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

(Adopted by the 3rd Session of the Ninth National People's Congress on March 15, 2000, promulgated by Order No.31 of the President of the People's Republic of China on March 15, 2000, and effective from July 1, 2000.)

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### **Chapter I General Provisions**

#### **Article 1**

For the purposes of regulating activities of legislation, perfecting the State's system of legislation, establishing and improving the socialist legal system with Chinese characteristics, safeguarding and developing the socialist democracy, promoting the ruling of the country by law and constructing the socialist state of rule by law and in accordance with the Constitution, this Law is enacted.

#### **Article 2**

This Law is applicable to the making, amendment and repeal of laws, administrative regulations, local regulations, autonomy regulation and separate regulation.

The making, amendment and repeal of rules of the State Council's departments and of local governments are governed by the relevant provisions of this Law.

### **Article 3**

Legislation shall follow the basic principles of the Constitution, be centered around the economic construction, and uphold the socialist road, the people's democratic dictatorship, the leadership of the Communist Party of China, Marxism, Leninism, Mao Zedong Thought and Deng Xiaoping Theory and the reform and opening up.

### **Article 4**

Legislation shall conform to the authority and procedure set forth by law, give full consideration to the national overall interests and safeguard the unity and dignity of the socialist legal system.

### **Article 5**

Legislation shall reflect the will of the people, carry on the socialist democracy and ensure the people to take part in activities of legislation through various channels.

### **Article 6**

Legislation shall be based on reality in defining the rights and obligations of citizens, legal persons and other organizations and the powers and duties of state organs scientifically and reasonably.

## **Chapter II Law**

### **Section 1 Authority of Legislation**

#### **Article 7**

The National People's Congress and the Standing Committee of the National People's Congress exercise the state authority of legislation.

The National People's Congress enacts and amends basic criminal, civil and state structure laws and other basic laws.

The Standing Committee of the National People's Congress enacts and amends laws other than those that shall be enacted by the National People's Congress; and makes partial supplement and amendment to laws enacted by the National People's Congress when the National People's Congress is not in the session, however, such supplement and amendment may not contradict the basic principles of laws concerned.

#### **Article 8**

The following matters have no alternative but to enact laws:

1. matters concerning state sovereignty;
2. the formation, organization, functions and powers of people's congresses, people's governments, people's courts and people's procuratorates at various levels;
3. the national regional autonomy system, special administrative region system and grass-roots mass autonomy system;
4. crimes and punishments;
5. compulsory measures and penalties such as deprivation of citizens' political rights and restrictions on personal freedom;
6. acquisition of non-state-owned property;

7. the basic civil system;
8. basic economic system and basic systems on finance, taxation, customs, banking and foreign trade;
9. procedural and arbitral systems; and
10. other matters on which the National People's Congress and its Standing Committee must enact laws.

#### **Article 9**

If no law has been enacted on a matter set forth in Article 8 of this Law, the National People's Congress and its Standing Committee are entitled to make the decision to authorize that the State Council may, according to the actual needs, formulate the administrative regulations first, except for the matters concerning crimes and punishments, compulsory measures and penalties such as deprivation of citizens' political rights and restrictions on personal freedom and judicial system.

#### **Article 10**

The decision of such an authorization shall define the purpose and scope of authorization.

The organ being authorized shall exercise the authority strictly according to the purpose and scope of authorization.

The organ being authorized may not transfer the authority to any other organ.

#### **Article 11**

When the conditions are ripe, as proven by practices, for enacting a law on an authorized legislative matter, the National People's Congress and its Standing Committee enact a law thereon timely. When such a law is enacted, the authorization for the said legislative matter is terminated.

### **Section 2 Procedure of Legislation of the National People's Congress**

#### **Article 12**

The presidium of the National People's Congress may propose bills of law to the National People's Congress for deliberation by the session of the National People's Congress.

The Standing Committee of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate and all special committees of the National People's Congress may submit bills of law to the National People's Congress, and the presidium decides to place them on the agenda of session.

#### **Article 13**

Every delegation or more than 30 delegates jointly may submit bills of law to the National People's Congress, and the presidium decides whether or not to place them on the agenda of session or first, transfers them to the special committees concerned for deliberation and production of their opinions on whether or not to place them on the agenda of session and then, decides whether or not to place them on the agenda of sessions.

