

Chinese-English

中国法律法规中英对照系列

Chinese-English Series with Laws and Regulations of China(English Translation/Chinese Note)

# Chinese -English

Series with  
Laws and Regulations  
of China

## 中国金融财会 法律法规

Finance & Accounting  
Laws and Regulations of China

中英对照法规  
英文译本 中文边注

银行与保险

Bank and Insurance

票据与证券

Negotiable Instruments and Securities

货币

Currency

非法金融活动

Illegal Financial Activities

财政与会计

Finance and Accounting



法律出版社  
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6



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## 编者前言

近些年来,我国的立法进程可以用日新月异来形容,而相应的法律法规的英文译本翻译出版工作却一直没有做到紧随其后。法律法规的英文翻译出版工作是我国加入世界贸易组织后必须承担的法律义务;而法律的英文译本是世界各国了解中国法律的重要路径之一,是增强中国法律透明度、让想在中国进行投资的外资企业更好地了解中国法律环境的最佳保证,也是法学专业学生学习法律英语的最好范本和涉外律师办理涉外业务的必备工具。

目前,市场上可用的法律英文译本图书不是比较分散,就是比较昂贵的精装本。为了让更多对法律英文有需要的人士有一套使用方便的工具书,我们编辑整理了本套“中国法律法规中英对照系列”丛书。本丛书共分七册出版,分别为《中国刑法与刑事诉讼法》、《中国民事法律法规》、《中国行政与劳动法律法规》、《中国公司企业法律法规》、《中国金融财会法律法规》、《中国对外贸易与经济合作法律法规》和《中国建筑与房地产法律法规》,基本涵盖了刑事、民事、行政、劳动、经济、金融、商贸领域的大部分法律及行政法规。

本丛书采用方便读者使用阅读的中英文逐条当页对照的排版方式进行编辑,同时,以低定价为所有对法律英文有需求的读者提供了一套极佳的案头工具书。我们希望我们的工作能够切实满足各届人士的需要,以她的权威、实用带给读者无限的使用方便,也希望读者对我们工作中存在的问题提出宝贵的意见和建议。

法律出版社法规中心  
2007年4月

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[ Bank ]

[ 银 行 ]

**Law of the People's Republic of China  
on the People's Bank of China**

**中华人民共和国  
中国人民银行法**

(Adopted at the Third Session of the Eighth National People's Congress on March 18, 1995, and revised in accordance with the Decision on Amending the Law of the People's Republic of China on the People's Bank of China adopted at the 6th Meeting of the Standing Committee of the Tenth National People's Congress on December 27, 2003)

(1995年3月18日第八届全国人民代表大会第三次会议通过根据2003年12月27日第十届全国人民代表大会常务委员会第六次会议《关于修改〈中华人民共和国中国人民银行法〉的决定》修正)

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**Chapter I  
General Provisions**

**第一章  
总 则**

**Article 1** This Law is enacted in order to define the status and make clear the functions and responsibilities of the People's Bank of China, ensure the correct formulation

**第一条** 为了确立中国人民银行的地位,明确其职责,保证国家货币政策的正确制定和



and implementation of the monetary policies of the State, establish and perfect a macro-control system through a central bank and maintain financial stability.

**Article 2** The People's Bank of China is the central bank of the People's Republic of China.

The People's Bank of China shall, under the leadership of the State Council, formulate and implement monetary policies, guard against and eliminate financial risks, and maintain financial stability.

**Article 3** The aim of monetary policies shall be to maintain the stability of the value of the currency and thereby promote economic growth.

