



中华人民共和国 常用法律法规全书

LAWS AND REGULATIONS OF THE PEOPLE'S
REPUBLIC OF CHINA IN COMMON USE

中英文版

上册

国务院法制办公室 编

Compiled by the Legislative
Affairs Office of the State Council

中国法制出版社
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编辑说明

中国改革开放 30 年来，法治建设也取得了巨大的成就，以宪法为核心，法律为主干的多层次的中国特色社会主义法律体系已经基本形成。随着中国对外合作交流活动的进一步深化，一方面，为了让国外的各界人士了解中国的法律体系和现行有效的法律规定，熟悉中国投资的法律环境；另一方面，也为了满足国内从事涉外工作的专业人士对外宣传和使用中国法律的需要，我们编辑出版了这套法律法规中英文对照版本的工具书。

本书共收录现行有效的常用法律 58 件，行政法规 45 件。涵盖七个法律部门（宪法类、民商法类、行政法类、经济法类、社会法类、刑法类、诉讼与非诉讼程序法类），尤其注重涉外领域法律文件的收录。

本书的英文译本为全国人民代表大会常务委员会法制工作委员会和国务院法制办公室组织翻译审定。

本书的英文译本与中文本有歧义的，均以中文本为准。

中国法制出版社

2011 年 1 月

Editor's Note

Great progress has been made in developing a sound legal system in China over the past three decades since the reform and opening up to the outside world. A multi-tier socialist legal system with Chinese characteristics, that takes the Chinese constitution as the core and the other laws and regulations as the backbone, has taken shape. In response to the deepening of international cooperation and exchange between China and the outside world, the China Legal Publishing House has compiled and is to publish the Laws and Regulations Reference Book (a Chinese-English bilingual edition), in order to, respectively enable foreigners of various circles to get a comprehensive grasp of China's legal system, currently applicable laws and regulations, and to get conversant with China's investment environment, and to meet the needs of the domestic professionals engaged in foreign affairs for making publicity for and using Chinese laws and regulations.

This Reference Book collects 58 laws and 45 regulations, especially those legal documents governing foreign-related matters. These are classified into seven categories: Constitutional Law, Civil and Commercial Law, Administrative Law, Economic Law, Social Law, Criminal Law, Litigation and Non-litigation Procedures Law.

The English version of the laws and regulations contained in this Book is translated and finalized under the aegis of the Legislative Affairs Commission of the Standing Committee of the National People's Congress and the Legislative Affairs Office of the State Council.

Where any discrepancy arises between the English translation and the original Chinese version in this Book, the Chinese version shall prevail.

China Legal Publishing House

January, 2011

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(1986 年 4 月 12 日第六届全国人民代表大会第四次会议通过 根据 2000 年 10 月 31 日第九届全国人民代表大会常务委员会第十八次会议《关于修改〈中华人民共和国外资企法〉的决定》修正)

Law of the People's Republic of China on Foreign-Capital Enterprises ... (2 - 482)

(Adopted at the Fourth Session of the Sixth National People's Congress on April 12, 1986, amended according to the Decision on Revision of the Law of the People's Republic of China on Foreign-Capital Enterprises adopted at the 18th Meeting of the Standing Committee of the Ninth National People's Congress on October 31, 2000)

中华人民共和国外资企法实施细则 (2 - 486)

(1990 年 10 月 28 日中华人民共和国国务院批准 1990 年 12 月 12 日对外经济贸易部发布 根据 2001 年 4 月 12 日《国务院关于修改〈中华人民共和国外资企法实施细则〉的决定》修订)

Rules for the Implementation of the Law of the People's Republic of China on Foreign-capital Enterprises (2 - 486)

(Approved by the State Council on October 28, 1990, promulgated by the Ministry of Foreign Economic Relations and Trade on December 12, 1990, and revised in accordance with the Decision of the State Council on Amending the Rules for the Implementation of the Law of the People's Republic of China on Foreign-capital Enterprises on April 12, 2001)

