



中华人民共和国 立法法

Legislation Law of
the People's Republic of China

(中英对照)

(Chinese-English)

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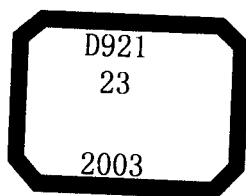
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中华人民共和国主席令

第三十一号

《中华人民共和国立法法》已由中华人民共和国第九届全国人民代表大会第三次会议于 2000 年 3 月 15 日通过，现予公布，自 2000 年 7 月 1 日起施行。

中华人民共和国主席 江泽民

2000 年 3 月 15 日

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

No.31

The Legislation Law of the People's Republic of China, adopted by the 3rd Session of the Ninth National People's Congress of the People's Republic of China on March 15, is hereby promulgated and shall go into effect as of July 1, 2000.

Jiang Zemin

President of the People's Republic of China

March 15, 2000

中华人民共和国立法法

(2000年3月15日第九届全国人民代表大会第三次会议通过)

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Legislation Law of the People's Republic of China

(Adopted at the 3rd Session of the Ninth National
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第一章 总 则

第一条 为了规范立法活动,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,保障和发展社会主义民主,推进依法治国,建设社会主义法治国家,根据宪法,制定本法。

第二条 法律、行政法规、地方性法规、自治条例和单行条例的制定、修改和废止,适用本法。

国务院部门规章和地方政府规章的制定、修改和废止,依照本法的有关规定执行。

第三条 立法应当遵循宪法的基本原则,以经济建设为中心,坚持社会主义道路、坚持人民民主专政、坚持中国共产党的领导、坚持马克思列宁主义毛泽东思想邓小平理论,坚持改革开放。

第四条 立法应当依照法定的权限和程序,从国家整体利益出发,维护社会主义法制的统一和尊严。

第五条 立法应当体现人民的意志,发扬社会主义民

Chapter I General Provisions

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.

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.

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 Zedong Thought* and *Deng Xiaoping Theory* and persevering in reform and in opening to the outside world.

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.

Article 5 Laws shall be made in order to embody the will of the people, enhance socialist democracy and guarantee that the people

主,保障人民通过多种途径参与立法活动。

第六条 立法应当从实际出发,科学合理地规定公民、法人和其他组织的权利与义务、国家机关的权力与责任。

第二章 法 律

第一节 立法权限

第七条 全国人民代表大会和全国人民代表大会常务委员会行使国家立法权。

全国人民代表大会制定和修改刑事、民事、国家机构的和其他的基本法律。

全国人民代表大会常务委员会制定和修改除应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闭会期间,对全国人民代表大会制定的法律进行部分补充和修改,但是不得同该法律的基本原则相抵触。

第八条 下列事项只能制定法律:

(一)国家主权的事项;

(二)各级人民代表大会、人民政府、人民法院和人民检察院的产生、组织和职权;

(三)民族区域自治制度、特别行政区制度、基层群众自治制度;

participate in legislative activities through various channels.

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.

Chapter II Laws

Section 1 Limits of Legislative Power

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.

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;

(四)犯罪和刑罚;

(五)对公民政治权利的剥夺、限制人身自由的强制措施和处罚;

(六)对非国有财产的征收;

(七)民事基本制度;

(八)基本经济制度以及财政、税收、海关、金融和外贸的基本制度;

(九)诉讼和仲裁制度;

(十)必须由全国人民代表大会及其常务委员会制定法律的其他事项。

第九条 本法第八条规定的事项尚未制定法律的,全国人民代表大会及其常务委员会有权作出决定,授权国务院可以根据实际需要,对其中的部分事项先制定行政法规,但是有关犯罪和刑罚、对公民政治权利的剥夺和限制人身自由的强制措施和处罚、司法制度等事项除外。

第十条 授权决定应当明确授权的目的、范围。

被授权机关应当严格按照授权目的和范围行使该项权力。

被授权机关不得将该项权力转授给其他机关。

第十一条 授权立法事项,经过实践检验,制定法律的条件成熟时,由全国人民代表大会及其常务委员会及时制

- (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;
- (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.

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.

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

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.

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

定法律。法律制定后,相应立法事项的授权终止。

第二节 全国人民代表大会立法程序

第十二条 全国人民代表大会主席团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议审议。

全国人民代表大会常务委员会、国务院、中央军事委员会、最高人民法院、最高人民检察院、全国人民代表大会各专门委员会,可以向全国人民代表大会提出法律案,由主席团决定列入会议议程。

第十三条 一个代表团或者三十名以上的代表联名,可以向全国人民代表大会提出法律案,由主席团决定是否列入会议议程,或者先交有关的专门委员会审议、提出是否列入会议议程的意见,再决定是否列入会议议程。

专门委员会审议的时候,可以邀请提案人列席会议,发表意见。

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闭会期间,可以先向常务委员会提出,经常务委员会会议依照本法第二章第三节规定的有关程序审议

timely manner. As soon as the law is made, the authorization with regard to that matter shall be terminated accordingly.

Section 2 Legislation Procedures for the National People's Congress

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.

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.

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

后,决定提请全国人民代表大会审议,由常务委员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。

第十五条 常务委员会决定提请全国人民代表大会会议审议的法律案,应当在会议举行的一个月前将法律草案发给代表。

第十六条 列入全国人民代表大会会议议程的法律案,大会全体会议听取提案人的说明后,由各代表团进行审议。

各代表团审议法律案时,提案人应当派人听取意见,回答询问。

各代表团审议法律案时,根据代表团的要求,有关机关、组织应当派人介绍情况。

第十七条 列入全国人民代表大会会议议程的法律案,由有关的专门委员会进行审议,向主席团提出审议意见,并印发会议。

第十八条 列入全国人民代表大会会议议程的法律案,由法律委员会根据各代表团和有关的专门委员会的审议意见,对法律案进行统一审议,向主席团提出审议结果报告和法律草案修改稿,对重要的不同意见应当在审议结果报告中予以说明,经主席团会议审议通过后,印发会议。

deliberation, the Standing Committee or the sponsor shall make explanations to a plenary meeting of the session.

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.

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

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.

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.