Committee of the National People's Congress shall make a ruling.

第八十六条 地方性法规、规章之不一致，由有机依照下列规定限制作出裁决：

(一) 同一机关制定的新的一般规定与旧的特殊规定不一致，由制定机关裁决；

(二) 地方性法规与部门规章之同一事的规定不一致，不能定如何用法，由国务院提意见，国务院应当用地方性法规的，当决定在地方用地方性法规的

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定；当用部章的，当提全国人民代表大会常委会裁决；  
 (三)部章之、部章与地方政府章之同一事之定不一致，由国  
 院裁决。  
 根据授制定的法与法律定不一致，不能定如何用，由全国人民代表大常  
 委·会裁决。  
 (相·料·行政法·1篇司法解·2篇地方法·1篇条文·相·文6篇指  
 南)

Article 87 Under any of the following circumstances, laws, administrative regulations, local regulations, autonomous regulations, separate regulations or rules shall be altered or annulled by the organ concerned in accordance with the limits of power prescribed in Article 88 of this Law:

- (1) where the limits of power are transcended;
- (2) where provisions of the legislation of lower levels contravene those of the legislation of upper levels,
- (3) where, because of inconsistency between the provisions of different rules governing one and the same matter, it is ruled that the provisions of one side be altered or annulled;
- (4) where the provisions of rules are considered inappropriate and should therefore be altered or annulled; or
- (5) where legal procedures are violated.

第八十七条 法律、行政法·、地方性法·、自治条例和 行条例、章有下列情形  
 之一的，由有 机 依照本法第八十八条·定的· 限予以改 或者撤·：  
 (一) 超越· 限的·；  
 (二) 下位法· 反上位法· 定的·；  
 (三) ·章之· 同一事· 的· 定不一致，· 裁决· 当改 或者撤· 一方· 的· 定的·；  
 (四) ·章· 的· 定被· 不 当，· 当予以改 或者撤· 的·；  
 (五) · 背法定程序的。  
 (相· 料· 裁判文· 2篇条文· 相· 文13篇 指南)

Article 88 The limits of power for altering or annulling laws, administrative regulations, local regulations, autonomous regulations, separate regulations or rules are as follows:

- (1) The National People's Congress has the power to alter or annul any inappropriate laws enacted by its Standing Committee, and to annul any autonomous regulations or separate regulations which have been approved by its Standing Committee but which contravene the Constitution or the provision of the second paragraph in Article 66 of this Law;
- (2) The Standing Committee of the National People's Congress has the power to annul any



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administrative regulations which contradict the Constitution and laws, to annul any local regulations which contradict the Constitution, laws or administrative regulations, and to annul any autonomous regulations or separate regulations which have been approved by the standing committees of the people's congresses of the relevant provinces, autonomous regions or municipalities directly under the Central Government but which contravene the Constitution or the provision of the second paragraph in Article 66 of this Law.

(3) The State Council has the power to alter or annul any inappropriate rules of the departments and of local governments;

(4) The people's congress of a province, autonomous region or municipality directly under the Central Government has the power to alter or annul any inappropriate local regulations formulated or approved by its standing committee;

(5) The standing committee of a local people's congress has the power to annul any inappropriate rules formulated by the people's government at the same level,

(6) The people's government of a province or autonomous region has the power to alter or annul any inappropriate rules formulated by people's governments at the next lower level, and

(7) The authorizing organ has the power to annul any of the regulations formulated by an authorized organ that transcends the authorized limits of power or contravenes the authorized purpose, and when necessary, may revoke the authorization.

