



THE CIVIL PROCEDURE LAW  
OF THE PEOPLE'S REPUBLIC  
OF CHINA

中华人民共和国民事诉讼法

**THE CIVIL PROCEDURE LAW  
OF THE PEOPLE'S  
REPUBLIC OF CHINA**

**中华人民共和国民事诉讼法**

**FOREIGN LANGUAGES PRESS**

**外 文 出 版 社**

## 图书在版编目(CIP)数据

中华人民共和国民事诉讼法:英汉对照. —北京:外文出版社, 1999  
ISBN 7-119-02478-7

I. 中… II. Ⅲ. 民事诉讼法-中国-对照读物-英、汉 IV. D925.1

中国版本图书馆 CIP 数据核字(1999)第 40382 号

责任编辑 余冰清

英文责编 梁良兴

封面设计 王 志

外文出版社网址:

<http://www.flp.com.cn>

外文出版社电子信箱:

[info@flp.com.cn](mailto:info@flp.com.cn)

[sales@flp.com.cn](mailto:sales@flp.com.cn)

## 中华人民共和国民事诉讼法

\*

©外文出版社

外文出版社出版

(中国北京百万庄大街 24 号)

邮政编码 100037

北京外文印刷厂印刷

中国国际图书贸易总公司发行

(中国北京车公庄西路 35 号)

北京邮政信箱第 399 号 邮政编码 100044

1999 年(大 32 开)第 1 版

1999 年第 1 版(英汉)第 1 次印刷

ISBN 7-119-02478-7/D·149(外)

08000(精)

6-EC-3349S

ISBN 7-119-02478-7



9 787119 024783 >

Foreign Languages Press Beijing  
First Edition 2000

Home Page:  
<http://www.flp.com.cn>  
E-mail Addresses:  
[info@flp.com.cn](mailto:info@flp.com.cn)  
[sales@flp.com.cn](mailto:sales@flp.com.cn)

ISBN 7-119-02478-7  
© Foreign Languages Press, Beijing, China, 2000  
Published by Foreign Languages Press  
24 Baiwanzhuang Road, Beijing 100037, China  
Distributed by China International Book Trading Corporation  
35 Chegongzhuang Xilu, Beijing 100044, China  
P. O. Box 399, Beijing, China

*Printed in the People's Republic of China*

# THE CIVIL PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA

*(Adopted at the Fourth Session of the Seventh National People's Congress on April 9, 1991, promulgated by Order No. 44 of the President of the People's Republic of China on April 9, 1991, and effective as of the date of its promulgation)*

# CONTENTS

<b>Part One General Provisions</b>	<b>5</b>
Chapter I Aim, Scope of Application and Basic Principles	5
Chapter II Jurisdiction	9
Section 1 Jurisdiction by Forum Level	9
Section 2 Territorial Jurisdiction	10
Section 3 Transfer and Designation of Jurisdiction	14
Chapter III Trial Organization	16
Chapter IV Withdrawal	17
Chapter V Participants in Proceedings	19
Section 1 Parties	19
Section 2 Agents <i>ad Litem</i>	22
Chapter VI Evidence	24
Chapter VII Time Limits and Serving of Documents	28
Section 1 Time Limits	28
Section 2 Serving of Documents	29
Chapter VIII Mediation	32
Chapter IX Property Preservation and Advance Execution	34

Chapter X Compulsory Measures Regarding Obstruction of Civil Proceedings	37
Chapter XI Litigation Fees	40
<b>Part Two Trial Procedure</b>	42
Chapter XII Ordinary Procedure of First Instance	42
Section 1 Bringing a Lawsuit and Entertaining a Case	42
Section 2 Preparations for Trial	45
Section 3 Court Trial	46
Section 4 Suspension and Termination of Litigation	51
Section 5 Judgments and Court Orders	52
Chapter XIII Summary Procedure	54
Chapter XIV Procedure of Second Instance	55
Chapter XV Special Procedure	59
Section 1 General Provisions	59
Section 2 Cases on the Qualification of Voters	60
Section 3 Cases on the Declaration of a Person as Missing or Dead	61
Section 4 Confirmation of Absence or Restric- tion of a Citizen's Capacity to Act	63
Section 5 Determination of Property as Owner- less	64
Chapter XVI Procedure for Trial Supervision	65
Chapter XVII Procedure for Hastening Debt Recovery	69