In deliberating, special committees may invite bill sponsors to sit in the meeting and to express their opinions.

#### **Article 14**

If a bill of law is to be submitted to the National People's Congress, it may be submitted first to the Standing Committee within the period that the National People's Congress is not in session and after being deliberated by the meeting of the Standing Committee pursuant to the relevant procedure laid down in Section 3 of Chapter II of this Law, the Standing Committee decides to submit it to the National People's

Congress for deliberation and makes explanations to the plenary session of the Congress or the bill sponsor makes explanations to the plenary session of the Congress.

#### **Article 15**

If the Standing Committee decides to submit a bill of law to the session of the National People's Congress for deliberation, the draft bill shall be distributed among delegates one month prior to the session.

#### **Article 16**

If a bill of law is placed on the agenda of the session of the National People's Congress, it is deliberated by all delegations after the explanations of the bill sponsor are heard by the plenary session of the Congress.

At the time when the delegations deliberate the bill of law, the bill sponsor shall send people to hear opinions and answer inquiries.

At the time when the delegations deliberate the bill of law, relevant organs and organizations shall, at the demand of the delegations, send people to introduce the situation.

#### **Article 17**

If a bill of law is placed on the agenda of the session of the National People's Congress, it is deliberated by the special committee concerned which reports its deliberative opinions to the presidium and prints and submits them to the session.

#### **Article 18**

If a bill of law is placed on the agenda of the session of the National People's Congress, the Law Committee deliberates it in a unified way according to the deliberative opinions of all delegations and the special committee concerned, submits its report of deliberative results and the revised version of the draft bill to the presidium and makes explanations on substantially different opinions in its report of deliberative results, which, after being deliberated and endorsed by the meeting of the presidium, are printed and submitted to the session.

#### **Article 19**

If a bill of law is placed on the agenda of the session of the National People's Congress, the executive chairman of the presidium may, when necessary, call the meeting of all delegation heads to hear deliberative opinions of all delegations on major issues of the bill of law and to make discussions and reports the discussions and opinions to the presidium.

The executive chairman of the presidium may also call the meeting of appropriate delegates from the delegations to discuss the important special issues in the bill of law and reports the discussions and opinions to the presidium.

#### **Article 20**

If a bill of law is placed on the agenda of the session of the National People's Congress, the bill sponsor requesting to withdraw the bill of law prior to voting shall give the reasons and upon consent by the presidium and reporting to the Congress, the deliberation on the said bill of law is terminated immediately.

#### **Article 21**

If an important issue relating to a bill of law requires for further study, the plenary session of the Congress may, upon suggestion by the presidium, decides to authorize the Standing Committee to make further deliberation according to the opinions of the delegates and to make a decision, and reports the decision to the next session of the National People's Congress; or may also decides to authorize the Standing Committee to make further deliberation according to the opinions of the delegates and to produce a revision plan and submits it to the next session of the National People's Congress for deliberation and decision.

#### **Article 22**

After the revised version of a draft bill is deliberated by all delegations, the Law Committee revises it according to the deliberative opinions of all delegations and produces a version of the draft bill for voting,

the presidium submits it to the plenary session of the Congress for voting, and the bill of law is adopted if more than half of delegates vote in favor.

#### **Article 23**

If a law is adopted by the National People's Congress, the president of the State signs an order of president to promulgate it.

### **Section 3 Procedure of Legislation of the Standing Committee of the National People's Congress**

#### **Article 24**

The chairman's meeting may propose bills of law to the Standing Committee for deliberation by the meeting of the Standing Committee.

The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate and all special committees of the National People's Congress may submit bills of law to the Standing Committee, and the chairman's meeting decides to place them on the agenda of the meeting of the Standing Committee or first, sends them to the special committees concerned for deliberation and production of a report, and then decides to place them on the agenda of the meeting of the Standing Committee. The chairman's meeting may, if considering that a bill of law has major issues for further study, recommend the bill sponsor to revise and perfect it and then submit it to the Standing Committee.

#### **Article 25**

More than 10 members of the Standing Committee jointly may submit bills of law to the Standing Committee, and the chairman's meeting decides whether or not to place them on the agenda of the meeting of the Standing Committee or first, sends them to the special committees concerned for deliberation and production of opinions whether or not to place them on the agenda of the meeting, and then decides whether or not to place them on the agenda of the meeting of the Standing Committee. If a bill of law is not placed on the agenda of the meeting of the Standing Committee, it shall be reported to the meeting of the Standing Committee or explained to the bill sponsor.

