

**The Civil Procedure Law of the People's Republic of China (2017
Amendment)[Effective]**

中华人民共和国民事诉讼法(2017 修正) [现行有效]

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The Civil Procedure Law of the People's Republic of China

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Part One General Provisions

中华人民共和国民事诉讼法

(1991年4月9日第七届全国人民代表大会第四次会议通过
根据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《关于修改〈中华人民共和国民事诉讼法〉的决定》第一次修正
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根据2017年6月27日第十二届全国人民代表大会常务委员会第二十八次会议《关于修改〈中华人民共和国民事诉讼法〉和〈中华人民共和国行政诉讼法〉的决定》第三次修正)

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Chapter 1 Purposes, Scope of Application and Basic Principles	第一章 任务、适用范围和基本原则

Article 1 The Civil Procedure Law of the People's Republic of China is formulated in accordance with the Constitution and in consideration of civil trial experience and actual circumstances of civil trials in China.

Article 2 The purposes of the Civil Procedure Law of the People's Republic of China are to protect the parties' exercise of procedural rights; ensure that a people's court finds facts, distinguishes right from wrong, applies law correctly and try civil cases in a timely manner; confirm civil rights and obligations; punish violations of civil law; protect the lawful rights and interests of the parties; educate citizens on consciously abiding by law; maintain the social and economic order; and guarantee smooth socialist development.

Article 3 The provisions of this Law shall apply to civil actions accepted by a people's court regarding property or personal relationships between citizens, between legal persons, between other organizations or between citizens and legal persons, citizens and other organizations or legal persons and other organizations.

Article 4 For all civil actions conducted within the territory of the People's Republic of China, this Law must be complied with.

Article 5 Foreign nationals, stateless persons and foreign enterprises and organizations which institute or respond to actions in the people's courts shall have equal procedural rights and obligations as citizens, legal persons and other organizations of the People's Republic of China.

Where the courts of a foreign country impose any restrictions on the civil procedural rights of citizens, legal persons and other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall apply the principle of reciprocity to the civil procedural rights of citizens, enterprises and organizations of such a foreign country.

Article 6 The power to try civil cases shall be exercised by the people's courts.

The people's courts shall try civil cases independently in accordance with law, without interference from any government agency, social group or individual.

第一条 中华人民共和国民事诉讼法以宪法为根据，结合我国民事审判工作的经验和实际情况制定。

第二条 中华人民共和国民事诉讼法的任务，是保护当事人行使诉讼权利，保证人民法院查明事实，分清是非，正确适用法律，及时审理民事案件，确认民事权利义务关系，制裁民事违法行为，保护当事人的合法权益，教育公民自觉遵守法律，维护社会秩序、经济秩序，保障社会主义建设事业顺利进行。

第三条 人民法院受理公民之间、法人之间、其他组织之间以及他们相互之间因财产关系和人身关系提起的民事诉讼，适用本法的规定。

第四条 凡在中华人民共和国领域内进行民事诉讼，必须遵守本法。

第五条 外国人、无国籍人、外国企业和组织在人民法院起诉、应诉，同中华人民共和国公民、法人和其他组织有同等的诉讼权利义务。

外国法院对中华人民共和国公民、法人和其他组织的民事诉讼权利加以限制的，中华人民共和国人民法院对该国公民、企业和组织的民事诉讼权利，实行对等原则。

第六条 民事案件的审判权由人民法院行使。

人民法院依照法律规定对民事案件独立进行审判，不受行政机关、社会团体和个人的干涉。

Article 7 When trying civil cases, the people's courts must regard facts as the basis and regard law as the yardstick.

Article 8 All parties to a civil action shall have equal procedural rights. When trying civil cases, the people's courts shall provide safeguards and facilitation for all parties to exercise their procedural rights, and apply law equally for all parties.

Article 9 When trying civil cases, the people's courts shall conduct mediation under the principles of free will of the parties and legality; and if mediation fails, shall enter a judgment in a timely manner.

Article 10 When trying civil cases, the people's courts shall apply the collegial bench, disqualification, open trial and "final after two trials" systems in accordance with law.

Article 11 Citizens of all ethnicities shall be entitled to use their native spoken and written languages in civil procedures.

In areas where an ethnic minority is concentrated or several ethnicities cohabit, the people's courts shall conduct trial and publish legal instruments in the spoken and written language commonly used by the local ethnicity or ethnicities.

The people's courts shall provide interpretation for litigation participants who are not familiar with the spoken or written language commonly used by the local ethnicity or ethnicities.

Article 12 When a people's court tries a civil case, the parties shall have the right to debate.

Article 13 In civil procedures, the principle of good faith shall be adhered to.

The parties shall be entitled to dispose of their respective civil rights and procedural rights within the extent as permitted by law.

Article 14 The people's procuratorates shall have the authority to exercise legal supervision over civil procedures.

第七条 人民法院审理民事案件，必须以事实为根据，以法律为准绳。

第八条 民事诉讼当事人有平等的诉讼权利。人民法院审理民事案件，应当保障和便利当事人行使诉讼权利，对当事人在适用法律上一律平等。

第九条 人民法院审理民事案件，应当根据自愿和合法的原则进行调解；调解不成的，应当及时判决。

第十条 人民法院审理民事案件，依照法律规定实行合议、回避、公开审判和两审终审制度。

第十一条 各民族公民都有用本民族语言、文字进行民事诉讼的权利。

在少数民族聚居或者多民族共同居住的地区，人民法院应当用当地民族通用的语言、文字进行审理和发布法律文书。

人民法院应当对不通晓当地民族通用的语言、文字的诉讼参与人提供翻译。

第十二条 人民法院审理民事案件时，当事人有权进行辩论。

第十三条 民事诉讼应当遵循诚实信用原则。

当事人有权在法律规定的范围内处分自己的民事权利和诉讼权利。

第十四条 人民检察院有权对民事诉讼实行法律监督。

Article 15 For conduct which infringes upon the civil rights and interests of the state, a collective or an individual, a state organ, a social group, an enterprise or a public institution may support the entity or individual which suffers infringement in instituting an action in a people's court.

Article 16 The people's congresses of ethnical autonomous areas may formulate provisions with necessary changes or supplementary provisions in accordance with the principles of the Constitution and this Law and in consideration of the specific circumstances of the local ethnicity or ethnicities. Such provisions formulated by an autonomous region shall be subject to the approval of the Standing Committee of the National People's Congress. Such provisions formulated by an autonomous prefecture or autonomous county shall be subject to the approval of the standing committee of the people's congress of the corresponding province or autonomous region and be filed with the Standing Committee of the National People's Congress.

Chapter 2 Jurisdiction

Section 1 Hierarchical Jurisdiction

Article 17 The basic people's courts shall have jurisdiction over civil cases as a court of first instance, except as otherwise provided for in this Law.

Article 18 The intermediate people's courts shall have jurisdiction over the following civil cases as a court of first instance:

- (1) Major foreign-related cases.
- (2) Cases which have a major impact within their respective jurisdictions.
- (3) Cases which are under the jurisdiction of the intermediate people's courts as determined by the Supreme People's Court.

Article 19 The higher people's courts shall have jurisdiction over civil cases which have a major impact within their respective jurisdictions as a court of first instance.

Article 20 The Supreme People's Court shall have jurisdiction over the following civil cases as a court of first instance:

第十五条 机关、社会团体、企业事业单位对损害国家、集体或者个人民事权益的行为，可以支持受损害的单位或者个人向人民法院起诉。

第十六条 民族自治地方的人民代表大会根据宪法和本法的原则，结合当地民族的具体情况，可以制定变通或者补充的规定。自治区的规定，报全国人民代表大会常务委员会批准。自治州、自治县的规定，报省或者自治区的人民代表大会常务委员会批准，并报全国人民代表大会常务委员会备案。

第二章 管辖

第一节 级别管辖

第十七条 基层人民法院管辖第一审民事案件，但本法另有规定的除外。

第十八条 中级人民法院管辖下列第一审民事案件：

- (一) 重大涉外案件；
- (二) 在本辖区有重大影响的案件；
- (三) 最高人民法院确定由中级人民法院管辖的案件。

第十九条 高级人民法院管辖在本辖区有重大影响的第一审民事案件。

第二十条 最高人民法院管辖下列第一审民事案件：

(1) Cases which have a major impact nationwide.

(2) Cases which the Supreme People's Court deems shall be tried by itself.

Section 2 Territorial Jurisdiction

Article 21 A civil action instituted against a citizen shall be under the jurisdiction of the people's court at the place of domicile of the defendant; or if the defendant's place of domicile is different from his or her place of habitual residence, the civil action shall be under the jurisdiction of the people's court at the place of habitual residence of the defendant.

A civil action instituted against a legal person or any other organization shall be under the jurisdiction of the people's court at the place of domicile of the defendant.

Where the places of domicile or places of habitual residence of several defendants in the same action are located within the jurisdictions of two or more people's courts, both or all of such people's courts shall have jurisdiction over the action.

Article 22 The following civil actions shall be under the jurisdiction of the people's court at the place of domicile of the plaintiff; or if the plaintiff's place of domicile is different from his or her place of habitual residence, the civil actions shall be under the jurisdiction of the people's court at the place of habitual residence of the plaintiff:

(1) An action regarding a personal relationship instituted against a person who does not reside within the territory of the People's Republic of China.

(2) An action regarding a personal relationship instituted against a person whose whereabouts is unknown or against a person who has been declared missing.

(3) An action instituted against a person who is subject to any compulsory correctional measure.

(4) An action instituted against a person who is incarcerated.

(一) 在全国有重大影响的案件;

(二) 认为应当由本院审理的案件。

第二节 地域管辖

第二十一条 对公民提起的民事诉讼, 由被告住所地人民法院管辖; 被告住所地与经常居住地不一致的, 由经常居住地人民法院管辖。

对法人或者其他组织提起的民事诉讼, 由被告住所地人民法院管辖。

同一诉讼的几个被告住所地、经常居住地在两个以上人民法院辖区的, 各该人民法院都有管辖权。

第二十二条 下列民事诉讼, 由原告住所地人民法院管辖; 原告住所地与经常居住地不一致的, 由原告经常居住地人民法院管辖:

(一) 对不在中华人民共和国领域内居住的人提起的有关身份关系的诉讼;

(二) 对下落不明或者宣告失踪的人提起的有关身份关系的诉讼;

(三) 对被采取强制性教育措施的人提起的诉讼;

(四) 对被监禁的人提起的诉讼。

Article 23 An action instituted for a contract dispute shall be under the jurisdiction of the people's court at the place of domicile of the defendant or at the place where the contract is performed.

Article 24 An action instituted for an insurance contract dispute shall be under the jurisdiction of the people's court at the place of domicile of the defendant or at the place where the subject matter insured is located.

Article 25 An action instituted for a negotiable instrument dispute shall be under the jurisdiction of the people's court at the place of payment of the negotiable instrument or at the place of domicile of the defendant.

Article 26 An action instituted for a dispute arising from formation, shareholder eligibility confirmation, profit distribution, dissolution or any other matter of a company shall be under the jurisdiction of the people's court at the place of domicile of the company.

Article 27 An action instituted for a dispute arising from a railway, road, water, air, or multi-mode transportation contract shall be under the jurisdiction of the people's court at the place of departure or destination of transportation or at the place of domicile of the defendant.

Article 28 An action instituted for a tort shall be under the jurisdiction of the people's court at the place where the tort occurs or at the place of domicile of the defendant.

Article 29 An action instituted for damages for a railway, road, water or air transportation accident shall be under the jurisdiction of the people's court at the place where the accident occurs, where the vehicle or vessel first arrives or where the aircraft first lands or at the place of domicile of the defendant.

Article 30 An action instituted for damages for a vessel collision or any other maritime accident shall be under the jurisdiction of the people's court at the place where the collision occurs, where the colliding vessel first arrives or where the vessel at fault is detained or at the place of domicile of the defendant.

Article 31 An action instituted for maritime salvage shall be under the jurisdiction of the people's court at the place of

第二十三条 因合同纠纷提起的诉讼，由被告住所地或者合同履行地人民法院管辖。

第二十四条 因保险合同纠纷提起的诉讼，由被告住所地或者保险标的物所在地人民法院管辖。

第二十五条 因票据纠纷提起的诉讼，由票据支付地或者被告住所地人民法院管辖。

第二十六条 因公司设立、确认股东资格、分配利润、解散等纠纷提起的诉讼，由公司住所地人民法院管辖。

第二十七条 因铁路、公路、水上、航空运输和联合运输合同纠纷提起的诉讼，由运输始发地、目的地或者被告住所地人民法院管辖。

第二十八条 因侵权行为提起的诉讼，由侵权行为地或者被告住所地人民法院管辖。

第二十九条 因铁路、公路、水上和航空事故请求损害赔偿提起的诉讼，由事故发生地或者车辆、船舶最先到达地、航空器最先降落地或者被告住所地人民法院管辖。

第三十条 因船舶碰撞或者其他海事损害事故请求损害赔偿提起的诉讼，由碰撞发生地、碰撞船舶最先到达地、加害船舶被扣留地或者被告住所地人民法院管辖。

第三十一条 因海难救助费用提起的诉讼，由救助地或者被

salvage or at the place where the salvaged vessel first arrives.

Article 32 An action instituted for a general average shall be under the jurisdiction of the people's court at the place where the vessel first arrives, where the general average is adjusted or where the voyage ends.

Article 33 The following cases shall be under the exclusive jurisdiction of the people's courts as specified below:

(1) An action instituted for a real estate dispute shall be under the jurisdiction of the people's court at the place where the real estate is located.

(2) An action instituted for a dispute arising from harbor operations shall be under the jurisdiction of the people's court at the place where the harbor is located.

(3) An action instituted for an inheritance dispute shall be under the jurisdiction of the people's court at the place of domicile of the deceased upon death or at the place where the major part of estate is located.

Article 34 Parties to a dispute over a contract or any other right or interest in property may, by a written agreement, choose the people's court at the place of domicile of the defendant, at the place where the contract is performed or signed, at the place of domicile of the plaintiff, at the place where the subject matter is located or at any other place actually connected to the dispute to have jurisdiction over the dispute, but the provisions of this Law regarding hierarchical jurisdiction and exclusive jurisdiction shall not be violated.

Article 35 When two or more people's courts have jurisdiction over an action, the plaintiff may institute an action in one of such people's courts; and if the plaintiff institutes actions in two or more people's courts that have jurisdiction, the people's court which docket the case first shall have jurisdiction over the action.

Section 3 Jurisdiction Transfer and Specified Jurisdiction

Article 36 Where a people's court discovers that a case accepted is not under its jurisdiction, it shall transfer the case to the people's court having jurisdiction, and the people's court to which the case is transferred shall accept the case. If the people's court to which the case is

救助船舶最先到达地人民法院管辖。

第三十二条 因共同海损提起的诉讼，由船舶最先到达地、共同海损理算地或者航程终止地的人民法院管辖。

第三十三条 下列案件，由本条规定的人民法院专属管辖：

（一）因不动产纠纷提起的诉讼，由不动产所在地人民法院管辖；

（二）因港口作业中发生纠纷提起的诉讼，由港口所在地人民法院管辖；

（三）因继承遗产纠纷提起的诉讼，由被继承人死亡时住所地或者主要遗产所在地人民法院管辖。

第三十四条 合同或者其他财产权益纠纷的当事人可以书面协议选择被告住所地、合同履行地、合同签订地、原告住所地、标的物所在地等与争议有实际联系的地点的人民法院管辖，但不得违反本法对级别管辖和专属管辖的规定。

第三十五条 两个以上人民法院都有管辖权的诉讼，原告可以向其中一个人民法院起诉；原告向两个以上有管辖权的人民法院起诉的，由最先立案的人民法院管辖。

第三节 移送管辖和指定管辖

第三十六条 人民法院发现受理的案件不属于本院管辖的，应当移送有管辖权的人民法院，受移送的人民法院应当受理。受移送的人民法院认为受移送的案

transferred deems that the transferred case is not under its jurisdiction according to the relevant provisions, it shall report the case to its superior for specified jurisdiction and shall not transfer the case without direction.

Article 37 Where a people's court having jurisdiction is unable to exercise its jurisdiction for any special reasons, its superior shall specify jurisdiction.

Where there is any dispute over jurisdiction between the people's courts, the dispute shall be resolved by the disputing courts through consultations; or if such consultations fail, the disputing courts shall request their common superior to specify jurisdiction.

Article 38 A people's court at a higher level shall have the power to try a first instance civil case under the jurisdiction of a people's court at a lower level. If it is necessary to transfer a first instance civil case under its jurisdiction to a people's court at a lower level for trial, a people's court at a higher level shall file a report with its superior for approval of the transfer.

If a people's court at a lower level deems it necessary for a first instance civil case under its jurisdiction to be tried by a people's court at a higher level, it may request the people's court at a higher level to try the case.

Chapter 3 Trial Organization

Article 39 When a people's court tries a first instance civil case, a collegial bench consisting of judges and jurors or consisting of judges only shall be formed. The members of a collegial bench must be in an odd number.

Civil cases tried under summary procedure shall be tried by a sole judge.

When performing their juror's duties, jurors shall have equal rights and obligations as a judge.

Article 40 When a people's court tries a second instance civil case, a collegial bench consisting of judges only shall be formed. The members of a collegial bench must be in an odd number.

件依照规定不属于本院管辖的，应当报请上级人民法院指定管辖，不得再自行移送。

第三十七条 有管辖权的人民法院由于特殊原因，不能行使管辖权的，由上级人民法院指定管辖。

人民法院之间因管辖权发生争议，由争议双方协商解决；协商解决不了的，报请它们的共同上级人民法院指定管辖。

第三十八条 上级人民法院有权审理下级人民法院管辖的第一审民事案件；确有必要将本院管辖的第一审民事案件交下级人民法院审理的，应当报请其上级人民法院批准。

下级人民法院对它所管辖的第一审民事案件，认为需要由上级人民法院审理的，可以报请上级人民法院审理。

第三章 审判组织

第三十九条 人民法院审理第一审民事案件，由审判员、陪审员共同组成合议庭或者由审判员组成合议庭。合议庭的成员人数，必须是单数。

适用简易程序审理的民事案件，由审判员一人独任审理。

陪审员在执行陪审职务时，与审判员有同等的权利义务。

第四十条 人民法院审理第二审民事案件，由审判员组成合议庭。合议庭的成员人数，必须是单数。

For a case remanded for retrial, the original trial people's court shall form a new collegial bench under the procedure at first instance.

If a case for retrial was originally tried by a court of first instance, a new collegial bench shall be formed under the procedure at first instance; or if the case for retrial was originally tried by a court of second instance or tried directly by a people's court at a higher level, a new collegial bench shall be formed under the procedure at second instance.

Article 41 The president of a people's court or a divisional chief of a people's court shall designate a judge as the presiding judge of a collegial bench; and if the president or divisional chief participates in the trial, the president or divisional chief shall be the presiding judge.

Article 42 When deliberating a case, a collegial bench shall adhere to the rule of majority. Deliberation transcripts shall be prepared and be signed by the members of the collegial bench. The dissenting opinions during deliberations shall be truthfully included in the transcripts.

Article 43 Judges shall handle cases impartially in accordance with law.

Judges shall not accept any treats or gifts from the parties or their litigation representatives.

Judges who commit embezzlement, accept bribes, practice favoritism for personal gains or adjudicate by bending the law shall be subject to legal liability; and those suspected of any crime shall be subject to criminal liability in accordance with law.

Chapter 4 Disqualification

Article 44 Under any of the following circumstances, a judge shall voluntarily disqualify himself or herself, and a party shall be entitled to request disqualification of such a judge verbally or in writing:

(1) The judge is a party to a case or is a close relative of a party to a case or a litigation representative thereof.

(2) The judge is an interested party to a case.

发回重审的案件，原审人民法院应当按照第一审程序另行组成合议庭。

审理再审案件，原来是第一审的，按照第一审程序另行组成合议庭；原来是第二审的或者是上级人民法院提审的，按照第二审程序另行组成合议庭。

第四十一条 合议庭的审判长由院长或者庭长指定审判员一人担任；院长或者庭长参加审判的，由院长或者庭长担任。

第四十二条 合议庭评议案件，实行少数服从多数的原则。评议应当制作笔录，由合议庭成员签名。评议中的不同意见，必须如实记入笔录。

第四十三条 审判人员应当依法秉公办案。

审判人员不得接受当事人及其诉讼代理人请客送礼。

审判人员有贪污受贿，徇私舞弊，枉法裁判行为的，应当追究法律责任；构成犯罪的，依法追究刑事责任。

第四章 回避

第四十四条 审判人员有下列情形之一的，应当自行回避，当事人有权用口头或者书面方式申请他们回避：

（一）是本案当事人或者当事人、诉讼代理人近亲属的；

（二）与本案有利害关系的；

(3) The judge has any other relationship with a party to a case or a litigation representative thereof, which may affect the impartial trial of the case.

Where a judge accepts any treat or gift from a party to a case or a litigation representative thereof or meets with a party to a case in violation of legal provisions, a party shall be entitled to require disqualification of such a judge.

A judge who commits any conduct in the preceding paragraph shall be subject to legal liability in accordance with law.

The provisions of the preceding three paragraphs shall also apply to court clerks, interpreters, identification or evaluation experts, and surveyors.

Article 45 To request disqualification, a party shall state reasons and file a request at the beginning of the trial of a case; and a request may also be filed before the end of court debate if a party becomes aware of a reason for disqualification after the trial of a case begins.

Before the people's court decides whether to grant the request for disqualification, the person whose disqualification is requested shall be suspended from participating in the case, unless the case requires that emergency measures be taken.

Article 46 The disqualification of the presiding judge who is the president of a people's court shall be decided by the judicial committee of the people's court; the disqualification of judges shall be decided by the president of a people's court; and the disqualification of other persons shall be decided by the presiding judge.

Article 47 A people's court shall make a decision verbally or in writing on a party's request for disqualification within three days after the request is filed. Against the decision, a party may apply for reconsideration once when receiving the decision. During the period of reconsideration, the person whose disqualification is requested shall not be suspended from participating in the case. A people's court shall make a decision on an application for reconsideration within three days and notify the reconsideration applicant of the decision.

