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# 中华人民共和国民事诉讼法（2017修正）

# Civil Procedure Law of the People’s Republic of China (Amended in 2017)

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（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　根据2012年8月31日第十一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〉的决定》第二次修正　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）

(Adopted at the 4th Session of the 7th National People 's Congress on April 9, 1991; amended for the first time in accordance with the Decision on Revising the Civil Procedure Law of the People's Republic of China at the 30th Session of the Standing Committee of the 10th National People's Congress on October 28, 2007; amended for the second time in accordance with the Decision on Revising the Civil Procedure Law of the People's Republic of China at the 28th Session of the Standing Committee of the 11th National People's Congress on August 31, 2012; and amended for the third time in accordance with the Decision on Revising the Civil Procedure Law of the People's Republic of China and the Administrative Procedure Law of the People's Republic of China at the 28th Session of the Standing Committee of the 12th National People's Congress on June 27, 2017)

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第一编

Part I

总　则

General

第一章

Chapter 1

任务、适用范围和基本原则

Mission, Scope of Application and Basic Principles

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。

Article 1 The Civil Procedure Law of the People's Republic of China is formulated on the basis of the Constitution and in the light of the experience and actual conditions of our country in the trial of civil cases.

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。

Article 2 The tasks of the Civil Procedure Law of the People's Republic of China shall be protection of the rights of litigants for exercise of litigation rights, ensuring ascertainment of facts and distinguishing between right and wrong by People's Courts, correct application of laws, prompt trial of civil cases, confirmation of civil rights and obligations, sanction of civil offences, protection of legitimate rights and interests of litigants, educating citizens to comply with the law voluntarily, safeguarding social order and economic order, ensuring smooth establishment of socialism.

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。

Article 3 In dealing with civil litigation arising from disputes on property and personal relations between citizens, legal persons or other organizations and between the three of them, the people's courts shall apply the provisions of this Law.

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。

Article 4 Whoever engages in civil litigation within the territory of the People's Republic of China must abide by this Law.

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。

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

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。

If the courts of a foreign country impose restrictions on the civil litigation rights of the 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 follow the principle of reciprocity regarding the civil litigation rights of the citizens, enterprises and organizations of that foreign country.

第六条   民事案件的审判权由人民法院行使。

Article 6 Jurisdiction over civil cases shall be exercised by the people's courts.

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。

The people's courts shall try civil cases independently in accordance with the law, and shall be subject to no interference by any administrative organ, social organization or individual.

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。

Article 7 In trying civil cases, the people's courts must base themselves on facts and take the law as the criterion.

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。

Article 8 The parties in civil litigation shall have equal litigation rights. The people's courts shall, in conducting the trials, safeguard their rights, facilitate their exercising the rights, and apply the law equally to them.

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。

Article 9 In trying civil cases, the people's courts shall conduct conciliation for the parties on a voluntary and lawful basis; if conciliation fails, judgments shall be rendered without delay.

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。

Article 10 In trying civil cases, the people's courts shall, according to the provisions of the law, follow the systems of panel hearing, withdrawal, public trial and the court of second instance being that of last instance.

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。

Article 11 Citizens of all nationalities shall have the right to use their native spoken and written languages in civil proceedings.

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。

Where minority nationalities live in concentrated communities or where several nationalities live together in one area, the people's courts shall conduct hearings and issue legal documents in the spoken and written languages commonly used by the local nationalities.

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。

The people's courts shall provide translations for any participant in the proceedings who is not familiar with the spoken or written languages commonly used by the local nationalities.

第十二条   人民法院审理民事案件时，当事人有权进行辩论。

Article 12 Parties to civil actions are entitled in the trials by the people's courts to argue for themselves.

第十三条   民事诉讼应当遵循诚实信用原则。

Article 13 Civil litigation shall follow the principle of good faith.

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。

The parties are free to deal with their own civil rights and litigation rights within the scope provided by the law.

第十四条   人民检察院有权对民事诉讼实行法律监督。

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

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。

Article 15 Where an act has infringed upon the civil rights and interests of the State, a collective organization or an individual, any State organ, public organization, enterprise or institution may support the injured unit or individual to bring an action in a people's court.

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。

Article 16 The people's congresses of the national autonomous areas may formulate, in accordance with the principles of the Constitution and this Law and in the light of the specific conditions of the local nationalities, adaptive and supplementary provisions. Such provisions of an autonomous region shall be submitted to the Standing Committee of the National People's Congress for approval. Provisions made by autonomous prefectures and autonomous counties shall be submitted to the standing committee of the people's congress of the respective provinces or autonomous regions for approval and to the Standing Committee of the National People's Congress for filing.

第二章 管 辖

Chapter 2 Jurisdiction

第一节 级别管辖

Section 1 Class Jurisdiction

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。

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

第十八条   中级人民法院管辖下列第一审民事案件：

Article 18 Intermediate people's courts shall have jurisdiction as courts of first instance over the following civil cases:

（一）重大涉外案件；

1. major cases involving foreign element;

（二）在本辖区有重大影响的案件；

2. cases that have major impact on the area under their jurisdiction; and

（三）最高人民法院确定由中级人民法院管辖的案件。

3. cases as determined by the Supreme People's Court to be under the jurisdiction of the intermediate people's courts.

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。

Article 19 Higher People's Courts shall have jurisdiction for trial of first instance for civil cases which have a significant impact on their jurisdiction.

第二十条   最高人民法院管辖下列第一审民事案件：

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

（一）在全国有重大影响的案件；

1. cases that have major impact on the whole country;

（二）认为应当由本院审理的案件。

2. cases that the Supreme People's Court deems it should try itself.

第二节 地域管辖

Section 2. Territorial jurisdiction.

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。

Article 21 A civil lawsuit brought against a citizen shall be under the jurisdiction of the people's court of the place where the defendant has his domicile; if the place of the defendant's domicile is different from that of his habitual residence, the lawsuit shall be under the jurisdiction of the people's court of the place of his habitual residence.

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。

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

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。

If the places of domicile or habitual residence of several defendants in the same lawsuit come under the jurisdiction of two or more people's courts, each of those people's courts shall have jurisdiction.

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：

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

（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；

1. those concerning personal status brought against persons not residing within the territory of the People's Republic of China;

（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；

2. those concerning the personal status of persons whose whereabouts are unknown or who have been declared missing;

（三）对被采取强制性教育措施的人提起的诉讼；

3. actions instituted against persons who are undergoing compulsory correction; and

（四）对被监禁的人提起的诉讼。

(IV) those brought against persons who are in imprisonment.

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。

Article 23 An action involving a contractual dispute shall come under the jurisdiction of the people's court of the place where the defendant is domiciled or where the contract is performed.

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。

Article 24 A lawsuit brought on an insurance contract dispute shall be under the jurisdiction of the people's court of the place where the defendant has his domicile or where the insured object is located.

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。

Article 25 A lawsuit brought on a bill dispute shall be under the jurisdiction of the people's court of the place where the bill is to be paid or where the defendant has his domicile.

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。

Article 26 In the case of a lawsuit regarding a dispute over incorporation of company, confirmation of shareholder qualification, profit distribution, dissolution, etc, the People's Court at the company's domicile shall have jurisdiction.

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。

Article 27 An action involving a dispute over a contract for railway, road, water or air transportation or combined transportation shall come under the jurisdiction of the people's court of the place of departure or place of destination or of the place where the defendant is domiciled.

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。

Article 28 An action involving a tort shall come under the jurisdiction of the people's court of the place where the tort was committed or where the defendant is domiciled.

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。

Article 29 A lawsuit brought on claims for damages caused by a railway, road, water transport or air accident shall be under the jurisdiction of the people's court of the place where the accident occurred or where the vehicle or ship first arrived after the accident or where the aircraft first landed after the accident, or where the defendant has his domicile.

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。

Article 30 A lawsuit brought on claims for damages caused by a collision at sea or by any other maritime accident shall be under the jurisdiction of the people's court of the place where the collision occurred or where the ship in collision first docked after the accident or where the ship at fault was detained, or where the defendant has his domicile.

第三十一条   因海难救助费用提起的诉讼，由救助地或者被救助船舶最先到达地人民法院管辖。

Article 31 A lawsuit instituted for expenses of maritime salvage shall be under the jurisdiction of the people's court of the place where the salvage took place or where the salvaged ship first docked after the disaster.

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。

Article 32 A lawsuit brought for general average shall be under the jurisdiction of the people's court of the place where the ship first docked or where the adjustment of general average was conducted or where the voyage ended.

第三十三条   下列案件，由本条规定的人民法院专属管辖：

Article 33 The following cases shall come under the exclusive jurisdiction of the people's courts herein specified:

（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；

1. a lawsuit brought on a dispute over real estate shall be under the jurisdiction of the people's court of the place where the estate is located;

（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；

2. a lawsuit brought on a dispute over harbour operations shall be under the jurisdiction of the people's court of the place where the harbour is located;

（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。

(III) a lawsuit brought on a dispute over succession shall be under the jurisdiction of the people's court of the place where the decedent had his domicile upon his death, or where the principal part of his estate is located.

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。

Article 34 The parties to a dispute over contract or other property rights and interests may agree in writing to be subject to the jurisdiction of the people's court in the place having actual connection with the dispute, such as where the defendant is domiciled, where the contract is performed, where the contract is signed, where the plaintiff is domiciled or where the subject matter is located, etc., provided that the provisions of this Law regarding court-level jurisdictions and exclusive jurisdictions are not violated.

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。

Article 35 When two or more people's courts have jurisdiction over a lawsuit, the plaintiff may bring his lawsuit in one of these people's courts; if the plaintiff brings the lawsuit in two or more people's courts that have jurisdiction over the lawsuit, the people's court in which the case was first entertained shall have jurisdiction.

第三节 移送管辖和指定管辖

Section 3 Transfer and Designation of Jurisdiction

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。

Article 36 If a people's court finds that a case it has entertained is not under its jurisdiction, it shall refer the case to the people's court that has jurisdiction over the case. The people's court to which a case has been referred shall entertain the case, and if it considers that, according to the relevant regulations, the case referred to it is not under its jurisdiction, it shall report to a superior people's court for the designation of jurisdiction and shall not independently refer the case again to another people's court.

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。

Article 37 If a people's court which has jurisdiction over a case is unable to exercise the jurisdiction for special reasons, a people's court at a higher level shall designate another court to exercise jurisdiction.

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。

In the event of a jurisdictional dispute between two or more people's courts, it shall be resolved by the disputing parties through consultation; if the dispute cannot be so resolved, it shall be reported to their common superior people's court for the designation of jurisdiction.

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。

Article 38 The people's courts at higher levels shall have the power to try civil cases over which the people's courts at lower levels have jurisdiction as courts of first instance; where it is really necessary for a people's court at a higher level to transfer civil cases over which it has jurisdiction as courts of first instance to people's courts at lower levels for trial, a report shall be made to the people's court at a higher level for approval.

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。

If a people's court at a lower level that has jurisdiction over a civil case as court of first instance deems it necessary to have the case to be tried by a people's court at a higher level, it may request that such people's court try the case.

第三章 审判组织

Chapter 3 Trial Organizations

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。

Article 39 The people's court of first instance shall try civil cases by a collegial panel composed of both judges and jurors or of judges alone. The number of members of a collegial panel must be odd.

适用简易程序审理的民事案件，由审判员一人独任审理。

Civil cases to which the summary procedure applies shall be tried by a single judge alone.

陪审员在执行陪审职务时，与审判员有同等的权利义务。

When performing their duties, the jurors shall have the same rights and obligations as the judges.

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。

Article 40 The people's court of second instance shall try civil cases by a collegial panel of judges. The number of members of a collegial panel must be odd.

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。

When remanding a case for retrial, the people's court that originally tried the case shall form a new collegiate bench in accordance with the procedure at first instance.

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。

If a case for retrial was originally tried at first instance, a new collegial panel shall be formed according to the procedure of first instance; if the case was originally tried at second instance or was brought by a people's court at a higher level to it for trial, a new collegial panel shall be formed according to the procedure of second instance.

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。

Article 41 The president of the court or the chief judge of a division of the court shall designate a judge to serve as the presiding judge of the collegial panel; if the president or the chief judge participates in the trial, he himself shall serve as the presiding judge.

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。

Article 42 When deliberating a case, a collegial panel shall observe the rule of majority. The deliberations shall be recorded in writing, and the transcript shall be signed by the members of the collegial panel. Dissenting opinions in the deliberations must be recorded accurately.

第四十三条   审判人员应当依法秉公办案。

Article 43 The judicial officers shall deal with all cases impartially and in accordance with the law.

审判人员不得接受当事人及其诉讼代理人请客送礼。

Judicial officers may not accept invitations to meals or gifts from the parties or their agents ad litem.

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。

Any judicial officer who commits embezzlement, accepts bribes, engages in malpractice for personal benefits or who perverts the law in passing judgment shall be investigated for legal responsibility; if the act constitutes a crime, the offender shall be investigated for criminal responsibility according to the law.

第四章 回 避

Chapter 4 Withdrawal

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：

Article 44 Any member of the judicial officers under any of the following circumstances shall withdraw from the case, and the parties shall also have the right to request, orally or in writing, for the withdrawal of such a judicial officer from the case:

（一）是本案当事人或者当事人、诉讼代理人近亲属的；

1. the judicial officer is a party or a close relative of a party or an agent ad litem to the case;

（二）与本案有利害关系的；

(II) He is an interested party to the case;

（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。

3. the judicial officer has some other relationship with a party or agent ad litem to the case, which may affect the impartial trial of the case.

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。

Where a judge has accepted treats or gifts from a litigant or an agent ad litem, or met with a litigant or an agent ad litem in violation of the provisions, the litigants shall have the right to request for abstention of the judge.

审判人员有前款规定的行为的，应当依法追究法律责任。

Any member of the judicial officers that commits any of the violations stipulated in the preceding paragraph shall have his or her legal liabilities investigated for according to the law.

前三款规定，适用于书记员、翻译人员、鉴定人、勘验人。

The provisions of the preceding three paragraphs shall apply to court clerks, interpreters, examiners and inspectors.

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。

Article 45 In applying for the withdrawal, the party shall state the reason and submit the application at the beginning of the proceedings; the application may also be submitted before the closing of arguments in court if the reason for the withdrawal is known to him only after the proceedings begin.

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。

Pending a decision by the people's court regarding the withdrawal applied for, the judicial officer concerned shall temporarily suspend his participation in the proceedings, with the exception, however, of cases that require the taking of emergency measures.

