**Legislation Law of the People's Republic of China**

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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 Zetong 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 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;

(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 parctice 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 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 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.

Article 19 With regard to a legislative bill that has been placed on the agenda of a session of the National People's Congress, the executive chairmen of the Presidium may, when necessary, convene a meeting of the heads of the various delegations to hear and discuss the deliberated opinions of the delegations on major questions in the legislative bill, and report the result of the discussion and the opinions expressed to the Presidium.

The executive chairmen of the Presidium may also convene a meeting of the interested deputies recommended by the delegations to discuss the major, special questions in the legislative bill, and report the result of the discussion and the opinions expressed to the Presidium.

Article 20 With regard to a legislative bill that has been placed on the agenda of a session of the National People's Congress, if the sponsor requests its withdrawal before it is put to vote, he shall state the reasons, and deliberation of the bill at the session shall terminate as soon as the Presidium has accepted the request and reported the matter to the session.

Article 21 Where important questions raised during the deliberation on a legislative bill call for further study, the Congress may, by decision of a plenary meeting according to a proposal made by the Presidium, authorize the Standing Committee to further deliberate on the bill on the basis of deputies' opinions, to make a decision and to give a report on the decision to the next session of the National People's Congress; or the Standing Committee may be authorized to further deliberate on the bill on the basis of deputies' opinions, to work out a revision proposal and to submit it to the next session of the National People's Congress for deliberation and decision.

Article 22 After a revised draft of the legislative bill has been deliberated on by the various delegations, the Law Committee shall revise revised draft according to the deliberated opinions of the delegations and prepare a draft for vote, the Presidium shall submit it for vote to a plenary meeting of the session, and the draft shall be subject to adoption by a simple majority of all the deputies.

Article 23 A law adopted by the National People's Congress shall be promulgated by Order of the President signed by the President of the People's Republic of China.

Section 3 Legislation Procedures for the Standing Committee of the National People's Congress

Article 24 The Council of Chairmen may submit legislative bills to a meeting of the Standing Committee for deliberation.

The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate or a special committee of the National People's Congress may submit a legislative bill to the Standing Committee, and the Council of Chairmen shall decide whether to put it on the agenda of a meeting of the Standing Committee or to refer it first to the relevant special committee for deliberation before deciding whether to put it on the agenda of a meeting of the Standing Committee in light of the report submitted by the relevant special committee. If the Council of Chairmen believes that the legislative bill contains major questions calling for further study, it may advise the sponsor of the bill to revise and improve the bill before submitting it to the Standing Committee.

Article 25 Ten or more of the members of the Standing Committee may jointly submit a legislative bill to the Standing Committee, and the Council of Chairmen shall decide whether to put it on the agenda of a meeting of the Standing Committee, or to refer it first to the relevant special committee for deliberation before deciding whether to put it on the agenda of a meeting of the Standing Committee in light of the suggestions as to whether to put it on the agenda submitted by the relevant special committee. If the Council of Chairmen decides not to put the legislative bill on the agenda of a meeting of the Standing Committee, it shall report the matter to a meeting of the Standing Committee or give an explanation to the sponsor.

When a special committee holds a meeting to deliberate on a bill, the sponsor may be invited to attend the meeting and express opinions.

Article 26 When a legislative bill is placed on the agenda of a meeting of the Standing Committee, its draft shall, except under special circumstances, be delivered to the component members of the Standing Committee seven days before the meeting.

Article 27 As a rule, a legislative bill placed on the agenda of a meeting of the Standing Committee shall be put to vote after deliberations at three meetings of the Standing Committee.

When the Standing Committee is to deliberate on a legislative bill for the first time, it shall hear the explanation made by the sponsor at a plenary meeting, and then preliminary deliberation shall be conducted at group meetings.

When the Standing Committee is to deliberate on a legislative bill for the second time, it shall hear the report made by the Law Committee on the revision of the draft and the main problems thereof at a plenary meeting, and then further deliberation shall be conducted at group meetings.

When the Standing Committee is to deliberate on a legislative bill for the third time, it shall hear the report made by the Law Committee on the result of its deliberation on the draft at a plenary meeting, and then the revised draft of the legislative b8ill be deliberated on at group meetings.

When the Standing Committee is to deliberate on a legislative bill, it may, according to needs, convene joint group meetings or plenary meetings to discuss the main questions contained in the draft.