Chapter 5 Primary Litigation Participants

(三)与本案当事人、诉讼代理人有其他关系,可能影响对案件公正审理的。

审判人员接受当事人、诉讼代理人请客送礼,或者违反规定会见当事人、诉讼代理人的,当事人有权要求他们回避。

审判人员有前款规定的行为的,应当依法追究法律责任。

前三款规定,适用于书记员、翻译人员、鉴定人、勘验人。

第四十五条 当事人提出回避申请,应当说明理由,在案件开始审理时提出;回避事由在案件开始审理后知道的,也可以在法庭辩论终结前提出。

被申请回避的人员在人民法院作出是否回避的决定前,应当暂停参与本案的工作,但案件需要采取紧急措施的除外。

第四十六条 院长担任审判长时的回避,由审判委员会决定;审判人员的回避,由院长决定;其他人员的回避,由审判长决定。

第四十七条 人民法院对当事人提出的回避申请,应当在申请提出的三日内,以口头或者书面形式作出决定。申请人对决定不服的,可以在接到决定时申请复议一次。复议期间,被申请回避的人员,不停止参与本案的工作。人民法院对复议申请,应当在三日内作出复议决定,并通知复议申请人。

第五章 诉讼参加人

Section 1 Parties

Article 48 Citizens, legal persons and other organizations may act as the parties to civil actions.

The legal representative of a legal person shall participate in an action on behalf of the legal person. The primary person in charge of any other organization shall participate in an action on behalf of the organization.

Article 49 The parties shall be entitled to retain representatives, file a request for disqualification, collect and provide evidence, debate, file a request for mediation, file an appeal, and apply for enforcement.

The parties may consult materials related to the case and copy materials and legal instruments related to the case. The scope of and measures for consulting and copying materials related to a case shall be prescribed by the Supreme People's Court.

The parties must exercise their procedural rights in accordance with law, observe the order of litigation, and execute effective written judgments, rulings and consent judgments.

Article 50 Both sides of a civil action may reach a settlement themselves.

Article 51 The plaintiff may relinquish or modify its claims. The defendant may admit or repudiate the plaintiff's claims and shall have the right to file a counterclaim.

Article 52 A joint action means that one side or both sides of a civil action consist of two or more persons, the subject matter of action for each party is same or is of the same kind and the people's court deems that the disputes of all the parties may be tried concurrently, to which all the parties agree.

Where the parties on one side of a joint action have common rights and obligations regarding the subject matter of action, the litigation conduct of any of such parties shall bind the rest of such parties if the conduct is recognized by the rest of such parties; or where the parties on one side of a joint action have no common rights and obligations regarding the subject matter of action, the

第一节 当事人

第四十八条 公民、法人和其他组织可以作为民事诉讼的当事人。

法人由其法定代表人进行诉讼。其他组织由其主要负责人进行诉讼。

第四十九条 当事人有权委托诉讼代理人，提出回避申请，收集、提供证据，进行辩论，请求调解，提起上诉，申请执行。

当事人可以查阅本案有关材料，并可以复制本案有关材料和法律文书。查阅、复制本案有关材料的范围和办法由最高人民法院规定。

当事人必须依法行使诉讼权利，遵守诉讼秩序，履行发生法律效力的判决书、裁定书和调解书。

第五十条 双方当事人可以自行和解。

第五十一条 原告可以放弃或者变更诉讼请求。被告可以承认或者反驳诉讼请求，有权提起反诉。

第五十二条 当事人一方或者双方为二人以上，其诉讼标的是共同的，或者诉讼标的是同一种类、人民法院认为可以合并审理并经当事人同意的，为共同诉讼。

共同诉讼的一方当事人对诉讼标的有共同权利义务的，其中一人的诉讼行为经其他共同诉讼人承认，对其他共同诉讼人发生法律效力；对诉讼标的没有共同权利义务的，其中一人的诉讼行为对其他共同诉讼人不发生法律效力。

litigation conduct of any of such parties shall not bind the rest of such parties.

Article 53 Where the parties on one side of a joint action is numerous, such parties may recommend a representative or representatives to participate in the action. The litigation conduct of such representatives shall bind all the parties represented; however, to modify or relinquish any claims, admit any claims of the opposing party or reach a settlement, such representatives must obtain a consent from the parties represented.

Article 54 Where the subject matter of action for each party is of the same kind, the parties on one side of an action are numerous, but the exact number of such parties is uncertain when the action is instituted, the people's court may publish a notice to describe the case and claims and notify right holders to register with the people's court within a certain period of time.

The right holders which have registered with the people's court may recommend a representative or representatives to participate in the litigation; and if no representative is recommended, the people's court may determine a representative or representatives in consultation with the right holders which have registered with the people's court.

The litigation conduct of such representatives shall bind all the parties represented; however, to modify or relinquish any claims, admit any claims of the opposing party or reach a settlement, such representatives must obtain a consent from the parties represented.

The judgment or ruling issued by the people's court shall bind all right holders which have registered with the people's court. Such a judgment or ruling shall also apply to actions instituted during the time limitation by rights holders which have not registered with the people's court.

Article 55 For conduct that pollutes environment, infringes upon the lawful rights and interests of vast consumers or otherwise damages the public interest, an authority or relevant organization as prescribed by law may institute an action in a people's court.

Where the people's procuratorate finds in the performance of functions any conduct that undermines the protection of the ecological environment and resources, infringes upon

第五十三条 当事人一方人数众多的共同诉讼，可以由当事人推选代表人进行诉讼。代表人的诉讼行为对其所代表的当事人发生法律效力，但代表人变更、放弃诉讼请求或者承认对方当事人的诉讼请求，进行和解，必须经被代表的当事人同意。

第五十四条 诉讼标的是同一种类、当事人一方人数众多在起诉时人数尚未确定的，人民法院可以发出公告，说明案件情况和诉讼请求，通知权利人在一定期间向人民法院登记。

向人民法院登记的权利人可以推选代表人进行诉讼；推选不出代表人的，人民法院可以与参加登记的权利人商定代表人。

代表人的诉讼行为对其所代表的当事人发生法律效力，但代表人变更、放弃诉讼请求或者承认对方当事人的诉讼请求，进行和解，必须经被代表的当事人同意。

人民法院作出的判决、裁定，对参加登记的全体权利人发生法律效力。未参加登记的权利人在诉讼时效期间提起诉讼的，适用该判决、裁定。

第五十五条 对污染环境、侵害众多消费者合法权益等损害社会公共利益的行为，法律规定的机关和有关组织可以向人民法院提起诉讼。

人民检察院在履行职责中发现破坏生态环境和资源保护、食品药品安全领域侵害众多消费者合法

consumers' lawful rights and interests in the field of food and drug safety or any other conduct that damages social interest, it may file a lawsuit with the people's court if there is no authority or organization prescribed in the preceding paragraph or the authority or organization prescribed in the preceding paragraph does not file a lawsuit. If the authority or organization prescribed in the preceding paragraph files a lawsuit, the people's procuratorate may support the filing of a lawsuit.

Article 56 A third party which deems that it has an independent claim regarding the subject matter of an action between two parties shall have the right to institute an action.

Where a third party does not have an independent claim regarding the subject matter of an action between two parties but is an interested party in law to the outcome of the case, the third party may apply to participate in the action or the people's court may notify the third party to participate in the action. If the third party assumes any civil liability according to the judgment entered by the people's court, the third party shall have the procedural rights and obligations as a party to the action.

Where a third party as mentioned in the preceding two paragraphs fails to participate in an action, which is not attributable to the third party's fault, and there is evidence that an effective judgment, ruling or consent judgment is entirely or partially erroneous and causes damage to the third party's civil rights and interests, the third party may, within six months from the day when the third party knows or should have known that the third party's civil rights and interests have been damaged, institute an action in the people's court which entered the judgment, ruling or consent judgment. If, after trial, the third party's claims are supported, the people's court shall modify or revoke the original judgment, ruling or consent judgment; or if the third party's claims are not supported, the claims shall be dismissed.

Section 2 Litigation Representatives

Article 57 The guardian of a person without competency to participate in an action shall participate in the action on behalf of the person as the person's legal representative. If the legal representatives of a person shift their duty of

权益等损害社会公共利益的行为，在没有前款规定的机关和组织或者前款规定的机关和组织不提起诉讼的情况下，可以向人民法院提起诉讼。前款规定的机关或者组织提起诉讼的，人民检察院可以支持起诉。

第五十六条 对当事人双方的诉讼标的，第三人认为有独立请求权的，有权提起诉讼。

对当事人双方的诉讼标的，第三人虽然没有独立请求权，但案件处理结果同他有法律上的利害关系的，可以申请参加诉讼，或者由人民法院通知他参加诉讼。人民法院判决承担民事责任的第三人，有当事人的诉讼权利义务。

前两款规定的第三人，因不能归责于本人的事由未参加诉讼，但有证据证明发生法律效力的判决、裁定、调解书的部分或者全部内容错误，损害其民事权益的，可以自知道或者应当知道其民事权益受到损害之日起六个月内，向作出该判决、裁定、调解书的人民法院提起诉讼。人民法院经审理，诉讼请求成立的，应当改变或者撤销原判决、裁定、调解书；诉讼请求不成立的，驳回诉讼请求。

第二节 诉讼代理人

第五十七条 无诉讼行为能力人由他的监护人作为法定代理人代为诉讼。法定代理人之间互

representation onto each other, the people's court shall specify one of them to participate in the action on behalf of the person.

Article 58 A party or a legal representative may retain one or two persons as litigation representatives.

The following persons may serve as a litigation representative:

(1) A lawyer or legal service worker at the basic level.

(2) A close relative or staff member of a party.

(3) A citizen recommended by the community of or the entity employing a party or recommended by a relevant social group.

Article 59 To participate in an action on behalf of a party or a legal representative, a litigation representative must submit to the people's court a power of attorney, to which the signature or seal of the party or legal representative is affixed.

The power of attorney must state the authorized matters and the extent of authority. To admit, relinquish or modify any claims, reach a settlement, or file a counterclaim or an appeal on behalf of a party or a legal representative, a litigation representative must have a special authorization from the party or legal representative.

Where a citizen of the People's Republic of China who is residing in a foreign country posts a power of attorney or delivers through another person a power of attorney to China, the power of attorney must be authenticated by the embassy or consulate of the People's Republic of China in that country. If there is no such an embassy or consulate in that country, the power of attorney shall be first authenticated by an embassy or consulate of a third country which has a diplomatic relationship with the People's Republic of China in that country and then be authenticated by the embassy or consulate of the People's Republic of China in the third country or be authenticated by the local patriotic overseas Chinese organization.

相推诿代理责任的，由人民法院指定其中一人代为诉讼。

第五十八条 当事人、法定代理人可以委托一至二人作为诉讼代理人。

下列人员可以被委托为诉讼代理人：

（一）律师、基层法律服务工作者；

（二）当事人的近亲属或者工作人员；

（三）当事人所在社区、单位以及有关社会团体推荐的公民。

第五十九条 委托他人代为诉讼，必须向人民法院提交由委托人签名或者盖章的授权委托书。

授权委托书必须记明委托事项和权限。诉讼代理人代为承认、放弃、变更诉讼请求，进行和解，提起反诉或者上诉，必须有委托人的特别授权。

侨居在外的中华人民共和国公民从国外寄交或者托交的授权委托书，必须经中华人民共和国驻该国的使领馆证明；没有使领馆的，由与中华人民共和国有外交关系的第三国驻该国的使领馆证明，再转由中华人民共和国驻该第三国使领馆证明，或者由当地的爱国华侨团体证明。

Article 60 Where the authority of a litigation representative of a party has changed or has been revoked, the party shall notify the people's court in writing and the people's court shall notify the opposing party of the change or revocation.

Article 61 Lawyers serving as litigation representatives and other litigation representatives shall have the right to investigate and collect evidence and may consult materials related to the case. The scope of and measures for consulting materials related to a case shall be prescribed by the Supreme People's Court.

Article 62 Where a party to a divorce case has appointed a litigation representative, the party shall still appear in court unless the party is unable to express his or her ideas; and if the party is unable to appear in court under special circumstances, the party must submit a written opinion to the people's court.

Chapter 6 Evidence

Article 63 Evidence includes:

- (1) statement of a party;
- (2) documentary evidence;
- (3) physical evidence;
- (4) audio-visual recordings;
- (5) electronic data;
- (6) witness testimony;
- (7) expert opinion; and
- (8) transcripts of survey.

Evidence must be verified before being used as a basis for deciding a fact.

Article 64 A party shall have the burden to provide evidence for its claims.

A people's court shall investigate and collect evidence which a party and its litigation representative are unable to collect for some objective reasons and evidence which the people's court deems necessary for trying a case.

第六十条 诉讼代理人的权限如果变更或者解除，当事人应当书面告知人民法院，并由人民法院通知对方当事人。

第六十一条 代理诉讼的律师和其他诉讼代理人有权调查收集证据，可以查阅本案有关材料。查阅本案有关材料的范围和办法由最高人民法院规定。

第六十二条 离婚案件有诉讼代理人的，本人除不能表达意思的以外，仍应出庭；确因特殊情况无法出庭的，必须向人民法院提交书面意见。

第六章 证据

第六十三条 证据包括：

- (一) 当事人的陈述；
- (二) 书证；
- (三) 物证；
- (四) 视听资料；
- (五) 电子数据；
- (六) 证人证言；
- (七) 鉴定意见；
- (八) 勘验笔录。

证据必须查证属实，才能作为认定事实的根据。

第六十四条 当事人对自己提出的主张，有责任提供证据。

当事人及其诉讼代理人因客观原因不能自行收集的证据，或者人民法院认为审理案件需要的证据，人民法院应当调查收集。

A people's court shall, under statutory procedures, verify evidence comprehensively and objectively.

Article 65 A party shall provide evidence for its claims in a timely manner.

A people's court shall, according to the claims of a party and the circumstances of trial of a case, determine the evidence to be provided by a party and the time limit for provision of evidence. Where it is difficult for a party to provide evidence within the time limit, the party may apply to the people's court for an extension, and the people's court may appropriately extend the time limit upon application of the party. Where a party provides any evidence beyond the time limit, the people's court shall order the party to provide an explanation; and if the party refuses to explain or the party's explanation is not acceptable, the people's court may, according to different circumstances, deem the evidence inadmissible or adopt the evidence but impose an admonition or a fine on the party.

Article 66 A people's court shall issue receipts for evidentiary materials submitted to the court by a party, indicating the name of evidence, number of pages, number of copies, original or photocopy, time of receipt, and other matters, to which the signatures or seals of the court personnel receiving the same shall be affixed.

Article 67 A people's court shall have the authority to investigate and collect evidence from the relevant entities and individuals, and the relevant entities and individuals shall not refuse such investigation and collection of evidence.

A people's court shall identify the authenticity and examine and determine the validity of documentary evidence provided by the relevant entities and individuals.

Article 68 Evidence shall be presented in court and cross-examined by the parties. Evidence which involves any state secret, trade secret or individual privacy shall be kept confidential, and if it is necessary to present such evidence in court, such evidence shall not be presented in open court.

Article 69 A people's court shall regard legal facts and documents notarized under statutory procedures as a

人民法院应当按照法定程序，全面地、客观地审查核实证据。

第六十五条 当事人对自己提出的主张应当及时提供证据。

人民法院根据当事人的主张和案件审理情况，确定当事人应当提供的证据及其期限。当事人在该期限内提供证据确有困难的，可以向人民法院申请延长期限，人民法院根据当事人的申请适当延长。当事人逾期提供证据的，人民法院应当责令其说明理由；拒不说明理由或者理由不成立的，人民法院根据不同情形可以不予采纳该证据，或者采纳该证据但予以训诫、罚款。

第六十六条 人民法院收到当事人提交的证据材料，应当出具收据，写明证据名称、页数、份数、原件或者复印件以及收到时间等，并由经办人员签名或者盖章。

第六十七条 人民法院有权向有关单位和个人调查取证，有关单位和个人不得拒绝。

人民法院对有关单位和个人提出的证明文书，应当辨别真伪，审查确定其效力。

第六十八条 证据应当在法庭上出示，并由当事人互相质证。对涉及国家秘密、商业秘密和个人隐私的证据应当保密，需要在法庭出示的，不得在公开开庭时出示。

第六十九条 经过法定程序公证证明的法律事实和文书，人

basis for deciding facts, unless there is any evidence to the contrary which suffices to overturn the notarization.

Article 70 The originals as documentary evidence shall be submitted. The originals as physical evidence shall be submitted. If it is difficult to submit the originals, replicas, photographs, copies or extracts may be submitted.

Documentary evidence in a foreign language must be submitted with Chinese versions.

Article 71 The people's court shall identify the authenticity of audio-visual recordings and, in consideration of other evidence in the case, examine and determine whether the audio-visual recordings may serve as a basis for deciding facts.

Article 72 Any entity or individual which knows any circumstances of a case shall have the obligation to testify in court. The person in charge of a relevant entity shall support a witness in testifying.

A person who is unable to appropriately express his or her ideas shall not testify.

Article 73 Upon notice by a people's court, a witness shall testify in court. Under any of the following circumstances, a witness may testify by written testimony, audio-visual transmission technology, audio-visual recordings or any other means as permitted by a people's court:

(1) The witness is unable to appear in court for health reasons.

(2) The witness is unable to appear in court for remote residence and travel difficulty.

(3) The witness is unable to appear in court for a force majeure such as a natural disaster.

(4) The witness is unable to appear in court for any other justifiable reason.

Article 74 The travel, room and board, and other necessary expenses of a witness for performing his or her obligation of testifying in court, as well as loss of working time, shall be assumed by the losing party. A party which applies for a

民法院应当作为认定事实的根据，但有相反证据足以推翻公证证明的除外。

第七十条 书证应当提交原件。物证应当提交原物。提交原件或者原物确有困难的，可以提交复制品、照片、副本、节录本。

提交外文书证，必须附有中文译本。

第七十一条 人民法院对视听资料，应当辨别真伪，并结合本案的其他证据，审查确定能否作为认定事实的根据。

第七十二条 凡是知道案件情况的单位和个人，都有义务出庭作证。有关单位的负责人应当支持证人作证。

不能正确表达意思的人，不能作证。

第七十三条 经人民法院通知，证人应当出庭作证。有下列情形之一的，经人民法院许可，可以通过书面证言、视听传输技术或者视听资料等方式作证：

(一) 因健康原因不能出庭的；

(二) 因路途遥远，交通不便不能出庭的；

(三) 因自然灾害等不可抗力不能出庭的；

(四) 其他有正当理由不能出庭的。

第七十四条 证人因履行出庭作证义务而支出的交通、住宿、就餐等必要费用以及误工损失，由败诉一方当事人负担。当

witness to testify shall advance the same; or if no party applies and the people's court notifies a witness to testify, the people's court shall advance the same.

Article 75 A people's court shall, in consideration of other evidence in the case, examine and determine whether the statements of a party may serve as a basis for deciding facts.

The deciding of facts of a case by a people's court based on evidence shall not be affected by a party's refusal to provide a statement.

Article 76 A party may apply to the people's court for identification regarding a specialized issue for ascertaining the facts of a case. Where a party applies for identification, the parties on both sides shall determine a qualified identification expert by consultation; or if such consultation fails, the people's court shall specify one for them.

Where no party applies for identification but the people's court deems it necessary to conduct identification regarding a specialized issue, the people's court shall employ a qualified identification expert to conduct identification.

Article 77 An identification expert shall have the right to access the case file needed for conducting identification and, when necessary, may interview a party or a witness.

An identification expert shall issue a written identification opinion and affix his or her signature or seal to the identification document.

Article 78 Where a party raises any objection to an identification opinion or a people's court deems it necessary to require an identification expert to testify in court, the identification expert shall testify in court. If, upon notice by the people's court, the identification expert refuses to testify in court, the identification opinion shall not be used as a basis for deciding facts; and the party which has paid the identification fees may require that the identification fees be refunded.

Article 79 A party may apply to the people's court for notifying a person with expertise to appear in court to offer

证人申请证人作证的，由该当事人先行垫付；当事人没有申请，人民法院通知证人作证的，由人民法院先行垫付。

第七十五条 人民法院对当事人的陈述，应当结合本案的其他证据，审查确定能否作为认定事实的根据。

当事人拒绝陈述的，不影响人民法院根据证据认定案件事实。

第七十六条 当事人可以就查明事实的专门性问题向人民法院申请鉴定。当事人申请鉴定的，由双方当事人协商确定具备资格的鉴定人；协商不成的，由人民法院指定。

当事人未申请鉴定，人民法院对专门性问题认为需要鉴定的，应当委托具备资格的鉴定人进行鉴定。

第七十七条 鉴定人有权了解进行鉴定所需要的案件材料，必要时可以询问当事人、证人。

鉴定人应当提出书面鉴定意见，在鉴定书上签名或者盖章。

第七十八条 当事人对鉴定意见有异议或者人民法院认为鉴定人有必要出庭的，鉴定人应当出庭作证。经人民法院通知，鉴定人拒不出庭作证的，鉴定意见不得作为认定事实的根据；支付鉴定费用的当事人可以要求返还鉴定费用。

第七十九条 当事人可以申请人民法院通知有专门知识的人

an opinion regarding an identification opinion issued by an identification expert or regarding a specialized issue.

Article 80 When surveying any physical evidence or a site, the surveyors must produce their credentials issued by a people's court and invite the local grassroots organization or the entity employing a party to send personnel to participate in the survey. The party or an adult family member of the party shall be present; and the survey shall not be affected by the refusal of the party or the adult family member to appear on site.

Upon notice by the people's court, the relevant entities and individuals shall have the obligations to protect the site and assist in the survey.

The surveyors shall prepare transcripts of the process and results of survey, to which the surveyors, the party and the invited participants shall affix their signatures or seals.

Article 81 Where any evidence may be extinguished or may be hard to obtain at a later time, a party may, in the course of an action, apply to the people's court for evidence preservation, and the people's court may also take preservation measures on its own initiative.

Where any evidence may be extinguished or may be hard to obtain at a later time, if the circumstances are urgent, an interested party may, before instituting an action or applying for arbitration, apply for evidence preservation to a people's court at the place where the evidence is located or at the place of domicile of the respondent or a people's court having jurisdiction over the case.