**Article 4** The People's Bank of China shall perform the following functions and responsibilities:

- (1) to promulgate and carry out the orders and regulations related to its functions and responsibilities;
- (2) to formulate and implement monetary policies in accordance with law;
- (3) to issue Renminbi (RMB) and control its circulation;
- (4) to supervise and administer the inter-bank lending market and the inter-bank bond market;
- (5) to exercise control of foreign exchange and supervise and administer the inter-bank foreign exchange market;
- (6) to supervise and administer the gold market;
- (7) to hold, administer and manage the State foreign exchange reserve and gold reserve;
- (8) to manage the State Treasury;
- (9) to maintain the normal operation of the system

执行,建立和完善中央银行宏观调控体系,维护金融稳定,制定本法。

**第二条** 中国人民银行是中华人民共和国的中央银行。

中国人民银行在国务院领导下,制定和执行货币政策,防范和化解金融风险,维护金融稳定。

**第三条** 货币政策目标是保持货币币值的稳定,并以此促进经济增长。

**第四条** 中国人民银行履行下列职责:

- (一) 发布与履行其职责有关的命令和规章;
- (二) 依法制定和执行货币政策;
- (三) 发行人民币,管理人民币流通;
- (四) 监督管理银行间同业拆借市场和银行间债券市场;
- (五) 实施外汇管理,监督管理银行间外汇市场;
- (六) 监督管理黄金市场;
- (七) 持有、管理、经营国家外汇储备、黄金储备;
- (八) 经理国库;
- (九) 维护支付、清算系统的正常运行;

for making payments and settling accounts;

(10) to guide and make plans for the fight against money laundering in the banking industry, and to be responsible for monitoring the use of the funds earmarked for the fight against money laundering;

(11) to be responsible for statistics, investigation, analysis and forecasting concerning the banking industry;

(12) to engage in relevant international banking operations in its capacity as the central bank of the State; and

(13) other functions and responsibilities prescribed by the State Council.

To implement monetary policies, the People's Bank of China may carry out financial operations in accordance with the relevant provisions of Chapter IV of this Law.

**Article 5** The People's Bank of China shall report its decisions to the State Council for approval concerning the annual money supply, interest rate, foreign exchange rates and other important matters specified by the State Council before they are implemented.

The People's Bank of China shall immediately implement decisions on monetary policies for matters other than those specified by the State Council for the record.

**Article 6** The People's Bank of China shall submit to the Standing Committee of the National People's Congress work reports concerning matters of monetary policies and the operations of the banking industry.

**Article 7** The People's Bank of China shall, under the leadership of the State Council, implement monetary policies, perform its functions and carry out its business operations

(十) 指导、部署金融业反洗钱工作,负责反洗钱的资金监测;

(十一) 负责金融业的统计、调查、分析和预测;

(十二) 作为国家的中央银行,从事有关的国际金融活动;

(十三) 国务院规定的其他职责。

中国人民银行为执行货币政策,可以依照本法第四章的有关规定从事金融业务活动。

**第五条** 中国人民银行就年度货币供应量、利率、汇率和国务院规定的其他重要事项作出的决定,报国务院批准后执行。

中国人民银行就前款规定以外的其他有关货币政策事项作出决定后,即予执行,并报国务院备案。

**第六条** 中国人民银行应当向全国人民代表大会常务委员会提出有关货币政策情况和金融业运行情况的工作报告。

**第七条** 中国人民银行在国务院领导下依法独立执行货币政策,履行职责,开展业务,不受地方政府、各级政府

independently according to law and be free from intervention by local governments, government departments at various levels, public organizations or individuals.

**Article 8** All capital of the People's Bank of China is invested by the State and owned by the State.

**Article 9** The State Council shall establish a coordinating mechanism for financial supervision and administration. The specific measures therefor shall be formulated by the State Council.

## Chapter II Organizational Structure

**Article 10** The People's Bank of China shall have a Governor and a certain number of Deputy Governors.

The candidate for the Governor of the People's Bank of China shall be nominated by the Premier of the State Council and decided by the National People's Congress; when the National People Congress is not in session, the Governor shall be decided by the Standing Committee of the National People's Congress and appointed or removed by the President of the People's Republic of China. The Deputy Governors of the People's Bank of China shall be appointed or removed by the Premier of the State Council.

**Article 11** The State Council establishes a coordinating mechanism for financial supervision and management. The specific measures therefor shall be prescribed by the State Council.