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。

Article 46 The withdrawal of the president of the court serving as the chief judge shall be decided by the court's adjudication committee. The withdrawal of a member of the judicial personnel shall be decided by the president of the court. The withdrawal of other personnel shall be decided by the chief judge.

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。

Article 47 The decision of a people's court on an application made by any party for withdrawal shall be made orally or in writing within three days after the application was made. If the applicant is not satisfied with the decision, he may apply for reconsideration which could be granted only once. During the reconsideration, the challenged person shall not suspend service in the case. The decision of a people's court on the reconsideration shall be made within three days after receiving the application and the applicant shall be notified of it accordingly.

第五章 诉讼参加人

Chapter 5 Participants in Legal Actions

第一节 当事人

Section 1 Parties

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。

Article 48 Any citizen, legal person and any other organization may become a party to a civil action.

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。

Legal persons shall be represented in litigation by their legal representatives. Other organizations shall be represented in litigation by their principal heads.

第四十九条   当事人有权委托代理人，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。

Article 49 Parties shall have the right to appoint agents, to request for the withdrawal of judicial officers, to collect and present evidence, to engage in arguments in court, to request for mediation, to file appeals and to apply for execution.

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。

Parties to an action may have access to materials pertaining to the case and make copies thereof and other legal documents pertaining to the case. The scope and methods for inspection and replication of the relevant materials of cases shall be stipulated by the Supreme People's Court.

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。

Parties to an action must exercise their litigation rights in accordance with the law, observe the procedures and carry out legally effective judgments, rulings and mediation statements.

第五十条   双方当事人可以自行和解。

Article 50 The two parties may reach a compromise of their own accord.

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。

Article 51 A plaintiff may waive or modify his claims. The defendant may admit or rebut the claims and shall have the right to file counterclaims.

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。

Article 52 When one party or both parties consist of two or more than two persons, their object of action being the same or of the same category and the people's court considers that, with the consent of the parties, the action can be tried as a joint action.

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效力。

If a party of two or more persons to a joint action have common rights and obligations with respect to the object of action and the act of any one of them is recognized by the others of the party, such an act shall be valid for all the rest of the party; if a party of two or more persons have no common rights and obligations with respect to the object of action, the act of any one of them shall not be valid for the rest.

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。

Article 53 If the persons comprising a party to a joint action is large in number, the party may elect representatives from among themselves to act for them in the litigation. The acts of such representatives in the litigation shall be valid for the party they represent. However, modification or waiver of claims or admission of the claims of the other party or pursuing a compromise with the other party by the representatives shall be subject to the consent of the party they represent.

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。

Article 54 Where the object of action is of the same category and the persons comprising one of the parties is large but uncertain in number at the commencement of the action, the people's court may issue a public notice, stating the particulars and claims of the case and informing those entitled to participate in the action to register their rights with the people's court within a fixed period of time.

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。

Claimants who have registered with the people's court may elect a representative to engage in litigation; if no such representative can be elected, the people's court may discuss with the registered claimants in determining on such representative.

代表人的诉讼行为对其所代表的当事人发生效力，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。

The acts of such representatives in the litigation shall be valid for the party they represent. However, modification or waiver of claims or admission of the claims of the other party or pursuing a compromise with the other party by the representatives shall be subject to the consent of the party they represent.

人民法院作出的判决、裁定，对参加登记的全体权利人发生效力。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。

The judgments or written orders rendered by the people's court shall be valid for all those who have registered their rights with the court. Such judgments or written orders shall apply to those who have not registered their rights but have instituted legal proceedings during period of limitation of the action.

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。

Article 55 For acts which harm public interest such as environmental pollution, infringement of the legitimate rights and interests of multiple consumers, etc, the authorities stipulated by the law and the relevant organisations may file a lawsuit with a People's Court.

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。

In the event that a people's procuratorate finds any act that does harm to the protection of the ecological environment and resources, any practice in the food and drug field that infringes upon the legitimate rights and interests of consumers, or any other practice that damages the social benefits of the masses, while performing its duties and functions, it may file an action to the people's court, provided that there is no such organ or institution specified in the preceding paragraph or the organ or institution specified in the preceding paragraph decides not to bring a lawsuit. Where the organ or institution specified in the preceding paragraph files a lawsuit, the people's procuratorate may give endorsement to such lawsuit.

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。

Article 56 If a third party considers that he has an independent claim to the object of action of both parties, he shall have the right to bring an action.

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。

If a third party has no independent claim against the object of an action of two parties but the outcome of the case will affect his or her legal interests, he or she may apply to participate in the proceedings or the people's court shall notify him or her requesting his or her participation. A third party that is to bear civil liability in accordance with the judgment of the people's court shall be entitled to the rights and obligations of a party in litigation.

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。

Where a third party stipulated in the two preceding paragraphs cannot participate in the lawsuit due to a reason not attributable to him/her, but there is evidence to prove that part or all of the contents of the judgment, ruling or mediation letter which has taken legal effect is wrong and harm (s) his/her civil rights and interests, he/she may file a lawsuit with the People's Court which has issued the said judgment, ruling or mediation letter within six months from the date on which he/she becomes aware or should have become aware that his/her civil rights and interests are harmed. After the People's Court has tried the lawsuit and held that the claim is justified, the People's Court shall amend or revoke the original judgment, ruling or mediation letter; where the claim is groundless, the claim shall be thrown out.

第二节 诉讼代理人

Section 2 Entrusted Agents

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。法定代理人之间互相推诿代理责任的，由人民法院指定其中一人代为诉讼。

Article 57 Any person with no legal capacity to engage in litigation shall have his guardian or guardians as statutory agents to act for him in a lawsuit. If the statutory agents try to shift responsibility as agents ad litem upon one another, the people's court shall appoint one of them to represent the person in litigation.

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。

Article 58 A party or statutory agent may appoint one or two persons to act as his or her agent ad litem (s).

下列人员可以被委托为诉讼代理人：

The following persons may be entrusted as agents ad litem:

（一）律师、基层法律服务工作者；

1. lawyers and law service providers at the grass-roots level;

（二）当事人的近亲属或者工作人员；

2. close relatives or employees of the parties; and

（三）当事人所在社区、单位以及有关社会团体推荐的公民。

3. citizens recommended by the community where the party resides, the employer of the party or any other social organization concerned.

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。

Article 59 When a person appoints another to act on his behalf in litigation, he must submit to the people's court a power of attorney bearing his signature or seal.

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。

The Power of Attorney must specify the subject matter and authority. An agent ad litem must obtain special powers from his principal to admit, waive or modify claims, or to compromise or to file a counterclaim or an appeal.

侨居在国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。

A power of attorney mailed or delivered through others by a citizen of the People's Republic of China residing abroad must be certified by the Chinese embassy or consulate accredited to that country. If there is no Chinese embassy or consulate in that country, the power of attorney must be certified by an embassy or a consulate of a third country accredited to that country that has diplomatic relations with the People's Republic of China, and then transmitted for authentication to the embassy or consulate of the People's Republic of China accredited to that third country, or it must be certified by a local patriotic overseas Chinese organization.

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。

Article 60 A party to an action shall inform the people's court in writing if he changes or revokes the powers of an agent ad litem, and the court shall notify the other party of the change or revocation.

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。

Article 61 A lawyer who serves as an agent ad litem and other agents ad litem shall have the right to investigate and collect evidence, and may have access to materials pertaining to the case. The scope of and rules for consulting materials pertaining to the case shall be specified by the Supreme People's Court.

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。

Article 62 In a divorce case in which the parties to the action have been represented by their agents ad litem, the parties themselves shall still appear in court in person, unless they are incapable of expressing their opinions. A party who is truly unable to appear in court due to a special reason shall submit his views in writing to the people's court.

第六章 证 据

Chapter 6 EVIDENCE

第六十三条   证据包括：

Article 63 The evidence shall include:

（一）当事人的陈述；

1. statements of the parties;

（二）书证；

(II) documentary evidence;

（三）物证；

(III) physical evidence;

（四）视听资料；

(IV) audio-visual materials;

（五）电子数据；

(V) electronic data;

（六）证人证言；

(VI) testimony of witnesses;

（七）鉴定意见；

(VII) expert opinions; and

（八）勘验笔录。

(VIII) records of inspections and examinations.

证据必须查证属实，才能作为认定事实的根据。

Evidence must be verified before it can be taken as a basis for ascertaining a fact.

第六十四条   当事人对自己提出的主张，有责任提供证据。

Article 64 Litigants shall be responsible for providing evidence for their assertions.

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。

If, for objective reasons, a party and his agent ad litem are unable to collect the evidence by themselves or if the people's court considers the evidence necessary for the trial of the case, the people's court shall investigate and collect it.

人民法院应当按照法定程序，全面地、客观地审查核实证据。

A people's court shall comprehensively and objectively examine and verify the evidence according to the statutory procedures.

第六十五条   当事人对自己提出的主张应当及时提供证据。

Article 65 Litigants shall promptly provide evidence for their assertions.

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。

A People's Court shall determine the evidence to be provided by a litigant and the deadline thereof pursuant to the litigant's assertion and the status of trial of case. Where it is genuinely difficult for a litigant to provide evidence within the stipulated period, the litigant may apply to the People's Court for an extension of time, the People's Court shall grant an appropriate extension based on the litigant's application. Where a litigant provides evidence beyond the deadline, the People's Court shall order the litigant to state the reason; where the litigant refuses to state the reason or the reason is groundless, the People's Court may decide on non-admission of the evidence based on different circumstances, or adopt the evidence but impose a reprimand or fine.

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。

Article 66 A People's Court shall issue a receipt for evidential materials submitted by a litigant, stating the description of the evidence, number of pages, number of copies, original copy or photocopy and time of receipt, etc, and the receipt shall be signed or sealed by the handling officer.

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。

Article 67 The people's court shall have the right to make investigation and collect evidence from the relevant units or individuals; such units or individuals may not refuse to provide information and evidence.

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。

The people's court shall verify the authenticity, examine and determine the validity of the certifying documents provided by the relevant units or individuals.

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。

Article 68 Evidence shall be presented in court and cross-examined by the parties concerned. But evidence that involves State secrets, trade secrets and personal privacy shall be kept confidential. If it needs to be presented in court, such evidence shall not be presented in an open court session.

第六十九条   经过法定程序公证证明的法律事实和文书，人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。

Article 69 The people's court shall take the legal facts and documents notarized according to legal procedures as its basis for ascertaining facts, unless there is evidence to the contrary sufficient to invalidate the notarization.

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。

Article 70 Any document submitted as evidence must be the original. Original physical evidence shall be submitted. If it is truly difficult to present the original document or thing, then reproductions, photographs, duplicates or extracts of the original may be submitted.

提交外文书证，必须附有中文译本。

Documentary evidence in a foreign language must be accompanied by a Chinese translation.

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。

Article 71 The people's court shall verify audio-visual materials and determine after their examination in the light of other evidence in the case whether they can be taken as a basis for ascertaining the facts.

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。

Article 72 All units and individuals who have knowledge of a case shall be under the obligation of giving testimony in court. The persons in charge of the relevant units shall support the witnesses in testifying.

不能正确表达意思的人，不能作证。

He who cannot express himself properly cannot testify.

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：

Article 73 Upon notification by a People's Court, a witness shall testify in court. Under any of the following circumstances, upon consent by the People's Court, a witness may testify by way of written testimony, audio-visual transmission technique or audio-visual materials, etc:

（一）因健康原因不能出庭的；

1. unable to appear in court due to health problems;

（二）因路途遥远，交通不便不能出庭的；

(II) unable to appear in court due to geographical distance or inconvenient transportation;

（三）因自然灾害等不可抗力不能出庭的；

(III) unable to attend court due to force majeure such as natural disasters;

（四）其他有正当理由不能出庭的。

(IV) unable to appear in court due to any other legitimate reasons.

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。当事人申请证人作证的，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。

Article 74 The requisite transportation, accommodation and meal expenses incurred by a witness for performance of the obligation to testify in court and losses from absent from work shall be borne by the litigant who lost in the lawsuit. Where a litigant applies for a witness to testify, the litigant shall make advance payment; where a litigant does not make an application and the People's Court notifies a witness to testify, the People's Court shall make advance payment.

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。

Article 75 The people's court shall examine the statements of the parties concerned in the light of other evidence in the case to determine whether the statements can be taken as a basis for ascertaining the facts.

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。

The refusal of a party to make statements shall not prevent the people's court from ascertaining the facts of a case on the basis of other evidence.

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。

Article 76 A litigant may apply to the People's Court for examination in respect of specialised issues pertaining to ascertainment of facts. Where a litigant applies for examination, both parties to the lawsuit shall discuss and appoint a qualified examiner; where the discussion is unsuccessful, the People's Court shall appoint an examiner.

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。

Where a litigant does not apply for examination, but the People's Court deemed that examination of specialised issues is necessary, the People's Court shall entrust a qualified examiner to carry out examination.

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。

Article 77 An expert has the right to consult the materials necessary for the examination and may question parties and witnesses where it is necessary.

鉴定人应当提出书面鉴定意见，在鉴定书上签名或者盖章。

An examiner shall issue a written examination opinion signed or sealed by the examiner.

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。

Article 78 Where a litigant disagrees with the examination opinion or the People's Court deemed that it is necessary for the examiner to be present in court, the examiner shall testify in court. Upon notification by the People's Court, where the examiner refuses to testify in court, the examination opinion shall not be used as the basis for ascertainment of facts; a litigant who has paid for examination expenses may require a refund of the examination expenses.

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出庭，就鉴定人作出的鉴定意见或者专业问题提出意见。

Article 79 A litigant may apply to the People's Court to notify a person with expertise to be present in court to give opinion on the expert opinion of the examiner or a specialised issue.

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。

Article 80 When inspecting material evidence or a site, the inspector must produce his credentials issued by a people's court. He shall request the local grass-roots organization or the unit to which the party to the action belongs to send persons to participate in the inspection. The party concerned or an adult member of his family shall be present; their refusal to appear on the scene, however, shall not hinder the inspection.

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。

Upon notification by the people's court, the relevant units and individuals shall be under the obligation of preserving the scene and assisting the examination work.

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。

An inspector shall make a written record of the circumstances and results of the inspection, which shall be signed or sealed by the inspector, the party to the case and the participants invited.

