

EXHIBIT 6



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Xinhua News Agency, Beijing, August 31

No. 59 of the President of the People's Republic of China

The "Decision of the Standing Committee of the National People's Congress on Amending the Civil Procedure Law of the People's Republic of China" was adopted by the 28th meeting of the Standing Committee of the Eleventh

National People's Congress of the People's Republic of China on August 31, 2012. It is hereby announced and shall come into effect on January 1, 2013.

President of the People's Republic of China Hu Jintao

August 31, 2012

Xinhua News Agency, Beijing, August 31

**the Standing Committee of the National People's Congress
on amending the Civil Procedure Law of the People's Republic of China
(adopted at the 28th meeting of the Standing Committee of the Eleventh
National People's Congress on August 31, 2012)**

The 28th Meeting of the Standing Committee of the Eleventh National People's Congress decided to make the following amendments to the Civil Procedure Law of the People's Republic of China :

1. A paragraph is added to Article 13 as the first paragraph : “ Civil proceedings shall follow the principle of good faith . ”
2. Amend Article 14 to read : “ The People' s Procuratorate has the right to exercise legal supervision over civil litigation . ”

3. Delete Article 16 .

4. Change Article 25 to Article 34 and amend it to read: “Parties to a contract or other property rights dispute may choose in writing the place of residence of the defendant, the place of performance of the contract, the place of signing of the contract, the place of residence of the plaintiff, and the subject matter. The people’s court in the place where the dispute is actually located shall have jurisdiction, but the provisions of this Law on hierarchical jurisdiction and exclusive jurisdiction shall not be violated.”

5. One article is added as Article 26 : “ Litigations arising from disputes over the establishment of a company, confirmation of shareholder qualifications, distribution of profits, dissolution, etc. shall be under the jurisdiction of the People’s Court of the place where the company is domiciled .”

6. Change Article 38 to Article 127, and add a paragraph as the second paragraph: “If the party concerned does not raise any jurisdictional objection and responds to the lawsuit, the People’ s Court subject to the lawsuit shall be deemed to have jurisdiction. Except for violations of hierarchical jurisdiction and exclusive jurisdiction provisions.”

7. Change Article 39 to Article 38, and amend the first paragraph to read:
"The people's court at a higher level has the power to hear first-instance civil cases under the jurisdiction of the people's court at the lower level; it is indeed necessary to If a civil case is submitted to a lower people's court for trial, it must be submitted to the superior people's court for approval."

8. Change Article 45 to Article 44, and amend it to read: "Judges shall recuse themselves under any of the following circumstances, and the parties shall have the right to apply orally or in writing for their recusal:

"(1) A party to the case or a close relative of a party or litigation agent ;

"(2) Having an interest in this case ;

"(3) Having other relationships with the parties or litigation agents in this case, which may affect the fair trial of the case .

" If a judge accepts treats and gifts from a party or an agent ad litem, or meets with a party or an agent ad litem in violation of regulations, the litigant shall have the right to ask them to recuse themselves .

“ If a judge commits any of the acts specified in the preceding paragraph, he shall be held accountable in accordance with the law .

” The provisions of the first three paragraphs apply to clerks, translators, appraisers, and surveyors .”

9. Add one article as Article 55: “For behaviors that pollute the environment, infringe upon the legitimate rights and interests of many consumers, and other behaviors that harm social and public interests, the agencies and relevant organizations prescribed by law may file lawsuits in the People’ s Court.”

10. A paragraph is added to Article 56 as the third paragraph: “The third party specified in the first two paragraphs does not participate in the litigation due to reasons that cannot be attributed to him, but there is evidence to prove the legally effective judgment, ruling, If part or all of the content of the mediation document is wrong and damages his or her civil rights and interests, he may file a lawsuit with the People’s Court that made the judgment, ruling or mediation document within six months from the date he knew or should have known that his civil rights and interests were damaged. People’s Court After trial, the court shall change or revoke the original

judgment, ruling, and mediation document if the claim is established; if the claim is not established, the court shall dismiss the claim.”

11. Amend the second paragraph of Article 58 to read : “ The following persons may be entrusted as litigation agents :

“(1) Lawyers and grassroots legal service workers ;

“(2) Close relatives or staff of the party concerned ;

”(3) Citizens recommended by the community, unit and relevant social groups where the parties are located .”

12. Amend Article 63 to read : “ Evidence includes :

“(1) Statements of the parties ;

“(2) Documentary evidence ;

“(3) Physical evidence ;

“(4) Audio-visual materials ;

“(5) Electronic data ;

“(6) Witness testimony ;

“(7) Appraisal opinions ;

“(8) Inspection records .

” Evidence must be verified to be true before it can be used as a basis for determining facts .”

Correspondingly, the “appraisal conclusion” in Articles 124 and 171 is changed to “appraisal opinion ” .

13. Add two articles as Article 65 and Article 66 :

” Article 65 The parties concerned shall promptly provide evidence for their claims .

”The People’s Court determines the evidence that the parties should provide and the time limit based on the claims of the parties and the circumstances of the case. If the parties find it difficult to provide evidence within the time limit, they may apply to the People’s Court for an extension of the time limit, and the People’s Court will appropriately extend the time limit based on the application of the parties. . If a party fails to provide evidence within the time limit, the people’s court shall order it to explain the

reasons; if it refuses to explain the reasons or the reasons are untenable, the people's court may not accept the evidence according to different circumstances, or may accept the evidence but impose a reprimand or fine.

“ Article 66: When the people' s court receives evidence materials submitted by the parties, it shall issue a receipt, indicating the name of the evidence, the number of pages, the number of copies, the original or the copy, and the time of receipt, etc., and it shall be signed or sealed by the handling personnel .”

14. Change Article 67 to Article 69 and amend it to read: “Legal facts and documents that have been notarized and certified through legal procedures shall be used by the People' s Court as the basis for determining the facts, but there is contrary evidence that is sufficient to overturn the notarized certification. except.”

15. Article 70 is changed into three articles, as Article 72, Article 73, and Article 74, and revised to read :

” Article 72 All units and individuals who know the circumstances of the case are obliged to appear in court to testify. The person in charge of the relevant unit shall support the witness to testify .

“ Those who cannot express their meaning correctly cannot testify .

” Article 73 Upon notification by the People’s Court, witnesses shall appear in court to testify. Under any of the following circumstances, with the permission of the People’s Court, testimony may be provided through written testimony, audio-visual transmission technology or audio-visual materials, etc .:

“(1) Those who are unable to appear in court due to health reasons ;

“(2) Those who are unable to appear in court due to long distances and inconvenient transportation ;

“(3) Unable to appear in court due to force majeure such as natural disasters ;

“(4) Others who are unable to appear in court for legitimate reasons .

” Article 74: Necessary expenses such as transportation, accommodation, meals, and lost work time incurred by witnesses in fulfilling their obligation to appear in court to testify shall be borne by the losing party. If a party applies for a witness to testify, the party shall advance the

payment; if the party fails to apply, the people's If the court notifies the witness to testify, the people's court shall advance the payment."

Correspondingly, "will" in Article 62 is changed to "meaning".

16. Change Article 72 into three articles, as Article 76, Article 77, and Article 78, and amend it to read :

" Article 76: A party may apply to the People's Court for an appraisal on a specialized issue of ascertaining facts. If a party applies for an appraisal, the two parties shall negotiate to determine a qualified appraiser; if the negotiation fails, the People's Court shall appoint it.

" If the party concerned has not applied for appraisal, and the people's court deems that appraisal is necessary for a specialized issue, it shall entrust a qualified appraiser to conduct appraisal .

" Article 77 The appraiser has the right to know the case materials needed for the appraisal, and can question the parties and witnesses when necessary .

" The appraiser shall submit a written appraisal opinion and sign or seal the appraisal document .

” Article 78 If the parties have objections to the appraisal opinion or the people’s court believes that it is necessary for the appraiser to appear in court, the appraiser shall appear in court to testify. If the appraiser refuses to appear in court to testify after being notified by the people’s court, the appraisal opinion shall not be used as a basis for determining facts; payment of the appraisal fee The party paying the fee may request a refund of the appraisal fee.”

An article is added as Article 79 : ” Parties may apply to the people’s court to notify a person with specialized knowledge to appear in court to provide opinions on the appraisal opinions or professional issues made by the appraiser .”

17. Change Article 74 to Article 81 and amend it to read: “When evidence may be lost or difficult to obtain in the future, the parties may apply to the People’ s Court for the preservation of evidence during the litigation process, and the People’ s Court may also Take proactive measures to protect yourself.

“Due to urgent circumstances and when evidence may be lost or difficult to obtain in the future, an interested party may apply to the people’ s court where the evidence is located, where the respondent is domiciled, or the

people' s court that has jurisdiction over the case to preserve the evidence before filing a lawsuit or applying for arbitration.

" For other procedures for evidence preservation, refer to the relevant provisions on preservation in Chapter 9 of this Law ."

18. Change Article 79 to Article 86 and amend it to read: "If the person to be served or his adult family members living with him refuses to receive the litigation documents, the person to be served may invite representatives from the relevant grassroots organizations or units where he is serving. The representative shall appear at the scene, explain the situation, record the reason and date of refusal on the service receipt, sign or seal it by the sender and witnesses, and leave the litigation documents at the residence of the person to be served; you may also leave the litigation documents at the residence of the person to be served; At the addressee' s residence and recording the service process by taking photos, videos, etc. , it shall be deemed as service."

An article is added as Article 87: "With the consent of the person to be served, the people' s court may serve litigation documents by fax, email, or other methods that can confirm receipt, except for judgments, rulings, and mediation documents.

” If it is delivered by the method mentioned in the preceding paragraph, the date when the fax, email, etc. arrives at the recipient’s specific system shall be the date of delivery .”

19. Change Article 82 to Article 90 and amend it to read : “ If the recipient is imprisoned, the transfer shall be made through the prison where he or she is located .

“ If the recipient is subject to compulsory education measures, the case shall be transferred through the compulsory education institution where the recipient is located .”

Correspondingly, Article 23, item 3, is amended to read : “(3)
Litigation brought against persons subject to compulsory education measures .
”

20. Change “property preservation” in the title of Chapter 9, Articles 96, 99, 140, and 256 to “preservation ” .

21. Change Article 92 to Article 100 and amend it to read: “In cases where the conduct of one party or other reasons may make it difficult to execute the judgment or cause other damage to the party, the people’ s court shall, based on the other party’ s Upon application, the People’ s Court may rule to

preserve the property, order the party to perform certain acts, or prohibit the party from performing certain acts; if the party fails to apply, the People's Court may also rule to take preservation measures when necessary.

“ The People' s Court may order the applicant to provide a guarantee when taking preservation measures. If the applicant fails to provide a guarantee, the People' s Court shall rule to reject the application .

” After the people's court accepts the application, it must make a ruling within 48 hours if the situation is urgent; if it decides to take preservation measures, it should start implementation immediately .”

22. Change Article 93 to Article 101 and amend it to read: “If an interested party fails to apply for preservation immediately due to urgent circumstances, and his legitimate rights and interests will be irreparably damaged, he may file a lawsuit before Before filing a lawsuit or applying for arbitration, apply for preservation measures to the people's court where the property to be preserved is located, where the respondent is domiciled, or which has jurisdiction over the case. The applicant shall provide a guarantee. If no guarantee is provided, the application shall be dismissed.

“ After the People’ s Court accepts the application, it must make a ruling within 48 hours; if it decides to take preservation measures, its implementation shall begin immediately .

“ If the applicant fails to file a lawsuit or apply for arbitration in accordance with the law within thirty days after the People’ s Court takes preservation measures, the People’ s Court shall terminate the preservation .”

23. Change Article 94 into Article 2 as Article 102 and Article 103, and amend it to read :

” Article 102 Preservation is limited to the scope of the request or the property relevant to the case .

” Article 103 Property preservation shall take the form of sealing, detaining, freezing or other methods prescribed by law. After the people’ s court preserves property, it shall immediately notify the person whose property is preserved .

“ If the property has been seized or frozen, it shall not be seized or frozen again .”

Change Article 95 to Article 104 and amend it to read : “ In a property dispute case, if the respondent provides a guarantee, the People’ s Court shall rule to terminate the preservation .”

24. Two articles are added as Articles 112 and 113 :

” Article 112: If the parties maliciously collude and attempt to infringe upon 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 according to the seriousness of the case; if a crime is constituted, criminal prosecution shall be pursued in accordance with the law. responsibility.

” Article 113: If a person subject to execution maliciously colludes with others to evade the performance of his obligations specified in legal documents through litigation, arbitration, mediation, etc., the people’s court shall impose a fine or detain him according to the seriousness of the case; if a crime is constituted, he shall be investigated in accordance with the law. criminal responsibility.”