At the time of deliberating, special committees may invite the bill sponsors to sit in the meeting and to express their opinions.

#### **Article 26**

If a bill of law is placed on the agenda of the meeting of the Standing Committee, the draft bill shall be distributed among all members of the Standing Committee seven days prior to the meeting, except for special circumstances.

#### **Article 27**

If a bill of law is placed on the agenda of the meeting of the Standing Committee, it shall be deliberated by the meeting of the Standing Committee normally for three times prior to submission of it for voting.

When the meeting of the Standing Committee deliberates a bill of law for the first time, the plenary meeting hears the explanations of the bill sponsor and the group meeting makes the preliminary deliberation.

When the meeting of the Standing Committee deliberates a bill of law for the second time, the plenary meeting hears the report of the Law Committee on revisions to the draft bill and major issues and the group meeting makes the further deliberation.

When the meeting of the Standing Committee deliberates a law of bill for the third time, the plenary meeting hears the report of the Law Committee on the deliberative results of the draft bill and the group meeting deliberates the revised version of the draft bill.

In deliberating the bill of law, the Standing Committee may, according to the needs, convene the joint meeting or the plenary meeting for the discussion on major issues in the draft bill.

**Article 28**

If a bill of law is placed on the agenda of the meeting of the Standing Committee, it may, when the opinions of different circles are comparatively identical, be submitted for voting after being deliberated by the meeting of the Standing Committee for two times; and if a bill of law is partly revised, it may, when the opinions of different circles are comparatively identical, be submitted for voting after being deliberated by the meeting of the Standing Committee for one time.

**Article 29**

At the time when the group meeting of the Standing Committee deliberates the bill of law, the bill sponsor shall send people to hear the opinions and to answer inquiries.

At the time when the group meeting of the Standing Committee deliberates the bill of law, relevant organs and organizations shall, according to the demand of the groups, send people to introduce the situation.

**Article 30**

If a bill of law is placed on the agenda of the meeting of the Standing Committee, the special committee concerned deliberates it and produces its deliberative opinions which are printed and submitted to the meeting of the Standing Committee.

At the time of deliberating the bill of law, the special committee concerned may invite the members of other special committees to sit in the meeting and to express their opinions.

**Article 31**

If a bill of law is placed on the agenda of the meeting of the Standing Committee, the Law Committee deliberates it in a unified way according to the deliberative opinions of members of the Standing Committee and the special committee concerned and the opinions of different circles, produces the report on revisions or the report of deliberative results and the revised version of the draft bill and gives explanations on important different opinions in the report on revisions or the report of deliberative results. If important deliberative opinions of the special committee concerned are not adopted, it shall feed the situation back to the special committee concerned.

At the time of deliberating the bill of law, the Law Committee may invite the members of the special committee concerned to sit in the meeting and to express their opinions.

**Article 32**

In deliberating the bill of law, the special committee shall convene the plenary meeting for deliberation and according to the needs, may demand the relevant organs and organizations to send relevant responsible persons for explanations.

**Article 33**

If the special committees have different opinions on the important issues in a draft bill, they shall report the situation to the chairman's meeting.

**Article 34**

If a bill of law is placed on the agenda of the meeting of the Standing Committee, the Law Committee, the special committee concerned and the working bodies of the Standing Committee shall solicit the opinions from all circles. The solicitation of opinions may be conducted in such forms as the discussion meeting, seminar or hearing.

The working bodies of the Standing Committee shall send the draft bill to the relevant organs, organizations and experts to solicit their opinions, and submit the opinions, after sorting and compiling, to the Law Committee and the special committee concerned, and according to the needs, print and submit them to the meeting of the Standing Committee.

**Article 35**

If an important bill of law is placed on the agenda of the meeting of the Standing Committee, the chairman's meeting may decide to publish the draft bill for the solicitation of opinions. The opinions raised by all organs, organizations and citizens are sent to the working bodies of the Standing Committee.

