



中华人民共和国中国人民银行法

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

中华人民共和国商业银行法

Law of the People's Republic of China
on Commercial Banks

(中英对照)

(Chinese-English)

法律出版社
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中华人民共和国主席令

第四十六号

《中华人民共和国中国人民银行法》已由中华人民共和国第八届全国人民代表大会第三次会议于 1995 年 3 月 18 日通过,现予公布,自公布之日起施行。

中华人民共和国主席 江泽民

1995 年 3 月 18 日

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

No.46

The Law of the People's Republic of China on the People's Bank of China, adopted at the 3rd Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on March 18, 1995, is hereby promulgated and shall go into effect as of the date of promulgation.

Jiang Zemin

President of the People's Republic of China

March 18, 1995

中华人民共和国 中国人民银行法

(1995年3月18日第八届全国人民代表大会第三次会议通过 1995年3月18日中华人民共和国主席令第46号公布 自公布之日起施行)

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第一章 总 则

第一条 为了确立中国人民银行的地位和职责,保证

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

(Adopted at the Third Session of the Eighth National People's Congress on March 18, 1995, promulgated by Order No. 46 of the President of the People's Republic of China on March 18, 1995, and effective as of the date of promulgation)

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Chapter I General Provisions

Article 1 This Law is enacted in order to define the status and

国家货币政策的正确制定和执行,建立和完善中央银行宏观调控体系,加强对金融业的监督管理,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,制定和实施货币政策,对金融业实施监督管理。

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)依法制定和执行货币政策;
- (二)发行人民币,管理人民币流通;
- (三)按照规定审批、监督管理金融机构;
- (四)按照规定监督管理金融市场;
- (五)发布有关金融监督管理和业务的命令和规章;
- (六)持有、管理、经营国家外汇储备、黄金储备;
- (七)经理国库;
- (八)维护支付、清算系统的正常运行;
- (九)负责金融业的统计、调查、分析和预测;

functions of the People's Bank of China, ensure the correct formulation and implementation of the State's monetary policies, establish and perfect a macro-control system through a central bank and strengthen supervision and control over the banking industry.

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 and exercise supervision and control over the banking industry.

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:

(1) to formulate and implement monetary policies in accordance with law;

(2) to issue Renminbi (RMB) and control its circulation;

(3) to examine, grant approval to, supervise and administer banking institutions in accordance with regulations;

(4) to supervise and control the financial market in accordance with regulations;

(5) to promulgate orders, rules and regulations concerning financial supervision and control and business operations;

(6) to hold, administer and manage the State foreign exchange reserve and gold reserve;

(7) to manage the State Treasury;

(8) to maintain the normal operation of the systems for making payments and settling accounts;

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

(十)作为国家的中央银行,从事有关的国际金融活动;

(十一)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监督管理情况的工作报告。

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。

第二章 组 织 机 构

第九条 中国人民银行设行长一人,副行长若干人。

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

(11) other functions 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 rates, 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 the decisions on monetary policies for matters other than those specified in the preceding paragraph and report them to the State Council for the record.

Article 6 The People's Bank of China shall submit a work report to the Standing Committee of the National People's Congress concerning matters relating to monetary policies and financial supervision and control.

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 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.

Chapter II Organizational Structure

Article 9 The People's Bank of China shall have a Governor and a certain number of Deputy Governors.

中国人民银行行长的人选,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。

第十一条 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,报全国人民代表大会常务委员会备案。

第十二条 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集中统一领导和管理。

中国人民银行的分支机构根据中国人民银行的授权,负责本辖区的金融监督管理,承办有关业务。

第十三条 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。

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's 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 10 The People's Bank of China shall practise 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 shall assist the Governor in his or her work.

Article 11 The People's Bank of China shall establish a monetary policy committee, whose functions, composition and working procedures shall be prescribed by the State Council and reported to the Standing Committee of the National People's Congress for the record.

Article 12 The People's Bank of China shall establish branches as its representative organs in light of the need of performing its functions and exercise centralized and 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, be responsible for financial supervision and control and handling of relevant business operations in their respective districts.

Article 13 The Governor, Deputy Governors and other staff members of the People's Bank of China shall scrupulously abide by their duties; they may not abuse their power or conduct malpractice for private ends and they may not assume concurrent positions in any other banking institutions, enterprises or foundations.

第十四条 中国人民银行的行长、副行长及其他工作人员,应当依法保守国家秘密,并有责任为其监督管理的金融机构及有关当事人保守秘密。

第三章 人 民 币

第十五条 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。

第十六条 人民币的单位为元,人民币辅币单位为角、分。

第十七条 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。

第十八条 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。

第十九条 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 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 concerned under their supervision and control.

Chapter III The *Renminbi*

Article 15 The legal tender of the People's Republic of China is the *Renminbi* (RMB). When the *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 16 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 17 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 18 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 patterns of *Renminbi* in propaganda materials, publications or other commodities.

Article 19 No units or individuals may print or sell promissory notes as substitutes for *Renminbi* to circulate on the market.

Article 20 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*.

第二十一条 中国人民银行设立人民币发行库,在其分支机构设立分支库。分支库调拨人民币发行基金,应当按照上级库的调拨命令办理。任何单位和个人不得违反规定,动用发行基金。

第四章 业 务

第二十二条 中国人民银行为执行货币政策,可以运用下列货币政策工具:

- (一)要求金融机构按照规定的比例交存存款准备金;
- (二)确定中央银行基准利率;
- (三)为在中国人民银行开立帐户的金融机构办理再贴现;
- (四)向商业银行提供贷款;
- (五)在公开市场上买卖国债和其他政府债券及外汇;
- (六)国务院确定的其他货币政策工具。

中国人民银行为执行货币政策,运用前款所列货币政策工具时,可以规定具体的条件和程序。

第二十三条 中国人民银行依照法律、行政法规的规定经理国库。

第二十四条 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。