**Article 12** The People's Bank of China shall practice a system wherein the Governor shall assume overall responsibility. The Governor shall direct the work of the People's Bank of China, the Deputy Governors

部门、社会团体和个人的干涉。

**第八条** 中国人民银行的全部资本由国家出资,属于国家所有。

**第九条** 国务院建立金融监督管理协调机制,具体办法由国务院规定。

## 第二章 组织机构

**第十条** 中国人民银行设行长一人,副行长若干人。

中国人民银行行长的入选,根据国务院总理的提名,由全国人民代表大会决定;全国人民代表大会闭会期间,由全国人民代表大会常务委员会决定,由中华人民共和国主席任免。中国人民银行副行长由国务院总理任免。

**第十一条** 中国人民银行实行行长负责制。行长领导中国人民银行的工作,副行长协助行长工作。

**第十二条** 中国人民银行设立货币政策委员会。货币政策委员会的职责、组成和工作程序,由国务院规定,报全

shall assist the Governor in his or her work.

The monetary policy committee of the People's Bank of China shall play an important role in the State macro-control and the formulation and adjustment of monetary policies.

**Article 13** The People's Bank of China shall establish branches as its representative organs in light of the need of performing its functions and responsibilities and exercise unified leadership and administration with respect to its branches.

The branches of the People's Bank of China shall, as authorized by the People's Bank of China, maintain financial stability in their respective districts and handle relevant business operations.

**Article 14** The Governor, Deputy Governors and other staff members of the People's Bank of China shall safeguard State secrets according to law and be obligated to safeguard the secrets of the banking institutions and parties involved in the fulfillment of their functions and responsibilities.

**Article 15** The Governor, Deputy Governors and other staff members of the People's Bank of China shall safeguard State Secrets according to law and be obligated to safeguard the secrets of the banking institutions and parties concerned with their implementation of their functions and responsibilities.

国人民代表大会常务委员会备案。

中国人民银行货币政策委员会应当在国家宏观调控、货币政策制定和调整中,发挥重要作用。

**第十三条** 中国人民银行根据履行职责的需要设立分支机构,作为中国人民银行的派出机构。中国人民银行对分支机构实行统一领导和管理。

中国人民银行的分支机构根据中国人民银行的授权,维护本辖区的金融稳定,承办有关业务。

**第十四条** 中国人民银行的行长、副行长及其他工作人员应当恪尽职守,不得滥用职权、徇私舞弊,不得在任何金融机构、企业、基金会兼职。

**第十五条** 中国人民银行的行长、副行长及其他工作人员,应当依法保守国家秘密,并有责任为与履行其职责有关的金融机构及当事人保守秘密。

### Chapter III The Renminbi

### 第三章 人民币

**Article 16** The legal tender of the People's Republic of China is the Renminbi ( RMB ). When Renminbi is used to repay all public or private debts within the territory of the People's Republic of China, no units or individuals may refuse to accept it.

**Article 17** The unit of the Renminbi is the yuan and the units of the fractional currency of the Renminbi are the jiao and the fen.

**Article 18** The Renminbi shall be printed and issued solely by the People's Bank of China.

When putting forth a new Renminbi issue, the People's Bank of China shall make known to the public the issuing date, face values, designs, patterns and specifications.

**Article 19** It is prohibited to counterfeit or alter Renminbi. It is prohibited to sell or purchase counterfeit or altered Renminbi. It is prohibited to transport, hold or use counterfeit or altered Renminbi. It is prohibited to deliberately destroy or damage the Renminbi. It is prohibited to illegally use the patters of Renminbi in propaganda materials, publications or other commodities.

**Article 20** No units or individuals may print or sell promissory notes as substitutes for Renminbi to circulate on the market.

**Article 21** The damaged or soiled Renminbi shall be exchanged in accordance with the regulations of the People's Bank of China, which shall also be responsible to recall and destroy such Renminbi.