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。

Article 81 Where there is a possibility that evidence may be destroyed or lost or be difficult to obtain later on, a party may apply to the people's court for preservation of the evidence. The people's court may also on its own initiative take measures to preserve such evidence.

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。

Under urgent circumstances where the evidence may be lost or it may be difficult to obtain the evidence in future, a stakeholder may apply to the People's Court at the location of the evidence or the respondent's domicile or the People's Court which has jurisdiction for the case for preservation of evidence prior to filing of lawsuit or application for arbitration.

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。

The relevant provisions of Chapter 9 of this Law on preservation shall apply to other procedures for preservation of evidence as reference.

第七章 期间、送达

Chapter 7 Time Periods, Service

第一节 期 间

Section 1 Time Periods

第八十二条   期间包括法定期间和人民法院指定的期间。

Article 82 Time periods shall include those prescribed by the law and those designated by a people's court.

期间以时、日、月、年计算。期间开始的时和日，不计算在期间内。

Time periods shall be calculated by the hour, the day, the month and the year. The hour and day from which a time period begins shall not be counted as within the time period.

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。

If the last day of a time period falls on a holiday, the day immediately following the holiday shall be the last day of the time period.

期间不包括在途时间，诉讼文书在期满前交邮的，不算过期。

A time period shall not include transit time. A litigation document that is mailed before the deadline shall not be regarded as overdue.

第八十三条   当事人因不可抗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。

Article 83 In case of failure on the part of a party to an action to meet a deadline due to force majeure or for other justified reasons, the party concerned may apply for an extension of the time limit within 10 days after the obstacle is removed. The extension applied for shall be subject to approval by a people's court.

第二节 送 达

Section 2 Delivered

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。

Article 84 A receipt shall be required for every litigation document that is served and it shall bear the date of receipt noted by the signature or seal of the person on whom the document was served.

受送达人在送达回证上的签收日期为送达日期。

The date signed by the person served on the acknowledgement of service shall be the date of service.

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。

Article 85 A procedural document shall be served directly on the person to be served. If that person is a citizen, the documents shall, in case of his absence, be receipted by an adult member of his family living with him. If the person on whom they are to be served is a legal person or any other organization, the documents shall be receipted by the legal representatives of the legal person or the principal heads of the other organization or anyone of the legal person or the other organization responsible for receiving such documents; if the person on whom they are to be served has an agent ad litem, the documents may be receipted by the agent ad litem; if the person on whom they are to be served has designated a person to receive litigation documents on his behalf and has informed the people's court of it, the documents may be receipted by the person designated.

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。

The date of the signature for receipt as entered on the acknowledgement of service by an adult family member of the person to be served who is living with such person, by the legal person's or organization's person in charge of receiving documents, by the agent ad litem or by the agent designated to receive documents shall be the date of service.

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。

Article 86 If the person on whom the litigation documents are to be served or the adult family member living with him refuses to receive the documents, the person serving the documents may ask representatives from the relevant grass-roots organization or the unit to which the person on whom the documents are to be served belongs to appear on the scene, explain the situation to them, and record the date and reasons of the refusal on the receipt. After the person serving the documents and the witnesses have affixed their signatures or seals to the receipt, the documents may be left at the domicile of the person on whom they are to be served; if the person serving the documents may also leave the documents at the domicile of the person on whom they are to be served and record the process of service by such means as taking photographs or videotaping, the documents shall be deemed to have been served.

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。

Article 87 Upon consent by the party being served, the People's Court may adopt a method which can confirm receipt such as facsimile, email, etc for service of litigation documents, except for judgment letter, ruling letter or mediation letter.

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。

Where the service is made by means of the preceding paragraph, the date on which the facsimile or email reaches the specific system of the recipient shall be the date of service.

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。

Article 88 If direct service proves to be difficult, service of litigation documents may be entrusted to another people's court, or done by mail. If sent by post, the date on the receipt shall be deemed to be the date of delivery.

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。

Article 89 If the person on whom the litigation documents are to be served is a serviceman, the documents shall be forwarded to him through the political organ of the unit at or above the regimental level in the force to which he belongs.

第九十条   受送达人被监禁的，通过其所在监所转交。

Article 90 Where the party being served is under imprisonment, the documents shall be served through the prison in which he/she is being confined.

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。

Where the party being served is subject to mandatory education measures, the documents shall be served through the mandatory education institution in which he/she is confined.

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，以在送达回证上的签收日期，为送达日期。

Article 91 The organization or unit that receives the litigation documents to be forwarded must immediately deliver them to and have them receipted by the person on whom they are to be served. The date stated on the receipt shall be deemed the date of service of the documents.

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。

Article 92 If the whereabouts of the person on whom the litigation documents are to be served is unknown, or if the documents cannot be served by the other methods specified in this Section, the documents shall be served by public announcement. Sixty days after the public announcement is made, the documents shall be deemed to have been delivered.

公告送达，应当在案卷中记明原因和经过。

The reasons for service by public announcement and the process gone through shall be recorded in the case files.

第八章 调 解

Chapter 8 Conciliation

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。

Article 93 In the trial of civil cases, the people's court shall distinguish between right and wrong on the basis of the facts being clear and conduct conciliation between the parties on a voluntary basis.

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。

Article 94 When a people's court conducts conciliation, a single judge or a collegial panel may preside over it. Conciliation shall be conducted on the spot as much as possible.

人民法院进行调解，可以用简便方式通知当事人、证人到庭。

When conducting mediation, a people's court may use simplified methods to notify the parties and witnesses to appear in court.

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。

Article 95 When conducting mediation, a people's court may request for the assistance of relevant units and individuals. The units or individuals invited shall assist the people's court in conciliation.

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。

Article 96 A mediation agreement shall be reached by the parties voluntarily and shall not be coerced. The contents of a mediation agreement shall not violate the provisions of the law.

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。

Article 97 When a mediation agreement is reached, the people's court shall prepare a written mediation statement. The mediation letter shall state the claim (s), the facts of the case and the mediation outcome.

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。

The written mediation statement shall be signed by the judicial officers and the court clerk, be affixed with the seal of the people's court and shall be served on both parties.

调解书经双方当事人签收后，即具有法律效力。

The mediation agreement shall take legal effect after both parties sign the receipt thereof.

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：

Article 98 The people's court need not prepare a written mediation statement in the following types of cases when an agreement is reached through mediation:

（一）调解和好的离婚案件；

1. divorce cases in which the parties have become reconciled through mediation;

（二）调解维持收养关系的案件；

2. cases in which an adoptive relationship has been maintained through mediation; and

（三）能够即时履行的案件；

3. cases in which the claims can be immediately performed; and

（四）其他不需要制作调解书的案件。

(IV) other cases that do not require written mediation statements.

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。

Any settlement agreement that does not require a written mediation statement shall be entered into the written record and shall become legally effective after being signed or sealed by both parties, the judge and the court clerk.

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。

Article 99 If no agreement is reached through mediation or if one party backs out of the settlement agreement before the mediation statement is served, the people's court shall render a judgment without delay.

第九章 保全和先予执行

Chapter 9 Preservation and Prior Enforcement

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。

Article 100 For cases in which the action of a party to the lawsuit or any other reason causes difficulty in enforcement of a judgment or causes other harm to the litigants, a People's Court may, pursuant to an application by a counterparty litigant, rule on preservation of its property or order the counterparty to undertake certain acts or prohibit the counterparty to undertake certain acts; where the litigants do not make an application, a People's Court may rule that preservation measures be adopted where necessary.

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。

A People's Court adopting preservation measures may order the applicant to provide guarantee, where the applicant does not provide guarantee, the People's Court shall rule that the application be thrown out.

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。

Upon acceptance of an application, the People's Court shall make a ruling within 48 hours under urgent circumstances; where the People's Court rules that preservation measures be adopted, the ruling shall be forthwith enforced.

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。

Article 101 In the event of urgent circumstances where the legitimate rights and interests of a stakeholder will be subject to irreparable damages if the stakeholder does not forthwith apply for preservation, the stakeholder may, prior to filing of lawsuit or application for arbitration, apply to the People's Court at the location of the properties to be preserved or the respondent's domicile or a People's Court which has jurisdiction for the case for adoption of preservation measures. The applicant shall provide security; if it fails to do so, the people's court shall reject its application.

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。

The people's court must render a ruling within 48 hours of acceptance of the application. The implementation of preservation measures shall commence promptly upon the rendering of a ruling adopting such measures.

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。

Where the applicant failed to file a lawsuit or apply for arbitration pursuant to the law within 30 days from adoption of preservation measures by the People's Court, the People's Court shall lift the preservation.

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。

Article 102 Preservation shall be limited to the scope under the application or to the property related to the case in question.

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。

Article 103 Property may be preserved by means of sealing up, distraining, freezing or other methods as prescribed by the law. After the property is preserved, the people's court shall immediately notify the person whose property is preserved of the same.

财产已被查封、冻结的，不得重复查封、冻结。

Property that has already been seized or frozen may not be seized or frozen again.

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。

Article 104 Where the respondent of a property dispute case provides guarantee, the People's Court shall rule that preservation be lifted.

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。

Article 105 If an application is wrongfully made, the applicant shall compensate the person against whom the application is made for any loss incurred as a result of the preservation of property.

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：

Article 106 Upon the request of a party, a people's court may make a ruling for preliminary execution in the following cases:

（一）追索赡养费、扶养费、抚育费、抚恤金、医疗费用的；

1. those involving claims for overdue alimony, maintenance, child support, pensions for the disabled or the family of the deceased, or medical expenses;

（二）追索劳动报酬的；

2. those involving claims for remuneration for labour; and

（三）因情况紧急需要先予执行的。

(III) those involving urgent circumstances that require advance execution.

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：

Article 107 Cases in which advance execution is ordered by a people's court shall meet the following conditions:

（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；

1. the relationship of rights and obligations between the parties is clear and definite, and denial of advance execution would seriously affect the livelihood or production operations of the applicant; and

（二）被申请人有履行能力。

(II) the respondent is capable of performance.

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。

The people's court may order the applicant to provide security. If the applicant fails to provide security, his application shall be rejected. If the applicant loses the lawsuit, he shall compensate the person against whom the application is made for any loss of property incurred from the preliminary execution.

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。

Article 108 If the party concerned is not satisfied with the order made on preservation or execution, he may apply for reconsideration which could be granted only once. Enforcement of the ruling shall not be suspended during the review period.

第十章 对妨害民事诉讼的强制措施

Chapter 10 Compulsory Measures against Obstruction of Civil Actions

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。

Article 109 If a defendant is required to appear in court, but, having been served twice with summons, still refuses to do so without justified reason, the people's court may constrain him to appear in court by a peremptory writ.

第一百一十条   诉讼参与人和其他人应当遵守法庭规则。

Article 110 Participants in actions and other persons shall comply with court rules.

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。

Persons who violate court rules may be reprimanded, ordered to leave the court, fined or detained by the people's court.

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。

Persons who seriously disrupt court order by making noises or creating uproar in the courtroom, or by insulting, slandering, threatening, or assaulting judicial officers, shall be prosecuted by the people's court in accordance with the law. In less serious cases, such persons may be fined or detained.

第一百一十一条   诉讼参与人或者其他人有下列行为之一的，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：

Article 111 If a participant in an action or another person commits any of the following acts, the people's court may fine him or detain him according to the seriousness of the case; if the act constitutes a crime, the person shall be prosecuted in accordance with the law:

（一）伪造、毁灭重要证据，妨碍人民法院审理案件的；

1. forging or destroying important evidence, thereby obstructing the trial of the case by the people's court;

（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；

2. using violence, threats or subornation to prevent witnesses from giving testimony, or instigating, suborning, or coercing others to commit perjury; and

（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；

(III) concealing, transferring, selling or destroying property that has been sealed up or distrained, or that has been inventoried and placed in his custody by order, or transferring property that has been frozen;

（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；

(IV) insulting, slandering, falsely incriminating, battering or retaliating against judicial personnel, participants in the action, witnesses, interpreters, expert witnesses, inspectors, or personnel assisting in execution;

（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；

(V) using violence, threats or other methods to obstruct judicial personnel from performing their duties;

（六）拒不履行人民法院已经发生法律效力的判决、裁定的。

(VI) refusing to perform a legally effective judgment or ruling of the people's court.

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。

With respect to a unit that commits any one of the acts specified above, the people's court may impose a fine on or detain its principal heads or the persons who are held actually responsible for the act; if the act constitutes a crime, investigations for criminal responsibility shall be made according to the law.

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。

Article 112 Where the litigants have conspired to attempt to harm the legitimate rights and interests of others through litigation, mediation, etc, the People's Court shall reject their request and impose a fine or detention based on the extent of the circumstances; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

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。

Article 113 Where an enforcee has conspired with others to evade performance of the obligations stipulated in the legal documents through litigation, arbitration, mediation, etc, the People's Court shall impose a fine or detention based on the extent of the circumstances; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

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：

Article 114 If any of the following units under an obligation to assist in investigation and execution commits any of the following acts, the people's court may, in addition to ordering it to perform its obligation to assist, impose a fine:

（一）有关单位拒绝或者妨碍人民法院调查取证的；

1. relevant entities refuse or obstruct the investigation or evidence collection by the people's court;

（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；

2. relevant units that refuse to assist with the inquiry, seizure, freezing, allocation or appraisal of property after receiving the notice of the people's court requiring such assistance;

（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；

(III) relevant units that, after receiving a notice from the people's court to assist in execution, refuse to assist in withholding the income of the person subject to execution, in going through the formalities of transferring the relevant title deeds, or in passing on the relevant negotiable instruments, certificates, or other property; or

（四）其他拒绝协助执行的。

(IV) other units that refuse to assist in execution.

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。

With respect to a unit that commits any one of the acts specified above, the people's court may impose a fine on its principal heads or the persons who are held actually responsible for the act; it may also detain them if they still refuse to perform the obligation to provide assistance; and it may, in addition, put forward a judicial proposal to the supervisory organ or any relevant organ that disciplinary sanctions are imposed on them.

第一百一十五条   对个人的罚款金额，为人民币十万元以下。对单位的罚款金额，为人民币五万元以上一百万元以下。

Article 115 A fine on an individual shall not exceed CNY100 ,000. A fine on a unit shall not be less than 50,000 yuan and shall not exceed one million yuan.

拘留的期限，为十五日以下。

The detention period shall not exceed 15 days.

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。

The people's court shall deliver detained persons to a public security organ for custody. Where a detainee admits and makes correction during the detention period, the People's Court may decide to terminate the detention prematurely.