Other procedures for evidence preservation shall be executed by reference to the relevant provisions of Chapter IX of this Law regarding preservation.

Chapter 7 Periods and Service of Process

Section 1 Periods

Article 82 Periods include statutory periods and periods prescribed by a people's court.

Periods shall be calculated by hour, day, month and year. The beginning hour and day of a period shall not be counted in the period.

出庭，就鉴定人作出的鉴定意见或者专业问题提出意见。

第八十条 勘验物证或者现场，勘验人必须出示人民法院的证件，并邀请当地基层组织或者当事人所在单位派人参加。当事人或者当事人的成年家属应当到场，拒不到场的，不影响勘验的进行。

有关单位和个人根据人民法院的通知，有义务保护现场，协助勘验工作。

勘验人应当将勘验情况和结果制作笔录，由勘验人、当事人和被邀参加人签名或者盖章。

第八十一条 在证据可能灭失或者以后难以取得的情况下，当事人可以在诉讼过程中向人民法院申请保全证据，人民法院也可以主动采取保全措施。

因情况紧急，在证据可能灭失或者以后难以取得的情况下，利害关系人可以在提起诉讼或者申请仲裁前向证据所在地、被申请人住所地或者对案件有管辖权的人民法院申请保全证据。

证据保全的其他程序，参照适用本法第九章保全的有关规定。

第七章 期间、送达

第一节 期间

第八十二条 期间包括法定期间和人民法院指定的期间。

期间以时、日、月、年计算。期间开始的时和日，不计算在期间内。

If the expiration date of a period falls on a holiday, the first day after the holiday shall be the expiration date of the period.

A statutory period shall not include the time en route. A litigation document posted before the expiration date of a period shall not be regarded as past due.

Article 83 Where a party fails to comply with a period for reasons beyond the party's control or for any other justifiable reasons, the party may apply for an extension of the period within ten days after the impediment is eliminated, and the people's court shall decide whether to permit such an extension.

Section 2 Service of Process

Article 84 Service of process must be accompanied with a service acknowledgement, to which the person to be served shall affix a date of receipt and his or her signature or seal.

The date of receipt affixed to the service acknowledgement by the person to be served shall be the date of service.

Article 85 Process shall be served directly on the person to be served. If the person to be served, who is a citizen, is absent, a cohabiting adult family member of the person to be served shall sign for the service of process. If the person to be served is a legal person or any other organization, the legal representative of the legal person, the primary person in charge of the organization or the employee of the legal person or organization responsible for receiving process shall sign for the service of process. If the person to be served has a litigation representative, the litigation representative may sign for the service of process. If the person to be served has informed the people's court of a designated person to receive process, the designated person shall sign for the service of process.

The date of receipt affixed to the service acknowledgment by the cohabiting adult family member of the person to be served, the employee of the legal person or organization responsible for receiving process, the litigation representative or the designated person to receive process shall be the date of service.

期间届满的最后一日是节假日的，以节假日后的第一日为期间届满的日期。

期间不包括在途时间，诉讼文书在期满前交邮的，不算过期。

第八十三条 当事人因不可抗力拒的事由或者其他正当理由耽误期限的，在障碍消除后的十日内，可以申请顺延期限，是否准许，由人民法院决定。

第二节 送达

第八十四条 送达诉讼文书必须有送达回证，由受送达人在送达回证上记明收到日期，签名或者盖章。

受送达人在送达回证上的签收日期为送达日期。

第八十五条 送达诉讼文书，应当直接送交受送达人。受送达人是公民的，本人不在交他的同住成年家属签收；受送达人是法人或者其他组织的，应当由法人的法定代表人、其他组织的主要负责人或者该法人、组织负责收件的人签收；受送达人有诉讼代理人的，可以送交其代理人签收；受送达人已向人民法院指定代收人的，送交代收人签收。

受送达人的同住成年家属，法人或者其他组织的负责收件的人，诉讼代理人或者代收人在送达回证上签收的日期为送达日期。

Article 86 Where the person to be served refuses to receive or his or her cohabiting adult family member refuses to receive process, the process server may invite the representatives of relevant grassroots organizations or the entity employing the person to be served to be present, provide an explanation on the refusal, record the cause of refusal and date on the service acknowledgement, to which the process server and witnesses shall affix their signatures or seals, and drop process at the domicile of the person to be served; and may also drop process at the domicile of the person to be served and record the service of process by photograph, video and other means, and process shall be deemed served.

Article 87 With the consent of the person to be served, a people's court may serve process by fax, email and other means capable of confirming receipt by the person to be served, except a judgment, ruling and consent judgment.

Where a means in the preceding paragraph is adopted, the date when a fax, an email or any other means reaches the specific system of the person to be served shall be the date of service of process.

Article 88 Where direct service of process is difficult, service of process may be entrusted to another people's court or be conducted by post. If process is served by post, the date of receipt stated on the service acknowledgement shall be the date of service.

Article 89 Where the person to be served is in the military service, process shall be served on the person through the political office of the unit at or above the regiment level of the armed force where the person serves.

Article 90 Where the person to be served is incarcerated, process shall be served on the person through the incarceration facility.

Where the person to be served is subject to any compulsory correctional measure, process shall be served on the person through the compulsory correctional facility.

Article 91 The office or entity through which process is served must, immediately after receiving process, deliver the same to the person to be served, the person to be served shall sign for the service of process, and the date of

第八十六条 受送达人或者他的同住成年家属拒绝接收诉讼文书的，送达人可以邀请有关基层组织或者所在单位的代表到场，说明情况，在送达回证上记明拒收事由和日期，由送达人、见证人签名或者盖章，把诉讼文书留在受送达人的住所；也可以把诉讼文书留在受送达人的住所，并采用拍照、录像等方式记录送达过程，即视为送达。

第八十七条 经受送达人同意，人民法院可以采用传真、电子邮件等能够确认其收悉的方式送达诉讼文书，但判决书、裁定书、调解书除外。

采用前款方式送达的，以传真、电子邮件等到达受送达人特定系统的日期为送达日期。

第八十八条 直接送达诉讼文书有困难的，可以委托其他人民法院代为送达，或者邮寄送达。邮寄送达的，以回执上注明的收件日期为送达日期。

第八十九条 受送达人是军人的，通过其所在部队团以上单位的政治机关转交。

第九十条 受送达人被监禁的，通过其所在监所转交。

受送达人被采取强制性教育措施的，通过其所在强制性教育机构转交。

第九十一条 代为转交的机关、单位收到诉讼文书后，必须立即交受送达人签收，以在送达

receipt on the service acknowledgement shall be the date of service.

Article 92 Where the whereabouts of the person to be served is unknown or service of process is not possible by other means set out in this Section, process may be served by public announcement. Process shall be deemed served sixty days after the date of public announcement.

The reasons for and the course of service of process by public announcement shall be recorded in the case file.

Chapter 8 Mediation

Article 93 When trying civil cases, a people's court shall, under the principle of free will of the parties, conduct mediation by distinguishing between right and wrong based on clear facts.

Article 94 When a people's court conducts mediation, mediation may be conducted by one judge or by the collegial bench, and mediation shall be conducted on the spot as much as possible.

When a people's court conducts mediation, it may notify by simple means the parties and witnesses to appear in court.

Article 95 When a people's court conducts mediation, it may invite relevant entities and individuals to provide assistance. The invited entities and individuals shall assist the people's court in mediation.

Article 96 A mediation agreement must be based on the free will of both sides, and the parties shall not be forced to reach a mediation agreement. The content of a mediation agreement shall not violate any legal provisions.

Article 97 When a mediation agreement is reached, the people's court shall prepare a consent judgment. A consent judgment shall state the claims, facts of the case and results of mediation.

The judges and court clerk shall affix their signatures and the people's court shall affix its seal to a consent judgment, which shall be served on both sides.

Once a consent judgment is signed by both sides, it shall become legally binding.

回证上的签收日期，为送达日期。

第九十二条 受送达人下落不明，或者用本节规定的其他方式无法送达的，公告送达。自发出公告之日起，经过六十日，即视为送达。

公告送达，应当在案卷中记明原因和经过。

第八章 调 解

第九十三条 人民法院审理民事案件，根据当事人自愿的原则，在事实清楚的基础上，分清是非，进行调解。

第九十四条 人民法院进行调解，可以由审判员一人主持，也可以由合议庭主持，并尽可能就地进行。

人民法院进行调解，可以用简便方式通知当事人、证人到庭。

第九十五条 人民法院进行调解，可以邀请有关单位和个人协助。被邀请的单位和个人，应当协助人民法院进行调解。

第九十六条 调解达成协议，必须双方自愿，不得强迫。调解协议的内容不得违反法律规定。

第九十七条 调解达成协议，人民法院应当制作调解书。调解书应当写明诉讼请求、案件的事实和调解结果。

调解书由审判人员、书记员署名，加盖人民法院印章，送达双方当事人。

调解书经双方当事人签收后，即具有法律效力。

Article 98 A consent judgment of a people's court is not required for mediation agreements reached in the following cases:

- (1) Divorce cases where both parties have reconciled through mediation.
- (2) Adoption cases where an adoptive relationship has been maintained through mediation.
- (3) Cases where performance on the spot is possible.
- (4) Other cases where a consent judgment is not required.

A mediation agreement which does not require a consent judgment shall be recorded in the transcripts and become legally binding immediately after both sides and the judges and court clerk affix their signatures or seals to the transcripts.

Article 99 Where no mediation agreement is reached or one party retracts before a mediation agreement is served on the party, the people's court shall enter a judgment in a timely manner.

Chapter 9 Preservation and Advance Enforcement

Article 100 For a case where, for the conduct of a party or for other reasons, it may be difficult to execute a judgment or any other damage may be caused to a party, a people's court may, upon application of the opposing party, issue a ruling on preservation of the party's property, order certain conduct of the party or prohibit the party from certain conduct; and if no party applies, the people's court may, when necessary, issue a ruling to take a preservative measure.

A people's court may order the applicant to provide security for taking a preservative measure and, if the applicant fails to provide security, shall issue a ruling to dismiss the application.

After accepting an application, a people's court must, if the circumstances are urgent, issue a ruling within 48 hours; and if it rules to take a preservative measure, the measure shall be executed immediately.

第九十八条 下列案件调解达成协议，人民法院可以不制作调解书：

- (一) 调解和好的离婚案件；
- (二) 调解维持收养关系的案件；
- (三) 能够即时履行的案件；
- (四) 其他不需要制作调解书的案件。

对不需要制作调解书的协议，应当记入笔录，由双方当事人、审判人员、书记员签名或者盖章后，即具有法律效力。

第九十九条 调解未达成协议或者调解书送达前一方反悔的，人民法院应当及时判决。

第九章 保全和先予执行

第一百条 人民法院对于可能因当事人一方的行为或者其他原因，使判决难以执行或者造成当事人其他损害的案件，根据对方当事人的申请，可以裁定对其财产进行保全、责令其作出一定行为或者禁止其作出一定行为；当事人没有提出申请的，人民法院在必要时也可以裁定采取保全措施。

人民法院采取保全措施，可以责令申请人提供担保，申请人不提供担保的，裁定驳回申请。

人民法院接受申请后，对情况紧急的，必须在四十八小时内作出裁定；裁定采取保全措施的，应当立即开始执行。

Article 101 Where the lawful rights and interests of an interested party will be irreparable damaged if an application for preservation is not filed immediately under urgent circumstances, the interested party may, before instituting an action or applying for arbitration, apply to the people's court at the place where the property to be preserved is located or at the place of domicile of the respondent or a people's court having jurisdiction over the case for taking preservative measures. The applicant shall provide security and, if the applicant fails to provide security, the people's court shall issue a ruling to dismiss the application.

After accepting an application, a people's court must issue a ruling within 48 hours; and if it rules to take a preservative measure, the measure shall be executed immediately.

Where the applicant fails to institute an action or apply for arbitration in accordance with law within 30 days after the people's court takes a preservative measure, the people's court shall remove preservation.

Article 102 Preservation shall be limited to the extent specified in an application or the property in connection with the case.

Article 103 Property shall be preserved by seizure, impoundment, freezing of account or any other means prescribed by law. After preserving any property, a people's court shall immediately notify the person whose property is preserved.

Property which has already been seized or frozen shall not be repeatedly seized or frozen.

Article 104 Where, in a property dispute case, the respondent has provided security, the people's court shall issue a ruling to remove preservation.

Article 105 Where an application is erroneous, the applicant shall compensate the respondent for any loss incurred from preservation.

Article 106 A people's court may, upon application of a party, issue a ruling on advance enforcement for the following cases:

第一百零一条 利害关系人因情况紧急，不立即申请保全将会使其合法权益受到难以弥补的损害的，可以在提起诉讼或者申请仲裁前向被保全财产所在地、被申请人住所地或者对案件有管辖权的人民法院申请采取保全措施。申请人应当提供担保，不提供担保的，裁定驳回申请。

人民法院接受申请后，必须在四十八小时内作出裁定；裁定采取保全措施的，应当立即开始执行。

申请人在人民法院采取保全措施后三十日内不依法提起诉讼或者申请仲裁的，人民法院应当解除保全。

第一百零二条 保全限于请求的范围，或者与本案有关的财物。

第一百零三条 财产保全采取查封、扣押、冻结或者法律规定的其他方法。人民法院保全财产后，应当立即通知被保全财产的人。

财产已被查封、冻结的，不得重复查封、冻结。

第一百零四条 财产纠纷案件，被申请人提供担保的，人民法院应当裁定解除保全。

第一百零五条 申请有错误的，申请人应当赔偿被申请人因保全所遭受的损失。

第一百零六条 人民法院对下列案件，根据当事人的申请，可以裁定先予执行：

(1) Cases to recover support for elderly parents, support for other adult dependants, child support, consolation money or medical expenses.

(2) Cases to recover labor remuneration.

(3) Cases requiring advance enforcement under urgent circumstances.

Article 107 For a people's court to issue a ruling on advance enforcement, both of the following conditions shall be met:

(1)The rights and obligations between the parties are clear, and a denial of advance enforcement will seriously affect the life or business operation of the applicant.

(2)The respondent is capable of performance.

The people's court may order the applicant to provide security; and if the applicant fails to provide security, shall dismiss the application. If the applicant loses the action, the applicant shall compensate the respondent for any property loss incurred from advance enforcement.

Article 108 Against a ruling on preservation or advance enforcement, a party may apply for reconsideration once. The enforcement of the ruling shall not be suspended during the period of reconsideration.

Chapter 10 Compulsory Measures against Obstruction of Civil Procedures

Article 109 Where a defendant who must appear in court refuses to appear in court without justifiable reasons after being summonsed twice by a people's court, the people's court may summons the defendant by force.

Article 110 Litigation participants and other persons shall abide by court rules.

A people's court may admonish persons who violate court rules, order such persons to leave the court, or impose a fine or detention on such persons.

For persons who clamor in a courtroom, attack a courtroom, or insult, defame, threaten or assault judges, seriously disrupting the order of the courtroom, the people's court shall investigate their criminal liability in

(一) 追索赡养费、扶养费、抚养费、抚恤金、医疗费用的;

(二) 追索劳动报酬的;

(三) 因情况紧急需要先予执行的。

第一百零七条 人民法院裁定先予执行的,应当符合下列条件:

(一) 当事人之间权利义务关系明确,不先予执行将严重影响申请人的生活或者生产经营的;

(二) 被申请人有履行能力。

人民法院可以责令申请人提供担保,申请人不提供担保的,驳回申请。申请人败诉的,应当赔偿被申请人因先予执行遭受的财产损失。

第一百零八条 当事人对保全或者先予执行的裁定不服的,可以申请复议一次。复议期间不停止裁定的执行。

第十章 对妨害民事诉讼的强制措施

第一百零九条 人民法院对必须到庭的被告,经两次传票传唤,无正当理由拒不到庭的,可以拘传。

第一百一十条 诉讼参与人和其他人应当遵守法庭规则。

人民法院对违反法庭规则的人,可以予以训诫,责令退出法庭或者予以罚款、拘留。

人民法院对哄闹、冲击法庭,侮辱、诽谤、威胁、殴打审判人员,严重扰乱法庭秩序的人,依法追究刑事责任;情节较轻的,予以罚款、拘留。

accordance with law; or if the circumstances are not serious, impose a fine or detention on them.

Article 111 Where a litigation participant or any other person commits any of the following conduct, the people's court may impose a fine or detention on the litigation participant or person according to the severity of the circumstances; and if suspected of any crime, the litigation participant or person shall be subject to criminal liability in accordance with law.

(1) Forging or destroying any material evidence, which obstructs the trial of the case by the people's court.

(2) Preventing a witness from testifying by violence, threat or bribery or instigating, bribing or coercing any other person to commit perjury.

(3) Concealing, transferring, selling or destroying any seized or impounded property or any inventoried property under the custody of the litigation participant or person as ordered or transferring any frozen property.

(4) Insulting, defaming, falsely incriminating, assaulting or retaliating any judge, primary litigation participant, witness, interpreter, identification expert, surveyor or person assisting in enforcement.

(5) Obstructing judicial personnel from performing their duties by violence, threat or any other means.

(6) Refusing to execute any effective judgment or ruling of a people's court.

Where an entity commits any of the conduct in the preceding paragraph, the people's court may impose a fine or detention on the primary person in charge or directly liable persons of the entity; and if suspected of any crime, such persons shall be subject to criminal liability in accordance with law.

Article 112 Where the parties, maliciously in collusion, attempt to infringe upon the lawful rights and interests of other persons by litigation, mediation or any other means, a people's court shall dismiss their claims and impose a fine or detention on the parties according to the severity of

第一百一十一条 诉讼参与人或者其他有下列行为之一的，人民法院可以根据情节轻重予以罚款、拘留；构成犯罪的，依法追究刑事责任：

（一）伪造、毁灭重要证据，妨碍人民法院审理案件的；

（二）以暴力、威胁、贿买方法阻止证人作证或者指使、贿买、胁迫他人作伪证的；

（三）隐藏、转移、变卖、毁损已被查封、扣押的财产，或者已被清点并责令其保管的财产，转移已被冻结的财产的；

（四）对司法工作人员、诉讼参加人、证人、翻译人员、鉴定人、勘验人、协助执行的人，进行侮辱、诽谤、诬陷、殴打或者打击报复的；

（五）以暴力、威胁或者其他方法阻碍司法工作人员执行职务的；

（六）拒不履行人民法院已经发生法律效力的判决、裁定的。

人民法院对有前款规定的行为之一的单位，可以对其主要负责人或者直接责任人员予以罚款、拘留；构成犯罪的，依法追究刑事责任。

第一百一十二条 当事人之间恶意串通，企图通过诉讼、调解等方式侵害他人合法权益的，人民法院应当驳回其请求，并根据情节轻重予以罚款、拘留；构成犯罪的，依法追究刑事责任。

the circumstances; and if suspected of any crime, they shall be subject to criminal liability in accordance with law.

Article 113 Where the party against whom enforcement is sought, maliciously in collusion with other persons, evades performance of obligations determined in a legal instrument by litigation, arbitration, mediation or any other means, a people's court shall impose a fine or detention on them according to the severity of the circumstances; and if suspected of any crime, they shall be subject to criminal liability.

Article 114 Where an entity with an obligation to assist in investigation or enforcement commits any of the following conduct, the people's court may, in addition to ordering the entity to perform the obligation of assistance, impose a fine on the entity:

(1) The relevant entity refuses or obstructs investigation or collection of evidence by the people's court.

(2) The relevant entity refuses to assist in property inquiry, seizure, freezing, transfer or sale, after receiving a notice of enforcement assistance from the people's court.

(3) The relevant entity refuses to assist in withholding the income of the party against whom enforcement is sought, handling the transfer of a relevant property right certificate, or delivering a relevant bill, certificate or license or any other relevant property, after receiving a notice of enforcement assistance from the people's court.

(4) The relevant entity otherwise refuses to assist in enforcement.

Where an entity commits any of the conduct in the preceding paragraph, the people's court may impose a fine on the primary person in charge or directly liable persons of the entity; and if the entity still fails to perform its obligation to provide assistance, may detain such persons and offer judicial recommendations to the supervisory authority or other relevant authorities regarding disciplinary actions against such persons.

Article 115 The amount of a fine on an individual shall not be more than 100,000 yuan. The amount of a fine on an

第一百一十三条 被执行人与他人恶意串通，通过诉讼、仲裁、调解等方式逃避履行法律文书确定的义务的，人民法院应当根据情节轻重予以罚款、拘留；构成犯罪的，依法追究刑事责任。

第一百一十四条 有义务协助调查、执行的单位有下列行为之一的，人民法院除责令其履行协助义务外，并可以予以罚款：

（一）有关单位拒绝或者妨碍人民法院调查取证的；

（二）有关单位接到人民法院协助执行通知书后，拒不协助查询、扣押、冻结、划拨、变价财产的；

（三）有关单位接到人民法院协助执行通知书后，拒不协助扣留被执行人的收入、办理有关财产权证照转移手续、转交有关票证、证照或者其他财产的；

（四）其他拒绝协助执行的。

人民法院对有前款规定的行为之一的单位，可以对其主要负责人或者直接责任人员予以罚款；对仍不履行协助义务的，可以予以拘留；并可以向监察机关或者有关机关提出予以纪律处分的司法建议。

第一百一十五条 对个人的罚款金额，为人民币十万元以

entity shall not be less than 50,000 yuan but not be more than 1 million yuan.

The period of detention shall not be longer than 15 days.

A people's court shall deliver a detainee to a public security authority for custody. If the detainee admits and corrects his or her wrongdoing during the period of detention, the people's court may decide to discharge the detainee early.

Article 116 A summons by force, a fine or detention must subject to the approval of the president of a people's court.

A warrant shall be issued for a summons by force.

A written decision shall be made to impose a fine or detention. Against such a decision, a party may apply to the people's court at the next higher level for reconsideration once. The enforcement of the decision shall not be suspended during the period of reconsideration.