Article 28 If the various quarters have a consensus in the main on a legislative bill placed on the agenda of a meeting of the Standing Committee, the bill may be put to vote after deliberation at two meetings of the Standing Committee; if the various quarters have a consensus in the main on a legislative bill concerning partial amendment of a law, the bill may be put to vote after deliberated at one meeting only.

Article 29 When group meetings of the Standing Committee are held to deliberate on a legislative bill, the sponsor shall send people to listen to opinions and answer inquires.

When group meetings of the Standing Committee are held to deliberate on a legislative bill, the relevant organ or organization shall, at the request of any group, send people to give briefings thereof.

Article 30 The legislative bill placed on the agenda of a meeting of the Standing Committee shall be deliberated by the relevant special committee, which shall offer its opinions after deliberation and have them printed and distributed at the Standing Committee meeting.

When a special committee holds a meeting to deliberate on a legislative bill, members of other relevant special committees may be invited to attend the meeting and express opinions.

Article 31 With regard to a legislative bill placed on the agenda of a Standing Committee meeting, the Law Committee shall conduct a unified deliberation on the basis of the opinions expressed by members of the Standing Committee and relevant special committees after deliberation as well as the opinions offered by the various quarters, work out a revision report or a report on the result of its deliberation and a revised draft of the legislative bill, and state the major dissenting view in either of the two reports. It shall give feedback to the relevant special committees if their deliberated opinions of importance are not accepted.

When the Law Committee holds a meeting to deliberate on a legislative bill, members of other relevant special committees may be invited to attend the meeting and express opinions.

Article 32 When a special committee is to deliberate on a legislative bill, it shall hold a plenary meeting and may, in light of need, request the relevant organ or organization to send the leading members concerned to make explanation.

Article 33 Where the special committees disagree on major questions contained in a draft law, the matter shall be reported to the Council of Chairmen.

Article 34 With regard to a legislative bill placed on the agenda of a Standing Committee meeting, the Law Committee, the relevant special committee and the working offices of the Standing Committee shall listen to opinions of the various quarters by holding forums, seminars, hearings, etc.

The working offices of the Standing Committee shall send copies of the draft law to the relevant organs, organizations and specialists to solicit their opinions and then sort out the opinions and submit them to the Law Committee and the relevant special committee and, where necessary, print and distribute them at a meeting of the Standing Committee.

Article 35 With regard to a legislative bill placed on the agenda of a Standing Committee meeting, it may, by decision of the Council of Chairmen, be published for soliciting opinions. Opinions gathered from the organs, organizations and citizens shall be sent to the working offices of the Standing Committee.

Article 36 With regard to a legislative bill placed on the agenda of a meeting of the Standing Committee, its working offices shall collect and sort out the deliberated opinions from group meetings and the opinions offered by the various quarters as well as other relevant information, and then send them to the Law Committee and the relevant special committee and, where necessary, print and distribute them at a meeting of the Standing Committee.

Article 37 With regard to a legislative bill placed on the agenda of a meeting of the Standing Committee, if the sponsor requests its withdrawal before it is put to vote, he shall state the reasons, and deliberation of the bill at the meeting shall terminate as soon as the Council of Chairmen has accepted the request and reported the matter to the Standing Committee.

Article 38 Where a legislative bill has been deliberated on by the Standing Committee at three meetings and there are still major questions calling for further study, the Council of Chairmen may propose, provided with the consent of a joint group meeting or a plenary meeting, not to put the bill to vote for the time being, and refer it to the Law Committee and the relevant committee for further deliberation.

Article 39 Where the deliberation of a legislative bill has been laid aside for two full years owing to significant disagreement among the various quarters on the necessity and feasibility of making the bill into a law, or where a legislative bill that has been proposed not to be put to vote for the time being has failed to be placed again on the agenda of a meeting of the Standing Committee for deliberation within two years, the Council of Chairmen shall report the matter to the Standing Committee and deliberation on the said bill shall terminate.

Article 40 After the revised draft of a law has been deliberated by the Standing Committee at its meeting, the Law Committee shall further revise it on the basis of the deliberated opinions of the members of the Standing Committee before preparing a draft for vote; then, the Council of Chairmen shall request the Standing Committee to put the draft to vote at a plenary meeting, and the draft shall be subject to adoption by a simple majority of the total membership of the Standing Committee.