- 中华人民共和国企业破产法** (2-507)
 (2006年8月27日第十届全国人民代表大会常务委员会第二十三次会议通过 2006年8月27日中华人民共和国主席令第54号公布 自2007年6月1日起施行)
- Enterprise Bankruptcy Law of the People's Republic of China** (2-507)
 (Adopted at the 23rd Meeting of the Standing Committee of the Tenth National People's Congress on August 27, 2006, and promulgated by Order No. 54 of the President of the People's Republic of China on August 27, 2006, and effective as of June 1, 2007)
- 中华人民共和国证券法** (2-540)
 (1998年12月29日第九届全国人民代表大会常务委员会第六次会议通过 根据2004年8月28日第十届全国人民代表大会常务委员会第十一次会议《关于修改〈中华人民共和国证券法〉的决定》修正 2005年10月27日第十届全国人民代表大会常务委员会第十八次会议修订通过 2005年10月27日中华人民共和国主席令第43号公布 自2006年1月1日起施行)
- Law of the People's Republic of China on Securities** (2-540)
 (Adopted at the 6th Meeting of the Standing Committee of the Ninth National People's Congress on December 29, 1998; amended in accordance with the Decision on Amending the Securities Law of the People's Republic of China adopted at the 11th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2004; revised and adopted at the 18th Meeting of the Standing Committee of the Tenth National People's Congress on October 27, 2005, and promulgated by Order No. 43 of the President of the People's Republic of China on October 27, 2005, and effective as of January 1, 2006)
- 证券公司监督管理条例** (2-602)
 (2008年4月23日国务院第6次常务会议通过 2008年4月23日中华人民共和国国务院令第522号公布)
- Regulations on Supervision and Administration of Securities Companies** (2-602)
 (Adopted at the 6th Executive Meeting of the State Council on April 23, 2008, and promulgated by Decree No. 522 of the State Council of the People's Republic of China on April 23, 2008)
- 中华人民共和国证券投资基金法** (2-631)
 (2003年10月28日第十届全国人民代表大会常务委员会第五次会议通过 2003年10月28日中华人民共和国主席令第9号公布 自2004年6月1日起施行)
- Law of the People's Republic of China on Funds for Investment in Securities** (2-631)
 (Adopted at the 5th Meeting of the Standing Committee of the Tenth National People's Congress on October 28, 2003, promulgated by Order No. 9 of the President of the People's Republic of China on October 28, 2003, and effective as of June 1, 2004)
- 国务院关于股份有限公司境外募集股份及上市的特别规定** (2-660)
 (1994年7月4日国务院第二十二次常务会议通过 1994年8月4日中华人民共和国国务院令第160号发布 自发布之日起施行)
- Special Provisions of the State Council Concerning Issuing and Listing of Shares Overseas by Joint Stock Limited Company** (2-660)
 (Adopted at the 22nd Executive Meeting of the State Council on July 4, 1994, promulgated by Decree No. 160 of the State Council of the People's Republic of China on August 4, 1994, and effective as of the date of promulgation)

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| 国务院关于股份有限公司境内上市外资股的规定 | (2-667) |
| (1995年11月2日国务院第三十七次常务会议通过 1995年12月25日中华人民共和国国务院令 第189号发布 自发布之日起施行) | |
| Provisions of the State Council on Foreign Capital Stock Listed in China by Joint Stock Limited Companies | (2-667) |
| (Adopted at the 37th Executive Meeting of the State Council on November 2, 1995, promulgated by Decree No. 189 of the State Council of the People's Republic of China on December 25, 1995, and effective as of the date of promulgation) | |
| 期货交易管理条例 | (2-676) |
| (2007年2月7日国务院第168次常务会议通过 2007年3月6日中华人民共和国国务院令 第489号公布) | |
| Regulations on Administration of Futures Trading | (2-676) |
| (Adopted at the 168th Executive Meeting of the State Council on February 7, 2007, and promulgated by Decree No. 489 of the State Council of the People's Republic of China on March 6, 2007) | |
| 中华人民共和国信托法 | (2-709) |
| (2001年4月28日第九届全国人民代表大会常务委员会第二十一次会议通过 2001年4月28日中华人民共和国主席令 第50号公布 自2001年10月1日起施行) | |
| Trust Law of the People's Republic of China | (2-709) |
| (Adopted at the 21st Meeting of the Standing Committee of the Ninth National People's Congress on April 28, 2001, and promulgated by Order No. 50 of the President of the People's Republic of China on April 28, 2001, and effective as of October 1, 2001) | |
| 中华人民共和国票据法 | (2-723) |
| (1995年5月10日第八届全国人民代表大会常务委员会第十三次会议通过 根据2004年8月28日第十届全国人民代表大会常务委员会第十一次会议《关于修改〈中华人民共和国票据法〉的决定》修正) | |
| Law of the People's Republic of China on Negotiable Instruments | (2-723) |
| (Adopted at the 13th Meeting of the Standing Committee of the Eighth National People's Congress on May 10, 1995, and amended in accordance with the Decision on Amending the Law of the People's Republic of China on Negotiable Instruments adopted at the 11th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2004) | |
| 中华人民共和国外资保险企业管理条例 | (2-743) |
| (2001年12月5日国务院第49次常务会议通过 2001年12月12日中华人民共和国国务院令 第336号公布 自2002年2月1日起施行) | |
| Regulations of the People's Republic of China on Administration of Foreign-funded Insurance Companies | (2-743) |
| (Adopted at the 49th Executive Meeting of the State Council on December 5, 2001, promulgated by Decree No. 336 of the State Council of the People's Republic of China on December 12, 2001, and effective as of February 1, 2002) | |
| 中华人民共和国商业银行法 | (2-753) |
| (1995年5月10日第八届全国人民代表大会常务委员会第十三次会议通过 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〈中华人民共和国商业银行法〉的决定》修正) | |
| Law of the People's Republic of China on Commercial Banks | (2-753) |
| (Adopted at the 13th Meeting of the Standing Committee of the Eighth National People's | |