**Article 36**

If a bill of law is placed on the agenda of the meeting of the Standing Committee, the working bodies of the Standing Committee shall gather and sort the opinions of group deliberation, the opinions raised by all circles and other relevant materials, submit them to the Law Committee and the special committee concerned respectively and according to the needs, print and submit them to the meeting of the Standing Committee.

**Article 37**

If a bill of law is placed on the agenda of the meeting of the Standing Committee, the bill sponsor requesting to withdraw it prior to voting shall give the reasons and upon consent by the chairman's meeting and reporting it to the Standing Committee, the deliberation on the said bill of law is terminated immediately.

**Article 38**

If, after being deliberated by the meeting of the Standing Committee for three times, a bill of law still has major issues for further study, it is proposed by the chairman's meeting and with consent of the joint meeting or the plenary meeting, the said bill of law is not submitted for voting temporarily and is sent to the Law Committee and the special committee concerned for further deliberation.

**Article 39**

If a bill of law which is placed on the deliberation by the meeting of the Standing Committee is suspended for deliberation for up to two years because of big differences among all circles on major issues such as the necessity or feasibility for enacting such a law or is not placed again on the agenda of the meeting of the Standing Committee for up to two years because of no submission of it for voting temporarily, the chairman's meeting reports it to the Standing Committee and the deliberation on the said bill of law is terminated.

**Article 40**

After the revised version of a draft bill is deliberated by the meeting of the Standing Committee, the Law Committee revises it according to the deliberative opinions of the members of the Standing Committee and produces a version of the draft bill for voting, the chairman's meeting submits it to the plenary meeting of the Standing Committee for voting, and the bill of law is adopted if more than half of the members of the Standing Committee vote in favor.

**Article 41**

If a law is adopted by the Standing Committee, the president of the State signs an order of president to promulgate it.

**Section 4 Interpretation of Law****Article 42**

The right to interpret laws is vested in the Standing Committee of the National People's Congress.

Under any of the following circumstances, a law is interpreted by the Standing Committee of the National People's Congress:

1. The provisions of the law require for further clear and concrete definition; and
2. It is necessary to specify the applicable basis of law due to new situations after the law is enacted.

**Article 43**

The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate and all special committees of the National People's Congress as well as the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government may request the Standing Committee of the National People's Congress to make the interpretation of law.

**Article 44**

The working bodies of the Standing Committee study and work out draft interpretations of law and the chairman's meeting decides to place them on the agenda of the meeting of the Standing Committee.

**Article 45**

After a draft interpretation of law is deliberated by the meeting of the Standing Committee, the Law Committee deliberates and revises it according to the deliberative opinions of the members of the Standing Committee and produces a draft interpretation of law for voting.

**Article 46**

The draft interpretation of law for voting is adopted when more than half of the members of the Standing Committee vote in favor, and promulgated by the proclamation of the Standing Committee.

**Article 47**

The interpretation of law made by the Standing Committee of the National People's Congress has the equal force as the law.

**Section 5 Miscellaneous Provisions****Article 48**

When a bill of law is proposed, the draft bill and its explanations shall be put forward and necessary materials shall be submitted simultaneously. The explanations of the draft bill shall contain the necessity of the said law and its main contents.

**Article 49**

If a bill of law is proposed to the National People's Congress or its Standing Committee, the bill sponsor has the right to withdraw it prior to its placement on the agenda of session or meeting.

**Article 50**

If a bill of law submitted to the plenary session of the National People's Congress or the plenary meeting of the Standing Committee for voting is not adopted, the bill sponsor may, if believing that the said law should be enacted, propose the bill of law again according to the procedure set forth by law, and the presidium or the chairman's meeting decides whether or not to place it on the agenda of session or meeting; and if a bill of law is not adopted by the National People's Congress, it shall be submitted to the National People's Congress for deliberation and decision.

**Article 51**

A law shall explicitly set the date of its entry into force.

**Article 52**

The order of the president signed for promulgating a law shall contain the organ that enacts the law and the dates of adoption and entry into force.

After a law is signed for promulgation, it shall be published in the bulletin of the Standing Committee of the National People's Congress and the newspapers distributed nationwide without delay.

The version of a law published in the bulletin of the Standing Committee is its standard version.



**Article 53**

The relevant provisions of this Chapter are applicable to the procedures for amendment and repeal of laws.

If some articles of a law are amended or repealed, its amended version must be promulgated again.

