# Legislation Law of the PRC

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## Contents


Table of Contents . . . . . 1

Chapter I — General Provisions . . . . . 1

Chapter II — Legislation by the National People’s Congress . . . . . 2

Chapter III — Legislation by the Standing Committee of the NPC . . . . . 2

Chapter IV — Administrative Regulations . . . . . 3

Chapter V — Local Regulations, Autonomous Regulations, and Special Regulations . . . . . 3

Chapter VI — Rules . . . . . 3

Chapter VII — Application, Filing, and Review . . . . . 4

Chapter VIII — Supplementary Provisions . . . . . 4


### Table of Contents


- Chapter I — General Provisions
- Chapter II — Legislation by the National People’s Congress
- Chapter III — Legislation by the Standing Committee of the NPC
- Chapter IV — Administrative Regulations
- Chapter V — Local Regulations, Autonomous Regulations, and Special Regulations
- Chapter VI — Rules
- Chapter VII — Application, Filing, and Review
- Chapter VIII — Supplementary Provisions


## Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of standardizing legislative activities, perfecting the state legislative system, improving the quality of legislation, improving the socialist legal system with Chinese characteristics, promoting the rule of law, safeguarding and developing socialist democracy, and advancing the modernization of the national governance system and governance capacity.

Article 2 — This Law shall apply to the formulation, amendment, and repeal of laws, administrative regulations, local regulations, autonomous regulations, special regulations, and rules. The formulation, amendment, and repeal of rules of the departments under the State Council and rules of local governments shall be governed by the relevant provisions of this Law.




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Article 3 — Legislation shall adhere to the basic principles of the Constitution, be centered on economic construction, adhere to the socialist road, adhere to the people's democratic dictatorship, adhere to the leadership of the Communist Party of China, adhere to Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thought of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, and promote the comprehensive rule of law.

Article 4 — Legislation shall be conducted in accordance with the statutory limits of authority and procedures, based on the overall interests of the state, and maintain the unity and dignity of the socialist legal system.

Article 5 — Legislation shall reflect the will of the people, promote socialist democracy, adhere to the openness of legislation, and ensure the participation of the people in legislative activities through multiple channels.

Article 6 — Legislation shall proceed from reality, adapt to the requirements of economic and social development and comprehensive deepening of reform, and scientifically and reasonably stipulate the rights and obligations of citizens, legal persons, and other organizations, and the powers and responsibilities of state organs. Legal provisions shall be clear, specific, targeted, and enforceable.

## Chapter II — Legislation by the National People's Congress

Article 7 — The National People's Congress and its Standing Committee shall exercise state legislative power. The National People's Congress shall formulate and amend basic laws governing criminal offenses, civil affairs, state organs, and other matters.

Article 8 — Only laws may be enacted on the following matters: (1) matters concerning state sovereignty; (2) the formation, organization, and powers of the people's congresses at all levels, the people's governments at all levels, the people's courts, and the people's procuratorates; (3) the system of regional ethnic autonomy, the system of special administrative regions, and the system of basic-level self-governance; (4) criminal offenses and criminal punishments; (5) the deprivation of the political rights of citizens, and compulsory measures and penalties restricting personal freedom; (6) the establishment of taxes, the determination of tax rates, and the administration of tax collection; (7) the expropriation and requisition of non-state-owned property; (8) the basic civil system; (9) the basic economic system and the basic systems of fiscal, customs, financial, and foreign trade; (10) litigation and arbitration systems; and (11) other matters on which laws must be enacted by the National People's Congress and its Standing Committee.

Article 9 — Where no law has been enacted on a matter provided in Article 8 of this Law, the National People's Congress and its Standing Committee shall have the power to authorize the State Council to formulate, as needed, administrative regulations on some of those matters, except for matters concerning criminal offenses and criminal punishments, the deprivation of political rights of citizens, compulsory measures and penalties restricting personal freedom, and the judicial system.

Article 10 — The National People's Congress may, when it deems necessary, authorize the Standing Committee to formulate laws. An authorization decision shall specify the purpose, matters, scope, and duration of the authorization. The authorized organ shall strictly implement the authorization decision in accordance with the authorization and report on the implementation of the authorization decision to the authorizing organ. Where the authorized organ can formulate a law when conditions are mature, the National People's Congress and its Standing Committee shall formulate the law in a timely manner. Upon the formulation of the law, the termination of the authorization on the corresponding matter shall occur.

## Chapter III — Legislation by the Standing Committee of the NPC



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Article 26 — The Standing Committee of the National People's Congress shall formulate laws other than those that should be formulated by the National People's Congress, and may supplement and amend laws formulated by the National People's Congress when the National People's Congress is not in session, provided that it shall not contravene the basic principles of such laws.

