



中华人民共和国民法通则

General Principles of the Civil Law of
the People's Republic of China

中华人民共和国民事诉讼法

Civil Procedure Law of
the People's Republic of China

(中英对照)

(Chinese-English)

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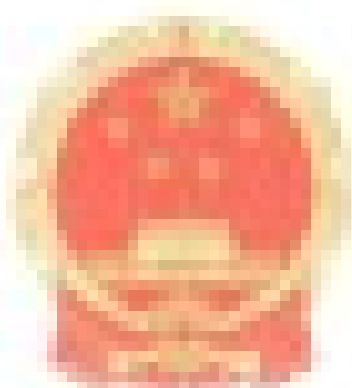


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**Litigation and Non-litigation
Procedure Civil Procedure Law of
the People's Republic of China**

(中英对照)
(Chinese-English)

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中华人民共和国主席令

第三十七号

《中华人民共和国民法通则》已由中华人民共和国第六届全国人民代表大会第四次会议于 1986 年 4 月 12 日通过,现予公布,自 1987 年 1 月 1 日起施行。

中华人民共和国主席 李先念

1986 年 4 月 12 日

Order of the President of the People's Republic of China

No.37

The General Principles of the Civil Law of the People's Republic of China, adopted at the Forth Session of the Sixth National People's Congress of the People's Republic of China on April 12, 1986, is hereby promulgated and shall enter into force as of January1, 1987.

Li Xiannian

President of the People's Republic of China

April 12, 1986

中华人民共和国民法通则

(1986年4月12日第六届全国人民代表大会第四次会议通过)

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General Principles of the Civil Law of the People's Republic of China

(Adopted at the Fourth Session of the Sixth
National People's Congress, on April 12, 1986)

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第一章 基 本 原 则

第一条 为了保障公民、法人的合法的民事权益,正确调整民事关系,适应社会主义现代化建设事业发展的需要,根据宪法和我国实际情况,总结民事活动的实践经验,制定本法。

第二条 中华人民共和国民法调整平等主体的公民之间、法人之间、公民和法人之间的财产关系和人身关系。

- Chapter IV Civil Juristic Acts and Agency
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Chapter I Basic Principles

Article 1 This Law is formulated in accordance with the Constitution and the actual situation in our country, drawing upon our practical experience in civil activities, for the purpose of protecting the lawful civil rights and interests of citizens and legal persons and correctly adjusting civil relations, so as to meet the needs of the developing socialist modernization.

Article 2 The Civil Law of the People's Republic of China shall adjust property relationships and personal relationships between civil subjects with equal status, that is, between citizens, between legal

第三条 当事人在民事活动中的地位平等。

第四条 民事活动应当遵循自愿、公平、等价有偿、诚实信用的原则。

第五条 公民、法人的合法的民事权益受法律保护,任何组织和个人不得侵犯。

第六条 民事活动必须遵守法律,法律没有规定的,应当遵守国家政策。

第七条 民事活动应当尊重社会公德,不得损害社会公共利益,破坏国家经济计划,扰乱社会经济秩序。

第八条 在中华人民共和国领域内的民事活动,适用中华人民共和国法律,法律另有规定的除外。

本法关于公民的规定,适用于在中华人民共和国领域内的外国人、无国籍人,法律另有规定的除外。

第二章 公民(自然人)

第一节 民事权利能力和民事行为能力

第九条 公民从出生时起到死亡时止,具有民事权利能力,依法享有民事权利,承担民事义务。

persons and between citizens and legal persons.

Article 3 Parties to a civil activity shall have equal status.

Article 4 In civil activities, the principles of voluntariness, fairness, making compensation for equal value, honesty and credibility shall be observed.

Article 5 The lawful civil rights and interests of citizens and legal persons shall be protected by law; no organization or individual may infringe upon them.

Article 6 Civil activities must be in compliance with the law; where there are no relevant provisions in the law, they shall be in compliance with state policies.

Article 7 Civil activities shall have respect for social ethics and shall not harm the public interest, undermine state economic plans or disrupt social economic order.

Article 8 The law of the People's Republic of China shall apply to civil activities within the People's Republic of China, except as otherwise stipulated by law.

The stipulations of this Law as regards citizens shall apply to foreigners and stateless persons within the People's Republic of China, except as otherwise stipulated by law.

Chapter II Citizen (Natural Person)

Section 1 Capacity for Civil Rights and Capacity for Civil Conduct

Article 9 A citizen shall have the capacity for civil rights from birth to death and shall enjoy civil rights and assume civil obligations in accordance with the law.

第十条 公民的民事权利能力一律平等。

第十一条 十八周岁以上的公民是成年人,具有完全民事行为能力,可以独立进行民事活动,是完全民事行为能力人。

十六周岁以上不满十八周岁的公民,以自己的劳动收入为主要生活来源的,视为完全民事行为能力人。

第十二条 十周岁以上的未成年人是限制民事行为能力人,可以进行与他的年龄、智力相适应的民事活动;其他民事活动由他的法定代理人代理,或者征得他的法定代理人的同意。

不满十周岁的未成年人是无民事行为能力人,由他的法定代理人代理民事活动。

第十三条 不能辨认自己行为的精神病人是无民事行为能力人,由他的法定代理人代理民事活动。

不能完全辨认自己行为的精神病人是限制民事行为能力人,可以进行与他的精神健康状况相适应的民事活动;其他民事活动由他的法定代理人代理,或者征得他的法定代理人的同意。

第十四条 无民事行为能力人、限制民事行为能力人的监护人是他的法定代理人。

第十五条 公民以他的户籍所在地的居住地为住所,经常居住地与住所不一致的,经常居住地视为住所。

Article 10 All citizens are equal as regards their capacity for civil rights.

Article 11 A citizen aged 18 or over shall be an adult. He shall have full capacity for civil conduct, may independently engage in civil activities and shall be called a person with full capacity for civil conduct.

A citizen who has reached the age of 16 but not the age 18 and whose main source of income is his own labour shall be regarded as a person with full capacity for civil conduct.

Article 12 A minor aged 10 or over shall be a person with limited capacity for civil conduct and may engage in civil activities appropriate to his age and intellect; in other civil activities, he shall be represented by his agent ad litem or participate with the consent of his agent ad litem.

A minor under the age of 10 shall be a person having no capacity for civil conduct and shall be represented in civil activities by his agent ad litem.

Article 13 A mentally ill person who is unable to account for his own conduct shall be a person having no capacity for civil conduct and shall be represented in civil activities by his agent ad litem.

A mentally ill person who is unable to fully account for his own conduct shall be a person with limited capacity for civil conduct and may engage in civil activities appropriate to his mental health; in other civil activities, he shall be represented by his agent ad litem or participate with the consent of his agent ad litem.

Article 14 The guardian of a person without or with limited capacity for civil conduct shall be his agent ad litem.

Article 15 The domicile of a citizen shall be the place where his residence is registered; if his habitual residence is not the same as his domicile, his habitual residence shall be regarded as his domicile.