**Article 54**

According to the needs of contents, a law may be divided into volumes, chapters, sections, articles, paragraphs, sub-paragraphs and items.

The order number of volume, chapter, section or article is indicated in Chinese numerals, every paragraph is not numbered, the order number of sub-paragraph is indicated in Chinese numerals placed in brackets, and the order number of item is indicated in Arabic numerals.

The note to the title of a law shall contain the organ that enacts the law and the date of adoption.

**Article 55**

The working bodies of the Standing Committee of the National People's Congress may study and give written replies on legal inquiries relating to some specific issues, and report them to the Standing Committee for the record.

**Chapter III Administrative Regulations****Article 56**

The State Council formulates administrative regulations in accordance with the Constitution and laws.

Administrative regulations may lay down the provisions for the following matters:

1. Matters on which the formulation of administrative regulations is required for the purpose of implementing the provisions of laws; and
2. Matters relating to the administrative powers of the State Council set forth in Article 89 of the Constitution.

If a matter for which the National People's Congress or its Standing Committee shall enact a law, the State Council may formulate administrative regulations first upon the decision of authorization by the National People's Congress or its Standing Committee, and when the conditions for enacting a law on it are ripe as being proven in practice, the State Council shall timely request the National People's Congress or its Standing Committee to enact the law thereon.

**Article 57**

Drafts of administrative regulations are organized by the State Council. If a relevant department of the State Council considers it necessary for formulating administrative regulations, it shall report and apply to the State Council for filing the legislative project.

**Article 58**

In the course of drafting administrative regulations, the opinions from relevant organs, organizations and citizens shall be solicited extensively. The solicitation of opinions may be conducted in such forms as discussion meeting, seminar and hearings.

**Article 59**

After the drafting work of administrative regulations is finished, the drafting unit shall submit the draft and its explanations, major different opinions of all circles on the draft and other relevant materials to the legislative organ of the State Council for examination.

The legislative organ of the State Council shall submit an examination report and a revised version of the draft to the State Council, and the examination report shall give explanations on major issues of the draft.

#### **Article 60**

The procedure for approving administrative regulations are governed by the relevant provisions of the Organic Law of the State Council of the People's Republic of China.

#### **Article 61**

Administrative regulations are promulgated by the decrees of the State Council signed by the premier.

#### **Article 62**

After administrative regulations are signed and promulgated, they are published in the bulletin of the State Council and the newspapers distributed nationwide without delay.

The version of administrative regulations published in the bulletin of the State Council is the standard version.

### **Chapter IV Local Regulations, Autonomy Regulation, Separate Regulation and Rules**

#### **Section 1 Local Regulations, Autonomy Regulation and Separate Regulation**

#### **Article 63**

Under the pretext of not contradicting the Constitution, laws and administrative regulations, the people's congresses and their standing committees of provinces, autonomous regions and municipalities directly under the Central Government may formulate local regulations in accordance with the specific conditions and actual needs of their respective administrative areas.

Under the pretext of not contradicting the Constitution, laws and administrative regulations as well as local regulations of their own provinces and autonomous regions, the people's congresses and their standing committees of larger cities may formulate local regulations in accordance with the specific conditions and actual needs of the cities, and report them to the standing committees of the people's congresses of provinces and autonomous regions for approval before their entry into force. The standing committees of the people's congresses of provinces and autonomous regions shall examine the legality of local regulations being reported for approval, and shall approve them within the period of four months if they do not contradict the Constitution, laws, administrative regulations and local regulations of provinces and autonomous regions.

In examining local regulations reported by the larger city for approval, the standing committee of the people's congress of the province or autonomous region shall, if finding that they contradict the rules of the people's government of the province or autonomous region, makes a decision to deal therewith.

Large city as the term is used in this Law means a city where the people's government of a province or an autonomous region is located, a city where a special economic zone is located or a larger city approved by the State Council.

#### **Article 64**

Local regulations may lay down the provisions for the following matters:

1. Matters on which the specific provisions are required in accordance with the actual conditions of the administrative areas for the purpose of implementing the provisions of laws and administrative regulations; and
2. Matters of local affairs on which local regulations are required.