25. Change Article 103 to Article 114, and amend the second item of paragraph 1 to read: “(2) Relevant units refuse to assist in inquiries, Seizure, freeze, transfer or change the value of property.”

Article 104 is changed to Article 115, and the first paragraph is modified to read: “The amount of fines imposed on individuals shall be less than RMB 100,000. The amount of fines imposed on entities shall be more than RMB 50,000. Less than one million yuan.”

26. Change Article 110 to Article 121, and change the first item to the second item. As the first item and the second item, amend it to :

“(1) The name, gender, age, ethnicity, occupation, workplace, residence, and contact information of the plaintiff, the name, residence, and name, position, and contact information of the legal person or other organization and the legal representative or principal responsible person;

“(2) The defendant’s name, gender, work unit, residence and other information, and the name, residence and other information of the legal person or other organization .”

Change Article 113 to Article 125 and amend it to read: “The people’ s court shall send a copy of the complaint to the defendant within five days from the

date of filing the case, and the defendant shall send a copy of the complaint within fifteen days from the date of receipt. Submit a statement of defense. The statement of defense shall state the name, gender, age, ethnicity, occupation, work unit, residence, and contact information of the defendant; the name and residence of the legal person or other organization, and the name, position, and position of the legal representative or principal responsible person; Contact information. The People's Court shall send a copy of the defense to the plaintiff within five days from the date of receipt of the defense.

" If the defendant fails to submit a statement of defense, it will not affect the trial of the People's Court ."

27. An article is added as Article 122 : " If the parties bring civil disputes to the People's Court, if mediation is suitable, mediation shall be conducted first, except where the parties refuse mediation ."

28. Change Article 111 to Article 124, in which "The People' s Court must accept prosecutions that comply with Article 108 of this Law; for the following prosecutions, the circumstances shall be: "To be handled:" is revised to: "The People's Court shall handle the following prosecutions according to the circumstances:".

The second item is revised to read: "(2) According to legal provisions, if both parties reach a written arbitration agreement to apply for arbitration and are not allowed to file a lawsuit in the People's Court, the plaintiff shall be informed to apply for arbitration to an arbitration institution."

Item 5 is revised to read: "(5) If a party files a lawsuit in a case in which a judgment, ruling, or mediation document has already taken legal effect, the plaintiff shall be notified to apply for a retrial, unless the People's Court approves the withdrawal of the lawsuit."

29. Change Article 112 to Article 123 and amend it to read: "The People's Court shall protect the parties' right to sue in accordance with the provisions of the law. For cases that comply with Article 119 of this Law The lawsuit must be accepted. If the conditions for prosecution are met, the case shall be filed within seven days and the parties shall be notified; if the conditions for prosecution are not met, a ruling shall be made within seven days and the case shall not be accepted. If the plaintiff is dissatisfied with the ruling, he may appeal."

30. Add one article as Article 133 : " The People' s Court shall handle the cases accepted according to the circumstances :

“(1) If the parties have no disputes and meet the conditions stipulated in the supervision procedure, they may be transferred to the supervision procedure ;

“(2) If mediation is possible before the court session, mediation shall be used to resolve the dispute in a timely manner ;

“(3) Determine whether to apply simplified procedures or ordinary procedures based on the circumstances of the case ;

“(4) If a court hearing is required, the focus of the dispute shall be clarified by requiring the parties to exchange evidence .”

31. Change Article 124 to Article 138, and modify the third item to read : “(3) Present documentary evidence, physical evidence, audio-visual materials and electronic data .”

32. Change Article 138 to Article 152, and the sentence “The judgment shall state:” in the first paragraph is changed to: “The judgment shall state the result of the judgment and the reasons for the judgment. .The contents of the judgment include:” .

The second item of paragraph 1 is revised to read : “(2) The facts and reasons determined in the judgment, the applicable law and the reasons .”

33. Change Article 140 to Article 154, and amend Item 9 of Paragraph 1 to read : “(9) Cancellation or non-enforcement of arbitral awards ” .

The second paragraph is revised to read : “ The rulings in items 1 to 3 of the preceding paragraph may be appealed . ”

Paragraph 3 is modified to read: “The ruling shall state the result and the reasons for the ruling. The ruling shall be signed by the judge and the clerk and stamped with the seal of the People’s Court. If the ruling is made verbally, it shall be recorded in the transcript.”

34. Add an article as Article 156: “The public may inspect legally effective judgments and rulings, except for content involving state secrets, commercial secrets and personal privacy.”

35. Change Article 142 to Article 157, and add one paragraph as the second paragraph: “When the basic people’ s courts and the courts dispatched by them hear civil cases other than those specified in the preceding paragraph, the parties Both parties may also agree to apply simplified procedures.”

36. Change Article 144 to Article 159 and amend it to read: “When hearing simple civil cases, the basic people’ s courts and the courts dispatched by them may summon the parties and witnesses in a simple way. Serve litigation documents and hear cases, but the rights of the parties to state their opinions should be protected.”

37. Add one article as Article 162: “The basic people’ s courts and the tribunals dispatched by them shall hear simple civil cases that comply with the provisions of paragraph 1 of Article 157 of this Law, and the subject amount shall be , autonomous regions and municipalities directly under the Central Government, where the average annual salary of employees employed in the previous year was less than 30%, the first instance and final review will be implemented.”

38. One article is added as Article 163 : “ If during the trial process, the People’ s Court finds that the case is not suitable for summary procedures, it shall rule to convert it to ordinary procedures .”

39. Change Article 152 to Article 169, and amend the first paragraph to read: “The people’ s court of second instance shall form a collegial panel for appeal cases and hold hearings. After review of files, investigation and After questioning the parties, if no new facts, evidence or reasons are

presented, and the collegial panel deems that a trial is not necessary, it may not hold a trial.”

40. Change Article 153 to Article 170 and amend it to read : “ After hearing the appeal cases, the People’ s Court of Second Instance shall handle them respectively according to the following circumstances :

“(1) If the original judgment or ruling clearly identifies the facts and applies the law correctly, the appeal shall be dismissed by way of judgment or ruling and the original judgment or ruling shall be upheld ;

“(2) If the original judgment or ruling makes an error in determining the facts or applying the law incorrectly, the judgment or ruling shall be modified, revoked or modified in accordance with the law ;

“(3) If the basic facts found in the original judgment are unclear, the original judgment shall be revoked and remanded to the original People’ s Court for retrial, or the judgment shall be changed after the facts are ascertained ;

“(4) If the original judgment omits a party or makes an illegal default judgment or other serious violation of legal procedures, the original

judgment shall be revoked and the case shall be remanded to the original People' s Court for retrial .

" After the original People' s Court renders a judgment on a case that has been remanded for retrial, if the party concerned files an appeal, the second-instance People' s Court shall not remand the case for retrial ."

41. Change Article 160 to Article 177, and amend it to read: "The People' s Court shall hear cases concerning voter qualifications, cases declared missing or declared dead, and cases where a citizen is found to have no capacity for civil conduct or has limited capacity for civil conduct. The provisions of this chapter shall apply to cases, cases of determining that property is ownerless, cases of confirming mediation agreements and cases of realizing security rights. If there are no provisions in this chapter, the relevant provisions of this Law and other laws shall apply."

42. Add two sections after section 5 of Chapter 15 as sections 6 and 7 :

" Section 6 Confirm mediation agreement case

" Article 194 To apply for judicial confirmation of a mediation agreement, both parties shall jointly submit an application to the grassroots people' s court where the mediation organization is located within thirty days from the

date the mediation agreement takes effect in accordance with the People's Mediation Law and other laws .

" Article 195: After the People's Court accepts the application, and upon review, if it complies with the legal provisions, it will rule that the mediation agreement is valid. If one party refuses to perform or fails to perform in full, the other party may apply to the People's Court for enforcement; if it does not comply with the legal provisions, If the application is rejected, the parties may change the original mediation agreement or reach a new mediation agreement through mediation, or they may file a lawsuit with the People's Court.

" Section 7 Realization of security rights cases

" Article 196: Applications for the realization of security rights shall be made by the security right holder and other persons who have the right to request the realization of security rights in accordance with the Property Law and other laws to the grassroots people's court where the guaranteed property is located or where the security rights are registered.

" Article 197 After the People's Court accepts the application, and upon review, if it complies with the legal provisions, it will rule to auction or sell the guaranteed property, and the parties concerned may apply to the

People's Court for enforcement based on this ruling; if it does not comply with the legal provisions, it will rule to reject the application, and the parties may file a lawsuit with the People's Court. "

43. Change Article 178 to Article 199 and amend it to read: "If a party believes that a legally effective judgment or ruling is erroneous, it may apply to the next higher people's court for a retrial. ; In cases where one party has a large number of persons or both parties are citizens, you may also apply to the original People's Court for a retrial. If a party applies for a retrial, the execution of the judgment or ruling will not be suspended."

44. Change Article 179 to Article 200, and modify the fifth item of paragraph 1 to read: "(5) For the main evidence required for the trial of the case, if the parties cannot collect it themselves due to objective reasons, a written application The People's Court investigated and collected the information, but the People's Court did not investigate and collect it."

Delete item 7 of paragraph 1 .

Paragraph 2 is designated as Article 13, and is revised to read : “(13) The judge committed corruption, accepted bribes, engaged in malpractice for personal gain, and violated the law when hearing the case .”

45. Change Article 181 to Article 204 and amend it to read: “The People’ s Court shall review the application within three months from the date of receipt of the retrial application. If it complies with the provisions of this Law, the People’ s Court shall make a ruling. Retrial; if it does not comply with the provisions of this Law, the application shall be dismissed. If there are special circumstances that require an extension, it shall be approved by the president of this court.

”Cases that are subject to retrial by a party applying for a ruling shall be heard by the People’s Court above the Intermediate People’s Court, except where the party chooses to apply for retrial by the basic People’s Court in accordance with the provisions of Article 199 of this Law. The Supreme People’s Court and the Higher People’s Court have ruled Cases subject to retrial shall be retried by this court or transferred to other people’s courts for retrial, or may be transferred to the original people’s court for retrial.”

46. Change Article 182 to 201. Change Articles 177, 183, 185, and 189 to Articles 198, 202, and Articles 206 and 212 are revised to read:

" Article 198 If the presidents of the people's courts at all levels find errors in their legally effective judgments, rulings, or mediation documents and deem them necessary for retrial, they shall submit them to the judicial committee for discussion and decision .

"If the Supreme People's Court finds that there are errors in the legally effective judgments, rulings, and mediation documents of local people's courts at all levels, and the people's courts at higher levels find errors in the legally effective judgments, rulings, and mediation documents of lower people's courts, it has the right to initiate a trial. Or order the lower people's court to retry the case.

" Article 202 The parties concerned may not apply for retrial of a legally effective judgment or mediation document on dissolution of marriage .

" Article 206: For cases decided to retry in accordance with the trial supervision procedures, the execution of the original judgment, ruling, and mediation document shall be suspended, but cases involving recovery of

alimony, support, childcare, pensions, medical expenses, labor remuneration, etc. , execution may not be suspended.

” Article 212 If the People’s Procuratorate decides to lodge a protest against the People’s Court’s judgment, ruling, or mediation letter, it shall prepare a letter of protest . ”

47. Change Article 184 to Article 205, and amend it to read: “A party’ s application for retrial shall be submitted within six months after the judgment or ruling becomes legally effective; Article 200 of this Law shall apply. If the circumstances are specified in paragraphs 1, 3, 12, and 13 of the Article, it shall be made within six months from the date when the person knows or should know. ”

48. Change Article 187 to Article 208, and amend it to read: “The Supreme People’ s Procuratorate has made legally effective judgments and rulings on the people’ s courts at all levels, and the people’ s procuratorates at higher levels have made legal judgments and rulings on lower people’ s courts. If a valid judgment or ruling is found to have one of the circumstances specified in Article 200 of this Law, or if the mediation document is found to have harmed national interests or social public interests, a protest shall be made.

“If the local people’ s procuratorates at any level find that any of the legally effective judgments or rulings of the people’ s courts at the same level fall into any of the circumstances specified in Article 200 of this Law, or if they find that the mediation document harms national interests or social and public interests, they may submit it to the same level. The People’ s Court at the next level shall make procuratorial suggestions and report them to the People’ s Procuratorate at the higher level for record; it may also request the People’ s Procuratorate at the higher level to lodge a protest with the People’ s Court at the same level.

” People’ s procuratorates at all levels have the right to make procuratorial suggestions to the people’ s courts at the same level regarding illegal acts of judges in other trial procedures other than trial supervision procedures .”