第一百一十六条   拘传、罚款、拘留必须经院长批准。

Article 116 Issuance of warrant, fine or detention shall be subject to approval by the head of the court.

拘传应当发拘传票。

A summons shall be issued to require a party's appearance in court.

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。

Written decisions shall be issued for the imposition of fines and detention. A person who disagrees with a decision may apply once to the higher-level People's Court for review. The execution of the decision shall not be suspended during the period of reconsideration.

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。

Article 117 Decision on the adoption of compulsory measures against obstruction of proceedings shall be made only by the people's court. Any unit or individual that extorts repayment of a debt by illegal detention of a person or illegal distrainment of property shall be investigated for criminal responsibility according to the law, or shall be detained or fined.

第十一章 诉讼费用

Chapter 11 Cost of Proceedings

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。

Article 118 Any party filing a civil lawsuit shall pay court costs according to the rules. For property cases, the party shall pay other fees in addition to the court costs.

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。

If a party truly has difficulty in paying court costs, it may, in accordance with regulations, apply to the people's court for deferment, reduction or exemption of payment.

收取诉讼费用的办法另行制定。

Measures governing the collection of court costs shall be formulated separately.

第二编　审判程序

Part II Trial Procedure

第十二章 第一审普通程序

Chapter 12 Ordinary Procedure at First Instance

第一节 起诉和受理

Section 1 COMPLAINT AND FORUM

第一百一十九条   起诉必须符合下列条件：

Article 119 To institute an action, the following conditions must be satisfied:

（一）原告是与本案有直接利害关系的公民、法人和其他组织；

1. the plaintiff must be a citizen, legal person or other organization with a direct interest in the case;

（二）有明确的被告；

2. there must be a definite defendant;

（三）有具体的诉讼请求和事实、理由；

(III) there are specific claims and facts and reasons;

（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。

(IV) the suit must fall within the range of civil actions accepted by the people's courts and within the jurisdiction of the people's court with which it is filed.

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。

Article 120 When instituting an action, a statement of claim shall be submitted to the people's court, together with a number of copies corresponding to the number of defendants.

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。

If the plaintiff has genuine difficulty in presenting the statement of complaint in writing, he may state his complaint orally; the people's court shall transcribe the complaint and inform the other party of it accordingly.

第一百二十一条   起诉状应当记明下列事项：

Article 121 A statement of claim shall specify the following matters:

（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；

1. the name, gender, age, ethnicity, occupation, employer, domicile and contact information of the plaintiff, the name and domicile of the legal person or other organization and the name, title and contact information of the legal representative or principal responsible person thereof;

（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；

2. the name, gender, employer, domicile and other information of the defendant, or the name, domicile and other information of the legal person or other organizations;

（三）诉讼请求和所根据的事实与理由；

(III) the claim and its supporting facts and grounds; and

（四）证据和证据来源，证人姓名和住所。

(IV) evidence and the source thereof, and the names and domiciles of witnesses.

第一百二十二条   当事人起诉到人民法院的民事纠纷，适宜调解的，先行调解，但当事人拒绝调解的除外。

Article 122 Where mediation is appropriate in a civil dispute instituted by a party to a people's court, the parties shall first go through mediation, except where they refuse mediation.

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。

Article 123 The people's courts shall protect the rights of the parties to file lawsuits in accordance with the law. Lawsuits which comply with Article 119 of this Law shall be accepted. A People's Court shall establish a case file for a lawsuit which satisfies the prosecution criteria within seven days and notify the litigants; where the prosecution criteria are not satisfied, the People's Court shall issue a ruling letter on non-acceptance of lawsuit within seven days; where the Plaintiff disagrees with the ruling, the Plaintiff may file an appeal.

第一百二十四条   人民法院对下列起诉，分别情形，予以处理：

Article 124 The people's courts shall handle the following actions according to the specific circumstances of the individual cases:

（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；

1. where an action falls within the scope of cases that may be accepted as administrative actions under the Administrative Procedure Law, the plaintiff shall be notified that he should institute an administrative action;

（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；

(II) if the parties to a contract for arbitration reach a written arbitration agreement and apply for arbitration according to the law, they shall inform the parties that they should apply for arbitration to the arbitration institution;

（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；

3. if the law provides that the dispute shall be handled by another organ, the plaintiff shall be notified that he should apply to the relevant organ for settlement;

（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；

(IV) if the action does not come under the jurisdiction of the court with which it is filed, the plaintiff shall be notified that he should file the action with the competent people's court;

（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；

(V) where a party to a case in which the judgment, ruling or mediation letter has come into legal effect files a lawsuit again, the People's Court shall notify the plaintiff to apply for re-trial, except for a ruling where the People's Court grants withdrawal of lawsuit;

（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；

(VI) if, in accordance with the law, an action may not be filed within a specified period; otherwise, the case shall not be accepted; and

（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、新理由，原告在六个月内又起诉的，不予受理。

(VII) in a divorce case in which a judgment has been made disallowing the divorce, or in which both parties have become reconciled after conciliation, or in a case concerning adoptive relationship in which a judgment has been made to maintain or maintain the adoptive relationship through conciliation, if the plaintiff files a suit again within six months in the absence of any new developments or new reasons, it shall not be entertained.

第二节 审理前的准备

Section 2 Preparations for Trial

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。

Article 125 A people's court shall send a copy of a bill of complaint to the defendant within five days of accepting a case for hearing and the defendant shall file a bill of defence within 15 days of receiving a copy of the bill of complaint. The pleadings shall state the name, gender, age, race, occupation, employer, address and contact details of the Defendant; the name and address of the legal person or other organisation and the name, designation and contact details of the legal representative or the key person-in-charge. The people's court shall send a copy of the bill of defence to the plaintiff within five days of receiving it.

被告不提出答辩状的，不影响人民法院审理。

Failure by the defendant to submit a defence shall not affect the trial of the case by the people's court.

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。

Article 126 The people's court shall, with respect to cases whose acceptance has been decided, inform the parties in the notification of acceptance and in the notification calling for responses to the action of their relevant litigation rights and obligations of which the parties may likewise be informed orally.

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。

Article 127 If a party to an action objects to the jurisdiction of a people's court after the court has entertained the case, the party must raise the objection within the period prescribed for the submission of defence. The People's Court shall examine the objection. If the objection is established, the people's court shall order the case to be transferred to the people's court that has jurisdiction over it; if not, the people's court shall reject it.

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。

Where the litigants do not raise any objection to jurisdiction and respond with pleadings, the litigants shall be deemed to acknowledge that the People's Court which accepts the lawsuit has jurisdiction, except where the provisions on grade jurisdiction and exclusive jurisdiction are violated.

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。

Article 128 The parties shall be notified within three days after the members of the collegial panel are determined.

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。

Article 129 The judicial officers must carefully examine and verify the case materials and carry out investigations and collection of necessary evidence.

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。

Article 130 Personnel sent by a people's court to conduct investigations shall produce their credentials before the person to be investigated.

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。

The written record of the investigation shall be checked by the person investigated and then signed or sealed by both the investigator and the investigated.

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。

Article 131 When necessary, a people's court may entrust a people's court in another locality with an investigation.

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。

The entrusting people's court shall clearly set out the matters for and requirements of the entrusted investigations. The entrusted People's Court may voluntarily conduct supplementary investigation.

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。

The entrusted people's court shall complete the investigations within 30 days after receiving the commission in writing. If for some reason it cannot complete the investigations, the said people's court shall notify the entrusting people's court in writing within the above-mentioned time limit.

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。

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

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：

Article 133 People's courts shall handle accepted cases according to the specific circumstances of each case:

（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；

1. If the parties do not raise any objection, and the case meets the requirements prescribed in the procedure for the recovery of debts, the procedure for the recovery of debts may be initiated on the case;

（二）开庭前可以调解的，采取调解方式及时解决纠纷；

(II) If mediation is appropriate for a case before the hearing of the case begins, the dispute shall be settled through mediation in a timely manner;

（三）根据案件情况，确定适用简易程序或者普通程序；

(III) Based on the circumstances of the case, determine whether to apply the summary procedure or ordinary procedure;

（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。

(IV) If it is necessary to hold a hearing, the focus of dispute in the case shall be determined by ordering the parties to exchange evidence.

第三节 开庭审理

Section 3 Hearing

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。

Article 134 People's Courts shall try civil cases openly, except where State secrets or personal privacy is involved or otherwise stipulated by the law.

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。

A divorce case or a case involving trade secrets may not be heard in public if a party so requests.

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。

Article 135 In trying civil cases, the people's courts shall conduct circuit trials to handle cases on the spot when necessary.

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。

Article 136 For civil cases, the people's court shall notify the parties and other participants in the proceedings three days before the opening of a court session. If the case is to be tried in public, the names of the parties, the cause of action and the time and place of the court session shall be announced publicly.

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。

Article 137 Before a court session is called to order, the court clerk shall ascertain whether or not the parties and other participants in the proceedings are present and announce the rules of order of the court.

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。

At the opening of a trial hearing, the presiding judge shall check the parties present, announce the cause of action and the names of the judicial officers and court clerks, advise the parties of their procedural rights and obligations and inquire whether the parties wish to challenge any judicial officers.

第一百三十八条   法庭调查按照下列顺序进行：

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

（一）当事人陈述；

1. statements of the parties concerned;

（二）告知证人的权利义务，证人作证，宣读未到庭的证人证言；

2. informing the witnesses of their rights and obligations, giving testimony by the witnesses and reading of the written statements of absentee witnesses;

（三）出示书证、物证、视听资料和电子数据；

(III) presentation of documentary evidence, physical evidence, audio-visual material and electronic data;

（四）宣读鉴定意见；

(IV) reading out expert opinions; and

（五）宣读勘验笔录。

(V) reading out the record of the inquest.

第一百三十九条   当事人在法庭上可以提出新的证据。

Article 139 The parties may introduce new evidence during a court session.

当事人经法庭许可，可以向证人、鉴定人、勘验人发问。

With the permission of the court, the parties may put questions to witnesses, expert witnesses and inspectors.

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。

Any request by the parties for a new investigation, expert evaluation or inspection shall be subject to the approval of the people's court.

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。

Article 140 Additional claims by the plaintiff, counterclaims by the defendant and third-party claims related to the case may be tried in combination.

第一百四十一条   法庭辩论按照下列顺序进行：

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

（一）原告及其诉讼代理人发言；

1. The plaintiff and his agent ad litem make statements;

（二）被告及其诉讼代理人答辩；

2. defense by the defendant and his agent ad litem;

（三）第三人及其诉讼代理人发言或者答辩；

(III) statement or response by the third party and his agent ad litem;

（四）互相辩论。

4. The parties debate with each other.

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。

At the end of the court debate, the presiding judge shall first seek the final opinion of the plaintiff, then the defendant and then the third party.

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。

Article 142 At the end of the court debate, a judgment shall be made according to the law. Where conciliation is possible before the rendering of a judgment, conciliation efforts may be made; if conciliation proves to be unsuccessful, a judgment shall be made without delay.

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的，可以按撤诉处理；被告反诉的，可以缺席判决。

Article 143 If a plaintiff, having been served with a summons, refuses to appear in court without justified reasons, or if he withdraws during a court session without the permission of the court, the case may be considered as withdrawn by him; if the defendant files a counterclaim in the mean time, the court may make a judgment by default.

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。

Article 144 If a defendant, having been served with a summons, refuses to appear in court without justified reasons, or if he withdraws during a court session without the permission of the court, the court may make a judgment by default.

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。

Article 145 If a plaintiff applies for withdrawal of action before judgment is pronounced, the people's court shall decide on the application.

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。

If withdrawal of the case is not allowed by an order of the people's court, and the plaintiff, having been served with a summons, refuses to appear in court without justified reasons, the people's court may make a judgment by default.

第一百四十六条   有下列情形之一的，可以延期开庭审理：

Article 146 A trial hearing may be adjourned in any of the following circumstances:

（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；

1. the parties and other participants in the action required to appear in court fail to do so with proper cause;

（二）当事人临时提出回避申请的；

2. a party extemporarily challenges adjudication personnel;

（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；

3. it is necessary to summon new witnesses, collect new evidence, make a new expert evaluation, new inspection, or to make a supplementary investigation; or

（四）其他应当延期的情形。

(IV) Other circumstances under which the hearing should be postponed.

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。

Article 147 The court clerk shall make a written record of the entire court proceedings, which shall be signed by him and the judicial officers.

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 court record shall be read out in court or the parties and other participants in the action may be notified to read the court record in court or within five days. If they consider that there are omissions or errors in the record of their statements, the parties or other participants in the proceedings shall have the right to apply for rectifications. If such rectifications are not made, the application shall be placed on record in the case file.

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。

The court record shall be signed or sealed by the parties and other participants in the proceedings. Refusal to do so shall be put on record in the case file.

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。

Article 148 The people's court shall publicly pronounce its judgment in all cases, whether publicly tried or not.

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。

If a judgment is pronounced in court, the written judgment shall be issued and delivered within ten days. If a judgment is pronounced later on a fixed date, the written judgment shall be issued and given immediately after the pronouncement.

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。

Upon pronouncement of a judgment, the parties must be advised of their right to appeal, the time limit for appeal and the court to which they may appeal.

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。

Upon pronouncement of a divorce judgment, the parties must be informed that they may not remarry before the judgment takes legal effect.

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。

Article 149 A people's court trying a case in which the ordinary procedure is followed, shall conclude the case within six months after docketing the case. Where there is a need for extension of time under special circumstances, the approval of the president of the court is required, an extension of time of six months may be granted; where there is a need for further extension of time, approval of the higher-level People's Court is required.

第四节 诉讼中止和终结

Section 4 Suspension and Termination of Proceedings

第一百五十条   有下列情形之一的，中止诉讼：

Article 150 An action shall be suspended in any of the following circumstances:

（一）一方当事人死亡，需要等待继承人表明是否参加诉讼的；

1. One of the parties dies and it is necessary to wait for his successor to state whether he will participate in the litigation or not;

（二）一方当事人丧失诉讼行为能力，尚未确定法定代理人的；

2. One of the parties has lost the capacity to engage in litigation and his statutory agent has not been determined yet;

（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；

3. the legal person or other organization acting as one of the parties has terminated, and the successor to its rights and obligations has not been determined yet; or

（四）一方当事人因不可抗拒的事由，不能参加诉讼的；

(IV) one of the parties is unable to participate in the action due to force majeure;

（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；

(V) the case must be based on the results of the trial of another case that has not yet been concluded; or

（六）其他应当中止诉讼的情形。

(VI) Other circumstances where the litigation shall be suspended.