Article 41 A law adopted by the Standing Committee shall be promulgated by Order of the President signed by the president of the People's Republic of China.

Section 4 Legal Interpretation

Article 42 The power of legal interpretation belongs to the Standing Committee of the National People's Congress.

A law shall be interpreted by the Standing Committee of the National People's Congress if:

(1) the specific meaning of a provision needs to be further defined; or

(2) after its enactment, new developments make it necessary to define the basis on which to apply the law.

Article 43 The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, a special committee of the National People's Congress and the standing committee of the people's congress of a province, autonomous region or municipality directly under the Central Government may request the Standing Committee of the National People's Congress to give legal interpretation.

Article 44 The working offices of the Standing Committee shall study and work out a draft for the legal interpretation, which shall be put on the agenda of the Standing Committee meeting by decision of the Council of Chairmen.

Article 45 After a draft for legal interpretation has been deliberated by the Standing Committee at its meeting, the Law Committee shall, on the basis of the deliberated opinions of members of the Standing Committee, deliberate on the draft and revise it before working out a draft legal interpretation for vote.

Article 46 The draft legal interpretation for vote shall be subject to adoption by a simple majority of the total membership of the Standing Committee and be promulgated by the Standing Committee in an announcement.

Article 47 The legal interpretation adopted by the Standing Committee of the National People's Congress has the same effect as the laws enacted by it.

Section 5 Other Provisions

Article 48 When a legislative bill is submitted, a version of the draft law, its explanation and other necessary information shall be provided at the same time. The explanation on the draft law shall cover the necessity of its enactment and its main contents.

Article 49 With regard to a legislative bill submitted to the National People's Congress or its Standing Committee, the sponsor has the right to withdraw it before it is put on the agenda of a Congress session or Committee meeting.

Article 50 With regard to a legislative bill that has failed to pass the vote at a plenary meeting of the National People's Congress or its Standing Committee, if the sponsor still considers it necessary to enact the proposed law, he may submit the bill anew in accordance with the statutory procedures, and the Presidium or the Council of Chairmen shall decide whether to put it on the agenda of a session of the Congress or a meeting of the Standing Committee; for a bill that has failed to be adopted by the National People's Congress, the case shall be referred to the National People's Congress for deliberation and decision.

Article 51 In a law, the time for its entry into effect shall be clearly stipulated.

Article 52 In an Order of the President signed for promulgating a law, the organ that enacts the law, the date of its adoption and the time for its entry into effect shall be clearly stated.

Once a law is promulgated upon signing, it shall be published in the Bulletin of the Standing Committee of the National People's Congress and in the newspapers with a nationwide distribution.

The text of a law published in the Bulletin of the Standing Committee shall be the standard text.

Article 53 The procedures for revising or nullifying a law shall be governed by the relevant provisions in this Chapter.

Where only part of the articles of a law are revised or nullified, the new text of the law must be promulgated.

Article 54 According to the need of the contents, a law may consists of parts, chapters, sections, articles, paragraphs, subparagraphs and items.

The sequence of the different parts, chapters, sections and articles shall be marked in the order of Chinese numerals, the sequence of the paragraphs shall not be marked, that of subparagraphs shall be marked in the order of bracketed Chinese numerals and that of items marked with Arabic numerals.

In the note to the title of a law, the organ that enacts the law and the date of adoption shall be clearly stated.

Article 55 The working offices of the Standing Committee of the National People's Congress may reply, after study, to any legal inquiries regarding specific questions and shall report thereon to the Standing Committee for the record.

Chapter III Administrative Regulations

Article 56 The State Council shall, in accordance with the Constitution and laws, formulate administrative regulations.

The administrative regulations may be formulated to govern the following matters:

(1) matters requiring the formulation of administrative regulations in order to implement the provisions of law; and

(2) matters within the administrative functions and powers of the State Council as provided for in Article 89 of the Constitution.

When the administrative regulations governing an affair which has been formulated first by the State Council under authorization decided on by the National People's Congress or its Standing Committee, an affair on which the National People's Congress or its Standing Committee is responsible to make a law, have been tested in practice and when the conditions are ripe for making a law on the affair, the State Council shall, in a timely manner, request the National People's Congress or its Standing Committee to make the law.