49. Two articles are added as Articles 209 and 210 :

” Article 209 Under any of the following circumstances, the party concerned may apply to the People’ s Procuratorate for procuratorial suggestions or protest :

“(1) The People’ s Court rejects the retrial application ;

“(2) The People’ s Court fails to make a ruling on the retrial application within the time limit ;

“(3) The retrial judgment or ruling contains obvious errors .

“The People’ s Procuratorate shall review the party’ s application within three months and make a decision on whether to make procuratorial suggestions or protest. The parties shall not apply to the People’ s Procuratorate for procuratorial suggestions or protests again.

” Article 210 When the People’s Procuratorate needs to make procuratorial suggestions or protest in order to perform its legal supervision duties, it may investigate and verify relevant situations with the parties or persons outside the case . ”

50. Change Article 188 to Article 211 and amend it to read: “In cases where the People’ s Procuratorate files a protest, the People’ s Court that accepts the protest shall make a decision within thirty days from the date of receipt of the protest letter. Ruling for retrial; if one of the circumstances specified in Paragraphs 1 to 5 of Article 200 of this Law occurs, the case may be submitted to the People’s Court at the next lower level for retrial , except for retrials by the People’s Court at the lower level.”

51. Change Article 194 to Article 217 and amend it to read: “After receiving the written objection raised by the debtor, after review, the people’ s court shall rule to terminate the supervision procedure if the objection is established. The payment order lapses on its own.

“ If the payment order expires, it will be transferred to litigation procedures, unless the party applying for the payment order does not agree to initiate litigation .”

52. Change Article 207 to Article 230, and modify the second paragraph to read: “If the person applying for execution reaches a settlement agreement with the person subject to execution due to fraud or coercion, or the parties fail to perform the settlement agreement, The people’ s court may resume the execution of the original effective legal document based on the application of the parties.”

53. One article is added as Article 235 : “ The People’ s Procuratorate has the right to exercise legal supervision over civil execution activities .”

54. Change Article 213 to Article 237, and amend the fourth and fifth items of paragraph 2 to read :

“(4) The evidence on which the ruling is based is forged ;

“(5) The other party conceals evidence from the arbitration institution that is sufficient to affect a fair award .”

55. Change Article 216 to Article 240 and amend it to read: “When the execution officer receives the application for execution or the transfer of execution, he shall issue an execution notice to the person subject to execution and may immediately take action. enforcement measures.”

56. Change Article 218 to Article 242, and amend it to read: “If the person subject to execution fails to perform the obligations specified in the legal document in accordance with the execution notice, the people’ s court has the right to inquire the relevant unit about the person subject to execution. The person’s deposits, bonds, stocks, fund shares and other property status. The people’s court has the power to seize, freeze, transfer and value the property of the person subject to execution according to different circumstances. The property that the people’s court inquires, seizes, freezes, transfers and values must not exceed the amount of the property of the person subject to execution. The scope within which the executor shall perform his obligations.

” When the people’s court decides to seize, freeze, transfer or change property, it should make a ruling and issue a notice of assistance in execution, and the relevant units must handle it .”

57. Change Article 223 to Article 247 and amend it to read: “After the property is sealed or detained, the execution officer shall order the person subject to execution to perform the obligations specified in the legal document within the specified period. If the person subject to execution fails to perform within the time limit, the people’s court shall auction the sealed or detained property; if it is not suitable for auction or the parties agree not to conduct the auction, the people’s court may entrust the relevant unit to sell it or sell it on its own. Items prohibited by the state from being freely bought and sold shall be handed over to the relevant party. Units are purchased at prices set by the state.”

58. Delete Articles 242 and 243 .

59. Change Article 245 to Article 267, and amend Item 6 to read: “(6) If the law of the country where the recipient is located allows service by mail, service by mail may be , three months have passed since the date of mailing, and the delivery receipt has not been returned, but various circumstances are

sufficient to determine that it has been delivered, the date of expiration of the period will be deemed to have been delivered.”

One item is added as item 7 : “(7) Delivery by fax, email, or other means that can confirm receipt by the addressee .”

Item 7 is changed to Item 8, and is revised to read : “(8) If it cannot be served by the above method, it shall be delivered by announcement. It shall be deemed to have been served three months from the date of announcement .”

60. Delete Chapter 26 “Property Preservation ”.

The relevant chapter numbers and article numbers of the Civil Procedure Law will be adjusted accordingly based on this decision .

This decision will come into effect on January 1, 2013.

The Civil Procedure Law of the People’s Republic of China will be revised accordingly and re-announced in accordance with this decision .

Xinhua News Agency, Beijing, August 31

The Civil Procedure Law of the People's Republic of China (adopted at the Fourth Session of the Seventh National People's Congress on April 9, 1991)

was adopted in accordance with the "

About Amendment" of the Thirtieth Session of the Standing Committee of the Tenth National People's Congress on October 28, 2007. The Decision on the Civil Procedure Law of the People's Republic of China was revised for the

first time in accordance with

the Decision on Amending the Civil Procedure Law of the People's Republic of China at the 28th Meeting of the Standing Committee of the Eleventh National People's Congress on August 31, 2012. 》 Second revision)

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Part 1 General Principles

Chapter One Mission, scope of application and basic principles

Article 1 The Civil Procedure Law of the People's Republic of China is based on the Constitution and is formulated based on the experience and actual conditions of China's civil trial work .

Article 2 The mission of the Civil Procedure Law of the People's Republic of China is to protect the parties' exercise of litigation rights, ensure that the People's Court ascertains facts, distinguishes right from wrong, correctly applies the law, hears civil cases in a timely manner, confirms the relationship between civil rights and obligations, sanctions civil violations, and protects the parties legitimate rights and interests, educate citizens to consciously abide by the law, maintain social order and economic order, and ensure the smooth progress of socialist construction.

Article 3 The provisions of this Law shall apply to the People's Courts that accept civil lawsuits brought between citizens, legal persons, other organizations, and between them due to property relations and personal relations .

Article 4 All civil proceedings conducted within the territory of the People's Republic of China must comply with this law .

The fifth Foreigners, stateless persons, foreign enterprises and organizations have the same litigation rights and obligations as citizens, legal persons and other organizations of the People's Republic of China when filing lawsuits and responding to lawsuits in the People's Courts .

If a foreign court imposes restrictions on the civil litigation rights of citizens, legal persons and other organizations of the People's Republic of China, the People's Court of the People's Republic of China shall implement the principle of reciprocity with respect to the civil litigation rights of citizens, enterprises and organizations of that country.

Article 6 The jurisdiction over civil cases is exercised by the people's courts .

The People's Courts conduct independent trials of civil cases in accordance with legal provisions, without interference from administrative agencies, social groups and individuals .

Article 7 When hearing civil cases, the People's Court must be based on facts and use the law as the criterion .

eighth All parties involved in civil litigation have equal litigation rights. When hearing civil cases, the people's courts should protect and facilitate the parties' exercise of litigation rights, and treat all parties equally in the application of the law .

Article 9 When hearing civil cases, the People's Court shall conduct mediation based on the principles of voluntariness and legality; if mediation fails, a judgment shall be made promptly .

Article 10 When hearing civil cases, the People's Court implements the systems of collegiality, recusal, public trial and two-instance final adjudication in accordance with legal provisions .

Article 11 Citizens of all ethnic groups have the right to conduct civil proceedings in their own ethnic languages and scripts .

In areas where ethnic minorities live in concentrated communities or where multiple ethnic groups live together, the people's courts shall use the languages and scripts commonly used by the local ethnic groups to conduct hearings and issue legal documents .

The People's Court shall provide translation for litigation participants who are not proficient in the languages and scripts commonly used by the local ethnic groups .

Article 12 When the People's Court hears civil cases, the parties have the right to argue .

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

The parties concerned have the right to dispose of their civil rights and litigation rights within the scope provided by the law .

Article 14 The People's Procuratorate has the power to exercise legal supervision over civil litigation .

Article 15 Government agencies, social groups, enterprises and institutions may support the injured unit or individual in filing a lawsuit in the People's Court against acts that harm the civil rights and interests of the state, collectives or individuals .

Article 16 The People's Congress of an ethnic autonomous area may formulate modified or supplementary regulations in accordance with the principles of the Constitution and this Law and in light of the specific conditions of the local ethnic groups. The regulations of the autonomous region shall be submitted to the Standing Committee of the National People's Congress for approval. Regulations on autonomous prefectures and autonomous counties must be submitted to the Standing Committee of the People's Congress of the province or autonomous region for approval and reported to the Standing Committee of the National People's Congress for the record.

Chapter two Jurisdiction

Section 1 Level jurisdiction

Article 17 The grassroots people's courts have jurisdiction over first-instance civil cases, except as otherwise provided for in this law .

Article 18 The Intermediate People's Court has jurisdiction over the following first-instance civil cases :

- (1) Major foreign-related cases ;
- (2) Cases that have significant impact in this jurisdiction ;
- (3) Cases determined by the Supreme People's Court to be under the jurisdiction of the Intermediate People's Court .

Article 19 The Higher People's Court has jurisdiction over first-instance civil cases that have significant impact within its jurisdiction .

Article 20 The Supreme People's Court has jurisdiction over the following first-instance civil cases :

- (1) Cases with significant national impact ;

(2) Cases that are considered to be heard by this court .

Section 2 Territorial jurisdiction

Article 21 Civil lawsuits filed against citizens shall be under the jurisdiction of the People's Court of the place where the defendant is domiciled; if the defendant's place of domicile is inconsistent with his place of habitual residence, the People's Court of the place of habitual residence shall have jurisdiction .

Civil lawsuits filed against legal persons or other organizations shall be under the jurisdiction of the people's court where the defendant is domiciled .

If the domiciles and habitual residences of several defendants in the same lawsuit are within the jurisdiction of two or more people's courts, each of the people's courts shall have jurisdiction .

Article 22 The following civil lawsuits shall be under the jurisdiction of the People's Court of the place where the plaintiff is domiciled; if the plaintiff's place of domicile is inconsistent with the place of habitual

residence of the plaintiff, the People's Court of the place of habitual residence of the plaintiff shall be under the jurisdiction :

(1) Litigation related to status and relationship filed against persons who do not reside within the territory of the People' s Republic of China ;

(2) Litigation related to identity and relationship filed against a person whose whereabouts are unknown or declared missing ;

(3) Litigation filed against persons subject to compulsory education measures ;

(4) Proceedings against imprisoned persons .

Article 23 Litigation initiated due to contract disputes shall be under the jurisdiction of the People's Court of the place where the defendant is domiciled or where the contract is performed .

Article 24 Litigation initiated due to insurance contract disputes shall be under the jurisdiction of the People's Court of the place where the defendant is domiciled or where the subject matter of the insurance is located .

Article 25 Litigation arising from bill disputes shall be under the jurisdiction of the people's court at the place where the bill is paid or where the defendant is domiciled .

Article 26 Litigation arising from disputes over the establishment of a company, confirmation of shareholder qualifications, distribution of profits, dissolution, etc. shall be under the jurisdiction of the People's Court of the place where the company is domiciled .

Article 27 Litigation arising out of disputes over railway, highway, water, air transport and combined transport contracts shall be under the jurisdiction of the People's Court of the place of origin and destination of the transport or the place where the defendant is domiciled .

Article 28 Litigation initiated due to infringement shall be under the jurisdiction of the people's court at the place where the infringement occurred or where the defendant is domiciled .

Article 29: Litigation filed for damages due to railway, highway, water or aviation accidents shall be under the jurisdiction of the people's court at the place where the accident occurred or where the vehicle or ship first

arrived, where the aircraft first landed, or where the defendant is domiciled.

Article 30: A lawsuit filed for damages due to a ship collision or other maritime damage accident shall be under the jurisdiction of the people's court at the place where the collision occurred, the place where the colliding ship first arrived, the place where the offending ship was detained, or the place where the defendant is domiciled.

Article 31 Litigation arising from maritime disaster salvage expenses shall be under the jurisdiction of the people's court at the place of rescue or the place where the rescued ship first arrives .

Article 32 Litigation arising from general average shall be under the jurisdiction of the people's court at the place where the ship first arrives, where the general average is settled, or where the voyage ends .

Article 33 The following cases shall be under the exclusive jurisdiction of the people's courts specified in this article :

(1) Litigation initiated due to real estate disputes shall be under the jurisdiction of the people's court where the real estate is located ;

(2) Litigation filed due to disputes arising from port operations shall be under the jurisdiction of the People's Court where the port is located ;

(3) Litigation initiated due to inheritance disputes shall be under the jurisdiction of the People's Court of the place where the deceased was domiciled at the time of death or where the main inheritance is located .