Article 27 — A legislative bill to be submitted to the Standing Committee of the National People's Congress shall generally be deliberated three times at the sessions of the Standing Committee before being put to a vote. The first deliberation shall hear the explanation of the proposer and conduct a preliminary deliberation. The second deliberation shall hear the report of the Law Committee and further deliberate on the draft law. The third deliberation shall hear the report of the Law Committee on the results of deliberation and deliberate on the draft law to be voted on.

Article 28 — Where there is a broad consensus on a legislative bill, it may be put to a vote after two deliberations at the sessions of the Standing Committee. For a legislative bill on the adjustment of a single matter or the partial amendment of a law, where there is a broad consensus, it may be put to a vote after one deliberation at the session of the Standing Committee.

## Chapter IV — Administrative Regulations

Article 56 — The State Council shall formulate administrative regulations in accordance with the Constitution and laws. Administrative regulations may provide for the following matters: (1) matters requiring the formulation of administrative regulations for the implementation of the provisions of a law; and (2) matters within the administrative functions of the State Council as provided in Article 89 of the Constitution.

Article 57 — Administrative regulations shall be drafted by the relevant department of the State Council or the legislative affairs institution of the State Council. The drafting of an administrative regulation shall extensively solicit the opinions of the relevant authorities, organizations, citizens, etc. The legislative affairs institution of the State Council shall submit a review report and a revised draft to the State Council.

## Chapter V — Local Regulations, Autonomous Regulations, and Special Regulations

Article 63 — The people's congresses and their standing committees of provinces, autonomous regions, and municipalities directly under the Central Government may, in light of the specific conditions and actual needs of their respective administrative areas and on the premise that no contravention of the Constitution, laws, or administrative regulations occurs, formulate local regulations.

Article 64 — Local regulations may provide for the following matters: (1) matters requiring the formulation of specific provisions based on the specific conditions and actual needs of the administrative area for the implementation of laws or administrative regulations; and (2) matters of a local nature requiring the formulation of local regulations.

Article 65 — The people's congresses of ethnic autonomous areas shall have the power to formulate autonomous regulations and special regulations in accordance with the political, economic, and cultural characteristics of the local ethnic groups. The autonomous regulations and special regulations of autonomous regions shall come into effect after being submitted to and approved by the Standing Committee of the National People's Congress.

## Chapter VI — Rules

Article 71 — The ministries and commissions of the State Council, the People's Bank of China, the National Audit Office, and the directly affiliated organs of the State Council with administrative management functions may formulate rules within the scope of their functions and duties in accordance with laws, administrative regulations, and the decisions and orders of the State Council.



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Article 72 — The people's governments of provinces, autonomous regions, municipalities directly under the Central Government, cities divided into districts, and autonomous prefectures may formulate rules based on laws, administrative regulations, and the local regulations of their respective provinces, autonomous regions, or municipalities directly under the Central Government.

## Chapter VII — Application, Filing, and Review

Article 78 — The Constitution has the highest legal force. No law, administrative regulation, local regulation, autonomous regulation, special regulation, or rule shall contravene the Constitution.

Article 79 — The legal force of laws shall be higher than that of administrative regulations, local regulations, and rules. The legal force of administrative regulations shall be higher than that of local regulations and rules.

Article 80 — The legal force of local regulations shall be higher than that of the rules of the local people's governments at the corresponding levels and at lower levels. The rules formulated by the people's governments of provinces or autonomous regions shall have higher legal force than the rules formulated by the people's governments of cities divided into districts or autonomous prefectures within their respective administrative areas.

Article 81 — Where there is a discrepancy between a local regulation and a rule of a department on the same matter and a determination cannot be made on which shall apply, the State Council shall present its opinion. Where the State Council believes that the local regulation should apply, the local regulation shall apply; where the State Council believes that the rule of the department should apply, it shall submit the matter to the Standing Committee of the National People's Congress for a ruling.

Article 82 — Laws, administrative regulations, local regulations, autonomous regulations, special regulations, and rules shall not be retroactive, except for special provisions made for the better protection of the rights and interests of citizens, legal persons, and other organizations.

Article 83 — Where a newly formulated special provision is inconsistent with a previously formulated general provision on the same matter, the special provision shall apply. Where a newly formulated provision is inconsistent with a previously formulated provision on the same matter, the new provision shall apply.

## Chapter VIII — Supplementary Provisions

Article 92 — The Central Military Commission shall formulate military regulations in accordance with the Constitution and laws. The general departments of the Central Military Commission, the various services and arms, and the various theater commands may formulate military rules within the scope of their functions and duties in accordance with laws and the decisions and orders of the Central Military Commission and military regulations.

Article 93 — This Law shall come into effect on July 1, 2000. The revised version shall come into effect on March 15, 2023.

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