中止诉讼的原因消除后，恢复诉讼。

The proceedings shall resume after the causes of the suspension have been eliminated.

第一百五十一条   有下列情形之一的，终结诉讼：

Article 151 An action shall be terminated in any of the following circumstances:

（一）原告死亡，没有继承人，或者继承人放弃诉讼权利的；

1. the plaintiff dies without a successor, or the successor waives the right to litigate;

（二）被告死亡，没有遗产，也没有应当承担义务的人的；

2. the decedent leaves no estate, nor anyone to succeed to his obligations;

（三）离婚案件一方当事人死亡的；

3. one of the parties in a divorce case dies; or

（四）追索赡养费、扶养费、抚育费以及解除收养关系案件的一方当事人死亡的。

(IV) one of the parties in a case involving claims for overdue alimony, maintenance, child support or the termination of an adoptive relationship dies.

第五节 判决和裁定

Section 5 Judgments and Orders

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：

Article 152 A judgment letter shall state the outcome of the judgment and the reason for making the judgment. The contents of a judgment letter shall include:

（一）案由、诉讼请求、争议的事实和理由；

1. the cause of action, the claims, the facts and cause or causes of the dispute;

（二）判决认定的事实和理由、适用的法律和理由；

2. the facts and reasons ascertained by the judgment and the applicable laws and reasons;

（三）判决结果和诉讼费用的负担；

(III) the outcome of the judgment and the apportionment of court costs; and

（四）上诉期间和上诉的法院。

(IV) the time limit for appeal and the court with which an appeal should be lodged.

判决书由审判人员、书记员署名，加盖人民法院印章。

A judgment letter shall be signed by the judge (s) and the court clerk, and affixed with the People's Court's seal.

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 153 If some of the facts in a case being tried are already evident, the people's court may pass judgment on that part of the case first.

第一百五十四条   裁定适用于下列范围：

Article 154 Rulings shall be applicable to the following:

（一）不予受理；

1. Not accepting the application;

（二）对管辖权有异议的；

2. There are objections to the jurisdiction;

（三）驳回起诉；

(III) Dismissing the case;

（四）保全和先予执行；

(IV) preservation and preliminary execution;

（五）准许或者不准许撤诉；

(V) Permitting or not permitting withdrawal of the lawsuit;

（六）中止或者终结诉讼；

(VI) suspension or termination of an action;

（七）补正判决书中的笔误；

(VII) correction of clerical errors in a judgment;

（八）中止或者终结执行；

(VIII) suspension or termination of execution;

（九）撤销或者不予执行仲裁裁决；

(IX) revocation or non-enforcement of the arbitral award; or

（十）不予执行公证机关赋予强制执行效力的债权文书；

(X) refusal to enforce a document on creditor's rights that has been rendered enforceable by a notary public;

（十一）其他需要裁定解决的事项。

(XI) Other matters that need to be judged and resolved.

对前款第一项至第三项裁定，可以上诉。

An appeal may be lodged against a ruling on the matters under Item 1 to Item 3 of the preceding paragraph.

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。

A ruling letter shall state the ruling outcome and the reason for making the ruling. An order in writing shall be signed by the judicial officers and the court clerk, with the seal of the people's court affixed to it. A verbal ruling shall be recorded in writing.

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，是发生法律效力的判决、裁定。

Article 155 All judgments and written orders of the Supreme People's Court, as well as judgments and written orders that may not be appealed against according to the law or that have not been appealed against within the prescribed time limit, shall be legally effective.

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。

Article 156 The public may inspect judgments and rulings which have come into legal effect, except where the contents involve State secrets, commercial secrets and personal privacy.

第十三章 简易程序

Chapter 13 Summary Procedure

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。

Article 157 When trying simple civil cases in which the facts are evident, the rights and obligations clear and the disputes trivial in character, the basic people's courts and the tribunals dispatched by them shall apply the provisions of this Chapter.

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。

When trying civil cases other than those stipulated in the preceding paragraph, the grassroots People's Court and its branches may agree on application of simplified procedures.

第一百五十八条   对简单的民事案件，原告可以口头起诉。

Article 158 In simple civil cases, the plaintiff may lodge his complaint orally.

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。

Both parties may simultaneously appear before a basic people's court or a tribunal dispatched by it to request settlement of their dispute. The basic people's court or the tribunal dispatched by it may try the case immediately or set a date for the trial.

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。

Article 159 Grassroots People's Courts and their branches trying simple civil cases may summon the litigants and witnesses, serve litigation documents and try the cases via simple and convenient methods, but shall protect the rights of litigants to make representation.

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。

Article 160 Simple civil cases shall be tried by a single judge alone and the trial of such cases shall not be bound by the provisions of Articles 136, 138 and 141 of this Law.

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。

Article 161 The people's court trying a case in which summary procedure is followed shall conclude the case within three months after docketing the case.

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。

Article 162 Grassroots People's Courts and their branches trying simple civil cases which comply with the provisions of the first paragraph of Article 157 of this Law for which the amount of the subject matter is below 30% of the annual average wages of employees in the preceding year of various provinces, autonomous regions and centrally-administered municipalities shall implement trial of first instance being final.

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。

Article 163 If the people's court finds that it is improper to apply summary procedure to a case in hearing, it shall order that ordinary procedure applies.

第十四章 第二审程序

Chapter 14 Procedure at Second Instance

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。

Article 164 If a party refuses to accept a judgment of first instance of a local people's court, he shall have the right to file an appeal with the people's court at the next higher level within 15 days after the date on which the written judgment was served.

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。

Where a litigant disagrees with a ruling of first instance of a local People's Court, the litigant shall have the right to file an appeal with the higher-level People's Court within 10 days from the date of service of the ruling letter.

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。

Article 165 A petition for appeal shall be submitted for an appeal. The contents of an appeal petition shall include the names of the parties, the names of the legal persons and their legal representatives or the names of other organizations and their principal heads; the name of the people's court that originally tried the case, the file number of the case and the cause of action; and the claims and grounds of the appeal.

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。

Article 166 The appeal petition shall be submitted through the people's court which originally tried the case, and copies of it shall be provided according to the number of persons in the other party or of the representatives thereof.

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。

If a party appeals directly to a people's court of second instance, the said court shall within five days transmit the appeal petition to the people's court which originally tried the case.

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。

Article 167 Within five days after receiving an appeal petition, the people's court that originally tried the case shall serve the copy of the appeal petition on the other party, who shall, within 15 days from the date of receipt, submit a statement of defence. The people's court shall, within five days after receiving the defence, serve a copy of it on the appellant. Failure by the other party to submit a defence shall not affect the trial of the case by the people's court.

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。

After receiving the appeal petition and the defence, the people's court which originally tried the case shall, within five days, deliver them together with the entire case file and evidence to the people's court of second instance.

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。

Article 168 The People's Court of second instance shall examine the relevant facts and applicable laws for the appeal request (s).

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。

Article 169 With respect to a case on appeal, the people's court of second instance shall form a collegial panel to conduct the trial. Upon consulting, investigation and inquiry of the parties concerned, if no new facts, evidence or reasons are put forward, and the collegiate bench rules that it is unnecessary to hold a hearing, the case may be handled without a hearing.

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。

The people's court of second instance may try a case on appeal at its own site or in the place where the case originated or where the people's court that originally tried the case is located.

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：

Article 170 After an appeal hearing, a people's court of second instance shall decide according to the following circumstances:

（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；

1. where the facts are clearly ascertained and the law is correctly applied in the original judgment or ruling, a judgment or ruling shall be made to dismiss the appeal and uphold the original judgment or ruling;

（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；

2. where the facts are erroneously ascertained or the law is incorrectly applied in the original judgment or ruling, the judgment or ruling shall be amended, annulled or altered in accordance with the law;

（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；

3. where the basic facts ascertained in the original judgment are unclear, the people's court shall rule that the original judgment be quashed and remand for retrial the case to the people's court which originally tried it, or amend the original judgment after investigating and clarifying the facts; and

（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。

(IV) where there is any serious violation of statutory procedures such as omission of the party concerned and illegal judgment by default in the original judgment, the people's court of second instance shall rule that the original judgment be annulled and remand the case to the original people's court for retrial.

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。

Where the party concerned institutes an appeal after the original people's court makes a judgment on the case remanded for retrial, the people's court of second instance shall not remand the case for retrial again.

第一百七十一条   第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。

Article 171 In handling an appeal against a ruling made by a people's court of first instance, the people's court of second instance shall in all cases use rulings.

第一百七十二条   第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。

Article 172 In dealing with a case on appeal, a people's court of second instance may conduct conciliation. If an agreement is reached through conciliation, a conciliation statement shall be made and signed by the judicial officers and the court clerk, with the seal of the people's court affixed to it. After the conciliation statement has been served, the original judgment of the lower court shall be deemed as set aside.

第一百七十三条   第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，由第二审人民法院裁定。

Article 173 If an appellant applies for withdrawal of his appeal before a people's court of second instance pronounces its judgment, the court shall decide whether to approve the application or not.

第一百七十四条   第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。

Article 174 In the trial of a case on appeal, the people's court of second instance shall, apart from observing the provisions of this Chapter, follow the ordinary procedure for trials of first instance.

第一百七十五条   第二审人民法院的判决、裁定，是终审的判决、裁定。

Article 175 The judgment and the written order of a people's court of second instance shall be final.

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。

Article 176 The people's court trying a case on appeal shall conclude the case within three months after docketing the case. Where there is a need for extension of time under special circumstances, the approval of the president of the court is required.

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三十日内作出终审裁定。

The people's court trying a case on appeal against a written order shall, within 30 days after docketing the case for second instance trial, make a written order which is final.

第十五章 特别程序

Chapter 15 Special Procedures

第一节 一般规定

Section 1 General Provisions

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。本章没有规定的，适用本法和其他法律的有关规定。

Article 177 The provisions of this Chapter shall apply to trial by People's Courts of electorate qualification cases, cases of declared missing person or declared death in absentia, cases of ascertainment of citizens with no capacity for civil conduct or citizens with limited capacity for civil conduct, cases of ascertainment of ownerless property, cases of confirmation of mediation agreement and cases of realisation of security interest. For matters not covered in this Chapter, the relevant provisions of this Law and other laws shall apply.

第一百七十八条   依照本章程序审理的案件，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。

Article 178 Where a case is tried in accordance with the procedure provided in this Chapter, the judgment of first instance shall be the final judgment. The trial of cases concerning voter qualifications and of major or difficult cases shall be conducted by a collegiate bench of judges. Other cases shall be tried by a single judge alone.

第一百七十九条   人民法院在依照本章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。

Article 179 If a people's court, while trying a case in accordance with the procedure provided in this Chapter, finds that the case involves a civil dispute over rights and interests, it shall make a written order to terminate the special procedure and inform the interested parties to otherwise institute an action.

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。但审理选民资格的案件除外。

Article 180 A people's court trying a case in which special procedure is followed shall conclude the case within 30 days after placing the case on the docket or within 30 days after expiration of the period stated in the public notice. Where there is a need for extension of time under special circumstances, the approval of the president of the court is required. However, this does not apply to the trial of cases concerning voter qualifications.

第二节 选民资格案件

Section 2 Cases Concerning the Qualification of Voters

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。

Article 181 If a citizen refuses to accept an election committee's decision on an appeal concerning his voting qualification, he may, five days before the election day, bring a suit in the basic people's court located in the electoral district.

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。

Article 182 After entertaining a case concerning voting qualification, a people's court must conclude the trial before the election day.

审理时，起诉人、选举委员会的代表和有关公民必须参加。

The party who brings the suit, the representative of the election committee and other citizens concerned must participate in the proceedings.

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。

The written judgment of the people's court shall be served on the election committee and the party who brings the suit before the election day; other citizens concerned shall be notified of the judgment.

第三节 宣告失踪、宣告死亡案件

Section 3 Cases Concerning the Declaration of a Person as Missing or Dead

第一百八十三条   公民下落不明满二年，利害关系人申请宣告其失踪的，向下落不明人住所地基层人民法院提出。

Article 183 With respect to a citizen whose whereabouts are unknown for two years in full, if the interested party applies for declaring the person as missing, the application shall be filed with the basic people's court in the locality where the missing person has his domicile.

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。

The application shall clearly state the facts and time of the disappearance of the person missing as well as the motion; documentary evidence from a public security organ or other relevant organs concerning the disappearance of the citizen shall be appended to the application.

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。

Article 184 With respect to a citizen whose whereabouts are unknown for four years in full or whose whereabouts are unknown for two years in full after an accident in which he was involved, or with respect to a citizen whose whereabouts are unknown after such an accident, and, upon proof furnished by the relevant authorities that it is impossible for him to survive, if the interested party applies for declaring such person as dead, the application shall be filed with the basic people's court in the locality where the missing person has his domicile.

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。

The application shall clearly state the facts and time of the disappearance as well as the motion; documentary evidence from a public security organ or other relevant organs concerning the disappearance of the citizen shall be appended to the application.

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。

Article 185 After entertaining a case concerning the declaration of a person as missing or dead, the people's court shall issue a public notice in search of the person missing. The period of the public notice for declaring a person as missing shall be three months, and that for declaring a person as dead shall be one year. If the whereabouts of a citizen is unknown as a result of an accident which, as certified by the relevant authorities, the citizen could not have survived, the period of the public notice for the declaration of the citizen's death shall be three months.

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。

On the expiration of the period of the public notice, the people's court shall, depending on whether the fact of the missing or death of the person has been confirmed, make a judgment declaring the person missing or dead or make a judgment rejecting the application.

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，人民法院应当作出新判决，撤销原判决。

Article 186 If a citizen who has been declared missing or dead reappears, the people's court shall, upon the application of that person or an interested party, make a new judgment to quash the original judgment.

第四节 认定公民无民事行为能力、限制民事行为能力案件

Section 4 Cases Concerning the Adjudgment of Legal Incapacity or Restricted Legal Capacity of Citizens

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。

Article 187 An application for adjudgment of legal incapacity or restricted legal capacity of a citizen shall be filed by the citizen's near relatives or any other interested party with the basic people's court in the locality where the citizen has his domicile.

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。

The application shall clearly state the facts and basis that the citizen has no capacity for civil acts or has limited capacity for civil acts.