Article 34 The parties to a contract or other property rights dispute may agree in writing to choose the jurisdiction of the people's court at the defendant's domicile, the place where the contract is performed, the place where the contract is signed, the plaintiff's domicile, the location of the subject matter, or other places that are actually connected with the dispute. However, the provisions of this Law on hierarchical jurisdiction and exclusive jurisdiction shall not be violated.

Article 35 If two or more people's courts have jurisdiction over a lawsuit, the plaintiff may bring a lawsuit to one of the people's courts; if the plaintiff files a lawsuit to two or more people's courts with jurisdiction, the people's court that files the case first shall have jurisdiction.

Section 3 Transfer to jurisdiction and designated jurisdiction

Article 36 If the people's court finds that the case accepted does not fall within the jurisdiction of this court, it shall transfer it to the people's court with jurisdiction, and the people's court to which the case is transferred shall accept the case. If the people's court to which the case is transferred considers that the case to be transferred does not fall within the jurisdiction of this court in accordance with regulations, it shall report it to the people's court at a higher level for designation of jurisdiction and shall not transfer the case on its own initiative.

Article 37 If the people's court with jurisdiction is unable to exercise jurisdiction due to special reasons, the superior people's court shall designate jurisdiction .

Disputes over jurisdiction between people's courts shall be resolved through negotiation between the parties to the dispute; if the dispute cannot be resolved through negotiation, the dispute shall be reported to their common superior people's court for designation of jurisdiction .

Article 38 The people's court at a higher level has the power to hear first-instance civil cases under the jurisdiction of the people's court at the lower level; if it is really necessary to transfer the first-instance civil case under the jurisdiction of the people's court to the people's court

at the lower level for trial, it shall be submitted to the people's court at the level above it for approval.

If a lower-level people's court considers that a first-instance civil case under its jurisdiction needs to be heard by a higher-level people's court, it may submit it to the higher-level people's court for trial .

third chapter trial organization

Article 39 When the People's Court hears first-instance civil cases, a collegial panel is composed of judges and jurors or a collegial panel is composed of judges. The number of members of the collegial panel must be singular .

Civil cases subject to summary procedures shall be heard by one judge alone .

Jurors have the same rights and obligations as judges when performing jury duties .

Article 40 When the People's Court hears civil cases of second instance, a collegial panel is composed of judges. The number of members of the collegial panel must be singular .

When a case is remanded for retrial, the people's court that originally tried it shall form a separate collegial panel in accordance with the procedures of first instance .

When a retrial case is tried in the first instance, a separate collegial panel will be formed in accordance with the first instance procedure; in a case that was originally heard in the second instance or by a superior people's court, a separate collegial panel will be formed in accordance with the second instance procedure.

Article 41 The chief judge of a collegial panel shall be a judge designated by the president or division chief; if the president or division chief participates in the trial, the president or division chief shall serve as the chief judge .

Article 42 When the collegial panel discusses cases, the principle of the minority obeying the majority is implemented. A transcript of the deliberation shall be prepared and signed by the members of the collegial panel. Dissenting opinions during the review must be truthfully recorded in the transcript .

Article 43 Judges should handle cases impartially and in accordance with the law .

Judges are not allowed to accept treats or gifts from parties and their litigation attorneys .

Judges who commit corruption, accept bribes, engage in malpractice for personal gain, or bend the law should be held legally responsible; if a crime is constituted, criminal responsibility will be held in accordance with the law .

Chapter 4 Avoidance

Article 44 Judges shall recuse themselves under any of the following circumstances, and parties have the right to apply orally or in writing for their recusal :

(1) He is a party to the case or a close relative of a party or litigation agent ;

(2) Having an interest in this case ;

(3) Having other relationships with the parties or litigation agents in the case, which may affect the fair trial of the case .

If a judge accepts treats and gifts from a party or an agent ad litem, or violates regulations when meeting a party or an agent ad litem, the party has the right to ask them to recuse themselves .

If a judge commits any of the acts stipulated in the preceding paragraph, he shall be held legally responsible in accordance with the law .

The provisions of the first three paragraphs apply to clerks, translators, appraisers, and surveyors .

Article 45 When a party files an application for recusal, it should state the reasons and file it when the case begins. If the reason for recusal becomes known after the case begins, it can also be submitted before the court debate ends .

The person who has been applied for recusal shall suspend his or her participation in the case before the People's Court makes a decision on whether to recusal, unless the case requires emergency measures .

Article 46 The recusal of the president when serving as chief judge shall be decided by the judicial committee; the recusal of judicial personnel shall be decided by the president; the recusal of other personnel shall be decided by the presiding judge .

Article 47 The people's court shall make a decision orally or in writing within three days of the application for recusal made by a party. If the applicant is dissatisfied with the decision, he or she may apply for reconsideration once upon receipt of the decision. During the review period, the person who has been applied for recusal will not stop participating in the work of the case. The people's court shall make a reconsideration decision within three days on an application for reconsideration and notify the applicant for reconsideration.

chapter Five litigation participant

Section 1 party

Article 48 Citizens, legal persons and other organizations can be parties to civil proceedings .

Legal persons shall conduct litigation through their legal representatives. Other organizations are litigated by their principals .

Article 49 The parties have the right to appoint an agent, apply for recusal, collect and provide evidence, debate, request mediation, file an appeal, and apply for enforcement .

The parties can review the relevant materials of this case and copy the relevant materials and legal documents of this case. The scope and methods for accessing and copying relevant materials in this case shall be prescribed by the Supreme People's Court .

The parties must exercise their litigation rights in accordance with the law, abide by the order of litigation, and perform legally effective judgments, rulings, and mediation documents .

Article 50 Both parties can reconcile on their own .

Article 51 The plaintiff can give up or change the claim. The defendant may admit or refute the claim and has the right to file a counterclaim .

Article 52 If one party or both parties are two or more, and the subject matter of the litigation is common, or the subject matter of the litigation

is of the same type, and the people's court deems it possible to combine the proceedings with the consent of the parties, it is a joint litigation.

If a party to a joint lawsuit has common rights and obligations with respect to the subject matter of the lawsuit, the litigation conduct of one of them shall be recognized by the other co-litigants and shall be effective against the other joint litigants; if there are no common rights and obligations with respect to the subject matter of the litigation, the litigation conduct of one of the parties shall have effect on the other joint litigants. Co-litigants have no effect.

Article 53: In a joint litigation involving a large number of parties, the parties may nominate a representative to conduct the litigation. The representative's litigation actions are effective for the party he represents, but the representative must obtain the consent of the represented party if he changes or abandons the litigation claims, or admits the other party's litigation claims, or conducts settlement.

Article 54 If the subject matter of the lawsuit is of the same type and there are many parties involved and the number of parties has not been determined at the time of prosecution, the People's Court may issue an announcement explaining the circumstances of the case and the litigation

claims, and notify the obligee to register with the People's Court within a certain period of time.

Rights holders registered with the People's Court may elect a representative to litigate; if a representative cannot be selected, the People's Court may agree on a representative with the rights holders participating in the registration .

The representative's litigation actions are effective for the party he represents, but the representative must obtain the consent of the represented party if he changes or abandons the litigation claims, or admits the other party's litigation claims, or conducts settlement.

Judgments and rulings made by the People's Court shall be effective for all rights holders participating in the registration. If the right holder who has not participated in registration files a lawsuit within the statute of limitations, the judgment or ruling shall apply .

Article 55 For behavior that pollutes the environment, infringes upon the legitimate rights and interests of many consumers, and harms social and public interests, agencies and relevant organizations specified by law may file lawsuits in the People's Court .

Article 56 If a third party believes that it has an independent right to claim the subject matter of litigation between the parties, it has the right to initiate a lawsuit .

Although a third party has no independent right to claim the subject matter of litigation between the parties, if the outcome of the case has a legal interest in him, he may apply to participate in the litigation, or the People's Court may notify him to participate in the litigation. The third party who is judged to bear civil liability by the People's Court shall have the litigation rights and obligations of the parties concerned.

If a third party specified in the preceding two paragraphs does not participate in the litigation for reasons that cannot be attributed to him, but there is evidence to prove that part or all of the legally effective judgment, ruling, or mediation document is erroneous and damages his or her civil rights and interests, he may voluntarily Within six months from the date when they know or should know that their civil rights and interests have been harmed, they shall file a lawsuit with the people's court that made the judgment, ruling or mediation document. After trial, the people's court shall change or revoke the original judgment, ruling, or mediation document if the

claim is established; if the claim is not established, the court shall reject the claim.

Section 2 litigation attorney

Article 57 A person without legal capacity shall be sued by his guardian as his legal representative. If legal agents shirk their agency responsibilities from each other, the people's court shall designate one of them to act on his behalf .

Article 58 The parties and legal representatives may entrust one or two persons to serve as litigation representatives .

The following persons may be appointed as litigation representatives :

- (1) Lawyers and grassroots legal service workers ;
- (2) Close relatives or staff of the parties concerned ;
- (3) Citizens recommended by the community, unit and relevant social groups where the parties are located .

Article 59 To entrust another person to litigate on your behalf, a power of attorney signed or sealed by the client must be submitted to the People's Court .

The power of attorney must clearly indicate the entrusted matters and authority. An agent ad litem must have special authorization from the client to admit, waive, change claims, conduct settlement, file counterclaims or appeals on his behalf.

The power of attorney sent or entrusted by citizens of the People's Republic of China living abroad must be certified by the embassy or consulate of the People's Republic of China in that country; if there is no embassy or consulate, it must be certified by a third party that has diplomatic relations with the People's Republic of China. The certificates issued by the embassies and consulates of the three countries stationed in the third country will then be certified by the embassy or consulates of the People's Republic of China in the third country, or by local patriotic overseas Chinese groups.

Article 60 If the authority of an agent ad litem is changed or terminated, the party concerned shall notify the People's Court in writing, and the People's Court shall notify the other party .

Article 61 Lawyers and other litigation agents acting on behalf of the parties have the right to investigate and collect evidence and may review relevant materials on the case. The scope and methods for accessing relevant materials in this case shall be prescribed by the Supreme People's Court .

Article 62 If there is a litigation agent in a divorce case, the person shall still appear in court unless he is unable to express his intention; if he is unable to appear in court due to special circumstances, he must submit a written opinion to the People's Court .

Chapter Six evidence

Article 63 Evidence includes :

- (1) Statements of the parties ;
- (2) Documentary evidence ;
- (3) Physical evidence ;
- (4) Audio-visual materials ;
- (5) Electronic data ;

- (6) Witness testimony ;
- (7) Appraisal opinions ;
- (8) Inspection records .

Evidence must be verified to be true before it can be used as a basis for determining facts .

Article 64 The parties concerned have the responsibility to provide evidence for their claims .

The People's Court shall investigate and collect evidence that the parties and their agents ad litem cannot collect on their own due to objective reasons, or that the People's Court deems necessary to hear the case .

The People's Court shall comprehensively and objectively examine and verify evidence in accordance with legal procedures .

Article 65 The parties concerned shall promptly provide evidence for their claims .

The people's court shall determine the evidence that the parties should provide and the time limit based on the claims of the parties and the trial status of the case. If a party has difficulty in providing evidence within the time limit, it may apply to the People's Court for an extension of the time limit, and the People's Court will extend the time limit appropriately based on the party's application. If a party fails to provide evidence within the time limit, the people's court shall order it to explain the reasons; if it refuses to explain the reasons or the reasons are unfounded, the people's court may not accept the evidence according to different circumstances, or may accept the evidence but impose a reprimand or fine.

Article 66: When the people's court receives evidence materials submitted by the parties, it shall issue a receipt, indicating the name of the evidence, the number of pages, the number of copies, the original or copies, and the time of receipt, etc., and shall have the signature or seal of the handling personnel.

Article 67 The People's Court has the right to investigate and collect evidence from relevant units and individuals, and relevant units and individuals may not refuse .

The People's Court shall distinguish the authenticity of certification documents submitted by relevant units and individuals, and examine and determine their validity .

Article 68 Evidence shall be presented in court and cross-examined by the parties. Evidence involving state secrets, business secrets and personal privacy shall be kept confidential, and if it needs to be presented in court , it shall not be presented in a public hearing.

Article 69 Legal facts and documents notarized and certified through legal procedures shall be used by the people's court as the basis for determining the facts, unless there is contrary evidence that is sufficient to overturn the notarized certification .

Article 70 Documentary certificates must be submitted in their original form. The original physical evidence must be submitted. If it is really difficult to submit original documents or items, you can submit copies, photos, duplicates, or excerpts .

Submission of foreign documentation must be accompanied by a Chinese translation .

Article 71 The People's Court shall distinguish the authenticity of audio-visual materials, and examine and determine whether they can be used as a basis for determining facts in combination with other evidence in the case .

