



# Legislation Law of the People's Republic of China (2015 Amendment) [Effective]

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

(Adopted at the third Session of the Ninth National People's Congress on March 15, 2000, and amended in accordance with the Decision on Amending the Legislation Law of the People's Republic of China adopted at the 3rd Session of the Twelfth National People's Congress on March 15, 2015)

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##### Section 1 Local Regulations, Autonomous Regulations and Separate Regulations

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#### Chapter I General Provisions

Article 1 To regulate legislative activities, establish a sound legislative system of the state, raise the quality of legislation, improve the Chinese socialist legal system, allow legislation to play a guiding and driving role, safeguard and develop socialist democracy, comprehensively promote the rule of law, and build a socialist country ruled by law, this Law is developed in accordance with the Constitution.

Article 2 This Law shall apply to the development, amendment, and repeal of laws, administrative regulations, local regulations, autonomous regulations, and separate regulations.

The rules of the departments of the State Council (hereinafter referred to as the "State Council departmental rules") and the rules of local governments shall be developed, amended, and repealed in accordance with the relevant provisions of this Law.

Article 3 Legislation shall be conducted under the fundamental principles laid down in the Constitution, focusing on economic development, and in adherence to the socialist path, the people's democratic dictatorship, the leadership of the Communist Party of China, Marxism-Leninism, Mao Zedong thoughts and Deng Xiaoping theory, and reform and opening up.

Article 4 Legislation shall be conducted according to the statutory power and procedures, on the basis of the overall interests of the State, and to maintain the unity and dignity of the socialist legal system.

Article 5 Legislation shall represent the will of the people, carry forward socialist democracy, and in adherence to openness in legislation, ensure the people's participation in legislative activities through various channels.

Article 6 Legislation shall, based on the actual circumstances, satisfy the requirements of economic and social development and comprehensive furtherance of reform, and prescribe the rights and obligations of citizens, legal persons, and other organizations, as well as the powers and responsibilities of the organs of the state, in a scientific and rational manner.

Legal rules shall be definite, specific, pertinent, and enforceable.

## Chapter II Laws

### Section 1 Legislative Power

Article 7 The National People's Congress and its Standing Committee shall exercise the legislative power of the State.

The National People's Congress shall develop and amend the basic laws on criminal matters, civil matters, and state authorities, among others.

The Standing Committee of the National People's Congress shall develop and amend laws other than those developed by the National People's Congress; and when the National People's Congress is not in session, partially supplement and amend laws developed by the National People's Congress, provided that the basic principles in such laws are not violated.

Article 8 The following matters shall only be governed by laws:

- (1) Matters concerning state sovereignty.
- (2) The formation, organization, and functions and powers of the people's congresses, the people's governments, the people's courts, and the people's procuratorates at all levels.
- (3) The regional ethnic autonomy system, the special administrative region system, the self-government system of people at the grassroots level.
- (4) Criminal offences and penalties.
- (5) Compulsory measures and penalties involving deprivation of a citizen's political rights or restriction of personal freedom.
- (6) The establishment of any category of tax, determination of tax rates, tax collection administration, and other basic taxation rules.
- (7) Expropriation and requisition of property not owned by the state.
- (8) The basic system of civil matters.
- (9) Basic economic rules and basic rules on treasury, customs, finance, and foreign trade.
- (10) Litigation and arbitration systems.
- (11) Other matters which must be governed by laws developed by the National People's Congress and its Standing Committee.

Article 9 Where laws have not been developed on any matters specified in Article 8 of this Law, the National People's Congress or its Standing Committee may make a decision to empower the State Council to first develop administrative regulations as actually needed on certain matters, except for matters involving criminal offences and penalties, compulsory measures and penalties involving deprivation of a citizen's political rights or restriction of personal freedom, and the justice system.

Article 10 The empowerment decision shall specify the purposes, subject matter, scope, and term of empowerment and the principles to be followed by the empowered authority that

implements the empowerment decision, among others.

The term of empowerment shall not exceed five years, except as otherwise specified in the empowerment decision.

The empowered authority shall, six months before expiration of the term of empowerment, report the implementation of the empowerment decision to the empowering authority and submit recommendations on whether the relevant law shall be developed; and if continued empowerment is necessary, may recommend continued empowerment, which is subject to the decision of the National People's Congress and its Standing Committee.

Article 11 Where the conditions for developing a law on any matters in the empowered legislation become mature after such legislation has been tested in practice, the National People's Congress or its Standing Committee shall develop the law in a timely manner. After the law is developed, the empowerment on such matters shall be terminated.

Article 12 The empowered authority shall exercise the power vested in it in strict accordance with the empowerment decision.

The empowered authority shall not delegate the power vested in it to any other authority.

Article 13 The National People's Congress and its Standing Committee may, as needed for reform and development, decide to authorize the temporary adjustment or temporary suspension of the local application of certain provisions of a law during a specified period regarding specific matters in the administrative management and other fields.