In respect to the matters other than those specified in Article 8 of this Law on which the State has not yet enacted laws or formulated administrative regulations, provinces, autonomous regions, municipalities directly under the Central Government and larger cities may formulate local regulations thereon first in accordance with the specific conditions and actual needs of the localities. After the entry into force of laws or administrative regulations enacted or formulated by the State, the provisions of local regulations that contradict laws or administrative regulations are invalid and the organs that formulate them shall amend or repeal them without delay.

#### **Article 65**

The people's congresses and their standing committees of provinces and cities where the economic special economic zones are located formulate regulations in accordance with the decision of authorization by the National People's Congress and operate them within the limits of special economic zones.

#### **Article 66**

The people's congresses of national autonomous areas are entitled to formulate the autonomy regulation and separate regulation according to the local national political, economic and culture characteristics. The autonomy regulation and separate regulation formulated by autonomous regions are reported to the Standing Committee of the National People's Congress for approval before their entry into force. The autonomy regulation and separate regulation formulated by autonomous prefectures and autonomous counties are reported to the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government for approval before their entry into force.

The autonomy regulation and separate regulation may lay down the adaptive provisions for the provisions of laws and administrative regulations in accordance with the local national characteristics, however, such adaptive provisions may not contradict the basic principles of laws and administrative regulations, and may not lay down the adaptive provisions for the provisions of the Constitution and laws on regional national autonomy as well as the provisions of other relevant laws and administrative regulations exclusively on national autonomy areas.

#### **Article 67**

Local regulations on special important matters of the administrative areas shall be adopted by the people's congresses.

#### **Article 68**

The procedures of submission, deliberation and voting for bills of local regulations, autonomy regulation and separate regulation are laid down by the people's congresses at the same level in accordance with the organic laws of local people's congresses at various levels and local people's governments at various levels and with reference to the provisions of Sections 2, 3 and 5 of Chapter II of this Law.

The organs responsible for unified deliberation produce the reports of deliberative results and revised versions of the drafts of local regulations.

#### **Article 69**

Local regulations formulated by the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government are promulgated by the proclamations of the presidiums of the congresses.

Local regulations formulated by the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government are promulgated by the proclamations of the standing committees.

Local regulations formulated by the people's congresses and their standing committees of larger cities are promulgated by the proclamations of the standing committees of the people's congresses of larger cities after being reported and approved.

The autonomy regulation and separate regulation are promulgated respectively by the proclamations of the standing committees of the people's congresses of autonomous regions, autonomous prefectures and autonomous counties after being reported and approved..

#### **Article 70**

After local regulations, autonomous regions' autonomy regulation and separate regulation are promulgated, they are published in the bulletins of the standing committees of the people's congresses at the same level and the newspapers distributed within their administrative areas without delay.

The versions of local regulations, autonomy regulation and separate regulation published in the bulletins of the standing committees are their standard versions.

### **Section 2 Rules**

#### **Article 71**

In accordance with laws and the State Council's administrative regulations, decisions and decrees, the State Council's ministries, commissions, the People's Bank of China, the National Audit Office and the organs directly under the State Council with administrative functions may formulate the rules within the limits of competence of their own departments.

Matters on which department rules are formulated shall be the matters for implementing laws or the State Council's administrative regulations, decisions and decrees.

#### **Article 72**

If a matter is involved in the scopes of competence of two or more departments of the State Council, it shall be submitted to the State Council to formulate administrative regulations or the departments concerned of the State Council formulate jointly the rules thereon.

#### **Article 73**

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

The rules of local governments may lay down the provisions for the following matters:

1. Matters on which the formulation of rules is required for the purpose of implementing laws, administrative regulations and local regulations; and
2. Matters of specific administration of their own administrative areas.

#### **Article 74**

The procedures for formulating the rules of departments of the State Council and of local governments are provided for by the State Council with reference to the provisions of Chapter III of this Law.

#### **Article 75**

The department rules shall be decided by the ministerial executive meeting or the commission's executive meeting.

The local government rules shall be decided by the government executive meeting or plenary meeting.

#### **Article 76**

The department rules are promulgated by the decrees signed by the department chief.

The local government rules are promulgated by the decrees signed by the provincial governor, chairman of autonomous region or mayor.

**Article 77**

After the department rules are signed and promulgated, they are published in the bulletin of the State Council or the bulletin of the department and the newspapers distributed nationwide without delay.