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。

Article 188 After accepting such an application, the people's court shall, when necessary, carry out an expert evaluation of the citizen who is requested to be declared as having no capacity for civil acts or having limited capacity for civil acts. Where the applicant has provided an appraisal opinion, the appraisal opinion shall be examined.

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。

Article 189 In the trial by the people's court of a case for the determination of legal incapacity or restricted legal capacity of a citizen, a near relative of the citizen shall be his agent, the applicant being excluded. If the near relatives of the citizen shift responsibility onto one another, the people's court shall appoint one of them as agent for the citizen. If the citizen's condition of health permits, the people's court shall also seek the opinion of the citizen on the matter.

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。

If, through the trial, the people's court finds that the application is based on facts, a judgment of legal incapacity or restricted legal capacity of the citizen shall be made; if the court finds that the application is not based on facts, it shall make a judgment rejecting the application.

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已经消除的，应当作出新判决，撤销原判决。

Article 190 If, upon the application of a person who has been determined as one of legal incapacity or restricted legal capacity or upon the application of his guardian, a people's court confirms that the causes of that person's legal incapacity or restricted legal capacity have been eliminated, it shall make a new judgment annulling the previous one.

第五节 认定财产无主案件

Section 5 Cases Concerning the Determination of Property as Ownerless

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。

Article 191 An application for determining a property as ownerless shall be filed by a citizen, legal person or any other organization with the basic people's court in the place where the property is located.

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。

The application shall clearly state the type and quantity of the property and the grounds on which the application is based.

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。

Article 192 After accepting such an application, the people's court shall, upon examination and verification, issue a public notice calling on the owner to claim the property. If no one claims the property one year after the issue of the public notice, the people's court shall make a judgment determining the property as ownerless and turn it over to the State or the collective concerned.

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。

Article 193 If, after a property has been determined ownerless by judgment, the owner of the property or his successor appears, such a person may file a claim for the property within the period of limitation specified in the General Principles of the Civil Law. The people's court shall, after examination and verification of the claim, make a new judgment annulling the previous one.

第六节 确认调解协议案件

Section 6 Confirmation of Mediation Agreements

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。

Article 194 An application for judicial confirmation of a mediation agreement shall be submitted to the grassroots People's Court at the location of the mediation organisation jointly by both parties concerned within 30 days from the effective date of the mediation agreement pursuant to the People's Mediation Law, etc.

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。

Article 195 Upon acceptance of an application, the People's Court shall rule that the mediation agreement is valid upon examination that the application complies with the provisions of the laws; where one party concerned refuses to perform the mediation agreement or where the mediation agreement is not performed fully, the counterparty may apply to the People's Court for enforcement; where the application does not comply with the provisions of the laws, the People's Court shall rule that the application be thrown out, the litigants may amend the original mediation agreement through mediation or enter into a new mediation agreement, or file a lawsuit with the People's Court.

第七节 实现担保物权案件

Section 7 — Cases of Realisation of Security Interest

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。

Article 196 An application for realisation of security interest shall be submitted by the holder of security interest and any other person (s) who has/have the right to request for realisation of security interest to the grassroots People's Court at the location of the secured property or the place of registration of security interest pursuant to the Property Rights Law, etc.

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。

Article 197 Upon acceptance of an application, the People's Court shall, upon examination that the application complies with the provisions of the laws, rule that the secured property be auctioned or sold off, the litigants may apply to the People's Court for enforcement pursuant to the said ruling; where the application does not comply with the provisions of the laws, the People's Court shall rule that the application be thrown out, the litigants may file a lawsuit with the People's Court.

第十六章 审判监督程序

Chapter 16 Procedure for Trial Supervision

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的判决、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。

Article 198 If the president of a people's court at any level finds an error in a legally effective judgment, ruling or mediation statement and deems it necessary to have the case retried, he shall refer it to the judicial committee for discussion and decision.

最高人民法院对地方各级人民法院已经发生法律效力的判决、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的判决、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。

Where the Supreme People's Court discovers an error in a judgment letter, ruling letter or mediation letter of a local People's Court at any level which has come into legal effect or where a higher-level People's Court discovers an error in a judgment letter, ruling letter or mediation letter of a lower-level People's Court which has come into legal effect, it shall have the right to arraign or order the lower-level People's Court to re-try the case.

第一百九十九条   当事人对已经发生法律效力的判决、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 199 A litigant who deemed that there is an error in a judgment or ruling which has come into legal effect may apply to the higher-level People's Court for re-trial; for cases for which one party to the lawsuit comprises multiple persons or both parties to the lawsuit are citizens, an application for re-trial may be submitted to the People's Court which originally heard the case. Where a litigant applies for re-trial, enforcement of the judgment or ruling shall continue.

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：

Article 200 If the application of a party conforms to any of the following circumstances, the people's court shall retry the case:

（一）有新的证据，足以推翻原判决、裁定的；

1. there is new evidence that is sufficient to overturn the original judgment or ruling;

（二）原判决、裁定认定的基本事实缺乏证据证明的；

2. the evidence used as a basis for ascertaining the essential facts in the original judgment or ruling was insufficient;

（三）原判决、裁定认定事实的主要证据是伪造的；

(III) the main evidence based on which facts in the original judgment or ruling are determined were fabricated;

（四）原判决、裁定认定事实的主要证据未经质证的；

(IV) the main evidence used as a basis for ascertaining the facts in the original judgment or ruling was not cross-examined;

（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；

(V) With regard to the main evidence required for the trial, the party was unable to collect the evidence himself or herself for objective reasons, and the people's court failed to investigate or collect such evidence after the party submitted a written application to the people's court for the investigation and collection of evidence;

（六）原判决、裁定适用法律确有错误的；

(VI) The application of law in making the original judgment or order is definitely incorrect; or

（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；

(VII) the judicial organization was not composed in accordance with the law or a member of the judicial officers who should have withdrawn in accordance with the law did not do so;

（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；

(VIII) the statutory agent of a party with no capacity to bring a case fails to act as an agent in the relevant case or a party required to participate in the case fails to do so for reasons not attributable to the party or his or her litigation agent;

（九）违反法律规定，剥夺当事人辩论权利的；

(IX) where the party was deprived of his or her right to argue the case in breach of the law;

（十）未经传票传唤，缺席判决的；

(X) Where a default judgment was entered without serving a summons;

（十一）原判决、裁定遗漏或者超出诉讼请求的；

(XI) where the original judgment or ruling omitted or exceeded the claim;

（十二）据以作出原判决、裁定的法律文书被撤销或者变更的；

(XII) where the legal documentation relating to the original judgment or ruling has been cancelled or amended; or

（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。

(XIII) The judges in trying the case committed acts of embezzlement, bribery, or malpractices for personal gain, or bended the law in making judgment.

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。

Article 201 With respect to a legally effective conciliation statement, if evidence furnished by a party proves that the conciliation violates the principle of voluntariness or that the content of the conciliation agreement violates the law, the party may apply for a retrial. Upon examination and verification by the People's Court, a re-trial shall be carried out.

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。

Article 202 For a judgment or mediation letter for dissolution of marriage which has come into legal effect, the litigants shall not apply for re-trial.

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。

Article 203 Any party that applies for a retrial shall submit retrial request and other relevant materials. The People's Court shall forward the duplicate copy of the application form for re-trial to the counterparty within five days from the date of receipt of the application form for re-trial. The counterparty shall submit a written opinion within 15 days from the date of receipt of the duplicate copy of the application form for re-trial; non-submission of a written opinion shall not affect examination by the People's Court. The People's Court may require the applicant and the counterparty to supplement the relevant materials and enquire into the relevant matters.

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。

Article 204 The People's Court shall conduct examination within three months from the date of receipt of the application form for re-trial, where the application complies with the provisions of this Law, the People's Court shall rule on re-trial; where the application does not comply with the provisions of this Law, the People's Court shall rule that the application be thrown out. Where there is a need for extension of time under special circumstances, the approval of the president of the court is required.

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法院再审，也可以交原审人民法院再审。

Cases ruled to be re-tried in accordance with an application by the litigants shall be tried by an intermediate People's Court or above, except for applications for re-trial of cases submitted by litigants to grassroots People's Courts pursuant to the provisions of Article 199 of this Law. Cases ruled by the Supreme People's Court or a higher People's Court to be re-tried shall be re-tried by the Supreme People's Court or the higher People's Court or handed over to another People's Court for re-trial, or remanded to the People's Court which originally heard the case for re-trial.

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。

Article 205 A litigant applying for re-trial shall submit the application within six months from a judgment or ruling taking legal effect; under the circumstances stipulated in item (1), item (3), item (12), item (13) of Article 200 of this Law, the application shall be submitted within six months from the date on which the litigant becomes or should become aware of the circumstances.

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、抚育费、抚恤金、医疗费用、劳动报酬等案件，可以不中止执行。

Article 206 When a decision is made to retry a case in accordance with the procedure for trial supervision, a ruling shall be made to suspend the enforcement of the original judgment, ruling or mediation statement, with the exception of cases of claims of alimony, maintenance fee, child support, pension, medical expenses, and labor remuneration.

第二百零七条   人民法院按照审判监督程序再审的案件，发生法律效力的判决、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；发生法律效力的判决、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。

Article 207 With respect to a case pending retrial by a people's court in accordance with the procedure for trial supervision, if the legally effective judgment or written order was made by a court of first instance, the case shall be tried in accordance with the procedure of first instance, and the parties concerned may appeal against the new judgment or order; if the legally effective judgment or written order was made by a court of second instance, the case shall be tried in accordance with the procedure of second instance, and the new judgment or written order shall be legally effective; if it is a case which was brought up for trial by a people's court at a higher level, it shall be tried in accordance with the procedure of second instance, and the new judgment or written order shall be legally effective.

人民法院审理再审案件，应当另行组成合议庭。

When retrying a case, a people's court shall form a new collegial panel.

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、社会公共利益的，应当提出抗诉。

Article 208 Where the Supreme People's Procuratorate discovers that a judgment or ruling of a People's Court at any level which has come into legal effect falls under any of the circumstances stipulated in Article 200 of this Law or discovers that a mediation letter harms national interest or public interest, or where a higher-level People's Procuratorate discovers that a judgment or ruling of a lower-level People's Court which has come into legal effect falls under any of the circumstances stipulated in Article 200 of this Law or discovers that a mediation letter harms national interest or public interest, a protest shall be made.

地方各级人民检察院对同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、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。

Where a People's Procuratorate at any level at any locality discovers that a judgment or ruling made by a People's Court of counterpart level which has come into legal effect falls under any of the circumstances stipulated in Article 200 of this Law, or discovers that a mediation letter harms national interest and public interest, the People's Procuratorate may make an attorney recommendation to the People's Court of counterpart level, and file record with the higher-level People's Procuratorate; or request the higher-level People's Procuratorate to make a protest to the People's Court of counterpart level.

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。

In terms of the illegal acts of judges in trial procedures other than the procedure for trial supervision, the people's procuratorates at all levels are entitled to make procuratorial suggestions to the people's courts at the same level.

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：

Article 209 Under any one of the following circumstances, a party may apply to the people's procuratorate for a procuratorial proposal or protest:

（一）人民法院驳回再审申请的；

1. where the people's court rejects the retrial application;

（二）人民法院逾期未对再审申请作出裁定的；

2. the people's court fails to make a ruling on the retrial application within the specified time limit; or

（三）再审判决、裁定有明显错误的。

(III) The judgment or ruling of the retrial is obviously erroneous.

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。

A People's Procuratorate shall examine an application from a litigant within three months and decide whether to make an attorney recommendation or protest. The litigant shall not apply to the People's Procuratorate again for an attorney recommendation or protest.

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，可以向当事人或者案外人调查核实有关情况。

Article 210 A People's Procuratorate may investigate into or verify with a litigant or a non-party to the case the relevant information for the need to make an attorney recommendation or protest for performance of legal supervision duties.

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。

Article 211 In the event of a case for which a protest is made by a People's Procuratorate, the People's Court which receives the protest shall rule on re-trial within 30 days from the date of receipt of the protest letter; under any of the circumstances stipulated in item (1) to item (5) of Article 200 of this Law, the case may be handed over to a lower-level People's Court for re-trial, except where the case has been retried by the said lower-level People's Court.

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。

Article 212 When a people's procuratorate decides to lodge a protest against a judgment, ruling or mediation statement made by a people's court, it shall prepare a written protest.

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。

Article 213 The people's court shall, in retrying a case in which protest was lodged by a people's procuratorate, notify the procuratorate to send personnel to appear in court.

第十七章 督促程序

Chapter 17 Procedures of Supervision and Urge

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：

Article 214 When a creditor requests payment of a pecuniary debt or recovery of negotiable instruments from a debtor, he may, if the following requirements are met, apply to the basic people's court with jurisdiction for a payment order:

（一）债权人与债务人没有其他债务纠纷的；

1. there is no other debt dispute between the creditor and the debtor;

（二）支付令能够送达债务人的。

(II) the payment order can be served on the debtor.

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。

The application shall clearly state the requested amount of money or of the negotiable instruments and the facts and evidence on the basis of which the application is made.

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。

Article 215 After the creditor has submitted his application, the people's court shall within five days inform the creditor whether it accepts the application or not.

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令；申请不成立的，裁定予以驳回。

Article 216 After accepting the application and upon examination of the facts and evidence provided by the creditor, the people's court shall, if the rights and obligations relationship between the creditor and the debtor is clear and legitimate, issue within 15 days after accepting the application, an order of payment to the debtor; if the application is untenable, the people's court shall make an order to reject it.

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。

The debtor shall, within 15 days after receipt of the order of payment, clear off his debts or submit to the people's court his dissent in writing.

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。

If the debtor has neither dissented from nor complied with the order of payment within the period specified in the preceding paragraph, the creditor may apply to the people's court for execution.

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。

Article 217 Upon receipt of the written objection from the debtor, the People's Court shall rule on termination of procedure of supervision and urge upon examination and conclusion that the objection is justified, and the order of payment shall become void automatically.

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。

Where an order of payment becomes void, the case shall enter into litigation procedure, except where one party to the application for order of payment disagrees with filing of lawsuit.

第十八章 公示催告程序

Chapter 18 Procedure for Publicizing Public Notice for Assertion of Claims

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。

Article 218 Any holder of a bill transferable by endorsement according to the law may, if the bill is stolen, lost, or destroyed, apply to the basic people's court of the place where the bill is to be paid for publication of public notice for assertion of claims. The provisions of this Chapter shall apply to other matters for which, according to the law, an application for publication of a public notice for assertion of claims may be made.