## Section 2 Legislative Procedures for the National People's Congress

Article 14 The Presidium of the National People's Congress may introduce bills to the National People's Congress for deliberation at a session of the National People's Congress.

The Standing Committee of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, and the specialized committees of the National People's Congress may introduce bills to the National People's Congress, and the Presidium shall decide whether such bills will be put on the agenda of a session of the National People's Congress.

Article 15 A delegation or a group of thirty or more co-signing deputies may introduce a bill to the National People's Congress, and the Presidium shall decide whether the bill will be put on the agenda of a session of the National People's Congress or before making such a decision, first refer the bill to a relevant specialized committee for deliberation and an opinion on whether the bill will be put on the agenda.

To deliberate a bill at a meeting, a specialized committee may invite the proposer of the bill to observe the meeting and offer an opinion.

Article 16 A bill to be introduced to the National People's Congress may be first introduced to the Standing Committee when the National People's Congress is not in session, and after deliberating the bill at its sessions under the procedures prescribed in Section 3, Chapter II of this Law, the Standing Committee shall decide whether the bill will be submitted to the National People's Congress for deliberation, and the Standing Committee or the proposer shall provide an explanation on the bill to the plenary meeting of the session of the National People's Congress.

When deliberating a bill in accordance with the provision of the preceding paragraph, the Standing Committee shall solicit the opinions of the deputies to the National People's Congress in multiple forms and provide feedback; and the relevant deputies to the National People's Congress may be invited to participate in legislative investigation and research conducted by the specialized committees and the operating divisions of the Standing Committee.

Article 17 Where the Standing Committee has decided to introduce a bill to a session of the National People's Congress for deliberation, it shall distribute the draft law to the deputies one month before the session is held.

Article 18 A bill on the agenda of a session of the National People's Congress shall be deliberated by all delegations after an explanation on the bill has been provided by the proposer at a plenary meeting of the session.

When the delegations are deliberating a bill, the proposer shall send persons to listen to their opinions and answer questions.

When the delegations are deliberating a bill, the relevant authority or organization shall, as required by the delegations, send persons to provide relevant information.

Article 19 A bill on the agenda of a session of the National People's Congress shall be deliberated by the relevant specialized committee, which shall submit a deliberation opinion to the Presidium and distribute the printed opinion to the session.

Article 20 A bill on the agenda of a session of the National People's Congress shall be uniformly deliberated by the Law Committee based on the opinions offered by the delegations and relevant specialized committee after deliberation, and the Law Committee shall submit to the Presidium a report on the deliberation result and the revised draft law, and state any important different opinions in the report. After deliberation and adoption at a meeting of the Presidium, the printed report and revised draft law shall be distributed to the session.

Article 21 The executive chairman of the Presidium may, when necessary, convene a meeting of the heads of all delegations to hear and discuss the opinions offered by the delegations after deliberation on any significant issues in a bill on the agenda of a session of the National People's Congress, and report the discussion result and opinions to the Presidium.

The executive chairman of the Presidium may also convene a meeting of the relevant deputies recommended by the delegations to discuss any major specialized issues in a bill, and report the discussion result and opinions to the Presidium.

Article 22 Where before a bill on the agenda of a session of the National People's Congress is put to vote, the proposer requests withdrawal of the bill, the proposer shall state the reasons for withdrawal, and the deliberation of the bill shall terminate upon consent of the Presidium to the request and reporting to the session.

Article 23 Where any significant issue raised during the deliberation of a bill requires further research, upon proposal from the Presidium and decision at a plenary meeting of the session, the Standing Committee may be empowered to further deliberate the bill based on the deputies' opinions, make a decision, and report the decision to the next session of the National People's Congress; or be empowered to further deliberate the bill based on the deputies' opinions, produce a revision proposal, and submit it to the next session of the National People's Congress for deliberation and decision.

Article 24 After a revised draft law has been deliberated by all delegations, the Law Committee shall revise the draft according to the opinions offered by all delegations after deliberation, and produce a voting version of the draft law, which shall be submitted by the Presidium to a plenary meeting of the session for voting and adoption by a simple majority of all the deputies.

Article 25 A law adopted by the National People's Congress shall be issued by an Order of the President signed by the President of the People's Republic of China.

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

Article 26 The Chairmen's Meeting may introduce a bill to the Standing Committee for deliberation at a session of the Standing Committee.

The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, or a specialized committee of the National People's Congress may introduce a bill to the Standing Committee, and the Chairmen's Meeting shall decide whether the bill will be put on the agenda of a session of the Standing Committee or before making such a decision, first refer it to the relevant specialized committee for deliberation and a report. If the Chairmen's Meeting deems that any significant issue in the bill requires further research, it may

recommend that the proposer revise and improve the bill before introducing it to the Standing Committee.