After the local government rules are signed and promulgated, they are published in the bulletins of the people's governments at the same level and the newspapers distributed within the administrative areas without delay.

The versions of the rules published in the bulletin of the State Council, bulletins of departments and bulletins of local people's governments are their standard versions.

**Chapter V Application and for the Record****Article 78**

The Constitution has the supreme force of law, and all laws, administrative regulations, local regulations, autonomy regulation, separate regulation and rules may not contradict the Constitution.

**Article 79**

The force of laws is superior to that of administrative regulations, local regulations and rules.

The force of administrative regulations is superior to that of local regulations and rules.

**Article 80**

The force of local regulations is superior to that of rules of local governments at the same level or the lower levels.

The force of rules formulated by the people's governments of provinces and autonomous regions is superior to that of the rules formulated by the people's governments of larger cities within their administrative areas.

**Article 81**

If the autonomy regulation and separate regulation lay down the adaptive provisions for laws, administrative regulations and local regulations according to law, their provisions operate within their autonomous areas .

If the regulations of special economic zones lay down the adaptive provisions for laws, administrative regulations and local regulations upon the authorization, their provisions operate within their special economic zones.

**Article 82**

The rules of departments and the rules of local governments have the equal force, and operate within their respective limits of competence.

**Article 83**

If the special provisions and general provisions of laws, administrative regulations, local regulations, autonomy regulation, separate regulation and rules formulated by the same organ are inconsistent, the special provisions apply; and if the new and old provisions are inconsistent, the new provisions apply.

**Article 84**

Laws, administrative regulations, local regulations, autonomy regulation, separate regulation and rules are non-retroactive, however, except for the special provisions laid down for the purpose of better protecting the rights and interests of citizens, legal persons and other organizations.

**Article 85**

When the new general provisions and the old special provisions of different laws on the same matter are inconsistent and it could not decide which is applicable, the Standing Committee of the National People's Congress makes a ruling thereon.

When the new general provisions and the old special provisions of different administrative regulations on the same matter are inconsistent and it could not decide which is applicable, the State Council makes a ruling thereon.

**Article 86**

When the local regulations and the rules are inconsistent, the relevant organs make the ruling thereon according to the limits of competence specified as follows:

1. When the new general provisions and the old special provisions formulated by the same organ are inconsistent, the organ that formulates the provisions makes the ruling;
2. When the provisions of the local regulations and department rules on the same matter are inconsistent and it could not decide which is applicable, the State Council produces an opinion thereon. If the State Council considers the local regulations as applicable, it shall decide that the provisions of the local regulations are applicable to the said area; and if it considers the department rules as applicable, it shall submit it to the Standing Committee of the National People's Congress for a ruling thereon; and
3. When the provisions among department rules, and between department rules and local government rules on the same matter are inconsistent, the State Council makes the ruling thereon.

When the provisions of the regulations formulated upon authorization and the law are inconsistent and it could not decide which is applicable, the Standing Committee of the National People's Congress makes the ruling thereon.

**Article 87**

If a law, administrative regulations, local regulations, autonomy regulation, separate regulation or rules has any of the following circumstances, the relevant organ changes or revokes it in accordance with the limits of power specified in Article 88 of this Law:

1. In excess of the limit of competence;
2. The inferior law violates the provisions of the superior law;
3. The provisions among the rules on the same matter are inconsistent and are ruled to be changed or revoked;
4. The provisions of the rules are considered inappropriate and shall be changed or revoked; or
5. Violation of the legal procedures.

**Article 88**

The limits of power for changing or revoking laws, administrative regulations, local regulations, autonomy regulation, separate regulation and rules are:

1. The National People's Congress has the power to change or revoke inappropriate laws enacted by its Standing Committee, and has the power to revoke the autonomy regulation and separate regulation approved by the Standing Committee of the National People's Congress which violate the Constitution and the provisions of Paragraph 2 of Article 66 of this Law;
2. The Standing Committee of the National People's Congress has the power to revoke administrative regulations contradictory to the Constitution and laws, has the power to revoke local regulations

contradictory to the Constitution, laws and administrative regulations, and has the power to revoke the autonomy regulation and separate regulation approved by the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government which violate the provisions of the Constitution and of Paragraph 2 of Article 66 of this Law;

3. The State Council has the power to change or revoke inappropriate department rules and local government rules;
4. The people's congresses of provinces, autonomous regions and municipalities directly under the Central Government have the power to change or revoke inappropriate local regulations formulated and approved by their standing committees;
5. The standing committees of local people's congresses have the power to revoke the inappropriate rules formulated by the people's governments at the same level;
6. The people's governments of provinces and autonomous regions have the power to change or revoke the inappropriate rules formulated by the people's governments at the next lower level; and
7. The authorizing organ has the power to revoke the regulations formulated by the authorized organ in excess of the scope of authorization or in violation of the purpose of authorization, and may revoke the authorization when necessary.