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。

The applicant shall submit to the people's court an application which clearly states the main contents of the bill such as the face amount, the drawer, the holder, the endorser, and the facts and reasons in respect of the application.

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，由人民法院根据情况决定，但不得少于六十日。

Article 219 The people's court shall, upon deciding to accept the application, notify the payer concerned in the meantime to suspend the payment, and shall, within three days, issue a public notice for the interested parties to assert their rights. The period of the public notice shall be decided at the discretion of the people's court; however, it shall not be less than 60 days.

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。

Article 220 The payer shall, upon receiving the notification by the people's court to suspend the payment, do so accordingly till the conclusion of the procedure for publicizing public notice for assertion of claims.

公示催告期间，转让票据权利的行为无效。

During the period of the public invitation to assert claims, any act relating to the transfer of rights in the negotiable instrument shall be invalid.

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。

Article 221 Interested party or parties as claimants shall report their claims to the people's court within the period of the public notice.

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。

After receiving the declaration of the interested party, the people's court shall make a written order to terminate the procedure for publicizing public notice for assertion of claims, and notify the applicant and the payer.

申请人或者申报人可以向人民法院起诉。

The applicant or the claimants may bring an action in the people's court.

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。

Article 222 If no claim is asserted, the people's court shall make a judgment on the basis of the application to declare the bill in question null and void. The judgment shall be published and the payor notified accordingly. As of the date of publication of the judgment, the applicant shall be entitled to payment by the payer.

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。

Article 223 If an interested party for justified reasons was unable to submit his claim to the people's court before the judgment is made, he may, within one year after the day he knows or should know the publication of the judgment, bring an action in the people's court which has made the judgment.

第三编　执行程序

Part III Executive Procedures

第十九章 一般规定

Chapter 19 General Provisions

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。

Article 224 A legally effective civil judgment or ruling, or that portion of a legally effective criminal judgment or ruling that pertains to property, 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 where the property subject to execution is located.

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。

Any other legal documents to be enforced by a People's Court as stipulated by laws shall be enforced by a People's Court at the location of the enforcee's residence or the location of the enforced property.

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。

Article 225 Any party or interested party may submit a written objection to the people's court responsible for executing a judgment if he or she considers execution of the judgment to be contrary to the provisions of the law. Where a litigant or a stakeholder submits a written objection, the People's Court shall conduct examination within 15 days from the date of receipt of the written objection, where the reason is valid, the People's Court shall rule on revocation or correction; where the reason is not valid, the People's Court shall rule that the application be thrown out. Where the party or interested party concerned disagrees with the ruling, it may apply to the people's court at the next higher level for reconsideration within 10 days from the date when it receives the ruling.

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。

Article 226 Where a People's Court does not carry out enforcement within six months from the date of receipt of an application for enforcement, the applicant for enforcement may apply to a higher-level People's Court for enforcement. Upon examination, the higher-level People's Court may order the original People's Court to carry out enforcement within a stipulated period, or may decide to carry out enforcement by the higher-level People's Court or any other People's Court.

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。

Article 227 Where, in the course of executing a judgment, a person who is not a party to the case raises a written objection to the execution of the judgment against certain property, the people's court shall examine the objection within 15 days of receiving it. Where the objection is tenable, the court shall rule that execution be suspended; where the objection is untenable, the court shall rule that it be rejected. Where the non-party to the case or the litigant disagrees with the ruling or deems that there is an error in the original judgment or ruling, the matter shall be dealt with pursuant to the procedures for trial supervision; where the objection is unrelated to the original judgment or ruling, a lawsuit may be filed with a People's Court within 15 days from the date of service of the ruling.

第二百二十八条   执行工作由执行员进行。

Article 228 Execution shall be carried out by the execution officer.

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。

When carrying out a compulsory execution measure, the execution officer shall produce his credentials. After execution is completed, a record shall be made of its particulars, which shall be signed or sealed by the persons present.

人民法院根据需要可以设立执行机构。

A People's Court may establish an enforcement agency based on the needs.

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。

Article 229 If a person or property subjected to execution is in another locality, the people's court in that locality may be entrusted with the carrying out of the execution. The entrusted people's court shall begin the execution within 15 days after receiving a letter of entrustment and shall not refuse to do so. Upon completion of enforcement, the entrusting People's Court shall be promptly notified of the enforcement outcome in writing; where the enforcement is not completed within 30 days, the entrusting People's Court shall also be notified of the status of enforcement in writing.

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。

If the entrusted people's court does not carry out the execution within 15 days after receiving the letter of entrustment, the entrusting people's court may request the people's court at a higher level over the entrusted people's court to instruct the entrusted people's court to carry out the execution.

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。

Article 230 If in the course of execution the two parties become reconciled and reach a settlement agreement on their own initiative, the execution officer shall make a record of the contents of the agreement, and both parties shall affix their signatures or seals to the record.

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。

Where the applicant for enforcement is deceived or coerced into entering into a settlement agreement with the enforcee, or the litigants do not perform the settlement agreement, the People's Court may, pursuant to the application of a litigant, resume enforcement of the original legal document which has taken effect.

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行人的担保财产或者担保人的财产。

Article 231 In the course of execution, if the person subjected to execution provides a guaranty, the people's court may, with the consent of the person who has applied for execution, decide on the suspension of the execution and the time limit for such suspension. Where the enforcee does not perform within the stipulated period, the People's Court shall have the right to enforce the enforcee's secured property or the guarantor's property.

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。

Article 232 When a citizen subject to execution dies, his debts shall be repaid from his estate. When a legal person or another organization subject to execution is terminated, the person that succeeds to its rights and obligations shall perform the obligation.

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。

Article 233 After the completion of execution, if definite error is found in the executed judgment, written order or other legal documents resulting in the annulment of such judgment, order or legal documents by the people's court, the said court shall, with respect to the property which has been executed, make a written order that persons who have obtained the property shall return it. In the event of refusal to return such property, compulsory execution shall be carried out.

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。

Article 234 The provisions of this Part shall be applicable to the execution of the conciliation statement as drawn up by the people's court.

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。

Article 235 People's procuratorates shall have the right to implement legal supervision for civil enforcement.

第二十章 执行的申请和移送

Chapter 20 Application for and Referral of Execution

第二百三十六条   发生法律效力的民事判决、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。

Article 236 The parties concerned must comply with legally effective judgments or written orders in civil cases. If a party refuses to do so, the other party may apply to the people's court for execution, or the judge may refer the matter to the execution officer for execution.

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。

The parties concerned must comply with the conciliation statement and other legal documents that are to be executed by the people's court. If a party refuses to do so, the other party may apply to the people's court for execution.

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。

Article 237 If a party fails to comply with an award of an arbitral organ established according to the law, the other party may apply for execution to the people's court which has jurisdiction over the case. The people's court applied to shall enforce the award.

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：

A people's court shall, after examination and verification by its collegiate bench, rule not to enforce an arbitral award if the respondent in enforcement procedure provides evidence proving that the arbitral award involves one of the following circumstances:

（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；

1. the parties have neither included an arbitration clause in their contract nor subsequently reached a written arbitration agreement;

（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；

2. matters decided in the award exceed the scope of the arbitration agreement or are beyond the arbitral authority of the arbitration institution;

（三）仲裁庭的组成或者仲裁的程序违反法定程序的；

(III) The composition of the arbitration tribunal or the arbitration proceedings violate the legal proceedings;

（四）裁决所根据的证据是伪造的；

(IV) the evidence on which the award is based is forged;

（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；

(V) the other party to the case conceals important evidence, which is substantial enough to affect the impartial ruling by the arbitration institution; or

（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。

(VI) The arbitrators have committed embezzlement, accepted bribes or done malpractice for personal benefits or perverted the law in the arbitration of the case.

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。

If the people's court determines that the execution of the said award would be contrary to the social and public interest, it shall rule to deny execution.

裁定书应当送达双方当事人和仲裁机构。

A ruling letter shall be served on both parties to the lawsuit and the arbitration organisation.

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。

If the execution of an arbitral award is disallowed by a written order of a people's court, the parties may, in accordance with a written arbitration agreement reached between them, apply for arbitration again; they may also bring an action in a people's court.

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。

Article 238 If a party fails to comply with a document evidencing the creditor's rights made enforceable according to the law by a notary office, the other party may apply to the people's court which has jurisdiction over the case for execution. The people's court applied to shall enforce such document.

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。

If the people's court finds definite error in the document of creditor's rights, it shall make an order not to allow the execution and serve the order on both parties concerned as well as the notary office.

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。

Article 239 The time limit applicable to applications to execute a judgment is two years. The provisions of laws on suspension and termination of limitation of actions shall apply to suspension and termination of limitation period for applications to enforce a judgment.

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。

The period stipulated in the preceding paragraph shall commence from the last day of the performance period stipulated in the legal document; where the legal document stipulates performance in phases, the period shall commence from the last day of each stipulated performance period; where the legal document does not stipulate the performance period, the period shall commence from the effective date of the legal document.

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。

Article 240 Upon receipt of an application for enforcement or a notice of handover of enforcement, the enforcement officer shall issue a notice of enforcement to the enforcee, and may forthwith adopt mandatory enforcement measures.

第二十一章 执行措施

Chapter 21 Enforcement Measures

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。

Article 241 Where an enforcee has not performed the obligations determined in the legal document pursuant to the notice of enforcement, the enforcee shall report the current status of properties and the status of properties in the year preceding the date of receipt of the notice of enforcement. Where the enforcee refuses to report or makes a false report, the People's Court may impose a fine or detention on the enforcee or its legal representative or the key person-in-charge or directly accountable personnel of the relevant organisation based on the extent of the circumstances.

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。

Article 242 Where an enforcee does not perform the obligations determined in the legal document pursuant to the notice of enforcement, the People's Court shall have the right to enquire about the enforcee's properties such as deposits, debentures, shares, unit trusts, etc from the relevant organisations. A People's Court shall have the right to seize, freeze, transfer or sell the enforcee's properties based on the circumstances. The properties enquired, seized, frozen, appropriated or sold by the People's Court shall not exceed the scope of performance of obligations by the enforcee.

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。

Where the People's Court decides on seizure, freezing, appropriation or sale of properties, the People's Court shall make a ruling and issue a Notice on Assistance for Enforcement, the relevant organisations shall act accordingly.

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。

Article 243 If the person subjected to execution fails to fulfil according to the execution notice the obligations specified in the legal document, the people's court shall be empowered to withhold or withdraw part of the income of the person subjected to execution, for the fulfilment of his obligations. However, it shall leave out the necessary living expenses for the enforcee and his dependent family members.

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。

The people's court shall, when withholding or withdrawing the income, make a written order and issue a notice for assistance in execution. The unit in which the person subjected to execution works, banks, credit cooperatives or other units that deal with savings deposit must comply with the notice.

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。

Article 244 If the person subjected to execution fails to fulfil according to the execution notice the obligations specified in the legal document, the people's court shall be empowered to seal up, distrain, freeze, sell by public auction, or sell off part of the property of the person subjected to execution for the fulfilment of his obligations. However, it shall leave out the necessities for the life of the person subjected to execution and his dependant family members.

采取前款措施，人民法院应当作出裁定。

The people's court shall make an order for the adoption of the measures specified in the preceding paragraph.

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，其工作单位或者财产所在地的基层组织应当派人参加。

Article 245 When the people's court seals up or distrains a property, it shall, if the person subjected to execution is a citizen, notify him or an adult member of his family to appear on the scene; if the party subjected to execution is a legal person or any other organization, it shall notify its legal representatives or its principal heads to be present. Their refusal to appear on the scene shall not hinder the execution. If the person subjected to execution is a citizen, his unit or the grass-roots organization of the place where his property is located shall send a representative to attend the execution.

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。

An enforcement officer shall prepare a list of the seized and confiscated properties, the persons onsite shall sign or affix seal thereon, and a copy shall be given to the enforcee. Where the enforcee is a citizen, a copy may be given to his adult family member.

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。

Article 246 An execution officer may designate the person subject to execution to take custody of the sealed-up property. The person subject to execution shall bear any losses incurred due to his fault.

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。

Article 247 After a property has been sealed up or distrained, the execution officer shall instruct the person subjected to execution to fulfil, within the prescribed period, the obligations specified in the legal document. Where the enforcee does not perform the obligations within the stipulated period, the People's Court shall auction off the seized or confiscated properties; where the properties are not suitable for auction or both parties concerned agree not to carry out auction, the People's Court may entrust the relevant organisations to sell the properties or the People's Court may arrange to sell the properties. Goods that the State has prohibited to be traded freely shall be delivered to the relevant units for purchase at the price fixed by the State.

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。

Article 248 If the person subjected to execution fails to fulfil his obligations specified in the legal document and conceals his property, the people's court shall be empowered to issue a search warrant and search him and his domicile or the place where the property was concealed.

采取前款措施，由院长签发搜查令。

In adopting the measure mentioned in the preceding paragraph, the president of the people's court shall sign and issue the search warrant.

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，或者由执行员转交，并由被交付人签收。

Article 249 With respect to the property or negotiable instruments specified for delivery in the legal document, the execution officer shall summon both parties concerned and deliver them in their presence or the execution officer may forward them to the recipient, who shall sign and give a receipt.

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。

If the relevant work unit is holding such property or negotiable instrument, it shall deliver the item in accordance with the notice requesting assistance with execution issued by the people's court and the person taking delivery shall sign for receipt.

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。

If any citizen concerned is in possession of the property or negotiable instruments, the people's court shall notify him to hand them over. If he refuses to do so, compulsory execution shall be carried out.

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。

Article 250 Compulsory eviction from a building or a plot of land shall require a public notice signed and issued by the president of a people's court, instructing the person subjected to execution to comply within a specified period of time. If the person subjected to execution fails to do so upon the expiration of the period, compulsory execution shall be carried out by the execution officer.

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。

When compulsory execution is being carried out, if the person subjected to execution is a citizen, the person or an adult member of his family shall be notified to be present; if the party subjected to execution is a legal person or any other organization, its legal representatives or principal heads shall be notified to be present. Their refusal to appear on the scene shall not hinder the execution. If the person subjected to execution is a citizen, his unit or the grass-roots organization in the locality of the building or the plot of land shall send a representative for attendance. The enforcement officer shall record the status of mandatory enforcement in writing, the persons onsite shall sign or affix seal thereon.