Article 57 The drafting of administrative regulations shall be arranged by the State Council. Where a relevant department under the State Council considers it necessary to formulate administrative regulations to govern a matter, it shall apply to the State Council for including the matter in its legislation list.

Article 58 In drafting administrative regulations, opinions from relevant organs, organizations and citizens shall be widely listened to, and forums, seminars, hearings, etc. may be held for the purpose.

Article 59 When the drafting of the administrative regulations is completed, the drafting unit shall submit the draft, its explanation, differing opinions from the various quarters on major questions in the draft and other relevant information to the legislative affairs department under the State Council for examination.

The legislative affairs department under the State Council shall submit an examination report and a revised draft to the State Council and in its examination report explain the major questions in the draft.

Article 60 The decision-making procedures for administrative regulations shall comply with the relevant provisions in the Organic Law of the State Council of the People's Republic of China.

Article 61 Administrative regulations shall be promulgated by Order of the State Council signed by the Premier of the State Council.

Article 62 After promulgation upon signing, the administrative regulations shall immediately be published in the Bulletin of the State Council and in newspapers with a nationwide distribution.

The text of the administrative regulations published in the Bulletin of the State Council shall be the standard text.

Chapter IV Local Regulations, Autonomous Regulations, Separate Regulations, and Rules

Section 1 Local Regulations, Autonomous Regulations and Separate Regulations

Article 63 The people's congresses or their standing committees of the provinces, autonomous regions and municipalities directly under the Central Government may, in light of the specific conditions and actual needs of their respective administrative areas, formulate local regulations, provided that such regulations do not contradict the Constitution, the laws and the administrative regulations.

The people's congresses or their standing committees of the comparatively larger cities may, in light of the specific local conditions and actual needs, formulate local regulations, provided that they do not contradict the Constitution, the laws, the administrative regulations and the local regulations of their respective provinces or autonomous regions, and they shall submit the regulations to the standing committees of the people's congresses of the provinces or autonomous regions for approval before implementation. The standing committees of the people's congresses of the provinces or autonomous regions shall examine the legality of such local regulations which are submitted for approval, and shall approve them within four months if they do not contradict the Constitution, the laws, the administrative regulations, and the local regulations of their respective provinces or autonomous regions.

When the standing committee of the people's congress of a province or autonomous region examines the local regulations of a comparatively larger city submitted for approval, it shall make a decision to deal with the matter if it finds that the said regulations contradict the rules of the people's government of the province or autonomous region.

A "comparatively larger city" used in this Law refers to a city where a provincial or autonomous regional people's government is located or where a special economic zone is located, or a city approved as such by the State Council.

Article 64 Local regulations may be formulated to govern the following matters:

(1) matters requiring the formulation of specific provisions in light of the actual conditions of an respective administrative area for implementing the provisions of laws or administrative regulations; and

(2) matters of local character that require the formulation of local regulations.

Except for the affairs provided for in Article 8 of this Law, the provinces, autonomous regions, municipalities directly under the Central Government and the comparatively larger cities may, in light of the specific local conditions and actual needs, first formulate local regulations on all other affairs for which the State has not yet formulated any laws or administrative regulations. Once the laws or administrative regulations formulated on such matters by the State come into effect, the provisions in local regulations which contradict the said laws or administrative regulations shall be null or void, and the organs that have formulated such regulations shall promptly amend or annul the provisions.

Article 65 The people's congresses or their standing committees of the provinces and cities where special economic zones are located may, upon authorization by decision of the National People's Congress, formulate regulations and enforce them within the limits of the special economic zones.

Article 66 The people's congresses of the national autonomous areas have the power to formulate autonomous regulations and separate regulations on the basis of the political, economic and cultural characteristics of the local nationality(nationalities). The autonomous regulations and separate regulations of the autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval and shall go into effect upon approval. The autonomous regulations and separate regulations of the autonomous prefectures or counties shall be submitted to the standing committees of the people's congresses of the relevant provinces, autonomous regions or municipalities directly under the Central Government for approval and shall go into effect upon approval.

Where certain provisions of the laws and administrative regulations are concerned, adaptation on the basis of the characteristics of the local nationality (nationalities) may be made in autonomous regulations and separate regulations, but such adaptation may not contradict the basis principles of the laws and administrative regulations; where the provisions of the Constitution and the Law on Regional National Autonomy as well as the provisions in other laws and administrative regulations specially formulated to govern the national autonomous areas are concerned, no adaptation may be made.