Congress on May 10, 1995, and amended in accordance with the Decision of the Standing Committee of the National People's Congress on Amending the Law of the People's Republic of China on Commercial Banks adopted at the Sixth Meeting of the Standing Committee of the Tenth National People's Congress on December 27, 2003)

三、行政法类

Ⅲ. Administrative Law

- 中华人民共和国行政处罚法** (3-3)
 (1996年3月17日第八届全国人民代表大会第四次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》修正)
- Law of the People's Republic of China on Administrative Penalty** (3-3)
 (Adopted at the Fourth Session of the Eighth National People's Congress on March 17, 1996, and amended in accordance with the Decision on Amending Certain Laws adopted at the 10th Meeting of the Standing Committee of the Eleventh National People's Congress on August 27, 2009)
- 中华人民共和国行政复议法** (3-19)
 (1999年4月29日第九届全国人民代表大会常务委员会第九次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》修正)
- Law of the People's Republic of China on Administrative Reconsideration** (3-19)
 (Adopted at the Ninth Meeting of the Standing Committee of the Ninth National People's Congress on April 29, 1999, and amended in accordance with the Decision on Amending Certain Laws adopted at the 10th Meeting of the Standing Committee of the Eleventh National People's Congress on August 27, 2009)
- 中华人民共和国行政许可法** (3-35)
 (2003年8月27日第十届全国人民代表大会常务委员会第四次会议通过 2003年8月27日中华人民共和国主席令第7号公布 自2004年7月1日起施行)
- Administrative Permission Law of the People's Republic of China** (3-35)
 (Adopted at the 4th Meeting of the Standing Committee of the Tenth National People's Congress on August 27, 2003, promulgated by Order No. 7 of the President of the People's Republic of China on August 27, 2003, and effective as of July 1, 2004)
- 中华人民共和国突发事件应对法** (3-61)
 (2007年8月30日第十届全国人民代表大会常务委员会第二十九次会议通过 2007年8月30日中华人民共和国主席令第69号公布 自2007年11月1日起施行)
- Emergency Response Law of the People's Republic of China** (3-61)
 (Adopted at the 29th Meeting of the Standing Committee of the Tenth National People's Congress on August 30, 2007, and promulgated by Order No. 69 of the President of the People's Republic of China on August 30, 2007, and effective as of November 1, 2007)
- 中华人民共和国政府信息公开条例** (3-83)
 (2007年1月17日国务院第165次常务会议通过 2007年4月5日中华人民共和国国务院令第492号公布)