**第十六条** 中华人民共和国的法定货币是人民币。以人民币支付中华人民共和国境内的一切公共的和私人的债务,任何单位和个人不得拒收。

**第十七条** 人民币的单位为元,人民币辅币单位为角、分。

**第十八条** 人民币由中国人民银行统一印制、发行。

中国人民银行发行新版人民币,应当将发行时间、面额、图案、式样、规格予以公告。

**第十九条** 禁止伪造、变造人民币。禁止出售、购买伪造、变造的人民币。禁止运输、持有、使用伪造、变造的人民币。禁止故意毁损人民币。禁止在宣传品、出版物或者其他商品上非法使用人民币图样。

**第二十条** 任何单位和个人不得印制、发售代币票券,以代替人民币在市场上流通。

**第二十一条** 残缺、污损的人民币,按照中国人民银行的规定兑换,并由中国人民银行负责收回、销毁。

**Article 22** The People's Bank of China shall establish a Renminbi issue treasuries at its branches. The subsidiary issue treasuries shall, in allocating Renminbi issue fund, act on the order of allocation from their superior treasury. No units or individuals may use the issue fund in violation of regulations.

**第二十二條** 中國人民銀行設立人民幣發行庫，在其分支機構設立分支庫。分支庫調撥人民幣發行基金，應當按照上級庫的調撥命令辦理。任何單位和個人不得違反規定，動用發行基金。

## Chapter IV Business Operations

## 第四章 業 務

**Article 23** To implement monetary policies, the People's Bank of China may apply the following monetary policy instruments:

**第二十三條** 中國人民銀行為執行貨幣政策，可以運用下列貨幣政策工具：

- (1) to require a financial institution of the banking industry to place a deposit reserve at a prescribed ratio;
- (2) to fix the base interest rates for the central bank;
- (3) to handle rediscount for financial institutions of the banking industry that have opened accounts in the People's Bank of China;
- (4) to provide loans for commercial banks;
- (5) to deal in State bonds, other government bonds, and financial bonds and foreign exchange, on the open market; and
- (6) other monetary policy instruments decided by the State Council.

(一) 要求銀行業金融機構按照規定的比例交存存款準備金；

(二) 確定中央銀行基準利率；

(三) 為在中國人民銀行開立賬戶的銀行業金融機構辦理再貼現；

(四) 向商業銀行提供貸款；

(五) 在公開市場上買賣國債、其他政府債券和金融債券及外匯；

(六) 國務院確定的其他貨幣政策工具。

When applying the monetary policy instruments listed in the preceding paragraph to implement monetary policies, the People's Bank of China may work out specific requirements and procedures.

中國人民銀行為執行貨幣政策，運用前款所列貨幣政策工具時，可以規定具體的條件和程序。

**Article 24** The People's Bank of China shall

**第二十四條** 中國

manage the State treasury in accordance with laws and administrative rules and regulations.

**Article 25** The People's Bank of China may, on behalf of the financial department under the State Council, issue to financial institutions, and honour State bonds and other government bonds.

**Article 26** The People's Bank of China may open accounts for financial institutions of the banking industry as needed, but may not allow them to overdraw.

**Article 27** The People's Bank of China shall organize or assist in organizing a clearing system among financial institutions of the banking industry, coordinate the efforts of such institutions in matters of clearing and provide services in this regard. The specific measures therefor shall be formulated by the People's Bank of China.

The People's Bank of China shall, in conjunction with the banking regulatory authority under the State Council, formulate regulations on payment and clearing.

**Article 28** The People's Bank of China may, as required by the implementation of monetary policies, determine the amounts, term, interest rates and forms of loans extended to commercial banks, however, the maximum term of loans shall not exceed one year.

**Article 29** The People's Bank of China may not make an overdraft for the government, and may not directly subscribe or underwrite State bonds or other government bonds.

**Article 30** The People's Bank of China may not provide loans to the local governments or government departments at various levels, to non-banking institutions,

人民银行依照法律、行政法规的规定经理国库。

**第二十五条** 中国人民银行可以代理国务院财政部门向各金融机构组织发行、兑付国债和其他政府债券。

**第二十六条** 中国人民银行可以根据需要,为银行业金融机构开立账户,但不得对银行业金融机构的账户透支。

**第二十七条** 中国人民银行应当组织或者协助组织银行业金融机构相互之间的清算系统,协调银行业金融机构相互之间的清算事项,提供清算服务。具体办法由中国人民银行制定。

中国人民银行会同国务院银行业监督管理机构制定支付结算规则。

**第二十八条** 中国人民银行根据执行货币政策的需要,可以决定对商业银行贷款的数额、期限、利率和方式,但贷款的期限不得超过一年。

**第二十九条** 中国人民银行不得对政府财政透支,不得直接认购、包销国债和其他政府债券。

**第三十条** 中国人民银行不得向地方政府、各级政府部门提供贷款,不得向非银行金

other units or individuals, with the exception of the specific non-banking institutions as decided by the State Council.