Article 67 Local regulations governing especially important matters of an administrative area shall be subject to adoption by the people's congress of the area.

Article 68 The procedures for submission, deliberation and voting of bills of local regulations, autonomous regulations or separate regulations shall be enacted by the people's congress at the corresponding level in accordance with the Organic Law of the People's Republic of China on Local People's Congresses and Local People's Governments and with reference to the provisions of Sections 2, 3 and 5 in Chapter II of this Law.

The organ in charge of unified deliberation of a draft of local regulations shall prepare a report on the result of its a conclusive report on deliberation and a revised draft of the regulations.

Article 69 Local regulations formulated by the people's congress of a province, autonomous region or municipality directly under the Central Government shall be promulgated by the presidium of the congress in an announcement.

Local regulations formulated by the standing committee of the people's congress of a province, autonomous region or municipality directly under the Central Government shall be promulgated by the standing committee in an announcement.

Local regulations formulated by the people's congress or its standing committee of a comparatively larger city shall, upon approval, be promulgated by the standing committee of the people's congress of the city in an announcement.

Autonomous regulations or separate regulations shall, upon approval, be promulgated by the standing committee of the local people's congress of the autonomous region, autonomous prefecture or autonomous county in an announcement.

Article 70 Once local regulations or autonomous regulations and separate regulations of an autonomous region are promulgated, they shall be published in the gazette of the standing committee of the local people's congress and in newspapers distributed within the administrative area.

The text of local regulations or autonomous regulations and separate regulations published in the gazette of the standing committee of the people's congress shall be the standard text.

Section 2 Rules

Article 71 The ministries and commissions of the State Council, the People's Bank of China, the State Audit Administration as well as the other organs endowed with administrative functions directly under the State Council may, in accordance with the laws as well as the administrative regulations, decisions and orders of the State Council and within the limits of their power, formulate rules.

Matters governed by the rules of departments shall be those for the enforcement of the laws or the administrative regulations, decisions and orders of the State Council.

Article 72 With regard to a matter that falls within the limits of power of two or more departments under the State Council, the State Council shall be requested to formulate administrative regulations, or the departments concerned under the State Council shall jointly formulate rules.

Article 73 The people's governments of the provinces, autonomous regions, municipalities directly under the Central Government and the comparatively larger cities may, in accordance with laws and administrative regulations and the local regulations of their respective province, autonomous regions or municipalities, formulate rules.

Local governments may formulate rules to govern the following matters:

(1) matters requiring the formulation of rules to implement the provisions of laws, administrative regulations and local regulations; and

(2) specific administrative matters pertaining to their respective administrative areas.

Article 74 The procedures for formulating the rules of departments under the State Council and rules of local governments shall be enacted by the State Council with reference to the provisions in Chapter III of this Law.

Article 75 The Rules of departments shall be subject to decision by the executive meetings of ministries or meetings of commissions.

The rules of local governments shall be subject to decision by the executive meetings or plenary meetings of the respective governments.

Article 76 The rules of departments shall be promulgated by orders signed by the heads of the departments.

The rules of local governments shall be promulgated by orders signed by governors of provinces, chairmen of autonomous regions or mayors.

Article 77 the rules of departments shall, upon promulgation by signed orders, be promptly published in the gazette of the State Council or gazettes of the departments and in newspapers with a nationwide distribution.

The rules of local governments shall, upon promulgation by signed orders, be promptly published in gazettes of the local people's governments and in newspapers distributed within their respective administrative areas.

The text of rules published in the gazette of the State Council or of the department and in the gazette of the local people's government shall be the standard text.

Chapter V Application and Record

Article 78 The legal effect of the Constitution is the highest, and no laws, administrative regulations, local regulations, autonomous regulations, separate regulations or rules whatever may contradict it.

Article 79 The effect of laws is higher than that of administrative regulations, local regulations, and rules.

The effect of administrative regulations is higher than that of local regulations, and rules.

Article 80 The effect of local regulations is higher than that of the rules of the local governments at or below the corresponding level.

The effect of the rules formulated by the people's governments of the provinces or autonomous regions is higher than that of the rules formulated by the people's governments of the comparatively larger cities within the administrative areas of the provinces and autonomous regions.