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。

The people's court shall assign personnel to transport the property removed in a compulsory eviction from a building to a designated location and hand it over to the person subjected to execution. An enforcee who is a citizen may also be handed over to an adult family member. The person subject to execution shall bear any losses arising from the refusal to accept the property.

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。

Article 251 In the course of execution, if certain formalities for the transfer of certificates of property right need to be gone through, the people's court may issue a notice for assistance in execution to the relevant units, and they must comply with it.

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。

Article 252 If a person subject to execution fails to perform the act specified in a judgment, ruling or other legal document in accordance with the notice of execution, the people's court may compel performance or entrust a relevant work unit or other person with such performance, at the expense of the person subject to execution.

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。

Article 253 If the person subjected to execution fails to fulfil his obligations with respect to pecuniary payment within the period specified by a judgment or written order or any other legal document, he shall pay double interest on the debt for the belated payment. If the person subjected to execution fails to fulfil his other obligations within the period specified in the judgment or written order or any other legal document, he shall pay a charge for the dilatory fulfilment.

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。

Article 254 After the adoption of the execution measures stipulated in Articles 242, 243 and 244 of this Law, if the person subjected to execution is still unable to repay the debts, he shall continue to fulfil his obligations. If the creditor finds that the person subjected to execution has any other property, he may at any time apply to the people's court for execution.

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。

Article 255 Where an enforcee does not perform the obligations determined in the legal document, the People's Court may adopt or notify the relevant organisation to assist in adoption of measures such as imposition of departure restriction, announcement of information on non-performance of obligations through the credit system records or the media and other measures stipulated by the laws.

第二十二章 执行中止和终结

Chapter 22 Suspension and Termination of Execution

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：

Article 256 The people's court shall rule that an enforcement process be suspended under any of the following circumstances:

（一）申请人表示可以延期执行的；

1. the applicant indicates that the execution may be postponed;

（二）案外人对执行标的提出确有理由的异议的；

2. a person who is not a party to the case raises an objection on reasonable grounds with respect to the object of the execution;

（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；

(III) a citizen as one of the parties dies and it is necessary to wait for his successor to succeed to his rights or to assume his obligations;

（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；

(IV) the legal person or other organization acting as one of the parties has terminated, and the successor to its rights and obligations has not been determined yet; or

（五）人民法院认为应当中止执行的其他情形。

(V) other circumstances occur under which the people's court deems the suspension of execution necessary.

中止的情形消失后，恢复执行。

Execution resumed when the circumstances of the suspension disappeared.

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：

Article 257 The people's court shall rule to terminate execution under any of the following circumstances:

（一）申请人撤销申请的；

1. the applicant revokes the application;

（二）据以执行的法律文书被撤销的；

2. the legal document on which the execution is based is revoked;

（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；

(III) the citizen subjected to execution dies and there is no estate that may be subjected to execution, nor anyone to succeed to his obligations;

（四）追索赡养费、扶养费、抚育费案件的权利人死亡的；

(IV) the person entitled to claim costs of support, maintenance or upbringing dies;

（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；

(V) the citizen subjected to execution is too badly off to repay his debts, has no source of income and has lost his ability to work as well;

（六）人民法院认为应当终结执行的其他情形。

(VI) other circumstances occur under which the people's court deems the termination of execution necessary.

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。

Article 258 A ruling of suspension or termination of execution shall become effective immediately after it has been served on the parties.

第四编　涉外民事诉讼程序的特别规定

Part Four Special Provisions for Civil Actions Involving Foreign Parties

第二十三章 一般原则

Chapter 23 General Principles

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。

Article 259 The provisions of this Book shall apply to foreign-related civil lawsuits carried out in the People's Republic of China. Where it is not covered by the provisions of this Part, other relevant provisions of this Law shall apply.

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。

Article 260 If an international treaty concluded or acceded to by the People's Republic of China contains provisions that differ from provisions of this Law, the provisions of the international treaty shall apply, except those on which China has made reservations.

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。

Article 261 Civil actions instituted against foreigners, foreign organizations or international organizations that enjoy diplomatic privileges and immunities shall be handled in accordance with the relevant laws of the People's Republic of China and the relevant international treaties concluded or acceded to by the People's Republic of China.

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。

Article 262 The people's court shall conduct trials of civil cases involving foreign element in the spoken and written language commonly used in the People's Republic of China. At the request of a party, translation may be provided at the expense of such party.

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。

Article 263 When foreign nationals, stateless persons or foreign enterprises and organizations need lawyers as agents ad litem to bring an action or enter appearance on their behalf in the people's court, they must appoint lawyers of the People's Republic of China.

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。

Article 264 Any power of attorney mailed or forwarded by other means from outside the territory of the People's Republic of China by a foreign national, stateless person or a foreign enterprise and organization that has no domicile in the People's Republic of China for the appointment of a lawyer or any other person of the People's Republic of China as an agent ad litem must be notarized by a notary organ in the country of domicile and authenticated by the Chinese embassy or consulate accredited to that country or, for the purpose of verification, must go through the formalities stipulated in the relevant bilateral treaties between China and that country before it becomes effective.

第二十四章 管 辖

Chapter 24 Jurisdiction

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。

Article 265 In the case of an action concerning a contract dispute or other disputes over property rights and interests, brought against a defendant who has no domicile within the territory of the People's Republic of China, if the contract is signed or performed within the territory of the People's Republic of China, or if the object of the action is located within the territory of the People's Republic of China, or if the defendant has distrainable property within the territory of the People's Republic of China, or if the defendant has its representative office within the territory of the People's Republic of China, the people's court of the place where the contract is signed or performed, or where the object of the action is, or where the defendant's distrainable property is located, or where the torts are done, or where the defendant's representative office is located, shall have jurisdiction.

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。

Article 266 Actions brought on disputes arising from the performance of contracts for Chinese-foreign equity joint ventures, or Chinese-foreign contractual joint ventures, or Chinese-foreign cooperative exploration and development of the natural resources in the People's Republic of China shall fall under the jurisdiction of the people's courts of the People's Republic of China.

第二十五章 送达、期间

Chapter 25 Delivery and Period

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：

Article 267 A people's court may serve litigation documents on a party who has no domicile within the territory of the People's Republic of China in the following ways:

（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；

1. in the way specified in the international treaties concluded or acceded to by both the People's Republic of China and the country where the recipient is located;

（二）通过外交途径送达；

2. service through diplomatic channels;

（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；

(III) with respect to the person on whom the service is to be made and who is of the nationality of the People's Republic of China, service may be entrusted to the embassy or consulate of the People's Republic of China accredited to the country where the person resides;

（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；

(IV) by making the service on the agent ad litem who is authorized to receive the documents served;

（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；

(V) by serving the documents on the representative office or the branch or business agent established in the People's Republic of China by the person on whom the service is to be made; or

（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；

(VI) Service shall be made by post if it is permitted by the law of the State of the person to be served. If the acknowledgment of service is not returned within three months after the date of posting, and various circumstances justify the assumption that the document has been served, the document shall be deemed to have been served on the date of expiry of the time limit;

（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；

(VII) by a method which can confirm the receipt by the addressee, such as fax or e-mail; or

（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。

(VIII) Where it is impossible to serve via the aforesaid methods, the documents shall be served via announcement, and shall be deemed served upon expiry of a three-month period from the date of announcement.

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。

Article 268 If 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 statement of claim on the defendant and notify him to submit his defence within 30 days after he receives the copy of the statement of claim. Extension of the period requested by the defendant shall be at the discretion of the people's court.

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 269 If a party who has no domicile within the territory of the People's Republic of China is not satisfied with a judgment or written order made by a people's court of first instance, he shall have the right to file an appeal within 30 days from the date the written judgment or order is served. The appellee shall submit his defence within 30 days after receipt of a copy of the appeal petition. If a party who is unable to file an appeal or submit a defence within the period prescribed by the law requests an extension of the period, the people's court shall decide whether to grant it.

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。

Article 270 The period for the trials of civil cases involving foreign element by the people's court shall not be restricted by the provisions of Articles 149 and 176 of this Law.

第二十六章 仲 裁

Chapter 26 Arbitration

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。

Article 271 In the case of a dispute arising from the foreign economic, trade, transport or maritime activities of China, if the parties have had an arbitration clause in the contract concerned or have subsequently reached a written arbitration agreement stipulating the submission of the dispute for arbitration to an arbitral organ in the People's Republic of China handling cases involving foreign element, or to any other arbitral body, they may not bring an action in a people's court.

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。

If the parties have not had an arbitration clause in the contract concerned or have not subsequently reached a written arbitration agreement, they may bring an action in a people's court.

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。

Article 272 If a party applies for preservation, the arbitration institution of the People's Republic of China for foreign-related disputes shall submit the application to the intermediate people's court of the place where the domicile of the person against whom the application is made is located or where the property is located.

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。

Article 273 In a case in which an award has been made by an arbitral organ of the People's Republic of China handling cases involving foreign element, the parties may not bring an action in a people's court. Where a party concerned does not perform the arbitral award, the counterparty may apply to an intermediate People's Court at the location of the respondent's residence or the location of the properties for enforcement.

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：

Article 274 If the person against whom the application is made presents evidence that proves that the arbitral award made by an arbitration institution of the People's Republic of China for foreign-related disputes involves any of the following circumstances, the people's court shall, after examination and verification by a collegiate bench formed by the people's court, rule to deny execution of the award:

（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；

1. the parties have neither included an arbitration clause in their contract nor subsequently reached a written arbitration agreement;

（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；

(II) The respondent is not duly notified to appoint the arbitrator or to proceed with the arbitration, or the respondent fails to state its opinions due to reasons for which it is not responsible;

（三）仲裁庭的组成或者仲裁的程序与仲裁规则不符的；

(III) The composition of the arbitration tribunal or the arbitration proceedings are not in conformity with the rules of arbitration; or

（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。

(IV) matters decided in the award exceed the scope of the arbitration agreement or are beyond the arbitral authority of the arbitration institution.

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。

If the people's court determines that the execution of the said award would be contrary to the social and public interest, it shall rule to deny execution.

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。

Article 275 If a people's court rules to deny execution of an arbitral award, a party may, in accordance with a written arbitration agreement between the two parties, re-apply to the arbitration institution for arbitration, or institute an action in a people's court.

第二十七章 司法协助

Chapter 27: Judicial Assistance

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。

Article 276 In accordance with the international treaties concluded or acceded to by the People's Republic of China or with the principle of reciprocity, the people's courts of China and foreign courts may make mutual requests for assistance in the service of legal documents, in investigation and collection of evidence or in other litigation actions.

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。

The people's court shall not render the assistance requested by a foreign court, if it impairs the sovereignty, security or social and public interest of the People's Republic of China.

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。

Article 277 The request for the providing of judicial assistance shall be effected through channels provided in the international treaties concluded or acceded to by the People's Republic of China; in the absence of such treaties, they shall be effected through diplomatic channels.

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。

A foreign embassy or consulate accredited to the People's Republic of China may serve documents on its citizens and make investigations and collect evidence among them, provided that the laws of the People's Republic of China are not violated and no compulsory measures are taken.

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。

Except for the circumstances stipulated in the preceding paragraph, no foreign agency or individual shall carry out service of documents, investigation and collection of evidence in the People's Republic of China without the consent of the relevant authorities of the People's Republic of China.

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。

Article 278 The letter of request for judicial assistance and its annexes sent by a foreign court to a people's court shall be appended with a Chinese translation or a text in any other language or languages specified in the relevant international treaties.

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。

The letter of request for judicial assistance and its annexes sent to a foreign court by a people's court shall be appended with a translation in the language of that country or a text in any other language or languages specified in the relevant international treaties.

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。

Article 279 The judicial assistance provided by a people's court shall be rendered in accordance with the procedure prescribed by the law of the People's Republic of China. If a special method is requested by a foreign court, judicial assistance may also be provided using the special method requested, provided that such special method shall not violate the law of the People's Republic of China.

第二百八十条   人民法院作出的发生法律效力的判决、裁定，如果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。

Article 280 If a party applies for execution of a legally effective judgment or written order made by a people's court and the opposite party or his property is not within the territory of the People's Republic of China, the applicant may directly apply for recognition and execution to the foreign court which has jurisdiction. The people's court may also, in accordance with the relevant provisions of the international treaties concluded or acceded to by China, or with the principle of reciprocity, request recognition and execution by the foreign court.

中华人民共和国涉外仲裁机构作出的发生法律效力的仲裁裁决，当事人请求执行的，如果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。

If a party applies for enforcement of a legally effective arbitral award made by an arbitral organ in the People's Republic of China handling cases involving foreign element and the opposite party or his property is not within the territory of the People's Republic of China, he may directly apply for recognition and enforcement of the award to the foreign court which has jurisdiction.

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。

Article 281 If a legally effective judgment or written order made by a foreign court requires recognition and enforcement by a people's court of the People's Republic of China, the party concerned may directly apply for recognition and enforcement to the intermediate people's court of the People's Republic of China which has jurisdiction. The foreign court may also, in accordance with the provisions of the international treaties concluded or acceded to by that foreign country and the People's Republic of China or with the principle of reciprocity, request recognition and enforcement by a people's court.

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。

Article 282 In the case of an application or request for recognition and enforcement of a legally effective judgment or written order of a foreign court, the people's court shall, after examining it in accordance with the international treaties concluded or acceded to by the People's Republic of China or with the principle of reciprocity and arriving at the conclusion that it does not contradict the basic principles of the law of the People's Republic of China nor violates State sovereignty, security and the public interest of the country, recognize the validity of the judgment or written order. If execution is necessary, the people's court shall issue an order of execution, which shall be implemented in accordance with the relevant provisions of this Law. If such judgment or ruling contradicts the basic principles of the law of the People's Republic of China or violates State sovereignty, security or the public interest, recognition and enforcement shall not be granted.

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。

Article 283 If an award made by a foreign arbitral organ requires the recognition and enforcement by a people's court of the People's Republic of China, the party concerned shall directly apply to the intermediate people's court of the place where the party subjected to enforcement has his domicile or where his property is located. The people's court shall deal with the matter in accordance with the international treaties concluded or acceded to by the People's Republic of China or with the principle of reciprocity.

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。

Article 284 This Law shall be effective from the date of promulgation. The Civil Procedural Law of the People's Republic of China (Trial Implementation) shall be repealed simultaneously.