第八十八条 改 或者撤· 法律、行政法·、地方性法·、自治条例和 行条例·、章的· 限是：

(一) 全国人民代表大会有· 改 或者撤· 它的常· 委会制定的不 当的法律, 有· 撤· 全国人民代表大常· 委会批准的· 背· 法和本法第六十六条第二款· 定的自治条例和 行条例；

(二) 全国人民代表大常· 委· 会有· 撤· 同· 法和法律相抵触的行政法·, 有· 撤· 同· 法、法律和行政法· 相抵触的地方性法·, 有· 撤· 省、自治区、直· 市的人民代表大常· 委会批准的· 背· 法和本法第六十六条第二款· 定的自治条例和 行条例；

(三) 国 院有· 改 或者撤· 不 当的部· 章和地方政府· 章；

(四) 省、自治区、直· 市的人民代表大会有· 改 或者撤· 它的常· 委会制定的和批准的不 当的地方性法·；

(五) 地方人民代表大常· 委· 会有· 撤· 本· 人民政府制定的不 当的· 章；

(六) 省、自治区的人民政府有· 改 或者撤· 下一· 人民政府制定的不 当的· 章；

(七) 授· 机 有· 撤· 被授· 机 制定的超越授· 范· 或者· 背· 授· 目的的法·, 必 要· 可以撤· 授·。

(相· 料· 条文· 相· 文2) 篇 指南)

Article 89 Administrative regulations, local regulations, autonomous regulations, separate regulations and rules shall, within 30 days from the date of promulgation, be reported to the organ

concerned for the record in accordance with the following provisions:

(1) Administrative regulations shall be reported to the Standing Committee of the National People's Congress for the record;

(2) Local regulations formulated by the people's congresses or their standing committees of provinces, autonomous regions and municipalities directly under the Central Government shall be reported to the Standing Committee of the National People's Congress and the State Council for the record, local regulations formulated by the people's congresses or their standing committees of the comparatively larger cities shall be reported by the standing committees of the people's congresses of the relevant provinces and autonomous regions to the Standing Committee of the National People's Congress and the State Council for the record;

(3) Autonomous regulations and separate regulations formulated by autonomous prefectures and autonomous counties shall be reported by the standing committees of people's congresses of the relevant provinces, autonomous regions or municipalities directly under the Central Government to the Standing Committee of the National People's Congress and the State Council for the record;

(4) The rules of a department and of a local government shall be reported to the State Council for the record. The rules of a local government shall at the same time be reported to the standing committee of the people's congress at the same level for the record. The rules formulated by the people's government of a comparatively larger city shall simultaneously be reported to the standing committee of the people's congress and to the people's government of the relevant province or autonomous region for the record; and

(5) Regulations formulated upon authorization shall be reported to the organ specified by the authorization decision for the record.

第八十九条 行政法、地方性法、自治条例和行条例、章、当在公布后的三十日内依照下列定有机案：

(一) 行政法、全国人民代表大会常委会案；

(二) 省、自治区、直市的人民代表大会及其常委会制定的地方性法；全国人民代表大会常委会和国务院案；大的市的人民代表大会及其常委会制定的地方性法；由省、自治区的人民代表大会常委会、全国人民代表大会常委会和国务院案；

(三) 自治州、自治、制定的自治条例和行条例、由省、自治区、直市的人民代表大会常委会、全国人民代表大会常委会和国务院案；

(四) 部、章和地方政府、章、国务院案；地方政府、章、当同、本、人民代表大会常委会案；大的市的人民政府制定的、章、当同、省、自治区的人民代表大会常委会和人民政府案；

(五) 根据授、制定的法、当、授、决定、定的机案。

(相、料、地方法、1篇条文、相、文4篇指南)

Article 90 When the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate and the standing committees of the people's congresses of the provinces, autonomous regions and municipalities directly under the Central Government consider that administrative regulations, local regulations, autonomous regulations or separate regulations contradict the Constitution or laws, they may submit to the Standing Committee of the National People's Congress written requests for examination, and the working offices of the Standing Committee shall refer the requests to the relevant special committees for examination and suggestions.

When State organs other than the ones mentioned in the preceding paragraph, public organizations, enterprises and institutions or citizens consider that administrative regulations, local regulations, autonomous regulations or separate regulations contradict the Constitution or laws, they may submit to the Standing Committee of the National People's Congress written suggestions for examination, and the working offices of the Standing Committee shall study the suggestions and shall, when necessary, refer them to the relevant special committees for examination and suggestions.