Article 117 Any compulsory measure against obstruction of civil procedures must be taken upon decision of a people's court. Any entity or individual which recovers a debt by illegally withholding another person against the person's will or illegally seizing another person's property shall be subject to criminal liability in accordance with law or subject to detention or a fine.

Chapter 11 Litigation Expenses

Article 118 A party instituting a civil action shall pay a case acceptance fee according to the relevant provisions. In property cases, a party shall pay other litigation expenses, in addition to a case acceptance fee.

Where it is difficult for a party to pay any litigation expenses, the party may, according to the relevant provisions, apply to the people's court for payment postponement, reduction or waiver.

Procedures for collection of litigation expenses shall be formulated separately.

Part Two Trial Procedure

Chapter 12 Formal Procedure at First Instance

下。对单位的罚款金额，为人民币五万元以上一百万元以下。

拘留的期限，为十五日以下。

被拘留的人，由人民法院交公安机关看管。在拘留期间，被拘留人承认并改正错误的，人民法院可以决定提前解除拘留。

第一百一十六条 拘传、罚款、拘留必须经院长批准。

拘传应当发拘传票。

罚款、拘留应当用决定书。对决定不服的，可以向上一级人民法院申请复议一次。复议期间不停止执行。

第一百一十七条 采取对妨害民事诉讼的强制措施必须由人民法院决定。任何单位和个人采取非法拘禁他人或者非法私自扣押他人财产追索债务的，应当依法追究刑事责任，或者予以拘留、罚款。

第十一章 诉讼费用

第一百一十八条 当事人进行民事诉讼，应当按照规定交纳案件受理费。财产案件除交纳案件受理费外，并按照规定交纳其他诉讼费用。

当事人交纳诉讼费用确有困难的，可以按照规定向人民法院申请缓交、减交或者免交。

收取诉讼费用的办法另行制定。

第二编 审判程序

第十二章 第一审普通程序

Section 1 Instituting and Accepting an Action

Article 119 An action to be instituted must meet all of the following conditions:

- (1) The plaintiff is a citizen, legal person or any other organization with a direct interest in the case.
- (2) There is a clear defendant.
- (3) There are specific claims, facts and reasons.
- (4) The case is within the scope of civil actions accepted by the people's courts and under the jurisdiction of the people's court in which the action is instituted.

Article 120 A plaintiff shall submit a written complaint to the people's court and provide copies of it according to the number of defendants.

Where it is difficult for a plaintiff to write a complaint, the plaintiff may institute an action verbally, and the people's court shall record it in the transcripts and notify the opposing party.

Article 121 A written complaint shall state:

- (1) the name, gender, age, ethnicity, occupation, employer, domicile and contact methods of the plaintiff; or the name and domicile of a legal person or any other organization and the name, title and contact methods of the legal representative or primary person in charge thereof;
- (2) information on the defendant, including but not limited to name, gender, employer and domicile; and information on a legal person or any other organization, including but not limited to name and domicile;
- (2) claims and supporting facts and reasons; and
- (3) evidence, sources of evidence, and names and domiciles of witnesses.

Article 122 Where mediation is appropriate for the civil dispute involved in an action instituted by a party in a

第一节 起诉和受理

第一百一十九条 起诉必须符合下列条件:

- (一)原告是与本案有直接利害关系的公民、法人和其他组织;
- (二)有明确的被告;
- (三)有具体的诉讼请求和事实、理由;
- (四)属于人民法院受理民事诉讼的范围和受诉人民法院管辖。

第一百二十条 起诉应当向人民法院递交起诉状,并按照被告人数提出副本。

书写起诉状确有困难的,可以口头起诉,由人民法院记入笔录,并告知对方当事人。

第一百二十一条 起诉状应当记明下列事项:

- (一)原告的姓名、性别、年龄、民族、职业、工作单位、住所、联系方式,法人或者其他组织的名称、住所和法定代表人或者主要负责人的姓名、职务、联系方式;
- (二)被告的姓名、性别、工作单位、住所等信息,法人或者其他组织的名称、住所等信息;
- (三)诉讼请求和所根据的事实与理由;
- (四)证据和证据来源,证人姓名和住所。

第一百二十二条 当事人起诉到人民法院的民事纠纷,适宜

people's court, mediation shall be conducted first, unless the parties refuse mediation.

Article 123 A people's court shall protect the right to sue enjoyed by a party in accordance with law. A people's court must accept an action instituted under Article 119 of this Law. A people's court shall, within seven days, docket a case which meets the conditions for instituting an action and notify the party; or issue a ruling within seven days to refuse to accept an action which fails to meet the conditions for instituting an action, and the plaintiff may appeal against the ruling.

Article 124 A people's court shall handle the following actions according to different circumstances:

(1) Notifying the plaintiff to file an administrative lawsuit, if the case is within the scope of administrative lawsuits in accordance with the Administrative Litigation Law.

(2) Notifying the plaintiff to apply to an arbitral institution for arbitration, if, in accordance with law, both parties shall apply for arbitration under a written arbitration agreement reached between them and are prohibited from instituting an action in a people's court.

(3) Notifying the plaintiff to apply to a relevant authority for settlement of a dispute, if, in accordance with law, the dispute shall be handled by other authorities.

(4) Notifying the plaintiff to institute an action in a people's court having jurisdiction, if the case is not within its jurisdiction.

(5) Notifying the plaintiff to petition for retrial, except for a ruling of a people's court which allows withdrawal of an action, if a party institutes an action again for a case for which a judgment, ruling or consent judgment has come into force.

(6) Refusing to accept an action instituted during a period of prohibition from instituting an action, if, in accordance with law, the action shall not be instituted during a certain period.

(7) Refusing to accept an action instituted by the plaintiff without new developments or new reasons within six months for a divorce case where dissolution of marriage is

调解的, 先行调解, 但当事人拒绝调解的除外。

第一百二十三条 人民法院应当保障当事人依照法律规定享有的起诉权利。对符合本法第一百一十九条的起诉, 必须受理。符合起诉条件的, 应当在七日内立案, 并通知当事人; 不符合起诉条件的, 应当在七日内作出裁定书, 不予受理; 原告对裁定不服的, 可以提起上诉。

第一百二十四条 人民法院对下列起诉, 分别情形, 予以处理:

(一) 依照行政诉讼法的规定, 属于行政诉讼受案范围的, 告知原告提起行政诉讼;

(二) 依照法律规定, 双方当事人达成书面仲裁协议申请仲裁、不得向人民法院起诉的, 告知原告向仲裁机构申请仲裁;

(三) 依照法律规定, 应当由其他机关处理的争议, 告知原告向有关机关申请解决;

(四) 对不属于本院管辖的案件, 告知原告向有管辖权的人民法院起诉;

(五) 对判决、裁定、调解书已经发生法律效力的案件, 当事人又起诉的, 告知原告申请再审, 但人民法院准许撤诉的裁定除外;

(六) 依照法律规定, 在一定期限内不得起诉的案件, 在不得起诉的期限内起诉的, 不予受理;

(七) 判决不准离婚和调解和好的离婚案件, 判决、调解维持收养关系的案件, 没有新情况、新

not granted by a judgment or both parties have reconciled through mediation or for a case where an adoptive relationship is maintained by a judgment or through mediation.

Section 2 Pretrial Preparations

Article 125 A people's court shall, within five days after docketing a case, serve a copy of the written complaint on the defendant, and the defendant shall submit a written statement of defense within 15 days after receiving the complaint. The written statement of defense shall state the name, gender, age, ethnicity, occupation, employer, domicile and contact methods of the defendant; or the name and domicile of a legal person or any other organization and the name, title and contact methods of the legal representative or primary person in charge thereof. The people's court shall, within five days after receiving the written statement of defense, serve a copy of it on the plaintiff.

The defendant's failure to submit a written statement of defense shall not affect the trial of the case by the people's court.

Article 126 After deciding to accept a case, a people's court shall notify the parties, verbally or in a notice of case acceptance or a notice of response to an action, of their relevant procedural rights and obligations.

Article 127 Where a party raises any objection to jurisdiction after a case is accepted by a people's court, the party shall file the objection with the people's court during the period of submitting a written statement of defense. The people's court shall examine the objection. If the objection is supported, the people's court shall issue a ruling to transfer the case to the people's court having jurisdiction; or if the objection is not supported, the people's court shall issue a ruling to dismiss the objection.

Where a party raises no objection to jurisdiction and responds to the action by submitting a written statement of defense, the people's court accepting the action shall be deemed to have jurisdiction, unless the provisions regarding hierarchical jurisdiction and exclusive jurisdiction are violated.

理由，原告在六个月内又起诉的，不予受理。

第二节 审理前的准备

第一百二十五条 人民法院应当在立案之日起五日内将起诉状副本发送被告，被告应当在收到之日起十五日内提出答辩状。答辩状应当记明被告的姓名、性别、年龄、民族、职业、工作单位、住所、联系方式；法人或者其他组织的名称、住所和法定代表人或者主要负责人的姓名、职务、联系方式。人民法院应当在收到答辩状之日起五日内将答辩状副本发送原告。

被告不提出答辩状的，不影响人民法院审理。

第一百二十六条 人民法院对决定受理的案件，应当在受理案件通知书和应诉通知书中向当事人告知有关的诉讼权利义务，或者口头告知。

第一百二十七条 人民法院受理案件后，当事人对管辖权有异议的，应当在提交答辩状期间提出。人民法院对当事人提出的异议，应当审查。异议成立的，裁定将案件移送有管辖权的人民法院；异议不成立的，裁定驳回。

当事人未提出管辖异议，并应诉答辩的，视为受诉人民法院有管辖权，但违反级别管辖和专属管辖规定的除外。

Article 128 The parties shall be notified of the composition of a collegial bench within three days after the composition is determined.

Article 129 Judges must carefully examine case materials and investigate and collect necessary evidence.

Article 130 The personnel assigned by a people's court to conduct investigation shall produce their credentials to the person under investigation.

The investigation transcripts shall be checked by the person under investigation and be signed or sealed by the person under investigation and the investigators.

Article 131 A people's court may, when necessary, entrust investigation to a people's court in a different place.

The entrusting people's court must specify the investigated matters and the investigation requirements. The entrusted people's court may conduct additional investigation on its own initiative.

The entrusted people's court shall complete investigation within 30 days after receiving a letter on entrusted investigation. If the entrusted people's court is unable to complete investigation for certain reasons, it shall notify the entrusting people's court in a letter within the aforesaid period.

Article 132 Where a party who must participate in a joint action fails to participate in the action, the people's court shall notify the party to participate in the action.

Article 133 A people's court shall handle accepted cases according to different circumstances:

(1) Initiating the procedure for urging debt repayment at the court's discretion, if the parties are not in dispute and the prescribed conditions are met for initiating the procedure for urging debt repayment.

(2) Resolving disputes in a timely manner through mediation, if pre-trial mediation is allowed.

第一百二十八条 合议庭组成人员确定后, 应当在三日内告知当事人。

第一百二十九条 审判人员必须认真审核诉讼材料, 调查收集必要的证据。

第一百三十条 人民法院派出人员进行调查时, 应当向被调查人出示证件。

调查笔录经被调查人校阅后, 由被调查人、调查人签名或者盖章。

第一百三十一条 人民法院在必要时可以委托外地人民法院调查。

委托调查, 必须提出明确的项目和要求。受委托人民法院可以主动补充调查。

受委托人民法院收到委托书后, 应当在三十日内完成调查。因故不能完成的, 应当在上述期限内函告委托人民法院。

第一百三十二条 必须共同进行诉讼的当事人没有参加诉讼的, 人民法院应当通知其参加诉讼。

第一百三十三条 人民法院对受理的案件, 分别情形, 予以处理:

(一) 当事人没有争议, 符合督促程序规定条件的, 可以转入督促程序;

(二) 开庭前可以调解的, 采取调解方式及时解决纠纷;

(3) Determining the application of summary procedure or formal procedure according to the circumstances of a case.

(4) Clarifying the focus of disputes by requiring the parties to exchange evidence and other means, if it is necessary to hold a court session.

Section 3 Court Trial

Article 134 A people's court shall try civil cases openly, except those involving any state secret or individual privacy or as otherwise provided by law.

Divorce cases and cases involving any trade secret may be tried in camera upon application of the parties.

Article 135 A people's court may, as needed, try civil cases in a circuit manner and on the spot.

Article 136 A people's court shall notify the parties and other litigation participants of the trial of a civil case three days before holding a court session. If the case is to be tried openly, the names of parties, cause of action, and time and location of court session shall be published.

Article 137 Before a court session begins, the court clerk shall check whether the parties and other litigation participants are present and announce court rules.

When a court session begins, the presiding judge shall check the identity of each party, announce the cause of action, announce the names of judges and court clerk, notify the parties of their relevant procedural rights and obligations, and ask the parties whether they file any requests for disqualification.

Article 138 Court investigation shall be conducted in the following order:

(1) The parties each present a statement.

(2) Witnesses are notified of their rights and obligations, witnesses testify, and the statements of absent witnesses are read.

(三) 根据案件情况, 确定适用简易程序或者普通程序;

(四) 需要开庭审理的, 通过要求当事人交换证据等方式, 明确争议焦点。

第三节 开庭审理

第一百三十四条 人民法院审理民事案件, 除涉及国家秘密、个人隐私或者法律另有规定的以外, 应当公开进行。

离婚案件, 涉及商业秘密的案件, 当事人申请不公开审理的, 可以不公开审理。

第一百三十五条 人民法院审理民事案件, 根据需要进行巡回审理, 就地办案。

第一百三十六条 人民法院审理民事案件, 应当在开庭三日前通知当事人和其他诉讼参与人。公开审理的, 应当公告当事人姓名、案由和开庭的时间、地点。

第一百三十七条 开庭审理前, 书记员应当查明当事人和其他诉讼参与人是否到庭, 宣布法庭纪律。

开庭审理时, 由审判长核对当事人, 宣布案由, 宣布审判人员、书记员名单, 告知当事人有关的诉讼权利义务, 询问当事人是否提出回避申请。

第一百三十八条 法庭调查按照下列顺序进行:

(一) 当事人陈述;

(二) 告知证人的权利义务, 证人作证, 宣读未到庭的证人证言;

(3) Documentary evidence, physical evidence, audio-visual recordings, and electronic data are adduced.

(4) Expert opinions are read.

(5) Transcripts of survey are read.

Article 139 The parties may adduce new evidence in court.

As permitted by the court, a party may question a witness, identification expert or surveyor.

A party's request for reinvestigation, re-identification or resurvey shall be subject to the decision of the people's court.

Article 140 The added claims of a plaintiff, the counterclaim of a defendant, and a third party's claims related to the case may be tried concurrently.

Article 141 Court debate shall be conducted in the following order:

(1) The plaintiff and the litigation representative thereof present their case.

(2) The defendant and the litigation representative thereof present their arguments.

(3) A third party and the litigation representative thereof present their case or their arguments.

(4) Debate among the parties.

At the end of court debate, the presiding judge shall ask each side's final statement in the order of plaintiff, defendant and third party.

Article 142 After the end of court debate, a judgment shall be entered in accordance with law. Where mediation is possible before a judgment is entered, mediation may be conducted; and if mediation fails, a judgment shall be entered in a timely manner.

Article 143 Where a plaintiff refuses to appear in court without justifiable reasons after being summonsed or leaves the courtroom during a court session without permission from the court, the court may deem that the

(三) 出示书证、物证、视听资料 and 电子数据;

(四) 宣读鉴定意见;

(五) 宣读勘验笔录。

第一百三十九条 当事人在法庭上可以提出新的证据。

当事人经法庭许可, 可以向证人、鉴定人、勘验人发问。

当事人要求重新进行调查、鉴定或者勘验的, 是否准许, 由人民法院决定。

第一百四十条 原告增加诉讼请求, 被告提出反诉, 第三人提出与本案有关的诉讼请求, 可以合并审理。

第一百四十一条 法庭辩论按照下列顺序进行:

(一) 原告及其诉讼代理人发言;

(二) 被告及其诉讼代理人答辩;

(三) 第三人及其诉讼代理人发言或者答辩;

(四) 互相辩论。

法庭辩论终结, 由审判长按照原告、被告、第三人的先后顺序征询各方最后意见。

第一百四十二条 法庭辩论终结, 应当依法作出判决。判决前能够调解的, 还可以进行调解, 调解不成的, 应当及时判决。

第一百四十三条 原告经传票传唤, 无正当理由拒不到庭的, 或者未经法庭许可中途退庭

plaintiff has withdrawn the action; and if the defendant has filed a counterclaim, the court may enter a default judgment.

Article 144 Where a defendant refuses to appear in court without justifiable reasons after being summonsed or leaves the courtroom during a court session without permission from the court, the court may enter a default judgment.

Article 145 Where a plaintiff requests withdrawal of the action before a judgment is pronounced, the people's court shall issue a ruling on whether to grant such a request.

If the people's court decides not to grant the request and the plaintiff refuses to appear in court without justifiable reasons after being summonsed, the people's court may enter a default judgment.

Article 146 Under any of the following circumstances, a court session may be postponed:

- (1) A party or any other litigation participant which must appear in court fails to appear in court for justifiable reasons.
- (2) A party files an unexpected request for disqualification.
- (3) It is necessary to notify a new witness to appear in court, collect new evidence, conduct re-identification or resurvey, or conduct further investigation.
- (4) Other circumstances requiring postponement.

Article 147 The court clerk shall record all court trial activities in transcripts, to which the judges and court clerk shall affix their signatures.

The court transcripts shall be read out in court, and the parties and other litigation participants may be notified to read the court transcripts in court or within five days. If the parties and other litigation participants deem that there are any omissions or errors in the court transcripts regarding their respective statements, they shall be entitled to request supplementation or correction. If no supplementation or correction is permitted, their requests shall be on record.

的，可以按撤诉处理；被告反诉的，可以缺席判决。

第一百四十四条 被告经传票传唤，无正当理由拒不到庭的，或者未经法庭许可中途退庭的，可以缺席判决。

第一百四十五条 宣判前，原告申请撤诉的，是否准许，由人民法院裁定。

人民法院裁定不准许撤诉的，原告经传票传唤，无正当理由拒不到庭的，可以缺席判决。

第一百四十六条 有下列情形之一的，可以延期开庭审理：

- （一）必须到庭的当事人和其他诉讼参与人有正当理由没有到庭的；
- （二）当事人临时提出回避申请的；
- （三）需要通知新的证人到庭，调取新的证据，重新鉴定、勘验，或者需要补充调查的；
- （四）其他应当延期的情形。

第一百四十七条 书记员应当将法庭审理的全部活动记入笔录，由审判人员和书记员签名。

法庭笔录应当当庭宣读，也可以告知当事人和其他诉讼参与人当庭或者在五日内阅读。当事人和其他诉讼参与人认为对自己的陈述记录有遗漏或者差错的，有权申请补正。如果不予补正，应当将申请记录在案。

The parties and other litigation participants shall affix their signatures or seals to the court transcripts. The court transcripts shall record any refusals to affix signatures or seals and be attached to the case file.

Article 148 Whether a case is tried openly or in camera, a people's court shall, without exception, pronounce its judgment publicly.

If a judgment is pronounced in court, a written judgment shall be issued within ten days; or if a judgment is pronounced later on a fixed date, a written judgment shall be issued immediately after pronouncement.

When a judgment is pronounced, the parties must be notified of their right to appeal, the time limit for appeal, and the appellate court.

When a divorce judgment is pronounced, the parties must be notified that neither of them may marry another person before the judgment takes effect.

Article 149 A people's court shall complete the trial of a case under formal procedure within six months after the case is docketed. If an extension of the period is necessary under special circumstances, the period may be extended for six months with the approval of the president of the people's court; and any further extension shall be subject to the approval of the superior of the people's court.

Section 4 Suspension and Termination of an Action

Article 150 Under any of the following circumstances, an action shall be suspended:

(1) A party dies and it is necessary to wait for his or her successors to indicate whether they will participate in the action.

(2) A party loses his or her litigation competency and his or her legal representative has not been determined.

(3) A party which is a legal person or any other organization is terminated and the successors to the rights and obligations of the party have not been determined.

(4) A party is unable to participate in the action for reasons beyond the party's control.

法庭笔录由当事人和其他诉讼参与人签名或者盖章。拒绝签名盖章的，记明情况附卷。

第一百四十八条 人民法院对公开审理或者不公开审理的案件，一律公开宣告判决。

当庭宣判的，应当在十日内发送判决书；定期宣判的，宣判后立即发给判决书。

宣告判决时，必须告知当事人上诉权利、上诉期限和上诉的法院。

宣告离婚判决，必须告知当事人在判决发生法律效力前不得另行结婚。

第一百四十九条 人民法院适用普通程序审理的案件，应当在立案之日起六个月内审结。有特殊情况需要延长的，由本院院长批准，可以延长六个月；还需要延长的，报请上级人民法院批准。

第四节 诉讼中止和终结

第一百五十条 有下列情形之一的，中止诉讼：

（一）一方当事人死亡，需要等待继承人表明是否参加诉讼的；

（二）一方当事人丧失诉讼行为能力，尚未确定法定代理人的；

（三）作为一方当事人的法人或者其他组织终止，尚未确定权利义务承受人的；

（四）一方当事人因不可抗拒的事由，不能参加诉讼的；

(5) The action must depend on the results of the trial of another case which has not been concluded.

(6) Other circumstances requiring suspension.

The action shall resume after the cause of suspension is eliminated.

Article 151 Under any of the following circumstances, an action shall be terminated:

(1)The plaintiff dies without successors or all of his or her successors waive their procedural rights.

(2)The defendant dies without estate and without any person which shall assume the defendant's obligations.

(3) In a divorce case, either party dies.

(4) In a case to recover support for elderly parents, support for other adult dependants or child support or to rescind an adoptive relationship, either party dies.

Section 5 Judgments and Rulings

Article 152 A written judgment shall state the results of judgment and reasons for entering the judgment. The content of a written judgment includes:

(1) the cause of action, claims, facts in dispute, and reasons;

(2) the facts found and reasons and the laws applied and reasons in the judgment;

(3) the results of judgment and the assumption of litigation expenses; and

(4) the time limit for filing an appeal and the appellate court.

The judges and court clerk shall affix their signatures and the people's court shall affix its seal to the written judgment.