Article 72 All units and individuals who know the circumstances of the case are obliged to appear in court to testify. The person in charge of the relevant unit shall support the witness to testify .

Those who cannot express their meaning correctly cannot testify .

Article 73 Upon notification by the People's Court, witnesses shall appear in court to testify. Under any of the following circumstances, with the permission of the People's Court, testimony may be provided through written testimony, audio-visual transmission technology or audio-visual materials, etc .:

(1) Unable to appear in court due to health reasons ;

(2) Being unable to appear in court due to long distances and inconvenient transportation ;

(3) Unable to appear in court due to force majeure such as natural disasters ;

(4) Others who are unable to appear in court for legitimate reasons .

Article 74 Necessary expenses incurred by witnesses such as transportation, accommodation, meals, etc. as well as losses due to lost work due to fulfilling their obligation to appear in court to testify shall be borne by the losing party. If a party applies for a witness to testify, the party shall advance the payment first; if the party does not apply and the People's Court notifies the witness to testify, the People's Court shall advance the payment first.

Article 75 The people's court shall review the parties' statements in conjunction with other evidence in the case to determine whether they can be used as a basis for determining facts .

If a party refuses to make a statement, it will not affect the people's court's determination of the facts of the case based on the evidence .

Article 76 The parties may apply to the People's Court for appraisal on specialized issues of ascertaining facts. If a party applies for an

appraisal, the two parties shall negotiate to determine a qualified appraiser; if the negotiation fails, the people's court shall appoint it.

If the party concerned has not applied for appraisal and the people's court considers that appraisal is necessary for a specialized issue, it shall entrust a qualified appraiser to conduct appraisal .

Article 77 The appraiser has the right to know the case materials needed for the appraisal, and can question the parties and witnesses when necessary .

The appraiser shall submit a written appraisal opinion and sign or seal the appraisal document .

Article 78 If the parties have objections to the appraisal opinion or the people's court believes that it is necessary for the appraiser to appear in court, the appraiser shall appear in court to testify. If, upon notice from the People's Court, the appraiser refuses to appear in court to testify , the appraisal opinion shall not be used as the basis for determining the facts; the party who paid the appraisal fee may request the refund of the appraisal fee.

Article 79 The parties may apply to the people's court to notify a person with specialized knowledge to appear in court to provide opinions on the appraisal opinions or professional issues made by the appraiser .

Article 80 When inspecting physical evidence or a scene, the inspector must present his certificate from the People's Court and invite people from local grassroots organizations or the unit where the parties are located to participate. The party concerned or the party's adult family members shall be present. Refusal to be present shall not affect the progress of the inquest.

Relevant units and individuals are obliged to protect the site and assist in the inspection work according to the notice of the People's Court .

The surveyor shall prepare a written record of the survey status and results, which shall be signed or sealed by the surveyor, parties and invited participants .

Article 81 When the evidence may be lost or difficult to obtain in the future, the parties may apply to the People's Court to preserve the evidence during the litigation process, and the People's Court may also proactively take preservation measures .

Due to urgent circumstances and when evidence may be lost or difficult to obtain in the future, an interested party may apply to the people's court where the evidence is located, where the respondent is domiciled, or the people's court with jurisdiction over the case to preserve the evidence before filing a lawsuit or applying for arbitration.

For other procedures for evidence preservation, refer to the relevant provisions on preservation in Chapter 9 of this Law .

Chapter VII period, delivery

Section 1 period

Article 82 The period includes the legal period and the period designated by the people's court .

The period is calculated in hours, days, months and years. The hour and day at which the period begins are not included in the period .

If the last day of expiration of the period is a holiday, the first day after the holiday shall be the date of expiration of the period .

The period does not include the time in transit. If the litigation documents are mailed before the expiration of the period, they will not be considered overdue .

Article 83 If the party delays the time limit due to force majeure or other legitimate reasons, he may apply for an extension of the time limit within ten days after the obstacle is removed. Whether to grant or not shall be decided by the People's Court .

Section 2 service

Article 84 The service of litigation documents must be accompanied by a service receipt, and the recipient shall record the date of receipt, signature or seal on the service receipt .

The date of receipt signed by the recipient on the delivery receipt shall be the date of delivery .

Article 85 The service of litigation documents shall be delivered directly to the person to be served. If the person to be served is a citizen, he or she must hand it over to his adult family member who lives with him or her. If the person to be served is a legal person or other organization, the legal representative of the legal person or the principal person in charge of

the other organization or the legal person or organization shall be responsible for the receipt. The recipient shall sign for receipt; if the recipient has a litigation agent, the document may be sent to his agent for signature; if the recipient has designated a collector to the people's court, the document shall be submitted to the recipient for signature.

The date on which the adult family member living with the recipient, the person responsible for receiving the document from a legal person or other organization, the litigation agent or the recipient signs on the delivery receipt shall be the date of delivery .

Article 86 If the person to be served or his adult family members living with him refuses to receive the litigation document, the person who serves the person may invite representatives of the relevant grassroots organizations or units to be present, explain the situation, and record the refusal on the service receipt. The cause and date shall be signed or stamped by the person delivering the service or the witness, and the litigation documents shall be left at the residence of the person to be served; the litigation documents may also be left at the residence of the person to be served, and recorded by taking photos, videos, etc. The delivery process shall be deemed as delivery.

Article 87 With the consent of the person to be served, the people's court may serve litigation documents by fax, email, or other means that can confirm receipt, except for judgments, rulings, and mediation documents .

If it is delivered by the method mentioned in the preceding paragraph, the date when the fax, email, etc. arrives at the recipient's specific system shall be the date of delivery .

Article 88 If it is difficult to serve litigation documents directly, you may entrust another people's court to serve them on your behalf or serve them by mail. If delivered by mail, the date of receipt stated on the return receipt shall be the date of delivery .

Article 89 If the recipient is a soldier, the transfer shall be made through the political organ of the unit at or above the army regiment where he is serving .

Article 90 If the recipient is imprisoned, the transfer shall be made through the prison where he or she is located .

If the recipient is subject to compulsory education measures, the case shall be transferred through the compulsory education institution where the recipient is located .

Article 91 After the agency or unit that forwards the document receives the litigation document, it must immediately hand it over to the person who delivers it for signature. The date of receipt on the delivery receipt shall be the date of delivery .

Article 92 If the whereabouts of the addressee are unknown, or if delivery cannot be made by other means stipulated in this section, service shall be made by public announcement. It shall be deemed to have been served sixty days from the date of issuance of the announcement .

When the notice is served, the reasons and process shall be recorded in the case file .

chapter eight mediate

Article 93 When hearing civil cases, the People's Court shall distinguish right from wrong and conduct mediation based on the principle of voluntariness of the parties and on the basis of clear facts .

Article 94 Mediation in the People's Court can be presided over by a single judge or by a collegial panel, and it can be conducted locally as much as possible .

When the People's Court conducts mediation, it can notify the parties and witnesses to appear in court in a simple way .

Article 95 When conducting mediation, the People's Court may invite relevant units and individuals to assist. The invited units and individuals shall assist the People's Court in conducting mediation .

Article 96 An agreement reached through mediation must be voluntary by both parties and cannot be forced. The content of the mediation agreement must not violate legal provisions .

Article 97 If an agreement is reached through mediation, the People's Court shall prepare a mediation letter. The mediation letter shall state the litigation claims, the facts of the case and the mediation results .

The mediation document shall be signed by the judge and the clerk, stamped with the seal of the People's Court, and served to both parties .

The mediation document becomes legally binding after it is signed by both parties .

Article 98 If an agreement is reached through mediation in the following cases, the people's court may not issue a mediation letter :

- (1) Mediation and reconciliation of divorce cases ;
- (2) Mediate cases involving maintenance of adoption relationships ;
- (3) Cases that can be performed immediately ;
- (4) Other cases that do not require the preparation of a mediation document .

Agreements that do not require the preparation of a mediation document shall be recorded in the transcript and become legally binding after being signed or sealed by both parties, the adjudicator, and the clerk .

Article 99 If no agreement is reached during mediation or one party reneges before the mediation letter is delivered, the people's court shall make a timely ruling .

Chapter nine Preservation and advance execution

Article 100: In cases where the conduct of one party or other reasons may make it difficult to execute a judgment or cause other damage to the party, the people's court may, upon the application of the other party, rule to preserve the property, order the party to perform certain acts, or prohibit the party from doing so. If the party concerned has not submitted an application, the people's court may also rule on taking preservation measures when necessary.

When the people's court takes preservation measures, it may order the applicant to provide a guarantee. If the applicant fails to provide a guarantee, the people's court shall rule to reject the application .

After the people's court accepts the application, it must make a ruling within 48 hours if the situation is urgent; if it decides to take preservation measures, it must start implementation immediately .

Article 101 If an interested party fails to immediately apply for preservation due to an urgent situation and his legitimate rights and interests will be irreparably damaged, he may apply to the location of the property to be preserved, the domicile of the respondent or the place of residence of the respondent before filing a lawsuit or applying for

arbitration. The people's court with jurisdiction over the case applies for preservation measures. The applicant shall provide a guarantee. If the applicant fails to provide a guarantee, the application shall be rejected.

After the People's Court accepts the application, it must make a ruling within 48 hours; if it decides to take preservation measures, its implementation shall begin immediately .

If the applicant fails to file a lawsuit or apply for arbitration in accordance with the law within thirty days after the people's court takes preservation measures, the people's court shall terminate the preservation .

Article 102 Preservation is limited to the scope of the request or the property relevant to the case .

Article 103 Property preservation shall take the form of sealing, detaining, freezing or other methods prescribed by law. After the people's court preserves property, it shall immediately notify the person whose property is preserved .

If the property has been sealed or frozen, it shall not be seized or frozen again .

Article 104 In a property dispute case, if the respondent provides a guarantee, the people's court shall rule to terminate the preservation .

Article 105 If there is an error in the application, the applicant shall compensate the respondent for the losses suffered due to preservation .

Article 106 In the following cases, the People's Court may, based on the application of the parties, rule on execution in advance :

- (1) Recovering alimony, maintenance fees, child care fees, pensions, and medical expenses ;
- (2) To pursue labor remuneration ;
- (3) Execution is necessary due to urgent circumstances .

Article 107 If the people's court decides to execute it first, it must meet the following conditions :

- (1) The rights and obligations between the parties are clear, and failure to execute the application in advance will seriously affect the applicant' s life or production and operation ;

(2) The respondent has the ability to perform .

The People's Court may order the applicant to provide a guarantee. If the applicant fails to provide a guarantee, the application shall be rejected. If the applicant loses the lawsuit, he shall compensate the respondent for the property losses suffered due to early execution .

Article 108 If the party concerned is dissatisfied with the ruling on preservation or advance execution, he may apply for reconsideration once. It shall not be suspended during the execution of reconsideration .

chapter Ten Compulsory measures against obstruction of civil proceedings

Article 109 If a defendant who must appear in court refuses to appear in court without justifiable reasons after being summoned twice, the People's Court may summon him by arrest warrant .

Article 110 Participants and others in proceedings are expected to abide by the rules of the court .

People's courts may reprimand those who violate court rules, order them to leave the court, or impose fines or detention .

The people's courts will investigate those who make noises, attack the court, insult, slander, threaten or beat the judges, and seriously disrupt the order of the court. Those who cause chaos and attack the court will be held criminally responsible in accordance with the law; if the circumstances are relatively minor, they will be fined and detained.

Article 111 If a litigation participant or other person commits any of the following acts, the people's court may impose a fine or detain him or her according to the seriousness of the case; if a crime is constituted, criminal liability shall be pursued in accordance with the law :

(1) Forging or destroying important evidence to prevent the People's Court from hearing cases ;

(2) Using violence, threats, or bribery to prevent witnesses from testifying or instigating, bribing, or coercing others into giving false testimony ;

(3) Hiding, transferring, selling off or destroying property that has been sealed or detained, or property that has been counted and ordered to be kept, or transferred property that has been frozen ;

(4) Insulting, slandering, framing, beating or retaliating against judicial personnel, litigation participants, witnesses, translators, appraisers, surveyors, and persons assisting in execution;

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

(6) Refusing to perform the legally effective judgments and rulings of the People's Court .

The people's court may impose a fine or detain the principal person in charge or the person directly responsible for any unit that commits one of the acts specified in the preceding paragraph; if a crime is constituted, criminal liability shall be investigated in accordance with the law .