Chapter XVIII Procedure for Publication of Public Notice for Assertion of Claims	71
Chapter XIX Procedure for Bankruptcy of and Debt Repayment by Legal Person Enterprises	73
<b>Part Three Procedure for Execution</b>	76
Chapter XX General Provisions	76
Chapter XXI Application for Execution and Referral	79
Chapter XXII Execution Measures	82
Chapter XXIII Suspension and Termination of Execution	87
<b>Part Four Special Provisions for Civil Procedure Involving Foreign Elements</b>	89
Chapter XXIV General Principles	89
Chapter XXV Jurisdiction	91
Chapter XXVI Serving and Periods of Validity of Litigation Documents	92
Chapter XXVII Property Preservation	94
Chapter XXVIII Arbitration	95
Chapter XXIX Judicial Assistance	98



# **PART ONE**

## **GENERAL PROVISIONS**

### ***CHAPTER I***

#### **AIM, SCOPE OF APPLICATION AND BASIC PRINCIPLES**

**Article 1** The Civil Procedure Law of the People's Republic of China is formulated in accordance with the Constitution and in light of the experience and actual conditions of our country in trying civil cases.

**Article 2** The aim of the Civil Procedure Law of the People's Republic of China is to protect the performance of the litigation rights of the parties and ensure the ascertainment of facts by the people's courts, distinguish right from wrong, implement the law correctly, try civil cases promptly, affirm civil rights and obligations, impose sanctions for civil wrongs, protect the lawful rights and interests of the parties, educate citizens to observe the law voluntarily, maintain the social and economic order, and guarantee the smooth progress of socialist construction.

**Article 3** The prescriptions of this Law shall be applied when a people's court deals with civil litigation arising from disputes concerning property and personal relations

between citizens, legal persons or other organizations or between the three.

**Article 4** This Law shall be applicable to whoever engages in civil litigation within the territory of the People's Republic of China.

**Article 5** Aliens, stateless persons, foreign enterprises and organizations that bring suits or appear in people's courts shall enjoy equal litigation rights and obligations as citizens, legal persons and other organizations of the People's Republic of China.

When courts in a foreign country impose restrictions on the civil litigation rights of citizens, legal persons or other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall follow the principle of reciprocity with regard to the civil litigation rights of citizens, enterprises and organizations of that foreign country involved.

**Article 6** The power to try civil cases is vested in the people's courts.

The people's courts shall try civil cases independently in accordance with the law, and shall be free from interference by any administrative organ, social group or individual.

**Article 7** A people's court shall base its decisions on facts and regard the law as the criterion when trying civil cases.

**Article 8** Parties involved in civil affairs shall enjoy equal litigation rights. The people's courts shall guarantee and expedite the exercise of litigation rights, and the law shall be applied impartially to all parties when trials are being conducted.

**Article 9** The people's courts shall conduct mediation on a voluntary and lawful basis when they try civil cases. If mediation fails judgment shall be rendered without delay.

**Article 10** All judicial personnel who have an interest in a people's court case shall, when trying civil cases, follow the systems of panel hearing, withdrawal, open trial and the court of second instance being that of last instance according to the provisions of the law.

**Article 11** Chinese citizens of all ethnic groups shall enjoy the right to use their native spoken and written languages in civil proceedings.

Where national minorities live in compact communities or where several ethnic groups live together in one area, the people's court shall conduct hearings and issue legal documents in the spoken and written languages commonly used by the local ethnic groups.

For any participant in the proceedings who is not familiar with the spoken or written languages commonly used locally, the people's court shall provide a translator.

**Article 12** Parties to civil actions shall have the right to conduct their own cases in trials by people's courts.

**Article 13** Parties shall have the right to handle their own civil rights and litigation rights at their own will within the scope prescribed by the law.

**Article 14** A people's procuratorate shall have the right to exercise legal supervision over civil litigation.

**Article 15** In the case of acts which infringe upon the civil rights and interests of the State, a collective organization or an individual, any State organ, social group, enterprise or institution can assist the injured unit or individual to bring an action in a people's court.

**Article 16** People's mediation committees are mass organizations under the guidance of the grass-roots level people's governments and the lowest level of people's courts which conduct mediation of civil disputes.

People's mediation committees shall conduct mediation based on the free will of the parties and in accordance with this Law. The parties concerned shall execute the agreement reached through mediation. Those who decline mediation, are dissatisfied with mediation decision or who have backed out of the agreement can bring a lawsuit before a people's court.

A people's court shall make rectification when a people's mediation committee acts contrary to the law in conducting mediation of civil disputes.

**Article 17** The people's congresses of the ethnic auto-

nomous areas can formulate adaptive and supplementary provisions in accordance with the Constitution and the principles of this Law, and in conjunction with the specific circumstances of the local ethnic groups. Such provisions formulated by an autonomous region shall be submitted to the Standing Committee of the National People's Congress for approval; those made by an autonomous prefecture or autonomous county shall be submitted to the standing committee of the people's congress of the relevant province or autonomous region for approval and to the Standing Committee of the National People's Congress for the record.