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| Regulations of the People's Republic of China on Disclosure of Government Information | (3 - 83) |
| (Adopted at the 165th Executive Meeting of the State Council on January 17, 2007, and promulgated by Decree No. 492 of the State Council of the People's Republic of China on April 5, 2007) | |
| 中华人民共和国治安管理处罚法 | (3 - 94) |
| (2005 年 8 月 28 日第十届全国人民代表大会常务委员会第十七次会议通过 2005 年 8 月 28 日中华人民共和国主席令第 38 号公布 自 2006 年 3 月 1 日起施行) | |
| Law of the People's Republic of China on Penalties for Administration of Public Security | (3 - 94) |
| (Adopted at the 17th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2005, and promulgated by Order No. 38 of the President of the People's Republic of China on August 28, 2005, and effective as of March 1, 2006) | |
| 中华人民共和国律师法 | (3 - 126) |
| (1996 年 5 月 15 日第八届全国人民代表大会常务委员会第十九次会议通过 根据 2001 年 12 月 29 日第九届全国人民代表大会常务委员会第二十五次会议《关于修改〈中华人民共和国律师法〉的决定》修正 2007 年 10 月 28 日第十届全国人民代表大会常务委员会第三十次会议修订通过 2007 年 10 月 28 日中华人民共和国主席令第 76 号公布) | |
| Law of the People's Republic of China on Lawyers | (3 - 126) |
| (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996, amended in accordance with the Decision on Amending the Law of the People's Republic of China on Lawyers adopted at the 25th Meeting of the Standing Committee of the Ninth National People's Congress on December 29, 2001, revised at the 30th Meeting of the Standing Committee of the Tenth National People's Congress on October 28, 2007, and promulgated by Order No. 76 of the President of the People's Republic of China on October 28, 2007) | |
| 外国律师事务所驻华代表机构管理条例 | (3 - 143) |
| (2001 年 12 月 19 日国务院第 51 次常务会议通过 2001 年 12 月 22 日中华人民共和国国务院令第 338 号公布 自 2002 年 1 月 1 日起施行) | |
| Regulations on Administration of Foreign Law Firms' Representative Offices in China | (3 - 143) |
| (Adopted at the 51st Executive Meeting of the State Council on December 19, 2001, promulgated by the Decree No. 338 of the State Council of the People's Republic of China on December 22, 2001, and effective as of January 1, 2002) | |
| 中华人民共和国公证法 | (3 - 155) |
| (2005 年 8 月 28 日第十届全国人民代表大会常务委员会第十七次会议通过 2005 年 8 月 28 日中华人民共和国主席令第 39 号公布 自 2006 年 3 月 1 日起施行) | |
| Notarization Law of the People's Republic of China | (3 - 155) |
| (Adopted at the 17th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2005, and promulgated by Order No. 39 of the President of the People's Republic of China on August 28, 2005, and effective as of March 1, 2006) | |
| 中华人民共和国海关法 | (3 - 168) |
| (1987 年 1 月 22 日第六届全国人民代表大会常务委员会第十九次会议通过 根据 2000 年 7 月 8 日第九届全国人民代表大会常务委员会第十六次会议《关于修改〈中华人民共和国海关法〉的决定》修正) | |

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| Customs Law of the People's Republic of China | (3 - 168) |
| (Adopted at the 19th Meeting of the Standing Committee of the Sixth National People's Congress on January 22, 1987, amended in accordance with the Decision Regarding Revision of the Customs Law of the People's Republic of China adopted at the 16th Meeting of the Standing Committee of the Ninth National People's Congress on July 8, 2000) | |
| 中华人民共和国海关行政处罚实施条例 | (3 - 196) |
| (2004 年 9 月 1 日国务院第 61 次常务会议通过 2004 年 9 月 19 日中华人民共和国国务院令 第 420 号公布 自 2004 年 11 月 1 日起施行) | |
| Regulations of the People's Republic of China on Implementing Customs Administrative Penalty | (3 - 196) |
| (Adopted at the 62nd Executive Meeting of the State Council on September 1, 2004, and promulgated by Decree No. 420 of the State Council of the People's Republic of China on September 19, 2004, and effective as of November 1, 2004) | |
| 中华人民共和国海关稽查条例 | (3 - 219) |
| (1997 年 1 月 3 日中华人民共和国国务院令 第 209 号发布 自发布之日起施行) | |
| Regulations of the People's Republic of China on Customs External Auditing | (3 - 219) |
| (Promulgated by Decree No. 209 of the State Council of the People's Republic of China on January 3, 1997, and effective as of the date of promulgation) | |
| 中华人民共和国进出口关税条例 | (3 - 226) |
| (2003 年 10 月 29 日国务院第 26 次常务会议通过 2003 年 11 月 23 日中华人民共和国国务院令 第 392 号公布 自 2004 年 1 月 1 日起施行) | |
| Regulations of the People's Republic of China on Import and Export Duties | (3 - 226) |
| (Adopted at the 26th Executive Meeting of the State Council on October 29, 2003, promulgated by Decree No. 392 of the State Council of the People's Republic of China on November 23, 2003, and effective as of January 1, 2004) | |

四、经济法类

IV. Economic Law

会计

Accounting

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| 中华人民共和国会计法 | (4 - 3) |
| (1985 年 1 月 21 日第六届全国人民代表大会常务委员会第九次会议通过 根据 1993 年 12 月 29 日第八届全国人民代表大会常务委员会第五次会议《关于修改〈中华人民共和国会计法〉的决定》修正 1999 年 10 月 31 日第九届全国人民代表大会常务委员会第十二次会议修订 1999 年 10 月 31 日中华人民共和国主席令 第 24 号公布 自 2000 年 7 月 1 日起施行) | |
| Accounting Law of the People's Republic of China | (4 - 3) |
| (Adopted at the Ninth Meeting of the Standing Committee of the Sixth National People's Congress on January 21, 1985, revised in accordance with the Decision on Revising the Accounting Law of the People's Republic of China adopted at the Fifth Meeting of the Stand- | |