Article 112 If the parties maliciously collude and attempt to infringe upon the legitimate rights and interests of others through litigation, mediation, etc., the people's court shall reject their request and impose fines or detention according to the seriousness of the case; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 113 If the person subject to execution maliciously colludes with others and evades the performance of the obligations specified in legal

documents through litigation, arbitration, mediation, etc., the people's court shall impose a fine or detention according to the seriousness of the case; if a crime is constituted, criminal prosecution shall be pursued in accordance with the law. responsibility.

Article 114 If a unit that is obliged to assist in investigation and enforcement 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 :

(1) Relevant units refuse or hinder the People' s Court' s investigation and evidence collection ;

(2) Relevant units refuse to assist in the inquiry, seizure, freezing, transfer, or price change of property after receiving a notice from the People' s Court to assist in enforcement ;

(3) Relevant units refuse to assist in detaining the income of the person subject to execution, handling the transfer procedures for relevant property rights certificates, and handing over relevant tickets, certificates, or other property after receiving the notice from the People's Court to assist in enforcement;

(4) Others refuse to assist in execution .

The people's court may impose a fine on a unit that commits one of the acts specified in the preceding paragraph to its main person in charge or the person directly responsible; if it still fails to perform its obligation to assist, it may detain it; and may propose to the supervisory authority or relevant authorities for disciplinary sanctions judicial advice.

Article 115 The amount of fine imposed on an individual shall be less than RMB 100,000. The amount of fine imposed on the unit shall be not less than RMB 50,000 but not more than RMB 1,000,000 .

The period of detention shall be no more than fifteen days .

Detainees shall be handed over by the People's Court to the custody of the public security organs. During the period of detention, if the detainee admits and corrects his mistakes, the people's court may decide to release the detention in advance .

Article 116 Summons, fines, and detention must be approved by the president .

A custodial summons shall be issued .

Fines and detention shall be imposed in a written decision. If you are dissatisfied with the decision, you may apply for reconsideration to the people's court at the next higher level. Execution will not be suspended during the review period .

Article 117 The adoption of compulsory measures to obstruct civil proceedings must be decided by the People's Court. Any unit or individual who illegally detains others or illegally and privately seizes others' property to pursue debts shall be held criminally responsible in accordance with the law, or be detained or fined.

Chapter 11 litigation costs

Article 118 When parties engage in civil litigation, they must pay case acceptance fees in accordance with regulations. In addition to the case acceptance fee for property cases, other litigation fees must be paid in accordance with regulations .

If a party has real difficulty in paying litigation fees, he or she may apply to the People's Court for deferment, reduction or exemption of payment in accordance with regulations .

The methods for collecting litigation fees will be formulated separately

.

Part 2 trial procedure

Chapter 12 Ordinary first instance procedure

Section 1 prosecution and acceptance

Article 119 The following conditions must be met for prosecution :

(1) The plaintiff is a citizen, legal person or other organization that has a direct interest in the case ;

(2) There is a clear defendant ;

(3) There are specific litigation claims, facts and reasons ;

(4) It falls within the scope of the People's Court to accept civil litigation and the jurisdiction of the People's Court subject to the lawsuit

.

Article 120 To initiate a prosecution, a bill of indictment shall be submitted to the People's Court, and copies shall be submitted according to the number of defendants .

If it is really difficult to write a complaint, the complaint can be filed orally, and the people's court will record it and inform the other party .

Article 121 The complaint shall state the following matters :

(1) The name, gender, age, ethnicity, occupation, workplace, residence, and contact information of the plaintiff, the name, residence, and name, position, and contact information of the legal person or other organization and the legal representative or principal responsible person;

(2) The defendant' s name, gender, work unit, residence and other information, the name, residence and other information of the legal person or other organization ;

(3) Litigation claims and the facts and reasons on which they are based ;

(4) Evidence and sources of evidence, names and addresses of witnesses .

Article 122 For civil disputes brought to the People's Court by the parties concerned, if mediation is suitable, mediation shall be conducted first, except where the parties refuse mediation .

Article 123 The People's Court shall protect the litigants' right to sue in accordance with the law. Prosecutions that comply with Article 119 of this Law must be accepted. If the case meets the conditions for prosecution, the case shall be filed within seven days and the parties shall be notified; if the conditions for prosecution are not met, a ruling shall be made within seven days and the case will not be accepted; if the plaintiff is dissatisfied with the ruling, he may appeal.

Article 124 The People's Court will handle the following lawsuits according to the circumstances :

(1) According to the provisions of the Administrative Litigation Law, if the case falls within the scope of administrative litigation, notify the plaintiff to file an administrative lawsuit ;

(2) According to legal provisions, if both parties reach a written arbitration agreement to apply for arbitration and are not allowed to file a

lawsuit in the People's Court, inform the plaintiff to apply for arbitration to an arbitration institution ;

(3) For disputes that should be handled by other agencies in accordance with legal provisions, notify the plaintiff to apply to the relevant agency for settlement ;

(4) For cases that do not fall under the jurisdiction of this court, notify the plaintiff to file a lawsuit with the people's court that has jurisdiction ;

(5) If a party sues a case in which a judgment, ruling, or mediation document has already taken legal effect, the plaintiff shall be notified to apply for a retrial, unless the People's Court approves the withdrawal of the lawsuit ;

(6) According to legal provisions, cases that cannot be prosecuted within a certain period of time will not be accepted if the cases are prosecuted within the period of prohibition of prosecution ;

(7) Divorce cases in which divorce is not allowed, divorce cases that have been reconciled through mediation, cases in which adoption relationships are maintained through mediation, and there are no new circumstances or new

reasons, and the plaintiff files a lawsuit within six months, will not be accepted.

Section 2 Preparation before trial

Article 125 The people's court shall send a copy of the complaint to the defendant within five days from the date of filing the case, and the defendant shall file a defense within fifteen days from the date of receipt. The defense statement shall state the name, gender, age, ethnicity, occupation, workplace, residence, and contact information of the defendant; the name, residence, and name, position, and contact information of the legal person or other organization and the legal representative or principal person in charge. The People's Court shall send a copy of the defense to the plaintiff within five days from the date of receipt of the defense.

If the defendant fails to submit a statement of defense, it will not affect the trial of the People's Court .

Article 126 When a people's court decides to accept a case, it shall inform the parties of the relevant litigation rights and obligations in the case acceptance notice and the litigation response notice, or notify them orally .

Article 127 After the People's Court accepts a case, if the parties have objections to jurisdiction, they shall raise their objections during the submission of a statement of defense. The people's court shall review the objections raised by the parties. If the objection is established, it shall be ruled to transfer the case to the people's court with jurisdiction; if the objection is not established, it shall be ruled to be dismissed.

If the party concerned does not raise any jurisdictional objection and responds to the lawsuit, the People's Court subject to the lawsuit shall be deemed to have jurisdiction, except for violations of the provisions of hierarchical jurisdiction and exclusive jurisdiction .

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

Article 129 Judges must carefully review litigation materials and investigate and collect necessary evidence .

Article 130 When the people's court dispatches personnel to conduct an investigation, the people's court shall present their credentials to the person under investigation .

After the investigation transcript has been reviewed by the person under investigation, it shall be signed or sealed by the person under investigation and the investigator .

Article 131 The people's court may entrust a foreign people's court to investigate when necessary .

When entrusting an investigation, clear projects and requirements must be put forward. The entrusted people's court may take the initiative to conduct supplementary investigations .

After receiving the letter of entrustment, the entrusted people's court shall complete the investigation within thirty days. If it cannot be completed for any reason, a letter must be sent to the entrusting people's court within the above time limit .

Article 132 If the parties who must jointly litigate do not participate in the litigation, the people's court shall notify them to participate in the litigation .

Article 133 The People's Court will handle the cases accepted according to the circumstances :

(1) If the parties have no disputes and meet the conditions stipulated in the supervision procedure, they may be transferred to the supervision procedure ;

(2) If mediation is possible before the court session, mediation shall be used to resolve the dispute in a timely manner ;

(3) Determine whether to apply simplified procedures or ordinary procedures based on the circumstances of the case ;

(4) If a court hearing is required, the focus of the dispute shall be clarified by requiring the parties to exchange evidence .

Section 3 court hearing

Article 134 The hearing of civil cases by the people's courts shall be conducted in public, unless they involve state secrets, personal privacy or otherwise provided by law .

Divorce cases and cases involving trade secrets can be heard in secret if the parties apply .

Article 135 The People's Court hears civil cases, conducts circuit trials as necessary, and handles cases on the spot .

Article 136 When hearing a civil case, the people's court shall notify the parties and other litigation participants three days before the hearing. If the trial is held in public, the names of the parties, the cause of the case, and the time and place of the hearing shall be announced .

Article 137 Before a court hearing begins, the clerk shall check whether the parties and other litigation participants are present in court and declare court discipline .

During a court hearing, the presiding judge will check the parties, announce the cause of the case, announce the list of judges and clerks, inform the parties of the relevant litigation rights and obligations, and ask the parties whether they have applied for recusal.

Article 138 The forensic investigation proceeds in the following order :

(1) Statement of the parties ;

(2) Inform witnesses of their rights and obligations, testify, and read out the testimonies of witnesses who are not present in court ;

(3) Present documentary evidence, physical evidence, audio-visual materials and electronic data ;

(4) Read out the appraisal opinion ;

(5) Read out the inspection records .

Article 139 The parties can present new evidence in court .

With the permission of the court, the parties may ask questions to witnesses, appraisers, and examiners .

If a party requests a re-investigation, appraisal or inspection, the people's court shall decide whether to allow it .

Article 140 If the plaintiff adds a claim, the defendant files a counterclaim, and a third party raises a claim related to the case, they can be tried together .

Article 141 Court arguments proceed in the following order :

(1) Speech by the plaintiff and his litigation agent ;

(2) The defense of the defendant and his litigation agent ;

(3) The third party and his litigation agent speak or respond ;

(4) Debate with each other .

When the court debate ends, the presiding judge will solicit the final opinions of all parties in the order of the plaintiff, defendant, and third party .

Article 142 When the court debate is over, a judgment should be made in accordance with the law. If mediation is possible before the judgment is made, mediation can still be carried out. If mediation fails, the judgment shall be made in a timely manner .

Article 143 If the plaintiff refuses to appear in court without justifiable reasons after being summoned, or if he leaves the court midway without the permission of the court, the lawsuit may be dismissed; if the defendant counterclaims, a default judgment may be made .

Article 144 If the defendant refuses to appear in court without justifiable reasons after being summoned, or leaves the court midway without the permission of the court, a default judgment may be made .

Article 145 Before the judgment is pronounced, if the plaintiff applies to withdraw the lawsuit, the People's Court will decide whether to allow it .

If the People's Court decides not to allow the lawsuit to be withdrawn, and if the plaintiff refuses to appear in court without justifiable reasons after being summoned by subpoena, a default judgment may be made .

Article 146 If one of the following circumstances occurs, the trial may be postponed :

- (1) The parties and other litigation participants who must appear in court fail to appear in court for legitimate reasons ;
- (2) The party concerned temporarily files an application for recusal ;
- (3) It is necessary to notify new witnesses to appear in court, obtain new evidence, re-identify and inspect, or require supplementary investigation ;
- (4) Other circumstances that warrant an extension .

Article 147 The clerk shall record all court proceedings in a transcript, which shall be signed by the adjudicator and the clerk .

The court transcripts shall be read out in court, and the parties and other litigation participants may be notified to read them in court or within five days. If the parties and other litigation participants believe that there are omissions or errors in their statement records, they have the right to apply for corrections. If no corrections are made, the application should be recorded.

Court transcripts shall be signed or sealed by the parties and other litigation participants. If the person refuses to sign or seal, the situation shall be noted and attached to the file .

Article 148 The people's courts shall publicly pronounce judgments on cases that are heard in public or not in public .

If the judgment is pronounced in court, the judgment shall be sent within ten days; if the judgment is pronounced on a regular basis, the judgment shall be sent immediately after the judgment is pronounced .

When a judgment is pronounced, the parties must be informed of their rights of appeal, the time limit for appeal and the court to which they may appeal .

When a divorce judgment is announced, the parties must be informed that they may not get married again before the judgment becomes legally effective .

Article 149: Cases tried by the People's Court applying ordinary procedures shall be concluded within six months from the date of filing the case. If there are special circumstances that require an extension, it can be extended for six months with the approval of the president of the court; if an extension is still needed, it must be submitted to the superior people's court for approval.

Section 4 Suspension and termination of proceedings

Article 150 If any of the following circumstances occurs, the proceedings shall be suspended :

- (1) One party dies and needs to wait for the heir to indicate whether to participate in the lawsuit ;
- (2) One party loses the ability to conduct litigation and has not yet determined its legal representative ;

(3) The legal person or other organization that is a party is terminated and the successor of rights and obligations has not yet been determined ;

(4) One party is unable to participate in the litigation due to force majeure ;

(5) The current case must be based on the trial result of another case, and the other case has not yet been concluded ;

(6) Other circumstances that warrant suspension of litigation .