Article 81 Where in autonomous regulations or separate regulations provisions are formulated in accordance with law to make adaptations with regard to certain provisions of laws, administrative regulations or local regulations, the provisions of the autonomous regulations or separate regulations shall apply in the autonomous areas concerned.

Where regulations of special economic zones are formulated, upon authorization, to make adaptations with regard to certain provisions of laws, administrative regulations or local regulations, the provisions of the regulations of special economic zones shall apply in the special economic zones concerned.

Article 82 The effect of the rules of different departments is equal between the departments, and the effect of the rules of departments and of the rules of local governments is equal between the departments and local governments; their application shall be confined to their respective limits of authority.

Article 83 With regard to laws, administrative regulations, local regulations, autonomous regulations, separate regulations or rules, if they are formulated by one and same organ and if there is inconsistency between special provisions and general provisions, the special provisions shall prevail; if there is inconsistency between the new provisions and the old provisions, the new provisions shall prevail.

Article 84 Laws, administrative regulations, local regulations, autonomous regulations, separate regulations and rules shall not be retroactive, but the regulations formulated specially for the purpose of better protecting the rights and interests of citizens, legal persons and other organizations are excepted.

Article 85 Where there is inconsistency between the new general provisions and the old special provisions in different laws governing one and the same matter and it is hard to decide which provisions shall prevail, a ruling shall be made by the Standing Committee of the National People's Congress.

Where there is inconsistency between the new general provisions and the old special provisions in different administrative regulations governing one and the same matter and it is hard to decide which provisions shall prevail, a ruling shall be made by the State Council.

Article 86 Where there is inconsistency between local regulations and rules, a ruling shall be made by the organ concerned according to the limits of power prescribed below:

(1) Where there is inconsistency between the new general provisions and the old special provisions formulated by one and the same organ, the said organ shall make a ruling;

(2) Where there is inconsistency between the provisions of local regulations and those of the rules of departments governing one and same matter and it is hard to decide which provisions shall prevail, the State Council shall make a decision; if it considers that the provisions of the local regulations should be applied, it shall decide that the provisions of the local regulations be applied in the locality concerned; if it considers that the rules of departments should be applied, the case shall be submitted to the Standing Committee of the National People's Congress for a ruling; and

(3) Where there is inconsistency between the provisions in the rules of different departments or between the provisions in the rules of the departments and those in the rules of local governments governing one and the same matter, the State Council shall make a ruling.

Where there is inconsistency between the regulations formulated upon authorization and the provisions of laws and it is hard to decide which shall prevail, the Standing Committee of the National People's Congress shall make a ruling.

Article 87 Under any of the following circumstances, laws, administrative regulations, local regulations, autonomous regulations, separate regulations or rules shall be altered or annulled by the organ concerned in accordance with the limits of power prescribed in Article 88 of this Law:

(1) where the limits of power are transcended;

(2) where provisions of the legislation of lower levels contravene those of the legislation of upper levels;

(3) where, because of inconsistency between the provisions of different rules governing one and the same matter, it is ruled that the provisions of one side be altered or annulled;

(4) where the provisions of rules are considered inappropriate and should therefore be altered or annulled; or

(5) where legal procedures are violated.

Article 88 The limits of power for altering or annulling laws, administrative regulations, local regulations, autonomous regulations, separate regulations or rules are as follows:

(1) The National People's Congress has the power to alter or annul any inappropriate laws enacted by its Standing Committee, and to annul any autonomous regulations or separate regulations which have been approved by its Standing Committee but which contravene the Constitution or the provision of the second paragraph in Article 66 of this Law;

(2) The Standing Committee of the National People's Congress has the power to annul any administrative regulations which contradict the Constitution and laws, to annul any local regulations which contradict the Constitution, laws or administrative regulations, and to annul any autonomous regulations or separate regulations which have been approved by the standing committees of the people's congresses of the relevant provinces, autonomous regions or municipalities directly under the Central Government but which contravene the Constitution or the provision of the second paragraph in Article 66 of this Law;

(3) The State Council has the power to alter or annul any inappropriate rules of the departments and of local governments;

(4) The people's congress of a province, autonomous region or municipality directly under the Central Government has the power to alter or annul any inappropriate local regulations formulated or approved by its standing committee;

(5) The standing committee of a local people's congress has the power to annul any inappropriate rules formulated by the people's government at the same level;

(6) The people's government of a province or autonomous region has the power to alter or annul any inappropriate rules formulated by people's governments at the next lower level; and

(7) The authorizing organ has the power to annul any of the regulations formulated by an authorized organ that transcends the authorized limits of power or contravenes the authorized purpose, and when necessary, may revoke the authorization.