Article 153 Where a portion of the facts of a case tried by a people's court has been ascertained, the people's court may first enter a judgment regarding such facts.

(五) 本案必须以另一案的审理结果为依据，而另一案尚未审结的；

(六) 其他应当中止诉讼的情形。

中止诉讼的原因消除后，恢复诉讼。

第一百五十一条 有下列情形之一的，终结诉讼：

(一) 原告死亡，没有继承人，或者继承人放弃诉讼权利的；

(二) 被告死亡，没有遗产，也没有应当承担义务的人的；

(三) 离婚案件一方当事人死亡的；

(四) 追索赡养费、扶养费、抚养费以及解除收养关系案件的一方当事人死亡的。

第五节 判决和裁定

第一百五十二条 判决书应当写明判决结果和作出该判决的理由。判决书内容包括：

(一) 案由、诉讼请求、争议的事实和理由；

(二) 判决认定的事实和理由、适用的法律和理由；

(三) 判决结果和诉讼费用的负担；

(四) 上诉期间和上诉的法院。

判决书由审判人员、书记员署名，加盖人民法院印章。

第一百五十三条 人民法院审理案件，其中一部分事实已经清楚，可以就该部分先行判决。

Article 154 The scope of application of a ruling shall include:

- (1) Refusing to accept an action;
- (2) Objection to jurisdiction;
- (3) Dismissing an action;
- (4) Preservation and advance enforcement;
- (5) Granting or not granting the withdrawal of an action;
- (6) Suspension or termination of an action;
- (7) Correcting typos in a written judgment;
- (8) Suspension or termination of enforcement;
- (9) revoking or not enforcing an arbitration award;
- (10) Refusing to enforce a debt instrument with enforceability legally granted by a notary office; and
- (11) Other issues to be resolved by a ruling.

A ruling in items (1) to (3) of the preceding paragraph is appealable.

A written ruling shall state the results of ruling and reasons for issuing the ruling. The judges and court clerk shall affix their signatures and the people's court shall affix its seal to a written ruling. A verbal ruling shall be recorded in transcripts.

Article 155 The judgments and rulings of the Supreme People's Court and the judgments and rulings not appealable in accordance with law or not appealed during the prescribed time limit shall be effective judgments and rulings.

Article 156 The public may consult effective written judgments and rulings, except content involving any national secret, trade secret or individual privacy.

Chapter 13 Summary Procedure

Article 157 Where a basic people's court and its detached tribunals try simple civil cases with clear facts,

第一百五十四条 裁定适用于下列范围:

- (一) 不予受理;
- (二) 对管辖权有异议的;
- (三) 驳回起诉;
- (四) 保全和先予执行;
- (五) 准许或者不准许撤诉;
- (六) 中止或者终结诉讼;
- (七) 补正判决书中的笔误;
- (八) 中止或者终结执行;
- (九) 撤销或者不予执行仲裁裁决;
- (十) 不予执行公证机关赋予强制执行效力的债权文书;
- (十一) 其他需要裁定解决的事项。

对前款第一项至第三项裁定,可以上诉。

裁定书应当写明裁定结果和作出该裁定的理由。裁定书由审判人员、书记员署名,加盖人民法院印章。口头裁定的,记入笔录。

第一百五十五条 最高人民法院的判决、裁定,以及依法不准上诉或者超过上诉期没有上诉的判决、裁定,是发生法律效力判决、裁定。

第一百五十六条 公众可以查阅发生法律效力的判决书、裁定书,但涉及国家秘密、商业秘密和个人隐私的内容除外。

第十三章 简易程序

第一百五十七条 基层人民法院和它派出的法庭审理事实清

unambiguous rights and obligations and minor disputes, the provisions of this Chapter shall apply.

Where a basic people's court and its detached tribunals try civil cases other than those in the preceding paragraph, the parties may agree on the application of summary procedure.

Article 158 In simple civil cases, the plaintiff may institute an action verbally.

Both sides may appear at the same time before a basic people's court or its detached tribunal for resolution of a dispute. The basic people's court or its detached tribunal may try the case immediately or schedule the trial for another day.

Article 159 When trying simple civil cases, a basic people's court and its detached tribunals may, in simple manners, summon the parties and witnesses, serve process and try cases but shall protect the parties' right to present a statement.

Article 160 Not subject to Articles 136, 138 and 141 of this Law, a simple civil case shall be tried by a sole judge.

Article 161 A people's court which tries a case under summary procedure shall complete the trial of the case within three months after the case is docketed.

Article 162 Where a basic people's court or its detached tribunal tries a simple civil case as described in paragraph 1 of Article 157 of this Law, if the amount of subject matter is lower than 30 percent of the previous year's average annual wages of workers in a province, autonomous region or municipality directly under the Central Government, the adjudication of the basic people's court or detached tribunal shall be final.

Article 163 A people's court which discovers during the trial of a case that the application of summary procedure is not appropriate for the case shall issue a ruling to transfer the case into formal procedure.

楚、权利义务关系明确、争议不大的简单的民事案件，适用本章规定。

基层人民法院和它派出的法庭审理前款规定以外的民事案件，当事人双方也可以约定适用简易程序。

第一百五十八条 对简单的民事案件，原告可以口头起诉。

当事人双方可以同时到基层人民法院或者它派出的法庭，请求解决纠纷。基层人民法院或者它派出的法庭可以当即审理，也可以另定日期审理。

第一百五十九条 基层人民法院和它派出的法庭审理简单的民事案件，可以用简便方式传唤当事人和证人、送达诉讼文书、审理案件，但应当保障当事人陈述意见的权利。

第一百六十条 简单的民事案件由审判员一人独任审理，并不受本法第一百三十六条、第一百三十八条、第一百四十一条规定的限制。

第一百六十一条 人民法院适用简易程序审理案件，应当在立案之日起三个月内审结。

第一百六十二条 基层人民法院和它派出的法庭审理符合本法第一百五十七条第一款规定的简单的民事案件，标的额为各省、自治区、直辖市上年度就业人员年平均工资百分之三十以下的，实行一审终审。

第一百六十三条 人民法院在审理过程中，发现案件不宜适用简易程序的，裁定转为普通程序。

Chapter 14 Procedure at Second Instance

Article 164 Against a first instance judgment of a local people's court, a party shall have the right to file an appeal with the people's court at the next higher level within 15 days from the date of service of the written judgment.

Against a first instance ruling of a local people's court, a party shall have the right to file an appeal with the people's court at the next higher level within 10 days from the date of service of the written ruling.

Article 165 An appellant shall submit a written appeal. The written appeal shall include the names of the parties which are natural persons, names of a legal person and its legal representative or names of any other organization and its primary person in charge; the name of the original trial people's court, case number and cause of action; and the claims in appeal and reasons for appeal.

Article 166 An appellant shall submit a written appeal through the original trial people's court and provide copies of it according to the number of the opposing parties or the representatives of the opposing parties.

Where a party appeals directly to a people's court of second instance, the people's court of second instance shall, within five days, transfer the written appeal to the original trial people's court.

Article 167 The original trial people's court shall, within five days after receiving a written appeal, serve the copies of the written appeal on the opposing parties, and the opposing parties shall, within 15 days after receiving the copies, submit their written statements of defense. The original trial people's court shall, within five days after receiving the written statements of defense, serve the copies of the written statements of defense on the appellant. The trial of the case by a people's court shall not be affected by an opposing party's failure to submit a written statement of defense.

After receiving both the written appeal and the written statements of defense, the original trial people's court shall, within five days, transfer them along with the entire case file and evidence to the people's court of second instance.

第十四章 第二审程序

第一百六十四条 当事人不服地方人民法院第一审判决的，有权在判决书送达之日起十五日内向上一级人民法院提起上诉。

当事人不服地方人民法院第一审裁定的，有权在裁定书送达之日起十日内向上一级人民法院提起上诉。

第一百六十五条 上诉应当递交上诉状。上诉状的内容，应当包括当事人的姓名，法人的名称及其法定代表人的姓名或者其他组织的名称及其主要负责人的姓名；原审人民法院名称、案件的编号和案由；上诉的请求和理由。

第一百六十六条 上诉状应当通过原审人民法院提出，并按照对方当事人或者代表人的人数提出副本。

当事人直接向第二审人民法院上诉的，第二审人民法院应当在五日内将上诉状移交原审人民法院。

第一百六十七条 原审人民法院收到上诉状，应当在五日内将上诉状副本送达对方当事人，对方当事人在收到之日起十五日内提出答辩状。人民法院应当在收到答辩状之日起五日内将副本送达上诉人。对方当事人不提出答辩状的，不影响人民法院审理。

原审人民法院收到上诉状、答辩状，应当在五日内连同全部案卷和证据，报送第二审人民法院。

Article 168 The people's court of second instance shall review the facts and application of law in relation to the claims in appeal.

Article 169 The people's court of second instance shall form a collegial bench to try an appeal case in a court session. Where, after consultation of the case file, investigation and questioning of the parties, no new fact, evidence or reason is submitted, the collegial bench may decide not to hold a court session if deeming a court session unnecessary.

The people's court of second instance may try an appeal case in its own courtroom or at the place where the case occurred or where the original trial people's court is located.

Article 170 After trial, the people's court of second instance shall handle appeal cases according to the following different circumstances:

(1) Dismissing an appeal and sustaining the original judgment or ruling in the form of a judgment or ruling, if the original judgment or ruling is clear in fact finding and correct in application of law.

(2) Reversing, revoking or modifying the original judgment or ruling in accordance with law in the form of a judgment or ruling, if the original judgment or ruling is erroneous in fact finding or application of law.

(3) Issuing a ruling to revoke the original judgment and remand the case to the original trial people's court for retrial or reversing the original judgment after ascertaining facts, if the original judgment is unclear in finding the basic facts.

(4) Issuing a ruling to revoke the original judgment and remand the case to the original trial people's court, if the original judgment seriously violates statutory procedures, such as omitting a party or illegally entering a default judgment.

Where, after the original trial people's court enters a judgment for a case remanded for retrial, a party appeals the judgment, the people's court of second instance shall not remand the case again for retrial.

第一百六十八条 第二审人民法院应当对上诉请求的有关事实和适用法律进行审查。

第一百六十九条 第二审人民法院对上诉案件，应当组成合议庭，开庭审理。经过阅卷、调查和询问当事人，对没有提出新的事实、证据或者理由，合议庭认为不需要开庭审理的，可以不开庭审理。

第二审人民法院审理上诉案件，可以在本院进行，也可以到案件发生地或者原审人民法院所在地进行。

第一百七十条 第二审人民法院对上诉案件，经过审理，按照下列情形，分别处理：

（一）原判决、裁定认定事实清楚，适用法律正确的，以判决、裁定方式驳回上诉，维持原判决、裁定；

（二）原判决、裁定认定事实错误或者适用法律错误的，以判决、裁定方式依法改判、撤销或者变更；

（三）原判决认定基本事实不清的，裁定撤销原判决，发回原审人民法院重审，或者查清事实后改判；

（四）原判决遗漏当事人或者违法缺席判决等严重违反法定程序的，裁定撤销原判决，发回原审人民法院重审。

原审人民法院对发回重审的案件作出判决后，当事人提起上诉的，第二审人民法院不得再次发回重审。

Article 171 The people's court of second instance shall, without exception, issue a ruling after trial of an appeal against a ruling of the people's court of first instance.

Article 172 When trying an appeal case, the people's court of second instance may conduct mediation. If a mediation agreement is reached, a consent judgment shall be prepared, to which the judges and court clerk shall affix their signatures and the people's court shall affix its seal. Upon service of the consent judgment, the judgment of the original trial people's court shall be deemed revoked.

Article 173 Where an appellant requests withdrawal of its appeal before the people's court of second instance pronounces its judgment, the people's court of second instance shall issue a ruling on whether to grant such a request.

Article 174 Subject to the provisions of this Chapter, a people's court of second instance shall try appeal cases under the formal procedure at first instance.

Article 175 The judgments and rulings of a people's court of second instance shall be final.

Article 176 A people's court shall complete the trial of an appeal case against a judgment within three months after the appeal is docketed. Any extension of the aforesaid period under special circumstances shall be subject to the approval of the president of the people's court.

A people's court shall issue a final ruling for an appeal case against a ruling within 30 days after the appeal is docketed.

Chapter 15 Special Procedures

Section 1 General Provisions

Article 177 The people's courts shall try voter eligibility cases, missing person declaration and death declaration cases, cases of determining civil incompetency or limited civil competency of citizens, cases of determining unclaimed property, cases of confirming mediation agreements and cases of security interest realization in accordance with the provisions of this Chapter. Where this

第一百七十一条 二审人民法院对不服第一审人民法院裁定的上诉案件的处理，一律使用裁定。

第一百七十二条 二审人民法院审理上诉案件，可以进行调解。调解达成协议，应当制作调解书，由审判人员、书记员署名，加盖人民法院印章。调解书送达后，原审人民法院的判决即视为撤销。

第一百七十三条 二审人民法院判决宣告前，上诉人申请撤回上诉的，是否准许，由二审人民法院裁定。

第一百七十四条 二审人民法院审理上诉案件，除依照本章规定外，适用第一审普通程序。

第一百七十五条 二审人民法院的判决、裁定，是终审的判决、裁定。

第一百七十六条 人民法院审理对判决的上诉案件，应当在第二审立案之日起三个月内审结。有特殊情况需要延长的，由本院院长批准。

人民法院审理对裁定的上诉案件，应当在第二审立案之日起十日内作出终审裁定。

第十五章 特别程序

第一节 一般规定

第一百七十七条 人民法院审理选民资格案件、宣告失踪或者宣告死亡案件、认定公民无民事行为能力或者限制民事行为能力案件、认定财产无主案件、确认调解协议案件和实现担保物权案件，适用本章规定。本章没有

Chapter is silent, the relevant provisions of this Law and other laws shall apply.

Article 178 For cases tried under procedures in this Chapter, the trial results are not appealable. A collegial bench consisting of judges only shall be formed to try a voter eligibility case or a significant or difficult case; and any other case shall be tried by a sole judge.

Article 179 A people's court which discovers during the trial of a case under a procedure in this Chapter that the case involves a dispute over civil rights and interests shall issue a ruling to terminate the special procedure and notify the interested parties that they may institute a separate action.

Article 180 A people's court shall complete the trial of a case under a special procedure within 30 days after the case is docketed or within 30 days after the period of public announcement expires. Any extension of the aforesaid trial period under special circumstances shall be subject to the approval of the president of the people's court. This article is not applicable to the trial of voter eligibility cases.

Section 2 Voter Eligibility Cases

Article 181 Against an election committee's decision on a petition regarding voter eligibility, a citizen may, five days before the election day, institute an action in the basic people's court at the place where the electoral district is located.

Article 182 After accepting a voter eligibility case, a people's court must complete the trial of the case before the election day.

The plaintiff, the representative of the election committee and the relevant citizen must participate in the trial.

The written judgment of the people's court shall be served on the election committee and the plaintiff before the election day, and the relevant citizen shall be notified.

Section 3 Missing Person Declaration and Death Declaration Cases

Article 183 Where the whereabouts of a citizen has been unknown for two years and an interested party applies for declaration of the citizen to be missing, the application

规定的, 适用本法和其他法律的有关规定。

第一百七十八条 依照本章程程序审理的案件, 实行一审终审。选民资格案件或者重大、疑难的案件, 由审判员组成合议庭审理; 其他案件由审判员一人独任审理。

第一百七十九条 人民法院在依照本章程程序审理案件的过程中, 发现本案属于民事权益争议的, 应当裁定终结特别程序, 并告知利害关系人可以另行起诉。

第一百八十条 人民法院适用特别程序审理的案件, 应当在立案之日起三十日内或者公告期满后三十日内审结。有特殊情况需要延长的, 由本院院长批准。但审理选民资格案件除外。

第二节 选民资格案件

第一百八十一条 公民不服选举委员会对选民资格的申诉所作的处理决定, 可以在选举日的五日以前向选区所在地基层人民法院起诉。

第一百八十二条 人民法院受理选民资格案件后, 必须在选举日前审结。

审理时, 起诉人、选举委员会的代表和有关公民必须参加。

人民法院的判决书, 应当在选举日前送达选举委员会和起诉人, 并通知有关公民。

第三节 宣告失踪、宣告死亡案件

第一百八十三条 公民下落不明满二年, 利害关系人申请宣

shall be filed with the basic people's court at the place of domicile of the citizen whose whereabouts is unknown.

The written application shall state the fact and time of disappearance and claims, to which a written certificate issued by a public security authority or any other relevant authority regarding the fact that citizen's whereabouts is unknown shall be attached.

Article 184 Where the whereabouts of a citizen has been unknown for four years, has been unknown for involvement in an accident for two years, or has been unknown for involvement in an accident which the citizen cannot survive according to a certificate issued by a relevant authority, if an interested party applies for declaration of the citizen to be dead, the application shall be filed with the basic people's court at the place of domicile of the citizen whose whereabouts is unknown.

The written application shall state the fact and time of the citizen's whereabouts being unknown and claims, to which a written certificate issued by a public security authority or any other relevant authority regarding the fact that the citizen's whereabouts is known shall be attached.

Article 185 After accepting a missing person declaration or death declaration case, a people's court shall issue a public announcement to search for the missing person. The period of public announcement for declaring a person to be missing shall be three months, and the period of public announcement for declaring a person to be dead shall be one year. Where a citizen's whereabouts has been unknown for his or her involvement in an accident which the citizen cannot survive according to a certificate issued by a relevant authority, the period of public announcement for declaring the citizen to be dead shall be three months.

Upon expiration of the aforesaid period of public announcement, the people's court shall, according to whether the missing or death of the citizen to be declared has been confirmed as a fact, enter a judgment to declare that the person is missing or dead or enter a judgment to dismiss the application.

Article 186 Where a citizen who has been declared to be missing or dead reappears, the people's court shall, upon application of the citizen or an interested party, enter a new judgment to revoke the original one.

告其失踪的，向下落不明人住所地基层人民法院提出。

申请书应当写明失踪的事实、时间和请求，并附有公安机关或者其他有关机关关于该公民下落不明的书面证明。

第一百八十四条 公民下落不明满四年，或者因意外事故下落不明满二年，或者因意外事故下落不明，经有关机关证明该公民不可能生存，利害关系人申请宣告其死亡的，向下落不明人住所地基层人民法院提出。

申请书应当写明下落不明的事实、时间和请求，并附有公安机关或者其他有关机关关于该公民下落不明的书面证明。

第一百八十五条 人民法院受理宣告失踪、宣告死亡案件后，应当发出寻找下落不明人的公告。宣告失踪的公告期间为三个月，宣告死亡的公告期间为一年。因意外事故下落不明，经有关机关证明该公民不可能生存的，宣告死亡的公告期间为三个月。

公告期间届满，人民法院应当根据被宣告失踪、宣告死亡的事实是否得到确认，作出宣告失踪、宣告死亡的判决或者驳回申请的判决。

第一百八十六条 被宣告失踪、宣告死亡的公民重新出现，经本人或者利害关系人申请，人

Section 4 Cases of Determining Civil Incompetency or Limited Civil Competency of Citizens

Article 187 For the determination of a citizen's civil incompetency or limited civil competency, an application shall be filed by a close relative of the citizen or any other interested party with the basic people's court at the place of domicile of the citizen.

The written application shall state the facts and basis regarding the citizen's civil incompetency or limited civil competency.

Article 188 After accepting an application, a people's court shall, when necessary, conduct identification of the citizen's civil incompetency or limited civil competency to be determined upon application. If the applicant has provided an expert opinion, the people's court shall examine the expert opinion.

Article 189 Where a people's court tries a case of determining a citizen's civil incompetency or limited civil competency, a close relative, other than the applicant, of the citizen shall serve as the citizen's representative. If the close relatives of the citizen shift their duty of representation onto each other, the people's court shall specify one of them as the representative of the citizen. If the citizen's health status allows, the people's court shall also solicit the opinion of the citizen.

If, upon trial, the people's court holds that the application is supported by facts, it shall enter a judgment to determine that the citizen is a person without civil competency or with limited civil competency; otherwise, it shall enter a judgment to dismiss the application.

Article 190 Upon application of a person who has been determined as a person without civil competency or with limited civil competency or application of his or her guardian, a people's court shall enter a new judgment to revoke the original one if it is evidenced that the cause of the person's civil incompetency or limited civil competency has been eliminated.

Section 5 Cases of Determining Unclaimed Property

民法院应当作出新判决，撤销原判决。

第四节 认定公民无民事行为能力、限制民事行为能力案件

第一百八十七条 申请认定公民无民事行为能力或者限制民事行为能力，由其近亲属或者其他利害关系人向该公民住所地基层人民法院提出。

申请书应当写明该公民无民事行为能力或者限制民事行为能力的事实和根据。

第一百八十八条 人民法院受理申请后，必要时应当对被请求认定为无民事行为能力或者限制民事行为能力的公民进行鉴定。申请人已提供鉴定意见的，应当对鉴定意见进行审查。

第一百八十九条 人民法院审理认定公民无民事行为能力或者限制民事行为能力的案件，应当由该公民的近亲属为代理人，但申请人除外。近亲属互相推诿的，由人民法院指定其中一人为代理人。该公民健康情况许可的，还应当询问本人的意见。

人民法院经审理认定申请有事实根据的，判决该公民为无民事行为能力或者限制民事行为能力人；认定申请没有事实根据的，应当判决予以驳回。

第一百九十条 人民法院根据被认定为无民事行为能力人、限制民事行为能力人或者他的监护人的申请，证实该公民无民事行为能力或者限制民事行为能力的原因为已经消除的，应当作出新判决，撤销原判决。

第五节 认定财产无主案件

Article 191 For the determination of unclaimed property, a citizen, a legal person or any other organization shall file an application with the basic people's court at the place where the property is located.

The written application shall state the kind and quantity of property and the grounds for requesting determination of unclaimed property.

Article 192 After accepting an application, the people's court shall conduct examination and verification and issue a public announcement on claiming the property. If no one claims the property upon one year from the date of public announcement, the people's court shall enter a judgment to determine that the property is unclaimed property and therefore owned by the state or a collective.