After the reasons for suspending the proceedings are eliminated, the proceedings shall be resumed .

Article 151 If any of the following circumstances occurs, the lawsuit will be terminated :

(1) The plaintiff dies and has no heirs, or the heirs give up their litigation rights ;

(2) The defendant dies with no inheritance and no one who should bear the obligations ;

(3) One party to the divorce case dies ;

(4) One of the parties involved in the case of claiming alimony, maintenance fees, child care fees or rescinding the adoption relationship dies .

Section 5 judgments and rulings

Article 152 The judgment shall state the result and the reasons for the judgment. The judgment includes :

(1) Cause of action, litigation claims, facts and reasons for dispute ;

(2) The facts and reasons for the judgment, the applicable law and the reasons ;

(3) Judgment results and litigation costs ;

(4) Appeal period and court of appeal .

The judgment shall be signed by the judge and the clerk and stamped with the seal of the People's Court .

Article 153 When the People's Court hears a case, if some of the facts are clear, it can make a ruling on that part first .

Article 154 The ruling applies to the following scope :

- (1) Not accepted ;
- (2) Objection to jurisdiction ;
- (3) Dismiss the prosecution ;
- (4) Preservation and advance execution ;
- (5) Allow or disallow the withdrawal of the lawsuit ;
- (6) Suspension or termination of litigation ;
- (7) Correct clerical errors in the judgment ;
- (8) Suspension or termination of execution ;
- (9) To revoke or refuse to enforce the arbitration award ;
- (10) Refusal to execute the creditor's rights document that has been granted compulsory execution effect by the notary authority ;
- (11) Other matters that need to be resolved by ruling .

The rulings in Items 1 to 3 of the preceding paragraph may be appealed .

The ruling shall state the result of the ruling and the reasons for the ruling. The ruling shall be signed by the judge and the clerk and stamped with the seal of the People's Court. If the decision is made orally, it shall be recorded in the transcript .

Article 155 Judgments and rulings of the Supreme People's Court, as well as judgments and rulings that are not allowed to be appealed according to law or that have not been appealed beyond the appeal period, are legally effective judgments and rulings .

Article 156 The public may inspect legally effective judgments and rulings, except for content involving state secrets, commercial secrets and personal privacy .

Chapter 13 Simple program

Article 157 The provisions of this chapter shall apply to basic people's courts and the tribunals dispatched by them to hear simple civil cases in which the facts are clear, the relationship between rights and obligations is clear, and the disputes are not serious .

When basic people's courts and the courts dispatched by them hear civil cases other than those specified in the preceding paragraph, the parties may also agree to apply simplified procedures .

Article 158 For simple civil cases, the plaintiff can sue orally .

Both parties may go to the grassroots people's court or a court dispatched by it at the same time to request a resolution of the dispute. The basic people's court or the tribunals dispatched by it can hear the case immediately or set a different date for the hearing.

Article 159: When hearing simple civil cases, grassroots people's courts and the tribunals dispatched by them may summon parties and witnesses, serve litigation documents, and hear cases in simple ways, but the rights of the parties to state their opinions shall be protected.

Article 160 Simple civil cases are heard by one judge alone and are not subject to the restrictions set forth in Articles 136, 138, and 141 of this Law .

Article 161 When the People's Court applies simplified procedures to hear cases, it must be concluded within three months from the date of filing the case .

Article 162 Basic People's Courts and the tribunals dispatched by them hear simple civil cases that comply with the provisions of Article 157, Paragraph 1 of this Law. The subject amount shall be the average annual number of employed persons in each province, autonomous region, or municipality directly under the Central Government in the previous year. If the salary is less than 30%, the first instance will be the final decision.

Article 163 During the trial process, if the People's Court finds that the case is not suitable for summary procedures, it will rule to convert it to ordinary procedures .

Chapter 14 second instance procedure

Article 164 If the party concerned is dissatisfied with the first-instance judgment of the local people's court, he or she has the right to appeal to the higher-level people's court within fifteen days from the date of delivery of the judgment .

If the party concerned is dissatisfied with the first-instance ruling of the local people's court, he or she has the right to appeal to the higher-level people's court within ten days from the date of delivery of the ruling .

Article 165: An appeal shall be filed with a written appeal. The contents of the appeal petition shall include the names of the parties, the name of the legal person and the name of its legal representative or the name of other organizations and the names of their principal persons in charge; the name of the original people's court, the number and cause of the case; and the request and reasons for the appeal. .

Article 166 The appeal shall be submitted through the people's court that originally tried the case, and copies shall be submitted according to the number of parties or representatives of the other party .

If a party appeals directly to the People's Court of second instance, the People's Court of second instance shall transfer the appeal petition to the People's Court of original instance within five days .

Article 167 The people's court that originally tried the case shall, upon receipt of the appeal petition, serve a copy of the appeal petition to the other party within five days, and the other party shall file a reply within

fifteen days from the date of receipt. The People's Court shall serve a copy to the appellant within five days from the date of receipt of the statement of defense. If the other party fails to submit a statement of defense, it will not affect the hearing of the People's Court.

After receiving the appeal and defense, the People's Court of first instance shall submit them to the People's Court of second instance together with all case files and evidence within five days .

Article 168 The people's court of second instance shall review the relevant facts and applicable law of the appeal request .

Article 169: The people's court of second instance shall form a collegial panel to hear appeal cases. After reviewing the files, investigating and questioning the parties, if no new facts, evidence or reasons are presented, and the collegial panel deems that a trial is not necessary, it may not hold a trial.

The second-instance People's Court may hear appeal cases in this court, or in the place where the case occurred or where the original People's Court is located .

Article 170 The People's Court of Second Instance will handle appeal cases respectively according to the following circumstances after hearing them :

(1) If the original judgment or ruling clearly establishes the facts and applies the law correctly, the appeal shall be dismissed by way of judgment or ruling and the original judgment or ruling shall be upheld ;

(2) If the original judgment or ruling was incorrect in determining the facts or in applying the law incorrectly, the judgment or ruling shall be modified, revoked or modified in accordance with the law ;

(3) If the basic facts determined in the original judgment are unclear, the original judgment shall be revoked and remanded to the original People's Court for retrial, or the judgment may be changed after the facts are ascertained ;

(4) If the original judgment omits a party or makes an illegal default judgment or other serious violation of statutory procedures, the original judgment shall be revoked and the case shall be remanded to the original People's Court for retrial .

After the original People's Court makes a judgment on a case that has been remanded for retrial, and the party concerned files an appeal, the Second Instance People's Court shall not remand the case for retrial .

Article 171 The people's court of second instance will always use the ruling when handling appeal cases that are not satisfied with the ruling of the people's court of first instance .

Article 172: The people's court of second instance hears appeal cases and may conduct mediation. If an agreement is reached through mediation, a mediation document shall be prepared, signed by the judges and the clerk, and stamped with the seal of the People's Court. After the mediation letter is served, the judgment of the original People's Court shall be deemed to have been revoked.

Article 173 Before the judgment of the People's Court of Second Instance is pronounced, if the appellant applies to withdraw the appeal, the People's Court of Second Instance shall decide whether to grant the appeal .

Article 174 When hearing an appeal case, the people's court of second instance shall apply the ordinary procedures of first instance except in accordance with the provisions of this chapter .

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

Article 176 When the People's Court hears an appeal case against a judgment, it shall conclude the case within three months from the date of filing of the second instance case. If there are special circumstances that require an extension, it shall be approved by the president of the hospital .

When hearing an appeal against a ruling, the People's Court shall make a final ruling within thirty days from the date of filing of the second instance case .

Chapter 15 special procedures

Section 1 General provisions

Article 177 The People's Court hears cases of voter qualifications, cases of declaration of disappearance or death, cases of determining that citizens have no capacity for civil conduct or limited capacity for civil conduct, cases of determining that property has no owner, cases of confirming mediation agreements, and cases of realizing security rights , the provisions

of this chapter shall apply. If there are no provisions in this chapter, the relevant provisions of this Law and other laws shall apply.

Article 178 Cases tried in accordance with the procedures of this chapter shall be heard in the first instance and finally. Voter qualification cases or major or difficult cases shall be heard by a collegial panel of judges; other cases shall be heard by a single judge .

Article 179 In the process of hearing a case in accordance with the procedures of this chapter, if the people's court finds that the case belongs to a civil rights dispute, it shall rule to terminate the special procedure and inform the interested parties that they can file a separate lawsuit .

Article 180: Cases tried by the People's Court using special procedures shall be concluded within 30 days from the date of filing the case or within 30 days from the expiration of the announcement period. If there are special circumstances that require an extension, it shall be approved by the president of the hospital. However, cases involving voter qualifications are excluded.

Section 2 Voter Eligibility Cases

Article 181 Citizens who are dissatisfied with the election committee's decision on voter qualification complaints may file a lawsuit with the grassroots people's court where the electoral district is located five days before the election day .

Article 182 After the People's Court accepts a voter qualification case, it must conclude it before the election day .

During the hearing, the prosecutor, representatives of the electoral committee and concerned citizens must participate .

The judgment of the people's court shall be delivered to the election committee and the prosecutor before the election day, and the relevant citizens shall be notified .

Section 3 Cases declared missing and declared dead

Article 183 If a citizen has been missing for two years and an interested party applies to declare him or her missing, the application shall be submitted to the basic people's court of the place where the missing person resides .

The application should state the facts, time and request of the disappearance, and be accompanied by written certification from the public security agency or other relevant agencies that the whereabouts of the citizen are unknown .

Article 184: If a citizen has been missing for four years, or has been missing for two years due to an accident, or has been missing due to an accident, and the relevant agency proves that the citizen is unlikely to survive, and an interested party applies to declare his death, Submit it to the basic people's court where the missing person is domiciled.

The application should state the facts, time and request of the missing citizen, and be accompanied by a written certificate from the public security organ or other relevant agency that the citizen is missing .

Article 185: After accepting a case of declaration of disappearance or death, the people's court shall issue an announcement to search for the missing person. The public notice period for a missing person is three months, and the public notice period for a dead person is one year. If the citizen's whereabouts are unknown due to an accident and the relevant agency proves that the citizen is unlikely to survive, the period of announcement of death shall be three months.

When the announcement period expires, the people's court shall make a judgment declaring the person missing or dead or rejecting the application based on whether the facts of the person being declared missing or dead have been confirmed .

Article 186 If a citizen who has been declared missing or dead reappears, upon application by the citizen or an interested party, the People's Court shall make a new judgment and revoke the original judgment .

Section 4 Cases of determining that citizens have no capacity for civil conduct or have limited capacity for civil conduct

Article 187 An application to determine that a citizen has no capacity for civil conduct or has limited capacity for civil conduct shall be submitted by his close relatives or other interested parties to the basic people's court where the citizen resides .

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

Article 188 After accepting an application, the people's court shall, if necessary, conduct an appraisal of the citizen who is requested to be determined as having no capacity for civil conduct or with limited capacity

for civil conduct. If the applicant has provided an appraisal opinion, the appraisal opinion shall be reviewed.

Article 189 When a people's court hears a case in which a citizen is found to have no capacity for civil conduct or has limited capacity for civil conduct, a close relative of the citizen shall be the agent, except the applicant. If close relatives put the blame on each other, the people's court shall designate one of them as the agent. If the citizen's health condition permits, he or she should also be asked for his or her opinion.

If the people's court determines that the application has a factual basis after trial, it shall rule that the citizen has no capacity for civil conduct or has limited capacity for civil conduct; if it determines that the application has no factual basis, it shall rule to reject it.

Article 190: If the people's court confirms that the reasons for the citizen's incapacity or limited capacity for civil conduct have been eliminated based on the application of a person who is identified as a person without capacity for civil conduct or a person with limited capacity for civil conduct or his guardian, it shall make a decision. A new judgment shall be issued and the original judgment shall be revoked.

Section 5 Cases in which property is determined to be ownerless

Article 191 An application to determine that a property is ownerless shall be submitted by a citizen, legal person or other organization to the grassroots people's court where the property is located .

The application shall state the type and quantity of the property and the basis for requesting the determination that the property is ownerless .

Article 192 After the People's Court accepts the application and upon review and verification, it shall issue a property claim announcement. If no one claims the property for one year after the announcement, the property will be judged to be ownerless and will be returned to the state or collective ownership .

Article 193 After a judgment determines that the property is ownerless, the original property owner or heir appears and may make a claim for the property during the statute of limitations stipulated in the General Principles of Civil Law. After the People's Court examines the truth, it shall make a new judgment and revoke the original property. judgment.