Article 27 A group of ten or more co-signing members of the Standing Committee may introduce a bill to the Standing Committee, and the Chairmen's Meeting shall decide whether the bill will be put on the agenda of a session of the Standing Committee or before making such a decision, first refer it to the relevant specialized committee for deliberation and an opinion on whether the bill will be put on the agenda. If the Chairmen's Meeting decides not to put the bill on the agenda of a session of the Standing Committee, it shall report the decision to a session of the Standing Committee or provide an explanation to the proposer.

To deliberate a bill at a meeting, a specialized committee may invite the proposer of the bill to observe the meeting and offer an opinion.

Article 28 For a bill on the agenda of a session of the Standing Committee, the draft law shall be distributed to the members of the Standing Committee seven days before the session is held, except under special circumstances.

For a bill to be deliberated at a session of the Standing Committee, the relevant deputies to the National People's Congress shall be invited to observe the session.

Article 29 As a general rule, a bill on the agenda of a session of the Standing Committee shall be put to vote after deliberation at three sessions of the Standing Committee.

When a bill is deliberated for the first time at a session of the Standing Committee, an explanation provided by the proposer shall be heard at a plenary meeting, and preliminary deliberation shall be conducted at group meetings.

When a bill is deliberated for the second time at a session of the Standing Committee, a report made by the Law Committee on the revision of the draft law and the major issues shall be heard at a plenary meeting, and further deliberation shall be conducted at group meetings.

When a bill is deliberated for the third time at a session of the Standing Committee, a report made by the Law Committee on the result of deliberation of the draft law shall be heard at a plenary meeting, and the revised draft law shall be deliberated on at group meetings.

In the deliberation of a bill, the Standing Committee may, as needed, convene a joint group meeting or a plenary meeting to discuss the major issues in the draft law.

Article 30 A bill on the agenda of a session of the Standing Committee may be brought to a vote after deliberation at two sessions of the Standing Committee if a consensus has been reached among all parties concerned on the bill; or may be brought to vote after deliberation at one

session of the Standing Committee if a consensus has been reached among all parties concerned on the bill that regulates a single matter or amends a part of a law.

Article 31 When group meetings of the Standing Committee are held to deliberate a bill, the proposer shall send persons to listen to opinions and answer questions.

When group meetings of the Standing Committee are held to deliberate a bill, the relevant authority or organization shall, as required by a group, send persons to provide relevant information.

Article 32 A bill on the agenda of a session of the Standing Committee shall be deliberated by the relevant specialized committee, which shall offer its deliberation opinion, and distributed the printed opinion to the session of the Standing Committee.

To deliberate a bill at a meeting, the relevant specialized committee may invite the members of other specialized committees to observe the meeting and offer opinions.

Article 33 A bill on the agenda of a session of the Standing Committee shall be uniformly deliberated by the Law Committee based on the opinions offered by the members of the Standing Committee and the relevant specialized committee after deliberation as well as the opinions offered by all parties concerned, and the Law Committee shall produce a revision report or a report on the deliberation result and the revised draft law, and state any important different opinions in either of the reports. If the opinion offered by the relevant specialized committee after deliberation is not accepted, the Law Committee shall provide feedback to them.

To deliberate a bill at a session, the Law Committee shall invite the members of the relevant specialized committee to observe and offer their opinions.

Article 34 To deliberate a bill, a specialized committee shall hold a plenary meeting, and may, as needed, require the relevant authority or organization to send the relevant person in charge to provide an explanation.

Article 35 Where the specialized committees disagree with each other on any important issues on a draft law, it shall be reported to the Chairmen's Meeting.

Article 36 For a bill on the agenda of a session of the Standing Committee, the Law Committee, the relevant specialized committee, and the operating divisions of the Standing Committee shall hear the opinions of all the parties concerned in various forms such as forums, discussion meetings, and hearings.

Where any issue involved in a bill is very specialized and requires feasibility evaluation, a discussion meeting shall be held to hear the opinions of the relevant experts, departments, deputies to the National People's Congress, and other parties concerned. A report on the discussion shall be submitted to the Standing Committee.

Where there are significantly different opinions on any issue in a bill or any issue in a bill involves any major adjustment of interests and a hearing is required, a hearing shall be held to hear the opinions of the relevant representatives of grassroots organizations and groups, departments, people's organizations, experts, deputies to the National People's Congress, and parties concerned in the society. A report on the hearing shall be submitted to the Standing Committee

The operating divisions of the Standing Committee shall send the draft law to the deputies to the National People's Congress in the relevant fields, the standing committees of local people's congresses, and the relevant departments, organizations, and experts to solicit their opinions.

Article 37 For a bill on the agenda of a session of the Standing Committee, the draft law and an explanation of the drafting and amendment thereof, among others, shall, after the end of the session of the Standing Committee, be released to the public to solicit opinions, unless a decision not to release the same is made at the Chairmen's Meeting. The period during which public opinions are solicited on the same shall not be less than 30 days. Information on the solicitation of opinions shall be released to the public.

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