## ***CHAPTER II*** **JURISDICTION**

### **SECTION 1 JURISDICTION BY FORUM LEVEL**

**Article 18** A basic people's court shall have jurisdiction as court of first instance over civil cases except as otherwise prescribed by this Law.

**Article 19** An intermediate people's court shall have jurisdiction as court of first instance over the following civil cases:

- (1) Major cases involving foreign interests;
- (2) Cases having a major impact on the area under their jurisdiction; and

(3) Cases determined to be under the jurisdiction of the intermediate people's courts by the Supreme People's Court.

**Article 20** A higher people's court shall have jurisdiction as court of first instance over civil cases that have a major impact on the areas within their jurisdiction.

**Article 21** The Supreme People's Court shall have jurisdiction as the court of first instance over the following civil cases:

(1) Cases having a major impact on the whole country; and

(2) Cases that the Supreme People's Court deems it should try.

## **SECTION 2 TERRITORIAL JURISDICTION**

**Article 22** A civil lawsuit which is brought against a citizen shall be under the jurisdiction of the people's court of the place where the defendant is domiciled; if the place of the defendant's domicile is different from that of his or her habitual residence, the lawsuit shall be under the jurisdiction of the people's court of the place of the defendant's habitual residence.

A civil lawsuit which is brought against a legal person or any other organization shall be under the jurisdiction of the people's court of the place where the defendant is domiciled.

If the domiciles or habitual residences of several defendants in the same lawsuit are in the areas under the jurisdiction of two or more people's courts, all of those people's courts shall have jurisdiction over the lawsuit.

**Article 23** The civil lawsuits which are described below shall be under the jurisdiction of the people's court of the place where the plaintiff has his or her domicile. If the place of the plaintiff's domicile is different from that of his or her habitual residence, the lawsuit shall be under the jurisdiction of the people's court of the place of the plaintiff's habitual residence:

(1) Cases concerning personal status brought against persons not residing within the territory of the People's Republic of China;

(2) Cases concerning the personal status of persons whose whereabouts are unknown or who have been declared missing;

(3) Cases brought against persons who are undergoing rehabilitation through labor; and

(4) Cases brought against persons who are in prison.

**Article 24** A lawsuit concerning a contractual dispute shall be under the jurisdiction of the people's court of the place where the defendant is domiciled or where the contract is performed.

**Article 25** In a written contract the parties to the contract can agree to choose the people's court of the place

where the defendant is domiciled, where the contract is performed, where the contract is signed, where the plaintiff is domiciled or where the object of the action is located to exercise jurisdiction over a dispute, provided that the prescriptions of this Law regarding jurisdiction by forum level and exclusive jurisdiction are not violated.

**Article 26** A lawsuit concerning a dispute arising from an insurance contract shall be under the jurisdiction of the people's court of the place where the defendant is domiciled or where the subject matter insured is located.

**Article 27** A lawsuit concerning a bill dispute shall be under the jurisdiction of the people's court of the place where the bill is to be paid or where the defendant is domiciled.

**Article 28** A lawsuit concerning a dispute arising from a railway, road, water, or air transport contract or over a combined transport contract shall be under the jurisdiction of the people's court of the place of dispatch or the place of destination or where the defendant is domiciled.

**Article 29** A lawsuit concerning a tortious act shall be under the jurisdiction of the people's court of the place where the tort is committed or where the defendant is domiciled.

**Article 30** A lawsuit arising from claims for damages



caused by a railway, road, water transport or air accident shall be under the jurisdiction of the people's court of the place where the accident occurred or where the vehicle or ship first arrived after the accident or where the aircraft first landed after the accident, or where the defendant is domiciled.

**Article 31** A lawsuit arising from claims for damages caused by a collision at sea or by any other maritime accident shall be under the jurisdiction of the people's court of the place where the collision occurred or where the ship in collision first docked after the accident or where the ship at fault was detained or where the defendant is domiciled.

**Article 32** A lawsuit arising from expenses of maritime salvage shall be under the jurisdiction of the people's court of the place where the salvage occurred or where the salvaged ship first docked after the mishap.

**Article 33** A lawsuit arising from general average shall be under the jurisdiction of the people's court of the place where the ship first docked or where the adjustment of general average was conducted or where the voyage ended.

**Article 34** The following cases shall be under the exclusive jurisdiction of the people's courts herein specified:

- (1) A lawsuit arising from a real estate dispute shall be