第九十条 国 院、中央 事委·会、最高人民法院、最高人民·察院和各省、自治  
 区、直·市的人民代表大会常·委·会·行政法·、地方性法·、自治条例和 行条例同  
 ·法或者法律相抵触的,可以向全国人民代表大常·委·会·面提出·行 的要求,由  
 常·委·会工作机·分送有的·委·会·行·、提出意·。  
 前款·定以外的其他国家机·和社会·体·企·事·以及公民·行政法·、地方  
 性法·、自治条例和 行条例同·法或者法律相抵触的,可以向全国人民代表大常·委·  
 会·面提出·行 的建·,由常·委·会工作机·行研究,必要·,送有的·委·  
 会·行·、提出意·。  
 (相·料·条文·相·文43篇 指南)

Article 91 When after examination a special committee of the National People's Congress considers that administrative regulations, local regulations, autonomous regulations or separate regulations contradict the Constitution or laws, it may submit written suggestions to the organ that has formulated the regulations for examination; or the Law Committee and other relevant special committees may convene a joint meeting for examination and request the said organ to attend the meeting and give an explanation, and then after examination submit to the organ written comments and suggestions. The organ that has formulated the regulations shall, within two months, study and put forth suggestions as to whether to revise the regulations, and shall give feedback to the Law Committee and other relevant special committees of the National People's Congress.

If, after examination, the Law Committee and other relevant special committees of the National People's Congress consider that administrative regulations, local regulations, autonomous regulations or separate regulations contradict the Constitution or laws and the organ that has formulated such regulations refuses to make revision, they may submit written comments and suggestions on the basis of their examination and propose a motion for annulment of the regulations to the Council of Chairmen, which shall decide whether to submit the motion to a

meeting of the Standing Committee for examination and decision.

第九十一条 全国人民代表大会委员会在中央行政法、地方性法、自治条例和行政条例同法律或者法律相抵触的,可以向制定机关提出意见;也可以由法律委员会与有关的委员会召开会议,要求制定机关到会说明情况,再向制定机关提出意见。制定机关应当在两个月内研究提出是否修改的意见,并向全国人民代表大会法律委员会和有关的委员会反馈。

全国人民代表大会法律委员会和有关的委员会对行政法、地方性法、自治条例和行政条例同法律或者法律相抵触而制定机关不予修改的,可以向委员会提出意见和予以撤销的议案,由委员会决定是否提请常委会决定。  
(相关材料:条文、相关文14篇指南)

Article 92 Other authorities which receive local regulations, autonomous regulations, separate regulations or rules submitted to them for the record shall, in accordance with the principle of safeguarding legal uniformity, formulate procedures for the examination of such regulations or rules

第九十二条 其他接受议案的机关送案的地方性法、自治条例和行政条例、行政的 程序,按照法制统一的原则,由接受议案的机关决定。  
(相关材料:条文、相关文1篇指南)

Chapter VI Supplementary Provisions

第六章 附

Article 93 The Central Military Commission shall, in accordance with the Constitution and laws, formulate military regulations.

The General Departments, the various services and arms and the military commands of the Central Military Commission may, in accordance with laws and the military regulations, decisions and orders of the Commission, formulate military rules within the limits of their power.

Military regulations and military rules shall be implemented within the armed forces.

Measures for formulating, revising and nullifying military regulations and military rules shall be formulated by the Central Military Commission in accordance with the principles laid down in this Law.

第九十三条 中央 事委 会根据 法和法律, 制定 事法 。

中央 事委 会各 部、 兵 、 区, 可以根据法律和中央 事委 会的 事法 、 决定、命令, 在其 限范 内, 制定 事 章。

事法 、 事 章在武装力量内部 施。

事法 、 事 章的制定、修改和 止 法, 由中央 事委 会依照本法 定的原 定。

(相 料: 裁判文 1 篇 条文 指南)

Article 94 This Law shall go into effect as of July 1, 2000.

第九十四条 本法自 2 0 0 0 年 7 月 1 日起施行。

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