#### **Article 89**

Administrative regulations, local regulations, autonomy regulation, separate regulation and rules shall, within 30 days after their promulgation, be reported to the relevant organs for the record according to the following provisions:

1. Administrative regulations are reported to the Standing Committee of the National People's Congress for the record;
2. Local regulations formulated by the people's congresses and their standing committees of provinces, autonomous regions and municipalities directly under the Central Government are reported to the Standing Committee of the National People's Congress and the State Council for the record; and local regulations formulated by the people's congresses and their standing committees of larger cities are reported by the standing committees of the people's congresses of provinces and autonomous regions to the Standing Committee of the National People's Congress and the State Council for the record;
3. Autonomy regulation and separate regulation formulated by autonomous prefectures and autonomous counties are reported by the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government to the Standing Committee of the National People's Congress and the State Council for the record;
4. Department rules and local government rules are reported to the State Council for the record; local government rules are reported simultaneously to the standing committees of the people's congresses at the same level for the record; and rules formulated by the people's governments of larger cities are simultaneously reported to the standing committees of the people's congresses and the people's governments of provinces and autonomous regions for the record; and
5. Regulations formulated upon authorization are reported to the organs specified in the decision of authorization for the record.

#### **Article 90**

The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate or the standing committee of the people's congress of a province, autonomous region or municipality directly under the Central Government may, if believing that administrative regulations, local regulations, autonomy regulation or separate regulation contradict the Constitution or law, submit a written

request for examination to the Standing Committee of the National People's Congress, and the working bodies of the Standing Committee send it to the special committee concerned for examination and production of its opinions.

A State organ other than those specified in the preceding paragraph or a social group, enterprise or institutional organization or a citizen may, if believing that administrative regulations, localized regulations, autonomy regulation or separate regulation contradict the Constitution or law, make a written proposal for examination to the Standing Committee of the National People's Congress, and the working bodies of the Standing Committee study it and when necessary, send it to the special committee concerned for examination and production of its opinions.

#### **Article 91**

If, in examining, the special committee of the National People's Congress believes that administrative regulations, local regulations, autonomy regulation or separate regulation contradict the Constitution or law, it may produce its examination opinions in writing to the organ that formulates the regulations; or the Law Committee may, together with the special committee concerned, convene the joint examination meeting, demands the organ that formulates the regulations to give explanations at the meeting and then produces its examination opinions in writing to the organ that formulates the regulations. The latter shall, within two months, study and produce the opinions on whether or not to amend it and feed the opinions back to the Law Committee and the special committee concerned of the National People's Congress.

If the Law Committee and the special committee concerned of the National People's Congress believe that administrative regulations, local regulations, autonomy regulation or separate regulation contradict the Constitution or law but the organ that formulates the regulations fails to amend it, the Law Committee and the special committee concerned may submit the examination opinions in writing and the motion to revoke it to the chairman's meeting, and the chairman's meeting decides whether or not to submit them to the meeting of the Standing Committee for deliberation and decision.

#### **Article 92**

The procedures of other organs accepting for the record for examination of local regulations, autonomy regulation, separate regulation and rules are provided for by the organs accepting for the record in accordance with the principle of defending the unity of the legal system.

### **Chapter VI Supplementary Provisions**

#### **Article 93**

The Central Military Commission formulates military regulations in accordance with the Constitution and laws.

The headquarters of the Central Military Commission, services and military commands may formulate military rules within their limits of competence in accordance with laws and the Central Military Commission's military regulations, decisions and decrees.

Military regulations and military rules operate within the armed forces.

The measures for formulation, amendment and repeal of military regulations and military rules are provided for by the Central Military Commission according to the principles set forth in this Law.

#### **Article 94**

This Law enters into force on July 1, 2000.