Article 193 Where, after any property is determined as unclaimed property in a judgment, the original owner of the property or the successor thereto appears, the original owner or successor may claim the property within the time limitation prescribed in the General Principles of Civil Law, the people's court shall, after examination and verification, enter a new judgment to revoke the original one.

Section 6 Cases of Confirming Mediation Agreements

Article 194 To apply for judicial confirmation of a mediation agreement, both parties to the mediation agreement shall, in accordance with the People's Mediation Law and other laws, jointly file an application with the basic people's court of the place where the mediation organization is located within 30 days from the effective date of the mediation agreement.

Article 195 After accepting an application, if the application complies with legal provisions upon examination, the people's court shall issue a ruling to affirm the validity of the mediation agreement, and if one party refuses to perform or fails to fully perform the mediation agreement, the opposing party may apply for enforcement to the people's court; or if the application does not comply with legal provisions upon examination, the people's court shall issue a ruling to dismiss the application, and the parties may, through mediation, modify the mediation agreement or reach a new mediation agreement and may also institute an action in a people's court.

第一百九十一条 申请认定财产无主，由公民、法人或者其他组织向财产所在地基层人民法院提出。

申请书应当写明财产的种类、数量以及要求认定财产无主的根据。

第一百九十二条 人民法院受理申请后，经审查核实，应当发出财产认领公告。公告满一年无人认领的，判决认定财产无主，收归国家或者集体所有。

第一百九十三条 判决认定财产无主后，原财产所有人或者继承人出现，在民法通则规定的诉讼时效期间可以对财产提出请求，人民法院审查属实后，应当作出新判决，撤销原判决。

第六节 确认调解协议案件

第一百九十四条 申请司法确认调解协议，由双方当事人依照人民调解法等法律，自调解协议生效之日起三十日内，共同向调解组织所在地基层人民法院提出。

第一百九十五条 人民法院受理申请后，经审查，符合法律规定的，裁定调解协议有效，一方当事人拒绝履行或者未全部履行的，对方当事人可以向人民法院申请执行；不符合法律规定的，裁定驳回申请，当事人可以通过调解方式变更原调解协议或者达成新的调解协议，也可以向人民法院提起诉讼。

Section 7 Cases of Security Interest Realization

Article 196 To apply for realization of a security interest, the security interest holder or any other party entitled to request realization of the security interest shall, in accordance with the Property Law and other laws, file an application with the basic people's court at the place where the property posted as security is located or at the place of registration of the security interest.

Article 197 After accepting an application, if the application complies with legal provisions upon examination, the people's court shall issue a ruling to auction or sell the property posted as security, and the parties may, based on the ruling, apply for enforcement to the people's court; or if the application does not comply with legal provisions, the people's court shall issue a ruling to dismiss the application, and the party may institute an action in a people's court.

Chapter 16 Trial Supervision Procedure

Article 198 Where the president of a people's court at any level discovers any error in any effective judgment, ruling or consent judgment of the court and deems a retrial necessary, the president shall submit it to the judicial committee for deliberation and decision.

Where the Supreme People's Court discovers any error in any effective judgment, ruling or consent judgment of a local people's court at any level or a people's court at a higher level discovers any error in any effective judgment, ruling or consent judgment of a people's court at a lower level, the Supreme People's Court or the court at a higher level shall have the power to directly retry the case or specify a people's court at a lower level to retry the case.

Article 199 A party which deems that an effective judgment or ruling is erroneous may file a petition for retrial with the people's court at the next higher level; and if the parties on one side are numerous or the parties on both sides are citizens, the parties may file a petition for retrial with the original trial people's court. Where a party files a petition for retrial, the execution of the judgment or ruling shall not be discontinued.

第七节 实现担保物权案件

第一百九十六条 申请实现担保物权，由担保物权人以及其他有权请求实现担保物权的人依照物权法等法律，向担保财产所在地或者担保物权登记地基层人民法院提出。

第一百九十七条 人民法院受理申请后，经审查，符合法律规定的，裁定拍卖、变卖担保财产，当事人依据该裁定可以向人民法院申请执行；不符合法律规定的，裁定驳回申请，当事人可以向人民法院提起诉讼。

第十六章 审判监督程序

第一百九十八条 各级人民法院院长对本院已经发生法律效力判决、裁定、调解书，发现确有错误，认为需要再审的，应当提交审判委员会讨论决定。

最高人民法院对地方各级人民法院已经发生法律效力判决、裁定、调解书，上级人民法院对下级人民法院已经发生法律效力判决、裁定、调解书，发现确有错误的，有权提审或者指令下级人民法院再审。

第一百九十九条 当事人对已经发生法律效力判决、裁定，认为有错误的，可以向上一级人民法院申请再审；当事人一方人数众多或者当事人双方为公民的案件，也可以向原审人民法院申请再审。当事人申请再审的，不停止判决、裁定的执行。

Article 200 Where a petition for retrial filed by a party falls under any of the following circumstances, the people's court shall conduct a retrial:

- (1) There is any new evidence which suffices to overturn the original judgment or ruling.
- (2) The basic facts found in the original judgment or ruling are not evidenced.
- (3) The primary evidence admitted in the original judgment or ruling for finding facts is forged.
- (4) The primary evidence admitted in the original judgment or ruling for finding facts has not been cross-examined.
- (5) For objective reasons, a party is unable to gather any primary evidence necessary for the trial of a case and applies in writing for the people's court to investigate and gather the evidence, but the people's court has not investigated and gathered the evidence.
- (6) There is any erroneous application of law in the original judgment or ruling.
- (7) The composition of the trial organization is illegal or any judge who shall be disqualified in accordance with law fails to be disqualified.
- (8) The legal representative of a person without competency to participate in the action fails to participate in the action on behalf of the person or a party which shall participate in the action fails to participate in the action, which is not attributable to the fault of the party or the litigation representative thereof.
- (9) A party's right to debate is illegally denied.
- (10) A default judgment is entered against a party which has not been summonsed.
- (11) The original judgment or ruling has omitted any claims or exceeded the claims of the parties.
- (12) The legal instrument on which the original judgment or ruling is based has been revoked or modified.

第二百条 当事人的申请符合下列情形之一的，人民法院应当再审：

- （一）有新的证据，足以推翻原判决、裁定的；
- （二）原判决、裁定认定的基本事实缺乏证据证明的；
- （三）原判决、裁定认定事实的主要证据是伪造的；
- （四）原判决、裁定认定事实的主要证据未经质证的；
- （五）对审理案件需要的主要证据，当事人因客观原因不能自行收集，书面申请人民法院调查收集，人民法院未调查收集的；
- （六）原判决、裁定适用法律确有错误的；
- （七）审判组织的组成不合法或者依法应当回避的审判人员没有回避的；
- （八）无诉讼行为能力人未经法定代理人代为诉讼或者应当参加诉讼的当事人，因不能归责于本人或者其诉讼代理人的事由，未参加诉讼的；
- （九）违反法律规定，剥夺当事人辩论权利的；
- （十）未经传票传唤，缺席判决的；
- （十一）原判决、裁定遗漏或者超出诉讼请求的；
- （十二）据以作出原判决、裁定的法律文书被撤销或者变更的；

(13) When trying the case, a judge commits embezzlement, accepts bribes, practices favoritism for personal gains, or adjudicates by bending the law.

Article 201 Where, against an effective consent judgment, a party adduces any evidence that the mediation has violated the principle of free will of the parties or any content of the mediation agreement has violated law, the party may petition for retrial. The people's court shall, upon examination and verification, conduct a retrial.

Article 202 A party shall not file a petition for retrial against an effective judgment or consent judgment which dissolves a marital relationship.

Article 203 A party which petitions for retrial shall submit a written retrial petition and other materials. The people's court shall, within five days after receiving the written retrial petition, serve the copies of the written retrial petition on the opposing parties. The opposing parties shall submit their written opinions within 15 days after receiving the copies of the written retrial petition; and any opposing party's failure to submit a written opinion shall not affect the examination of the petition by the people's court. The people's court may require the petitioner and the opposing parties to provide relevant supplements and may question them on relevant matters.

Article 204 A people's court shall, within three months after receiving a written retrial petition, examine the petition and, if the petition complies with the provisions of this Law, issue a ruling to retry the case; or if the petition does not comply with the provisions of this Law, issue a ruling to dismiss the petition. Where, under special circumstances, an extension of the aforesaid period is necessary, the extension shall be subject to the approval of the president of the people's court.

A case to be retried according to a ruling issued upon petition of a party shall be retried by a people's court at or above the level of an intermediate people's court, except a case to be retried by a basic people's court upon petition as chosen by the parties under Article 199 of this Law. A case to be retried according to a ruling issued by the Supreme People's Court or a higher people's court shall be retried by the court issuing the ruling, and the court issuing

(十三) 审判人员审理该案件时有贪污受贿，徇私舞弊，枉法裁判行为的。

第二百零一条 当事人对已经发生法律效力的调解书，提出证据证明调解违反自愿原则或者调解协议的内容违反法律的，可以申请再审。经人民法院审查属实的，应当再审。

第二百零二条 当事人对已经发生法律效力的解除婚姻关系的判决、调解书，不得申请再审。

第二百零三条 当事人申请再审的，应当提交再审申请书等材料。人民法院应当自收到再审申请书之日起五日内将再审申请书副本发送对方当事人。对方当事人应当自收到再审申请书副本之日起十五日内提交书面意见；不提交书面意见的，不影响人民法院审查。人民法院可以要求申请人和对方当事人补充有关材料，询问有关事项。

第二百零四条 人民法院应当自收到再审申请书之日起三个月内审查，符合本法规定的，裁定再审；不符合本法规定的，裁定驳回申请。有特殊情况需要延长的，由本院院长批准。

因当事人申请裁定再审的案件由中级人民法院以上的人民法院审理，但当事人依照本法第一百九十九条的规定选择向基层人民法院申请再审的除外。最高人民法院、高级人民法院裁定再审的案件，由本院再审或者交其他人民

the ruling may transfer the case to any other people's court including the original trial people's court for retrial.

Article 205 A party which petitions for retrial shall file a petition for retrial within six months from the effective date of a judgment or ruling; or under the circumstances of item (1), (3), (12) or (13) of Article 200 of this Law, file a petition for retrial within six months from the day when the party knows or should have known.

Article 206 For a case retried according to a decision made under the trial supervision procedure, a ruling shall be issued to suspend the execution of the original judgment, ruling or consent judgment, but suspension of execution is not required for cases to recover support for elderly parents, support for other adult dependants, child support, consolation money, medical expenses, and labor remuneration, among others.

Article 207 For a case to be retried by a people's court under the trial supervision procedure, if the effective judgment or ruling was entered by a court of first instance, the people's court shall retry the case under the procedure at first instance, and the judgment or ruling entered by the people's court is appealable; if the effective judgment or ruling was entered by a court of second instance, the people's court shall retry the case under the procedure at second instance, and the judgment or ruling entered by the people's court shall be immediately effective; or if the case is directly retried by a people's court at a higher level, the people's court at a higher level shall retry the case under the procedure at second instance, and the judgment or ruling entered by the people's court at a higher level shall be immediately effective.

A people's court shall form a new collegial bench to retry a case.

Article 208 Where the Supreme People's Procuratorate discovers that any effective judgment or ruling of a people's court at any level falls under any of the circumstances set out in Article 200 of this Law or any effective consent judgment thereof causes any damage to the national interest or public interest, or a people's procuratorate at a higher level discovers that any effective judgment or ruling of a people's court at a lower level falls

法院再审，也可以交原审人民法院再审。

第二百零五条 当事人申请再审，应当在判决、裁定发生法律效力后六个月内提出；有本法第二百条第一项、第三项、第十二项、第十三项规定情形的，自知道或者应当知道之日起六个月内提出。

第二百零六条 按照审判监督程序决定再审的案件，裁定中止原判决、裁定、调解书的执行，但追索赡养费、扶养费、抚养费、抚恤金、医疗费用、劳动报酬等案件，可以不中止执行。

第二百零七条 人民法院按照审判监督程序再审的案件，发生法律效力判决、裁定是由第一审法院作出的，按照第一审程序审理，所作的判决、裁定，当事人可以上诉；发生法律效力判决、裁定是由第二审法院作出的，按照第二审程序审理，所作的判决、裁定，是发生法律效力的判决、裁定；上级人民法院按照审判监督程序提审的，按照第二审程序审理，所作的判决、裁定是发生法律效力的判决、裁定。

人民法院审理再审案件，应当另行组成合议庭。

第二百零八条 最高人民检察院对各级人民法院已经发生法律效力的判决、裁定，上级人民检察院对下级人民法院已经发生法律效力的判决、裁定，发现有本法第二百条规定情形之一的，或者发现调解书损害国家利益、

under any of the circumstances set out in Article 200 of this Law or any effective consent judgment thereof causes any damage to the national interest or public interest, the Supreme People's Procuratorate or the people's procuratorate at a higher level shall file an appeal.

Where a local people's procuratorate at any level discovers that any effective judgment or ruling of a people's court at the same level falls under any of the circumstances set out in Article 200 of this Law or discovers that any consent judgment thereof causes any damage to the national interest or public interest, the people's procuratorate may offer procuratorial recommendations to the people's court at the same level and file a report with the people's procuratorate at the next higher level; and may also request the people's procuratorate at the next higher level to file an appeal with the people's court at the corresponding level.

A people's procuratorate at any level shall have the authority to offer procuratorial recommendations to the people's court at the same level regarding violations of law by judges in trial procedures other than the trial supervision procedure.

Article 209 Under any of following circumstances, a party may apply to a people's procuratorate for procuratorial recommendations or appeal:

- (1) A people's court dismisses a petition for retrial.
- (2) A people's court fails to issue a ruling regarding a petition for retrial within the prescribed time limit.
- (3) The judgment or ruling entered after retrial is clearly erroneous.

The people's procuratorate shall, within three months, examine the party's application and make a decision to offer or not to offer procuratorial recommendations or a decision to file or not to file an appeal. The party shall not apply again to the people's procuratorate for offering procuratorial recommendations or filing an appeal.

Article 210 A people's procuratorate may, as necessary for offering procuratorial recommendations or filing an appeal to perform its duty of legal supervision, investigate and

社会公共利益的，应当提出抗诉。

地方各级人民检察院对同级人民法院已经发生法律效力判决、裁定，发现有本法第二百零条规定情形之一的，或者发现调解书损害国家利益、社会公共利益的，可以向同级人民法院提出检察建议，并报上级人民检察院备案；也可以提请上级人民检察院向同级人民法院提出抗诉。

各级人民检察院对审判监督程序以外的其他审判程序中审判人员的违法行为，有权向同级人民法院提出检察建议。

第二百零九条 有下列情形之一的，当事人可以向人民检察院申请检察建议或者抗诉：

- (一) 人民法院驳回再审申请的；
- (二) 人民法院逾期未对再审申请作出裁定的；
- (三) 再审判决、裁定有明显错误的。

人民检察院对当事人的申请应当在三个月内进行审查，作出提出或者不予提出检察建议或者抗诉的决定。当事人不得再次向人民检察院申请检察建议或者抗诉。

第二百一十条 人民检察院因履行法律监督职责提出检察建议或者抗诉的需要，可以向当事

verify relevant information from the parties or those who are not parties to a case.

Article 211 For a case where a people's procuratorate files an appeal, the people's court accepting the appeal shall issue a ruling on retrial within 30 days after receiving the written appeal; and under any of the circumstances set out in items (1) to (5) of Article 200 of this Law, may transfer the case to the people's court at the next lower level for retrial unless the case has been retried by the people's court at the next lower level.

Article 212 A people's procuratorate which files an appeal against a judgment, ruling or consent judgment of a people's court shall prepare a written appeal.

Article 213 When a people's court retries a case upon appeal of a people's procuratorate, the people's court shall notify the people's procuratorate to send personnel to be present in court.

Chapter 17 Procedure for Urging Debt Repayment

Article 214 A creditor which requests a debtor to repay money or negotiable securities may apply to the basic people's court having jurisdiction to issue an order for payment if the following conditions are met:

(1) There are no other debt disputes between the creditor and the debtor.

(2) The order for payment can be served on the debtor.

The creditor's written application shall state the amount of money or negotiable securities to be repaid and the facts and evidence on which the application is based.

Article 215 After a creditor files an application, the people's court shall, within five days, notify the creditor whether the application is accepted.

Article 216 After accepting an application, the people's court shall examine the facts and evidence provided by the creditor and, if the creditor-debtor relationship is clear and legal, issue an order for payment to the debtor within 15 days after accepting the application; or if the application is not supported, issue a ruling to dismiss the application.

人或者案外人调查核实有关情况。

第二百一十一条 人民检察院提出抗诉的案件，接受抗诉的人民法院应当自收到抗诉书之日起三十日内作出再审的裁定；有本法第二百条第一项至第五项规定情形之一的，可以交下一级人民法院再审，但经该下一级人民法院再审的除外。

第二百一十二条 人民检察院决定对人民法院的判决、裁定、调解书提出抗诉的，应当制作抗诉书。

第二百一十三条 人民检察院提出抗诉的案件，人民法院再审时，应当通知人民检察院派员出席法庭。

第十七章 督促程序

第二百一十四条 债权人请求债务人给付金钱、有价证券，符合下列条件的，可以向有管辖权的基层人民法院申请支付令：

（一）债权人与债务人没有其他债务纠纷的；

（二）支付令能够送达债务人的。

申请书应当写明请求给付金钱或者有价证券的数量和所根据的事实、证据。

第二百一十五条 债权人提出申请后，人民法院应当在五日内通知债权人是否受理。

第二百一十六条 人民法院受理申请后，经审查债权人提供的事实、证据，对债权债务关系明确、合法的，应当在受理之日起十五日内向债务人发出支付

The debtor shall, within 15 days after receiving the order for payment, repay the debt or submit a written objection to the people's court.

If the debtor has neither submitted an objection nor complied with the order for payment during the period prescribed in the preceding paragraph, the creditor may apply to the people's court for enforcement of the order for payment.

Article 217 After receiving a written objection from a debtor, if the objection is supported upon examination, a people's court shall issue a ruling to terminate the procedure for urging debt repayment, and the order for payment shall be automatically invalidated.

Where an order for payment is invalidated, the litigation procedure shall be initiated, unless the party applying for the order for payment disagrees to institute an action.

Chapter 18 Procedure for Announcement to Urge Declaration of Claims

Article 218 The holder of an instrument negotiable by endorsement according to the relevant provisions may, if the instrument is stolen, lost or extinguished, apply to the basic people's court at the place of payment of the instrument for an announcement to urge declaration of claims. The provisions of this Chapter shall also apply to other matters regarding which an announcement to urge declaration of claims may be applied for according to legal provisions.

The applicant shall file a written application with the people's court, which shall state the main content of the instrument, such as the face value, issuer, holder and endorser, as well as the grounds and facts for the application.

Article 219 Where a people's court decides to accept an application, the people's court shall, at the same time, notify the drawee to stop payment and, within three days, issue an announcement to urge interested parties to declare their claims. The period of declaration of claims shall be decided by a people's court according to the

令；申请不成立的，裁定予以驳回。

债务人应当自收到支付令之日起十五日内清偿债务，或者向人民法院提出书面异议。

债务人在前款规定的期间不提出异议又不履行支付令的，债权人可以向人民法院申请执行。

第二百一十七条 人民法院收到债务人提出的书面异议后，经审查，异议成立的，应当裁定终结督促程序，支付令自行失效。

支付令失效的，转入诉讼程序，但申请支付令的一方当事人不同意提起诉讼的除外。

第十八章 公示催告程序

第二百一十八条 按照规定可以背书转让的票据持有人，因票据被盗、遗失或者灭失，可以向票据支付地的基层人民法院申请公示催告。依照法律规定可以申请公示催告的其他事项，适用本章规定。

申请人应当向人民法院递交申请书，写明票面金额、发票人、持票人、背书人等票据主要内容和申请的理由、事实。

第二百一十九条 人民法院决定受理申请，应当同时通知支付人停止支付，并在三日内发出公告，催促利害关系人申报权利。公示催告的期间，由人民法

specific circumstances but shall not be less than sixty days.

Article 220 The drawee shall, upon receiving a notice of stopping payment from a people's court, stop payment until the termination of the procedure for announcement to urge declaration of claims.

During the period of declaration of claims, any transfer of rights under the instrument shall be void.

Article 221 Interested parties shall declare their claims to the people's court during the period of declaration of claims.

After receiving claims from interested parties, the people's court shall issue a ruling to terminate the procedure for announcement to urge declaration of claims and notify the applicant and the drawee.

The applicant or a claimant may institute an action in the people's court.

Article 222 Where no one declares a claim, the people's court shall enter a judgment according to the application to declare the instrument to be void. The judgment shall be publicly announced, and the drawee shall be notified. From the date of announcement of the judgment, the applicant shall be entitled to require payment from the drawee.

Article 223 Where, for any justifiable reasons, any interested party is unable to declare its claims to the people's court before a judgment is entered, the interested party may, within one year from the day when the interested party knows or should have known the public announcement of the judgment, institute an action in the people's court which entered the judgment.

Part Three Enforcement Procedure

Chapter 19 General Provisions

Article 224 An effective civil judgment or ruling or the property portion of a criminal judgment or ruling shall be enforced by the people's court of first instance or the people's court at the same level as the people's court of first instance at the place where the property under enforcement is located.

院根据情况决定，但不得少于六十日。

第二百二十条 支付人收到人民法院停止支付的通知，应当停止支付，至公示催告程序终结。

公示催告期间，转让票据权利的行为无效。

第二百二十一条 利害关系人应当在公示催告期间向人民法院申报。

人民法院收到利害关系人的申报后，应当裁定终结公示催告程序，并通知申请人和支付人。

申请人或者申报人可以向人民法院起诉。

第二百二十二条 没有人申报的，人民法院应当根据申请人的申请，作出判决，宣告票据无效。判决应当公告，并通知支付人。自判决公告之日起，申请人有权向支付人请求支付。

第二百二十三条 利害关系人因正当理由不能在判决前向人民法院申报的，自知道或者应当知道判决公告之日起一年内，可以向作出判决的人民法院起诉。

第三编 执行程序

第十九章 一般规定

第二百二十四条 发生法律效力的民事判决、裁定，以及刑事判决、裁定中的财产部分，由第一审人民法院或者与第一审人民法院同级的被执行的财产所在地人民法院执行。

Other legal instruments enforced by a people's court as prescribed by law shall be enforced by the people's court at the place of domicile of the party against whom enforcement is sought or at the place where the property under enforcement is located.