Article 89 Administrative regulations, local regulations, autonomous regulations, separate regulations and rules shall, within 30 days from the date of promulgation, be reported to the organ concerned for the record in accordance with the following provisions:

(1) Administrative regulations shall be reported to the Standing Committee of the National People's Congress for the record;

(2) Local regulations formulated by the people's congresses or their standing committees of provinces, autonomous regions and municipalities directly under the Central Government shall be reported to the Standing Committee of the National People's Congress and the State Council for the record; local regulations formulated by the people's congresses or their standing committees of the comparatively larger cities shall be reported by the standing committees of the people's congresses of the relevant provinces and autonomous regions to the Standing Committee of the National People's Congress and the State Council for the record;

(3) Autonomous regulations and separate regulations formulated by autonomous prefectures and autonomous counties shall be reported by the standing committees of people's congresses of the relevant provinces, autonomous regions or municipalities directly under the Central Government to the Standing Committee of the National People's Congress and the State Council for the record;

(4) The rules of a department and of a local government shall be reported to the State Council for the record. The rules of a local government shall at the same time be reported to the standing committee of the people's congress at the same level for the record. The rules formulated by the people's government of a comparatively larger city shall simultaneously be reported to the standing committee of the people's congress and to the people's government of the relevant province or autonomous region for the record; and

(5) Regulations formulated upon authorization shall be reported to the organ specified by the authorization decision for the record.

Article 90 When the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate and the standing committees of the people's congresses of the provinces, autonomous regions and municipalities directly under the Central Government consider that administrative regulations, local regulations, autonomous regulations or separate regulations contradict the Constitution or laws, they may submit to the Standing Committee of the National People's Congress written requests for examination, and the working offices of the Standing Committee shall refer the requests to the relevant special committees for examination and suggestions.

When State organs other than the ones mentioned in the preceding paragraph, public organizations, enterprises and institutions or citizens consider that administrative regulations, local regulations, autonomous regulations or separate regulations contradict the Constitution or laws, they may submit to the Standing Committee of the National People's Congress written suggestions for examination, and the working offices of the Standing Committee shall study the suggestions and shall, when necessary, refer them to the relevant special committees for examination and suggestions.

Article 91 When after examination a special committee of the National People's Congress considers that administrative regulations, local regulations, autonomous regulations or separate regulations contradict the Constitution or laws, it may submit written suggestions to the organ that has formulated the regulations for examination; or the Law Committee and other relevant special committees may convene a joint meeting for examination and request the said organ to attend the meeting and give an explanation, and then after examination submit to the organ written comments and suggestions. The organ that has formulated the regulations shall, within two months, study and put forth suggestions as to whether to revise the regulations, and shall give feedback to the Law Committee and other relevant special committees of the National People's Congress.

If, after examination, the Law Committee and other relevant special committees of the National People's Congress consider that administrative regulations, local regulations, autonomous regulations or separate regulations contradict the Constitution or laws and the organ that has formulated such regulations refuses to make revision, they may submit written comments and suggestions on the basis of their examination and propose a motion for annulment of the regulations to the Council of Chairmen, which shall decide whether to submit the motion to a meeting of the Standing Committee for examination and decision.

Article 92 Other authorities which receive local regulations, autonomous regulations, separate regulations or rules submitted to them for the record shall, in accordance with the principle of safeguarding legal uniformity, formulate procedures for the examination of such regulations or rules.

Chapter VI Supplementary Provisions

Article 93 The Central Military Commission shall, in accordance with the Constitution and laws, formulated military regulations.

The General Departments, the various services and arms and the military commands of the Central Military Commission may, in accordance with laws and the military regulations, decisions and orders of the Commission, formulate military rules within the limits of their power.

Military regulations and military rules shall be implemented within the armed forces.

Measures for formulating, revising and nullifying military regulations and military rules shall be formulated by the Central Military Commission in accordance with the principles laid down in this Law.

Article 94 This Law shall go into effect as of July 1, 2000.