The People's Bank of China may not provide guaranty for any unit or individual.

## Chapter V Financial Supervision and Control

**Article 31** The People's Bank of China shall, in accordance with law, monitor the operation of the financial markets, conduct macro-control of such markets and promote their coordinated development.

**Article 32** The People's Bank of China shall have the power to inspect and supervise the following activities of the financial institutions and other units and individuals:

- (1) implementation of the regulations for control of deposit reserve;
- (2) activities related to the special loans of the People's Bank of China;
- (3) implementation of the regulations for control of Renminbi;
- (4) implementation of the regulations for control of the inter-bank lending market and the inter-bank bond market;
- (5) implementation of the regulations for control of foreign exchange;
- (6) implementation of the regulations for control of gold;
- (7) management of the State Treasury on behalf of

融机构以及其他单位和个人提供贷款,但国务院决定中国人民银行可以向特定的非银行金融机构提供贷款的除外。

中国人民银行不得向任何单位和个人提供担保。

## 第五章 金融监督管理

**第三十一条** 中国人民银行依法监测金融市场的运行情况,对金融市场实施宏观调控,促进其协调发展。

**第三十二条** 中国人民银行有权对金融机构以及其他单位 and 个人的下列行为进行检查监督:

- (一) 执行有关存款准备金管理规定的行为;
- (二) 与中国人民银行特种贷款有关的行为;
- (三) 执行有关人民币管理规定的行为;
- (四) 执行有关银行间同业拆借市场、银行间债券市场管理规定的行为;
- (五) 执行有关外汇管理规定的行为;
- (六) 执行有关黄金管理规定的行为;
- (七) 代理中国人民



the People's Bank of China;

(8) implementation of the regulations for control of clearing; and

(9) implementation of the regulations against money laundering.

The special loan mentioned in the preceding paragraph are loans granted, upon decision by the State Council, by the People's Bank of China for special purposes.

**Article 33** The People's Bank of China may, according to the need to implement monetary policies and maintain financial stability, propose that the banking regulatory authority under the State Council inspect and supervise the financial institutions of the banking industry. The said authority shall, within thirty days from the date it receives the proposal, make a reply.

**Article 34** When financial institutions of the banking industry have difficulties in making payment that may trigger off financial risks, the People's Bank of China shall, with a view to maintaining financial stability, have the power to inspect and supervise the financial institutions with the approval of the State Council.

**Article 35** The People's Bank of China shall, according to the need to fulfill its functions and responsibilities, have the power to demand the financial institutions of the banking industry to submit the necessary balance sheets, statements of profit and other financial and accounting reports, statistical reports and information.

The People's Bank of China, the banking regulatory authority under the State Council and the other financial regulatory institutions under the State Council shall

银行经理国库的行为;

(八) 执行有关清算管理规定的行为;

(九) 执行有关反洗钱规定的行为。

前款所称中国人民银行特种贷款,是指国务院决定的由中国人民银行向金融机构发放的用于特定目的的贷款。

**第三十三条** 中国人民银行根据执行货币政策和维护金融稳定的需要,可以建议国务院银行业监督管理机构对银行业金融机构进行检查监督。国务院银行业监督管理机构应当自收到建议之日起三十日内予以回复。

**第三十四条** 当银行业金融机构出现支付困难,可能引发金融风险时,为了维护金融稳定,中国人民银行经国务院批准,有权对银行业金融机构进行检查监督。

**第三十五条** 中国人民银行根据履行职责的需要,有权要求银行业金融机构报送必要的资产负债表、利润表以及其他财务会计、统计报表和资料。

中国人民银行应当和国务院银行业监督管理机构、国务院其他金融监督管理机构建立监督管理信息共享机制。