Article 225 Where a party or an interested party deems that enforcement has violated any legal provisions, the party or interested party may file a written objection with the people's court in charge of enforcement. Where a party or an interested party files a written objection, the people's court shall examine the written objection within 15 days after receiving it and, if the objection is supported, issue a ruling to revoke or correct enforcement; or if the objection is not supported, issue a ruling to dismiss the objection. Against such a ruling, the party or interested party may apply for reconsideration to the people's court at the next higher level within ten days after the ruling is served.

Article 226 Where a people's court fails to conduct enforcement within six months after receiving a written application for enforcement, the applicant for enforcement may apply for enforcement to the people's court at the next higher level. Upon examination, the people's court at the next higher level may order the original people's court to conduct enforcement within a certain time limit or decide to conduct enforcement by itself or order another people's court to conduct enforcement.

Article 227 Where, during enforcement, a person which is not a party to the case files a written objection regarding the subject matter of enforcement, the people's court shall examine the written objection within 15 days after receiving it and, if the objection is supported, issue a ruling to suspend enforcement against the subject matter; or if the objection is not supported, issue a ruling to dismiss the objection. If the person which is not a party to the case or a party disagrees on such a ruling and deems that the original judgment or ruling is erroneous, the trial supervision procedure shall apply; or if such disagreement is irrelevant to the original judgment or ruling, the person or the party may institute an action in a people's court within 15 days after the aforesaid ruling regarding objection is served.

Article 228 Enforcement shall be conducted by enforcement personnel.

法律规定由人民法院执行的其他法律文书，由被执行人住所地或者被执行的财产所在地人民法院执行。

第二百二十五条 当事人、利害关系人认为执行行为违反法律规定的，可以向负责执行的人民法院提出书面异议。当事人、利害关系人提出书面异议的，人民法院应当自收到书面异议之日起十五日内审查，理由成立的，裁定撤销或者改正；理由不成立的，裁定驳回。当事人、利害关系人对裁定不服的，可以自裁定送达之日起十日内向上一级人民法院申请复议。

第二百二十六条 人民法院自收到申请执行书之日起超过六个月未执行的，申请执行人可以向上一级人民法院申请执行。上一级人民法院经审查，可以责令原人民法院在一定期限内执行，也可以决定由本院执行或者指令其他人民法院执行。

第二百二十七条 执行过程中，案外人对执行标的提出书面异议的，人民法院应当自收到书面异议之日起十五日内审查，理由成立的，裁定中止对该标的的执行；理由不成立的，裁定驳回。案外人、当事人对裁定不服，认为原判决、裁定错误的，依照审判监督程序办理；与原判决、裁定无关的，可以自裁定送达之日起十五日内向人民法院提起诉讼。

第二百二十八条 执行工作由执行员进行。

When taking enforcement measures, the enforcement personnel shall produce their credentials. After completion of enforcement, the enforcement personnel shall prepare enforcement transcripts, to which the relevant persons on the site shall affix their signatures or seals.

A people's court may, as needed, establish an enforcement department.

Article 229 Where the party against whom enforcement is sought or the property under enforcement is in a different place, enforcement may be entrusted to the people's court in the different place. The entrusted people's court must begin enforcement within 15 days after receiving a letter of entrustment and shall not refuse enforcement. After completion of enforcement, the entrusted people's court shall notify in a letter the entrusting people's court of the results of enforcement; or if enforcement cannot be completed within 30 days, the entrusted people's court shall also notify in a letter the entrusting people's court of the status of enforcement.

If the entrusted people's court fails to begin enforcement within 15 days after receiving a letter of entrustment, the entrusting people's court may request the superior of the entrusted people's court to order the entrusted people's court to conduct enforcement.

Article 230 Where, during enforcement, both sides reach a settlement agreement, the enforcement personnel shall record the provisions of the settlement agreement in the enforcement transcripts, to which both sides shall affix their signatures or seals.

Where the applicant for enforcement reaches a settlement agreement as a victim of a fraud or under duress with the party against whom enforcement is sought or a party fails to perform a settlement agreement, the people's court may, upon application of a party, resume the enforcement of the original effective legal instrument.

Article 231 Where, during enforcement, the party against whom enforcement is sought provides security to the people's court, the people's court may, with the consent of the applicant for enforcement, decide to suspend enforcement and decide a period of suspension. If the party against whom enforcement is sought fails to perform its obligations within the aforesaid period, the people's

采取强制执行措施时, 执行员应当出示证件。执行完毕后, 应当将执行情况制作笔录, 由在场的有关人员签名或者盖章。

人民法院根据需要可以设立执行机构。

第二百二十九条 被执行人或者被执行的财产在外地的, 可以委托当地人民法院代为执行。受委托人民法院收到委托函件后, 必须在十五日内开始执行, 不得拒绝。执行完毕后, 应当将执行结果及时函复委托人民法院; 在三十日内如果还未执行完毕, 也应当将执行情况函告委托人民法院。

受委托人民法院自收到委托函件之日起十五日内不执行的, 委托人民法院可以请求受委托人民法院的上级人民法院指令受委托人民法院执行。

第二百三十条 在执行中, 双方当事人自行和解达成协议的, 执行员应当将协议内容记入笔录, 由双方当事人签名或者盖章。

申请执行人因受欺诈、胁迫与被执行人达成和解协议, 或者当事人不履行和解协议的, 人民法院可以根据当事人的申请, 恢复对原生效法律文书的执行。

第二百三十一条 在执行中, 被执行人向人民法院提供担保, 并经申请执行人同意的, 人民法院可以决定暂缓执行及暂缓执行的期限。被执行人逾期仍不履行的, 人民法院有权执行被执

court shall have the power to conduct enforcement against the property posted as security by the party against whom enforcement is sought or the property of any guarantor.

Article 232 Where a citizen as the party against whom enforcement is sought dies, his or her debts shall be repaid with his or her estate. Where a legal person or any other organization as the party against whom enforcement is sought is terminated, the successors to the rights and obligations of the legal person or organization shall perform the obligations of the legal person or organization.

Article 233 Where, after completion of enforcement, the judgment, ruling or any other legal document on which enforcement is based is revoked by a people's court for any errors, the people's court shall issue a ruling on the property which has undergone enforcement to order the party which has acquired the property to return the property; and if the party refuses to return the property, the people's court shall conduct enforcement.

Article 234 The provisions of this Part shall also apply to the enforcement of a consent judgment of a people's court.

Article 235 The people's procuratorates shall have the authority to conduct legal supervision over civil enforcement.

Chapter 20 Application and Transfer for Enforcement

Article 236 The parties must comply with an effective civil judgment or ruling. If a party refuses to comply, the opposing party may apply to the people's court for enforcement, and the judges may also transfer the case to the enforcement personnel for enforcement.

The parties must comply with a consent judgment and other legal instruments enforced by a people's court. If a party refuses to comply, the opposing party may apply to the people's court for enforcement.

Article 237 Where a party refuses to comply with an award rendered by a legally established arbitral institution, the opposing party may apply for enforcement to the people's court having jurisdiction. The people's court accepting the application shall enforce the award.

行人的担保财产或者担保人的财产。

第二百三十二条 作为被执行人的公民死亡的，以其遗产偿还债务。作为被执行人的法人或者其他组织终止的，由其权利义务承受人履行义务。

第二百三十三条 执行完毕后，据以执行的判决、裁定和其他法律文书确有错误，被人民法院撤销的，对已被执行的财产，人民法院应当作出裁定，责令取得财产的人返还；拒不返还的，强制执行。

第二百三十四条 人民法院制作的调解书的执行，适用本编的规定。

第二百三十五条 人民检察院有权对民事执行活动实行法律监督。

第二十章 执行的申请和移送

第二百三十六条 发生法律效力民事判决、裁定，当事人必须履行。一方拒绝履行的，对方当事人可以向人民法院申请执行，也可以由审判员移送执行员执行。

调解书和其他应当由人民法院执行的法律文书，当事人必须履行。一方拒绝履行的，对方当事人可以向人民法院申请执行。

第二百三十七条 对依法设立的仲裁机构的裁决，一方当事人不履行的，对方当事人可以向有管辖权的人民法院申请执行。受申请的人民法院应当执行。

Where the respondent adduces evidence that the arbitration award falls under any of the following circumstances, the people's court shall, upon examination and verification by a collegial bench, issue a ruling not to enforce the arbitration award:

- (1) The contract between the parties does not include an arbitration clause or the parties have not reached any written arbitration agreement after a dispute arose.
- (2) The matters arbitrated are outside the scope of an arbitration agreement or the arbitral institution has no arbitration power.
- (3) The composition of the arbitration tribunal or the arbitration procedure has violated the statutory procedures.
- (4) The evidence for rendering the award is forged.
- (5) The opposing party withholds any evidence to the arbitral institution, which suffices to affect an impartial award.
- (6) When arbitrating the case, any arbitrator commits embezzlement, accepts bribes, practices favoritism for personal gains, or renders the award by bending the law.

If a people's court holds that the enforcement of an arbitration award is contrary to the public interest, the people's court shall issue a ruling not to enforce the award.

Such a ruling shall be served on both sides and the arbitral institution.

Where an arbitration award is not enforced according to a ruling of a people's court, the parties may, according to a written arbitration agreement reached by them, apply again to an arbitral institution for arbitration or institute an action in a people's court.

Article 238 Where a party fails to comply with a debt instrument with enforceability legally granted by a notary office, the opposing party may apply to the people's court having jurisdiction for enforcement, and the people's court accepting the application shall conduct enforcement.

被申请人提出证据证明仲裁裁决有下列情形之一的，经人民法院组成合议庭审查核实，裁定不予执行：

- （一）当事人在合同中没有订有仲裁条款或者事后没有达成书面仲裁协议的；
- （二）裁决的事项不属于仲裁协议的范围或者仲裁机构无权仲裁的；
- （三）仲裁庭的组成或者仲裁的程序违反法定程序的；
- （四）裁决所根据的证据是伪造的；
- （五）对方当事人向仲裁机构隐瞒了足以影响公正裁决的证据的；
- （六）仲裁员在仲裁该案时有贪污受贿，徇私舞弊，枉法裁决行为的。

人民法院认定执行该裁决违背社会公共利益的，裁定不予执行。

裁定书应当送达双方当事人和仲裁机构。

仲裁裁决被人民法院裁定不予执行的，当事人可以根据双方达成的书面仲裁协议重新申请仲裁，也可以向人民法院起诉。

第二百三十八条 对公证机关依法赋予强制执行效力的债权文书，一方当事人不履行的，对方当事人可以向有管辖权的人民法院申请执行，受申请的人民法院应当执行。

If the notarized debt instrument is erroneous, the people's court shall issue a ruling not to enforce the debt instrument and serve a written ruling on both sides and the notary office.

Article 239 The period for applying for enforcement shall be two years. The suspension or interruption of the time limitation for applying for enforcement shall be governed by legal provisions regarding the suspension or interruption of the time limitations for instituting an action.

The period in the preceding paragraph shall begin from the last day of the performance period specified in a legal instrument; begin from the last day of each specified performance period if a legal instrument requires performance in installments; or begin from the effective date of a legal instrument if the legal instrument does not specify a period of performance.

Article 240 Enforcement personnel receiving a written application for enforcement or a letter of transfer for enforcement shall issue a notice of enforcement to the party against whom enforcement is sought and may immediately take enforcement measures.

Chapter 21 Enforcement Measures

Article 241 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument as required by a notice of enforcement, the party shall report its current property status and its property status for one year before receiving the enforcement notice. If the party refuses to report or submits a false report, the people's court may, according to the severity of the circumstances, impose a fine or detention on the party which is a natural person or her or her legal representative or the primary person in charge or directly liable persons of the relevant entity.

Article 242 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument as required by a notice of enforcement, the people's court shall have the right to inquire the relevant entities about the deposits, bonds, stocks, fund shares and other property of the party against whom enforcement is sought. The people's court shall have the right to seize, freeze, transfer or sell the property of the party against whom enforcement is sought according to different

公证债权文书确有错误的，人民法院裁定不予执行，并将裁定书送达双方当事人和公证机关。

第二百三十九条 申请执行的期间为二年。申请执行时效的中止、中断，适用法律有关诉讼时效中止、中断的规定。

前款规定的期间，从法律文书规定履行期间的最后一日起计算；法律文书规定分期履行的，从规定的每次履行期间的最后一日起计算；法律文书未规定履行期间的，从法律文书生效之日起计算。

第二百四十条 执行员接到申请执行书或者移交执行书，应当向被执行人发出执行通知，并可以立即采取强制执行措施。

第二十一章 执行措施

第二百四十一条 被执行人未按执行通知履行法律文书确定的义务，应当报告当前以及收到执行通知之日前一年的财产情况。被执行人拒绝报告或者虚假报告的，人民法院可以根据情节轻重对被执行人或者其法定代理人、有关单位的主要负责人或者直接责任人员予以罚款、拘留。

第二百四十二条 被执行人未按执行通知履行法律文书确定的义务，人民法院有权向有关单位查询被执行人的存款、债券、股票、基金份额等财产情况。人民法院有权根据不同情形扣押、冻结、划拨、变价被执行人的财产。人民法院查询、扣押、冻

circumstances. The aforesaid property inquiry and seizure, freezing, transfer and sale by the people's court shall not exceed the extent of obligations that the party against enforcement is sought shall perform.

The people's court shall issue a ruling on seizure, freezing, transfer or sale of property, as well as a notice of enforcement assistance, and the relevant entities must assist.

Article 243 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument as required by a notice of enforcement, the people's court shall have the right to withhold or withdraw a portion of the party's income corresponding to the party's obligations to be performed. However, the people's court shall ensure that necessary living expenses for the party and his or her dependent family members are retained by the party.

The people's court shall issue a ruling on withholding or withdrawing income, as well as a notice of enforcement assistance, and the entity employing the party, banks, credit unions and other entities engaged in savings must assist.

Article 244 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument as required by a notice of enforcement, the people's court shall have the right to seize, impound, freeze, auction or sell a portion of the party's property corresponding to the party's obligations to be performed. However, the people's court shall ensure that necessities of life for the party and his or her dependent family members are retained by the party.

The people's court shall issue a ruling to take a measure in the preceding paragraph.

Article 245 When a people's court seizes or impounds any property, if the party against whom enforcement is sought is a citizen, the people's court shall notify the party or his or her adult family members to appear on the site; or if the party against whom enforcement is sought is a legal person or any other organization, the people's court shall notify its legal representative or primary person in charge to appear on the site. Their refusals to appear on the site shall not affect the enforcement. If the party against whom

结、划拨、变价的财产不得超出被执行人应当履行义务的范围。

人民法院决定扣押、冻结、划拨、变价财产，应当作出裁定，并发出协助执行通知书，有关单位必须办理。

第二百四十三条 被执行人未按执行通知履行法律文书确定的义务，人民法院有权扣留、提取被执行人应当履行义务部分的收入。但应当保留被执行人及其所扶养家属的生活必需费用。

人民法院扣留、提取收入时，应当作出裁定，并发出协助执行通知书，被执行人所在单位、银行、信用合作社和其他有储蓄业务的单位必须办理。

第二百四十四条 被执行人未按执行通知履行法律文书确定的义务，人民法院有权查封、扣押、冻结、拍卖、变卖被执行人应当履行义务部分的财产。但应当保留被执行人及其所扶养家属的生活必需品。

采取前款措施，人民法院应当作出裁定。

第二百四十五条 人民法院查封、扣押财产时，被执行人是公民的，应当通知被执行人或者他的成年家属到场；被执行人是法人或者其他组织的，应当通知其法定代表人或者主要负责人到场。拒不到场的，不影响执行。被执行人是公民的，其工作单位

enforcement is sought is a citizen, the entity employing the citizen or the grassroots organizations at the place where the property is located shall send personnel to the site.

The enforcement personnel must prepare an inventory of the seized or impounded property, to which the persons on the site shall affix their signatures or seals, and a copy of the inventory shall be provided to the party against whom enforcement is sought. If the party against whom enforcement is sought is a citizen, a copy of the inventory may also be provided to his or her adult family members.

Article 246 The enforcement personnel may specify the party against whom enforcement is sought to be responsible for the safekeeping of the seized property. The party against whom enforcement is sought shall assume any losses incurred for the fault of the party against whom enforcement is sought.

Article 247 After any property is seized or impounded, the enforcement personnel shall order the party against whom enforcement is sought to perform obligations determined in a legal instrument during a specified period. If the party against whom enforcement is sought fails to do so within the specified period, the people's court shall auction the seized or impounded property; and if auction is not appropriate or both parties disagree on auction, the people's court may authorize a relevant entity to sell or may directly sell the property. Property prohibited by the state from being sold freely shall be delivered to the relevant entities for purchase at a price prescribed by the state.

Article 248 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument and conceals property, the people's court shall have the right to issue a search warrant to search the party, the residence of the party or a place where property may be concealed.

To take the measure in the preceding paragraph, the president of the people's court shall sign and issue a search warrant.

Article 249 The property, bill or certificate to be delivered as specified in a legal instrument shall be delivered in the presence of both sides as summoned by the enforcement

或者财产所在地的基层组织应当派人参加。

对被查封、扣押的财产，执行员必须造具清单，由在场人签名或者盖章后，交被执行人一份。被执行人是公民的，也可以交他的成年家属一份。

第二百四十六条 被查封的财产，执行员可以指定被执行人负责保管。因被执行人的过错造成的损失，由被执行人承担。

第二百四十七条 财产被查封、扣押后，执行员应当责令被执行人在指定期间履行法律文书确定的义务。被执行人逾期不履行的，人民法院应当拍卖被查封、扣押的财产；不适于拍卖或者当事人双方同意不进行拍卖的，人民法院可以委托有关单位变卖或者自行变卖。国家禁止自由买卖的物品，交有关单位按照国家规定的价格收购。

第二百四十八条 被执行人不履行法律文书确定的义务，并隐匿财产的，人民法院有权发出搜查令，对被执行人及其住所或者财产隐匿地进行搜查。

采取前款措施，由院长签发搜查令。

第二百四十九条 法律文书指定交付的财物或者票证，由执行员传唤双方当事人当面交付，

personnel or be delivered through the enforcement personnel, and the party accepting delivery shall sign for it.

Where a relevant entity holds the property, bill or certificate, the entity shall deliver it according to the notice of enforcement assistance from the people's court, and the party accepting delivery shall sign for it.

Where a relevant citizen holds the property, bill or certificate, the people's court shall notify the citizen to surrender it. If the citizen refuses to do so, the people's court shall conduct enforcement.

Article 250 For a compulsory eviction from a building or land, the president of a people's court shall sign and issue a public announcement to order the party against whom enforcement is sought to perform the obligation within a specified period. If the party against whom enforcement is sought fails to do so within the specified period, the enforcement personnel shall conduct enforcement.

When conducting enforcement, if the party against whom enforcement is sought is a citizen, the people's court shall notify the party or his or her adult family members to appear on the site; or if the party against whom enforcement is sought is a legal person or any other organization, the people's court shall notify its legal representative or primary person in charge to appear on the site. Their refusals to appear on the site shall not affect the enforcement. If the party against whom enforcement is sought is a citizen, the entity employing the citizen or the grassroots organizations at the place where the building or land is located shall send personnel to the site. The enforcement personnel shall include enforcement information in the transcripts, to which the persons on the site shall affix their signatures or seals.

The people's court shall assign personnel to transport the property removed from a building as a result of compulsory eviction to a designated location and deliver the property to the party against whom enforcement is sought. If the party against whom enforcement is sought is a citizen, the property may also be delivered to his or her adult family member. Any losses incurred due to refusal to accept delivery shall be assumed by the party against whom enforcement is sought.

或者由执行员转交，并由被交付人签收。

有关单位持有该项财物或者票证的，应当根据人民法院的协助执行通知书转交，并由被交付人签收。

有关公民持有该项财物或者票证的，人民法院通知其交出。拒不交出的，强制执行。

第二百五十条 强制迁出房屋或者强制退出土地，由院长签发公告，责令被执行人在指定期间履行。被执行人逾期不履行的，由执行员强制执行。

强制执行时，被执行人是公民的，应当通知被执行人或者他的成年家属到场；被执行人是法人或者其他组织的，应当通知其法定代表人或者主要负责人到场。拒不到场的，不影响执行。被执行人是公民的，其工作单位或者房屋、土地所在地的基层组织应当派人参加。执行员应当将强制执行情况记入笔录，由在场人签名或者盖章。

强制迁出房屋被搬出的财物，由人民法院派人运至指定处所，交给被执行人。被执行人是公民的，也可以交给他的成年家属。因拒绝接收而造成的损失，由被执行人承担。

Article 251 Where, during enforcement, the formalities for transferring any property right certificate is required, the people's court may issue a notice of enforcement assistance to the relevant entities, and the relevant entities must assist.

Article 252 Where the party against whom enforcement is sought fails to perform any conduct specified in a judgment, ruling or any other legal instrument as required by a notice of enforcement, the people's court may conduct enforcement or authorize a relevant unit or any other person to complete the conduct at the expense of the party against whom enforcement is sought.

Article 253 Where the party against whom enforcement is sought fails to perform any obligation of pecuniary payment during a period specified in a judgment, ruling or any other legal instrument, the party against whom enforcement is sought shall pay double interest for the debt for the period of deferred performance. If the party against whom enforcement is sought fails to perform any other obligation during a period specified in a judgment, ruling or any other legal instrument, the party against whom enforcement is sought shall pay a late fee for deferred performance.

Article 254 Where, after a people's court takes the enforcement measures in Articles 242, 243 and 244 of this Law, the party against whom enforcement is sought is still unable to repay debts, the party against whom enforcement is sought shall continue to perform obligations. Once the creditor discovers that the party against whom enforcement is sought has any other property, the creditor may, at any time, apply to the people's court for enforcement.

Article 255 Where the party against whom enforcement is sought fails to perform obligations determined in a legal instrument, the people's court may take or notify a relevant entity to assist in taking the measure of restricting exit from China, the measure of recording the failure in the credit system, the measure of publishing information on the failure on media and other measures prescribed by law.

Chapter 22 Suspension and Termination of Enforcement

Article 256 Under any of the following circumstances, the people's court shall issue a ruling to suspend enforcement:

第二百五十一条 在执行中，需要办理有关财产权证照转移手续的，人民法院可以向有关单位发出协助执行通知书，有关单位必须办理。

第二百五十二条 对判决、裁定和其他法律文书指定的行为，被执行人未按执行通知履行的，人民法院可以强制执行或者委托有关单位或者其他人完成，费用由被执行人承担。

第二百五十三条 被执行人未按判决、裁定和其他法律文书指定的期间履行给付金钱义务的，应当加倍支付迟延履行期间的债务利息。被执行人未按判决、裁定和其他法律文书指定的期间履行其他义务的，应当支付迟延履行金。

第二百五十四条 人民法院采取本法第二百四十二条、第二百四十三条、第二百四十四条规定的执行措施后，被执行人仍不能偿还债务的，应当继续履行义务。债权人发现被执行人有其他财产的，可以随时请求人民法院执行。

第二百五十五条 被执行人不履行法律文书确定的义务的，人民法院可以对其采取或者通知有关单位协助采取限制出境，在征信系统记录、通过媒体公布不履行义务信息以及法律规定的其他措施。

第二十二章 执行中止和终结

第二百五十六条 有下列情形之一的，人民法院应当裁定中止执行：

(1) The applicant indicates that enforcement may be deferred.

(2) A person which is not a party to the case raises any justified objection to the subject matter of enforcement.

(3) A citizen as one of the parties dies, and it is necessary to wait for his or her successors to succeed to his or her rights or obligations.

(4) A legal person or any other organization as one of the parties is terminated, and the successors to its rights and obligations have not been determined.

(5) Other circumstances under which the people's court deems that enforcement shall be suspended.

Enforcement shall be resumed after the circumstances causing suspension have disappeared.

Article 257 Under any of the following circumstances, the people's court shall issue a ruling to terminate enforcement:

(1) The applicant withdraws the application for enforcement.

(2) The legal instrument on which enforcement is based has been revoked.

(3) The citizen as the party against whom enforcement is sought dies, without any estate for enforcement, and no one succeeds to his or her obligations.

(4) The person entitled to recover support for elderly parents, support for other adult dependants or child support dies.

(5) The citizen as the party against whom enforcement is sought is unable to repay his or her borrowings for living in hardship, has no source of income, and has lost his or her ability to work.

(6) Other circumstances under which the people's court deems that enforcement shall be terminated.

Article 258 A ruling to suspend or terminate enforcement shall be effective immediately after being served on a party.

(一) 申请人表示可以延期执行的；

(二) 案外人对执行标的提出确有理由的异议的；

(三) 作为一方当事人的公民死亡，需要等待继承人继承权利或者承担义务的；

(四) 作为一方当事人的法人或者其他组织终止，尚未确定权利义务承受人的；

(五) 人民法院认为应当中止执行的其他情形。

中止的情形消失后，恢复执行。

第二百五十七条 有下列情形之一的，人民法院裁定终结执行：

(一) 申请人撤销申请的；

(二) 据以执行的法律文书被撤销的；

(三) 作为被执行人的公民死亡，无遗产可供执行，又无义务承担人的；

(四) 追索赡养费、扶养费、抚养费案件的权利人死亡的；

(五) 作为被执行人的公民因生活困难无力偿还借款，无收入来源，又丧失劳动能力的；

(六) 人民法院认为应当终结执行的其他情形。

第二百五十八条 中止和终结执行的裁定，送达当事人后立即生效。

Part Four Special Provisions on Foreign-Related Civil Procedures

Chapter 23 General Principles

Article 259 The provisions of this Part shall apply to foreign-related civil actions within the territory of the People's Republic of China. Where this Part is silent, other relevant provisions of this Law shall apply.

Article 260 Where there is any discrepancy between an international treaty concluded or acceded to by the People's Republic of China and this Law, the provisions of the international treaty shall prevail, except clauses to which the People's Republic of China has declared reservations.

Article 261 Civil actions instituted against foreign nationals, foreign organizations or international organizations which enjoy diplomatic privileges or immunities shall be governed by the relevant laws of the People's Republic of China and the international treaties concluded or acceded to by the People's Republic of China.

Article 262 When trying foreign-related civil cases, a people's court shall use the spoken and written languages commonly used in the People's Republic of China. Upon request of the parties, interpretation may be provided at the expense of the parties.

Article 263 A foreign national, a stateless person or a foreign enterprise or organization which needs to be represented by a lawyer in instituting or responding to an action in a people's court must retain a lawyer of the People's Republic of China.

Article 264 Where a foreign national, a stateless person or a foreign enterprise or organization without a domicile within the territory of the People's Republic of China needs to be represented by a lawyer or any other person of the People's Republic of China in an action, the power of attorney posted or forwarded from outside the territory of the People's Republic of China is valid only after it has been legalized by a notary office in the home country and authenticated by the Chinese embassy or consulate stationed in that country or has undergone the legalization formalities prescribed in the relevant treaty concluded by the People's Republic of China and that country.

第四编 涉外民事诉讼程序的特别规定

第二十三章 一般原则

第二百五十九条 在中华人民共和国领域内进行涉外民事诉讼，适用本编规定。本编没有规定的，适用本法其他有关规定。

第二百六十条 中华人民共和国缔结或者参加的国际条约同本法有不同规定的，适用该国际条约的规定，但中华人民共和国声明保留的条款除外。

第二百六十一条 对享有外交特权与豁免的外国人、外国组织或者国际组织提起的民事诉讼，应当依照中华人民共和国有关法律和中华人民共和国缔结或者参加的国际条约的规定办理。

第二百六十二条 人民法院审理涉外民事案件，应当使用中华人民共和国通用的语言、文字。当事人要求提供翻译的，可以提供，费用由当事人承担。

第二百六十三条 外国人、无国籍人、外国企业和组织在人民法院起诉、应诉，需要委托律师代理诉讼的，必须委托中华人民共和国的律师。

第二百六十四条 在中华人民共和国领域内没有住所的外国人、无国籍人、外国企业和组织委托中华人民共和国律师或者其他代理人代理诉讼，从中华人民共和国领域外寄交或者托交的授权委托书，应当经所在国公证机关证明，并经中华人民共和国驻该国使领馆认证，或者履行中华人民共和国与该所在国订立的有关条约中规定的证明手续后，才具有效力。

Chapter 24 Jurisdiction

Article 265 Where an action is instituted against a defendant which has no domicile within the territory of the People's Republic of China for a contract dispute or any other property right or interest dispute, if the contract is signed or performed within the territory of the People's Republic of China, the subject matter of action is located within the territory of the People's Republic of China, the defendant has any impoundable property within the territory of the People's Republic of China, or the defendant has any representative office within the territory of the People's Republic of China, the people's court at the place where the contract is signed or performed, where the subject matter of action is located, where the impoundable property is located, where the tort occurs or where the domicile of the representative office is located may have jurisdiction over the action.

Article 266 Actions instituted for disputes arising from the performance of contracts for Chinese-foreign equity joint ventures, Chinese-foreign contractual joint ventures or Chinese-foreign cooperative exploration and exploitation of natural resources in the People's Republic of China shall be under the jurisdiction of the people's courts of the People's Republic of China.

Chapter 25 Service of Process and Periods

Article 267 A people's court may serve process on a party which has no domicile within the territory of the People's Republic of China in the following manners:

(1) Process is served in the manners specified in the international treaty concluded or acceded to by the home country of the person to be served and the People's Republic of China.

(2) Process is served through diplomatic channels.

(3) If the person to be served is a citizen of the People's Republic of China, service of process may be entrusted to the embassy or consulate of the People's Republic of China stationed in the country where the person to be served resides.

第二十四章 管辖

第二百六十五条 因合同纠纷或者其他财产权益纠纷，对在中华人民共和国领域内没有住所的被告提起的诉讼，如果合同在中华人民共和国领域内签订或者履行，或者诉讼标的物在中华人民共和国领域内，或者被告在中华人民共和国领域内有可供扣押的财产，或者被告在中华人民共和国领域内设有代表机构，可以由合同签订地、合同履行地、诉讼标的物所在地、可供扣押财产所在地、侵权行为地或者代表机构住所地人民法院管辖。

第二百六十六条 因在中华人民共和国履行中外合资经营企业合同、中外合作经营企业合同、中外合作勘探开发自然资源合同发生纠纷提起的诉讼，由中华人民共和国人民法院管辖。

第二十五章 送达、期间

第二百六十七条 人民法院对在中华人民共和国领域内没有住所的当事人送达诉讼文书，可以采用下列方式：

（一）依照受送达人所在国与中华人民共和国缔结或者共同参加的国际条约中规定的方式送达；

（二）通过外交途径送达；

（三）对具有中华人民共和国国籍的受送达人，可以委托中华人民共和国驻受送达人所在国的使领馆代为送达；

(4) Process is served on a litigation representative authorized by the person to be served to receive service of process.

(5) Process is served on the representative office or a branch office or business agent authorized to receive service of process established by the person to be served within the territory of the People's Republic of China.

(6) Service of process by post is allowed if the law of the home country of the person to be served permits service of process by post, and if, three months after the postmark date, the service acknowledgement is not returned, but based on all circumstances, it may be determined that process has been served, process shall be deemed served on the expiration date of the aforesaid period.

(7) Process is served by fax, email or any other means capable of confirming receipt by the person to be served.

(8) If service of process by the aforesaid means is not possible, process shall be served by public announcement, and process shall be deemed served three months after the date of public announcement.

Article 268 Where a defendant has no domicile within the territory of the People's Republic of China, the people's court shall serve a copy of the written complaint on the defendant and notify the defendant to a written statement of defense within 30 days after receiving the copy of the written complaint. If the defendant applies for an extension of the aforesaid period, the extension shall be subject to the decision of the people's court.

Article 269 A party which has no domicile within the territory of the People's Republic of China shall have the right to appeal against a judgment or ruling of a people's court of first instance within 30 days from the date of service of the written judgment or ruling. The appellee shall submit a written statement of defense within 30 days after receiving a copy of the written appeal. If a party is unable to file an appeal or submit a written statement of defense within the statutory period and applies for an extension of the period, the application shall be subject to the decision of the people's court.

(四) 向受送达人委托的有权代其接受送达的诉讼代理人送达;

(五) 向受送达人在中华人民共和国领域内设立的代表机构或者有权接受送达的分支机构、业务代办人送达;

(六) 受送达人所在国的法律允许邮寄送达的, 可以邮寄送达, 自邮寄之日起满三个月, 送达回证没有退回, 但根据各种情况足以认定已经送达的, 期间届满之日视为送达;

(七) 采用传真、电子邮件等能够确认受送达人收悉的方式送达;

(八) 不能用上述方式送达的, 公告送达, 自公告之日起满三个月, 即视为送达。

第二百六十八条 被告在中华人民共和国领域内没有住所的, 人民法院应当将起诉状副本送达被告, 并通知被告在收到起诉状副本后三十日内提出答辩状。被告申请延期的, 是否准许, 由人民法院决定。

第二百六十九条 在中华人民共和国领域内没有住所的当事人, 不服第一审人民法院判决、裁定的, 有权在判决书、裁定书送达之日起三十日内提起上诉。被上诉人在收到上诉状副本后, 应当在三十日内提出答辩状。当事人不能在法定期间提起上诉或者提出答辩状, 申请延期的, 是否准许, 由人民法院决定。

Article 270 The period for a people's court to try a foreign-related civil case shall not be limited by the provisions of Article 149 and 176 of this Law.

Chapter 26 Arbitration

Article 271 Where, for disputes arising from foreign economic and trade activities or international transportation or maritime activities, the parties have included an arbitration clause in the contracts or have reached a written arbitration agreement after a dispute arose to refer such disputes to an international arbitral institution of the People's Republic of China or any other arbitral institution for arbitration, the parties shall not institute an action in a people's court.

If the parties have not included any arbitration clauses in the contracts or have not reached a written arbitration agreement after a dispute arose, the parties may institute an action in a people's court.

Article 272 Where a party applies for a preservation measure, the international arbitral institution of the People's Republic of China shall submit the party's application to the intermediate people's court at the place of domicile of the respondent or at the place where the respondent's property is located.

Article 273 Where an international arbitral institution of the People's Republic of China has rendered an award for a dispute, the parties shall not institute an action in a people court for the dispute. If a party fails to comply with the arbitration award, the opposing party may apply for enforcement of the award to the intermediate people's court at the place of domicile of the respondent or at the place where the respondent's property is located.

Article 274 Where the respondent adduces evidence that an arbitration award of an international arbitral institution of the People's Republic of China falls under any of the following circumstances, a people's court shall, upon examination and verification by a collegial bench, issue a ruling not to enforce the award:

(1) The contract between the parties does not include an arbitration clause or the parties have not reached any written arbitration agreement after a dispute arose.

第二百七十条 人民法院审理涉外民事案件的期间，不受本法第一百四十九条、第一百七十六条规定的限制。

第二十六章 仲裁

第二百七十一条 涉外经济贸易、运输和海事中发生的纠纷，当事人在合同中订有仲裁条款或者事后达成书面仲裁协议，提交中华人民共和国涉外仲裁机构或者其他仲裁机构仲裁的，当事人不得向人民法院起诉。

当事人在合同中没有订有仲裁条款或者事后没有达成书面仲裁协议的，可以向人民法院起诉。

第二百七十二条 当事人申请采取保全的，中华人民共和国的涉外仲裁机构应当将当事人的申请，提交被申请人住所地或者财产所在地的中级人民法院裁定。

第二百七十三条 经中华人民共和国涉外仲裁机构裁决的，当事人不得向人民法院起诉。一方当事人不履行仲裁裁决的，对方当事人可以向被申请人住所地或者财产所在地的中级人民法院申请执行。

第二百七十四条 对中华人民共和国涉外仲裁机构作出的裁决，被申请人提出证据证明仲裁裁决有下列情形之一的，经人民法院组成合议庭审查核实，裁定不予执行：

(一) 当事人在合同中没有订有仲裁条款或者事后没有达成书面仲裁协议的；

(2) The respondent is not notified to appoint an arbitrator or of the conduct of arbitration procedure or fails to present its case, which is not attributable to the fault of the respondent.

(3) The composition of the arbitration tribunal or the arbitration procedure is not in conformity with arbitration rules.

(4) The matters arbitrated are outside the scope of an arbitration agreement or the arbitral institution has no arbitration power.

If a people's court holds that the enforcement of an arbitration award is contrary to the public interest, the people's court shall issue a ruling not to enforce the award.

Article 275 Where an arbitration award is not enforced according to a ruling of a people's court, the parties may, according to a written arbitration agreement reached by them, apply again for arbitration or institute an action in a people's court.

Chapter 27 Judicial Assistance

Article 276 In accordance with an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity, a people's court and a foreign court may request each other to provide judicial assistance in service of process, investigation and collection of evidence and other litigation activities.

If any matter requested by a foreign court for assistance is detrimental to the sovereignty, security or public interest of the People's Republic of China, the people's court shall not grant the request.

Article 277 Judicial assistance shall be requested and provided through the channels prescribed in an international treaty concluded or acceded to by the People's Republic of China; or in the absence of such a treaty, shall be requested and provided through diplomatic channels.

A foreign embassy or consulate to the People's Republic of China may serve process on and investigate and collect evidence from its citizens but shall not violate the laws of the People's Republic of China and shall not take compulsory measures.

(二) 被申请人没有得到指定仲裁员或者进行仲裁程序的通知, 或者由于其他不属于被申请人负责的原因未能陈述意见的;

(三) 仲裁庭的组成或者仲裁的程序与仲裁规则不符的;

(四) 裁决的事项不属于仲裁协议的范围或者仲裁机构无权仲裁的。

人民法院认定执行该裁决违背社会公共利益的, 裁定不予执行。

第二百七十五条 仲裁裁决被人民法院裁定不予执行的, 当事人可以根据双方达成的书面仲裁协议重新申请仲裁, 也可以向人民法院起诉。

第二十七章 司法协助

第二百七十六条 根据中华人民共和国缔结或者参加的国际条约, 或者按照互惠原则, 人民法院和外国法院可以相互请求, 代为送达文书、调查取证以及进行其他诉讼行为。

外国法院请求协助的事项有损于中华人民共和国的主权、安全或者社会公共利益的, 人民法院不予执行。

第二百七十七条 请求和提供司法协助, 应当依照中华人民共和国缔结或者参加的国际条约所规定的途径进行; 没有条约关系的, 通过外交途径进行。

外国驻中华人民共和国的使领馆可以向该国公民送达文书和调查取证, 但不得违反中华人民共和国的法律, 并不得采取强制措施。

Except for the circumstances in the preceding paragraph, no foreign authority or individual shall, without permission from the competent authorities of the People's Republic of China, serve process or conduct investigation and collection of evidence within the territory of the People's Republic of China.

Article 278 The written request of a foreign court for the provision of judicial assistance by a people's court and the annexes thereto shall be accompanied with Chinese versions or versions in other languages specified in the relevant international treaty.

A letter of request and its annexes submitted to a foreign court by a people's court for judicial assistance shall also be appended with the translations in the language of the country or the texts in the language specified in the relevant international treaty.

Article 279 The people's courts shall provide judicial assistance under the procedures prescribed by the laws of the People's Republic of China. If a foreign court requests that judicial assistance be provided in a special manner, it may be provided in the special manner requested, but the special manner requested shall not violate the laws of the People's Republic of China.

Article 280 Where a party applies for enforcement of an effective judgment or ruling of a people's court, if the party against whom enforcement is sought or the property thereof is not within the territory of the People's Republic of China, the applicant may apply directly to the foreign court having jurisdiction for recognition and enforcement or apply to a people's court for the people's court to request recognition and enforcement by the foreign court in accordance with the provisions of an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity.

Where a party applies for enforcement of an effective arbitration award of an international arbitral institution of the People's Republic of China, if the party against whom enforcement is sought or the property thereof is not within the territory of the People's Republic of China, the applicant shall apply directly to the foreign court having jurisdiction for recognition and enforcement.

除前款规定的情况外，未经中华人民共和国主管机关准许，任何外国机关或者个人不得在中华人民共和国领域内送达文书、调查取证。

第二百七十八条 外国法院请求人民法院提供司法协助的请求书及其所附文件，应当附有中文译本或者国际条约规定的其他文字文本。

人民法院请求外国法院提供司法协助的请求书及其所附文件，应当附有该国文字译本或者国际条约规定的其他文字文本。

第二百七十九条 人民法院提供司法协助，依照中华人民共和国法律规定的程序进行。外国法院请求采用特殊方式的，也可以按照其请求的特殊方式进行，但请求采用的特殊方式不得违反中华人民共和国法律。

第二百八十条 人民法院作出的发生法律效力判决、裁定，如果被被执行人或者其财产不在中华人民共和国领域内，当事人请求执行的，可以由当事人直接向有管辖权的外国法院申请承认和执行，也可以由人民法院依照中华人民共和国缔结或者参加的国际条约的规定，或者按照互惠原则，请求外国法院承认和执行。

中华人民共和国涉外仲裁机构作出的发生法律效力仲裁裁决，当事人请求执行的，如果被被执行人或者其财产不在中华人民共和国领域内，应当由当事人直接向有管辖权的外国法院申请承认和执行。

Article 281 Where an effective judgment or ruling of a foreign court requires recognition and enforcement by a people's court of the People's Republic of China, a party may apply directly to the intermediate people's court of the People's Republic of China having jurisdiction for recognition and enforcement or apply to the foreign court for the foreign court to request recognition and enforcement by the people's court in accordance with the provisions of an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity.

Article 282 After examining an application or request for recognition and enforcement of an effective judgment or ruling of a foreign court in accordance with an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity, a people's court shall issue a ruling to recognize the legal force of the judgment or ruling and issue an order for enforcement as needed to enforce the judgment or ruling according to the relevant provisions of this Law if the people's court deems that the judgment or ruling does not violate the basic principles of the laws of the People's Republic of China and the sovereignty, security and public interest of the People's Republic of China. If the judgment or ruling violates the basic principles of the laws of the People's Republic of China or the sovereignty, security or public interest of the People's Republic of China, the people's court shall not grant recognition and enforcement.

Article 283 Where an arbitration award of a foreign arbitral institution requires recognition and enforcement by a people's court of the People's Republic of China, a party shall apply directly to the intermediate people's court at the place of domicile of the party against whom enforcement is sought or at the place where the property thereof is located, and the people's court shall process the application in accordance with an international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity.

Article 284 This Law comes into force on the date of issuance, and the Civil Procedure Law of the People's Republic of China (for Trial Implementation) shall be repealed simultaneously.

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第二百八十一条 外国法院作出的发生法律效力的判决、裁定，需要中华人民共和国人民法院承认和执行的，可以由当事人直接向中华人民共和国有管辖权的中级人民法院申请承认和执行，也可以由外国法院依照该国与中华人民共和国缔结或者参加的国际条约的规定，或者按照互惠原则，请求人民法院承认和执行。

第二百八十二条 人民法院对申请或者请求承认和执行的外国法院作出的发生法律效力的判决、裁定，依照中华人民共和国缔结或者参加的国际条约，或者按照互惠原则进行审查后，认为不违反中华人民共和国法律的基本原则或者国家主权、安全、社会公共利益的，裁定承认其效力，需要执行的，发出执行令，依照本法的有关规定执行。违反中华人民共和国法律的基本原则或者国家主权、安全、社会公共利益的，不予承认和执行。

第二百八十三条 国外仲裁机构的裁决，需要中华人民共和国人民法院承认和执行的，应当由当事人直接向被执行人住所地或者其财产所在地的中级人民法院申请，人民法院应当依照中华人民共和国缔结或者参加的国际条约，或者按照互惠原则办理。

第二百八十四条 本法自公布之日起施行，《中华人民共和国民事诉讼法（试行）》同时废止。

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