Section 6 Confirm mediation agreement case

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

Article 195 After the People's Court accepts the application, and upon review, if it complies with the legal provisions, it will rule that the mediation agreement is valid. If one party refuses to perform or fails to perform in full, the other party may apply to the People's Court for enforcement; if it does not comply with the legal provisions, , ruling to reject the application, the parties can change the original mediation agreement or reach a new mediation agreement through mediation, or they can file a lawsuit with the People's Court.

Section 7 Realization of security rights cases

Article 196 Applications for the realization of security rights shall be made by the security right holder and other persons who have the right to request the realization of security rights in accordance with the Property Law and other laws to the grassroots people's court where the guaranteed property is located or where the security rights are registered.

Article 197 After the People's Court accepts the application, and upon review, if it complies with the legal provisions, it shall rule to auction or sell the guaranteed property, and the parties concerned may apply to the People's Court for enforcement based on this ruling; if it does not comply with the legal provisions, it shall rule to reject the application and the parties shall A lawsuit can be filed in the People's Court.

Chapter 16 trial supervision process

Article 198 If the presidents of the people's courts at all levels find errors in their legally effective judgments, rulings, or mediation documents and deem them necessary for retrial, they shall submit them to the judicial committee for discussion and decision .

If the Supreme People's Court finds that there are indeed errors in the legally effective judgments, rulings, and mediation documents of local people's courts at various levels, and the people's courts at higher levels find errors in the legally effective judgments, rulings, and mediation documents of lower people's courts, it has the right to initiate a trial or Instruct the lower people's court to retry the case.

Article 199 If the parties believe that a legally effective judgment or ruling is erroneous, they may apply to the people's court at the next higher

level for a retrial; in cases where one of the parties is numerous or both parties are citizens, they may also apply to the original people's court for a retrial. Apply for reexamination. If a party applies for retrial, the execution of the judgment or ruling will not be suspended.

Article 200 If the party's application meets any of the following circumstances, the people's court shall retry it :

- (1) There is new evidence that is sufficient to overturn the original judgment or ruling ;
- (2) The basic facts identified in the original judgment or ruling lack evidence ;
- (3) The main evidence used in the original judgment or ruling to determine the facts is forged ;
- (4) The main evidence used to determine the facts in the original judgment or ruling has not been cross-examined ;
- (5) The parties concerned are unable to collect the main evidence required for the trial of the case on their own due to objective reasons, and apply in

writing to the People's Court for investigation and collection, but the People's Court fails to investigate and collect it ;

(6) There is indeed an error in the application of law in the original judgment or ruling ;

(7) The composition of the trial organization is illegal or the trial personnel who should be recused in accordance with the law have not recused themselves ;

(8) A person without capacity for litigation conducts a lawsuit on his behalf without a legal representative or a party who should participate in the lawsuit fails to participate in the lawsuit due to reasons that cannot be attributed to the person or his agent;

(9) Violating legal provisions and depriving the parties of their right to debate ;

(10) Judgment in default without summons ;

(11) The original judgment or ruling omits or exceeds the litigation claims ;

(12) The legal document based on which the original judgment or ruling was made has been revoked or changed ;

(13) The judges committed corruption, accepted bribes, engaged in malpractice for personal gain, and violated the law when hearing the case .

Article 201: If a party submits evidence to prove that the mediation violates the principle of voluntariness or that the content of the mediation agreement violates the law for a legally effective mediation agreement, the party may apply for a retrial. If the case is found to be true upon review by the People's Court, it shall be retried.

Article 202 The parties concerned may not apply for retrial of a legally effective judgment or mediation document on dissolution of marriage .

Article 203 If a party applies for retrial, it shall submit a retrial application and other materials. The people's court shall send a copy of the retrial application to the other party within five days from the date of receipt of the retrial application. The other party shall submit written opinions within fifteen days from the date of receipt of a copy of the retrial application; failure to submit written opinions will not affect the People's Court's review. The People's Court may require the applicant and the

other party to supplement relevant materials and inquire about relevant matters.

Article 204 The People's Court shall review the application for retrial within three months from the date of receipt of the application. If it complies with the provisions of this Law, it shall rule to retrial; if it does not comply with the provisions of this Law, it shall rule to reject the application. If there are special circumstances that require an extension, it shall be approved by the president of the hospital.

Cases for which a party applies for a retrial of a ruling shall be heard by a people's court above the intermediate people's court, except where the party chooses to apply for retrial to a basic people's court in accordance with the provisions of Article 199 of this Law. Cases decided for retrial by the Supreme People's Court or the Higher People's Court shall be retried by this court or transferred to other people's courts for retrial, or may be referred to the original people's court for retrial.

Article 205: The party concerned shall apply for retrial within six months after the judgment or ruling becomes legally effective; there are provisions in Article 200, Items 1, 3, 12 and 13 of this Law. If the

situation arises, it shall be submitted within six months from the date when it became known or should have become known.

Article 206: For cases decided to retry in accordance with the trial supervision procedures, the execution of the original judgment, ruling, and mediation document shall be suspended, but in cases of recovery of alimony, maintenance fees, child care fees, pensions, medical expenses, labor remuneration, etc., Execution may not be suspended.

Article 207: For cases retried by the People's Court in accordance with trial supervision procedures, the legally effective judgments and rulings are made by the first-instance court and are tried in accordance with the first-instance procedures. The parties may appeal against the judgments and rulings made; Legally effective judgments and rulings are made by the second-instance court and are heard in accordance with the second-instance procedures. The judgments and rulings made are legally effective judgments and rulings. If the superior people's court arraigns the case in accordance with the trial supervision procedures, it shall be heard in accordance with the second-instance procedure. Trial proceedings are conducted, and the judgments and rulings made are legally effective judgments and rulings.

When the People's Court hears retrial cases, it shall form a separate collegial panel .

Article 208: The Supreme People's Procuratorate shall make legally effective judgments and rulings by the People's Courts at all levels, and the People's Procuratorate at higher levels shall find that the circumstances specified in Article 200 of this Law are found in the judgments and rulings of the People's Procuratorate at the lower level that have taken legal effect. 1, or if it is found that the mediation document harms national interests or social public interests, a protest shall be made.

If the local people's procuratorates at any level find that any of the legally effective judgments or rulings of the people's courts at the same level fall into any of the circumstances specified in Article 200 of this Law, or if they find that the mediation document harms national interests or social public interests, they may file a complaint with the people's court at the same level. The People's Court makes procuratorial suggestions and reports them to the People's Procuratorate at the higher level for record; it may also request the People's Procuratorate at the higher level to file a protest with the People's Court at the same level.

The people's procuratorates at all levels have the right to make procuratorial suggestions to the people's courts at the same level regarding the illegal acts of judges in other trial procedures other than trial supervision procedures .

Article 209 Under any of the following circumstances, the party concerned may apply to the People's Procuratorate for procuratorial suggestions or protest :

- (1) The people's court rejects the retrial application ;
- (2) The People' s Court fails to make a ruling on the retrial application within the time limit ;
- (3) The retrial judgment or ruling contains obvious errors .

The People's Procuratorate shall review the party's application within three months and make a decision on whether to make procuratorial suggestions or protest. The parties concerned may not apply to the People's Procuratorate for procuratorial suggestions or protest again.

Article 210 When the People's Procuratorate needs to make procuratorial suggestions or protest in order to perform its legal supervision duties, it

may investigate and verify relevant situations with the parties or persons outside the case .

Article 211 In a case where the People's Procuratorate files a protest, the People's Court that accepts the protest shall make a retrial ruling within 30 days from the date of receipt of the protest letter; Article 200 from Paragraph 1 to Paragraph 5 of this Law shall apply If the case falls under one of the prescribed circumstances, the case may be submitted to the People's Court at the next lower level for retrial, except for cases that are retried by the People's Court at the lower level.

Article 212 If the People's Procuratorate decides to lodge a protest against the People's Court's judgment, ruling, or mediation letter, it shall prepare a letter of protest .

Article 213 When the People's Court rehears a case in which the People's Procuratorate files a protest, it shall notify the People's Procuratorate to send personnel to attend the court .

Chapter 17 Supervise procedures

Article 214 If a creditor requests the debtor to pay money or securities and meets the following conditions, he may apply to the grassroots people's court with jurisdiction for a payment order :

- (1) The creditor and the debtor have no other debt disputes ;
- (2) The payment order can be served on the debtor .

The application shall state the amount of money or securities requested and the facts and evidence on which it is based .

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

Article 216 After the people's court accepts the application, after reviewing the facts and evidence provided by the creditor, if the relationship between the creditor's rights and the debt is clear and legal, it shall issue a payment order to the debtor within fifteen days from the date of acceptance; if the application is not established, The ruling was dismissed.

The debtor shall pay off the debt within fifteen days from the date of receipt of the payment order, or submit a written objection to the people's court .

If the debtor does not raise any objection and fails to perform the payment order within the period specified in the preceding paragraph, the creditor may apply to the People's Court for execution .

Article 217 After receiving the written objection raised by the debtor, the people's court shall rule to terminate the supervision procedure and the payment order shall automatically expire if the objection is established after review .

If the payment order expires, the case shall be transferred to litigation proceedings, unless the party applying for the payment order does not agree to initiate litigation .

Chapter 18 Public notice and reminder procedures

Article 218 The holder of a bill that can be endorsed and transferred in accordance with regulations may apply to the grassroots people's court at the place where the bill is paid for public notice and reminder because the bill is stolen, lost or destroyed. For other matters that can be applied for

public notice and reminder in accordance with legal provisions, the provisions of this chapter shall apply.

The applicant shall submit an application to the People's Court, stating the main contents of the instrument such as the face amount, invoicer, holder, endorser, etc., as well as the reasons and facts for the application .

Article 219 When the people's court decides to accept an application, it shall also notify the payer to stop payment and issue an announcement within three days to urge interested parties to declare their rights. The period for public notice and reminder shall be determined by the people's court based on the circumstances, but shall not be less than sixty days.

Article 220 When the payer receives a notice from the People's Court to stop payment, it shall stop payment until the public notice and reminder procedure is completed .

During the period of public notice and reminder, the act of transferring the rights to the instrument is invalid .

Chapter 221 Interested parties shall declare to the People's Court during the public notice period .

After receiving the declaration from the interested party, the people's court shall rule to terminate the public notice and reminder procedure and notify the applicant and payer .

The applicant or declarer may bring a lawsuit to the People's Court .

Article 222 If no one declares it, the People's Court shall make a judgment and declare the instrument invalid based on the applicant's application. The judgment shall be announced and the payer shall be notified. From the date of announcement of the judgment, the applicant has the right to request payment from the payer.

Article 223 If an interested party is unable to declare to the People's Court before the judgment due to justifiable reasons, he may file a lawsuit with the People's Court that made the judgment within one year from the date when he knew or should have known about the judgment .

Part 3 execute program

Chapter 19 General provisions

Article 224 Legally effective civil judgments and rulings, as well as the property portion of criminal judgments and rulings, shall be executed by the people's court of first instance or the people's court at the same level as the people's court of first instance where the property subject to execution is located. .

Other legal documents that are stipulated by law to be executed by the People's Court shall be executed by the People's Court where the person subject to execution is domiciled or the property subject to execution is located .

Article 225 If the parties or interested parties believe that the execution violates legal provisions, they may submit written objections to the people's court responsible for execution. If a party or interested party raises a written objection, the people's court shall review it within 15 days from the date of receipt of the written objection. If the reason is established, it shall rule to revoke or correct it; if the reason is not established, it shall rule to reject it. If the parties or interested parties are dissatisfied with the ruling, they may apply for reconsideration to the people's court at the next higher level within ten days from the date of delivery of the ruling.

Article 226 If the people's court fails to execute the application for execution more than six months after receiving the execution application, the person applying for execution may apply to the people's court at the next higher level for execution. After review, the people's court at the next higher level may order the original people's court to implement within a certain period of time, or may decide to have this court implement the case or instruct another people's court to implement it.

Article 227 During the execution process, if a party outside the case raises a written objection to the subject matter of execution, the people's court shall review it within fifteen days from the date of receipt of the written objection. If the reason is established, it shall rule to suspend the execution of the subject matter; the reasons If it is not established, the ruling shall be dismissed. If a party outside the case is dissatisfied with the ruling and believes that the original judgment or ruling is wrong, the case shall be handled in accordance with the trial supervision procedures; if it has nothing to do with the original judgment or ruling, a lawsuit may be filed with the People's Court within 15 days from the date of service of the ruling.

Article 228 Execution is carried out by the Executor .

When taking enforcement measures, the enforcement officer shall produce his certificate. After the execution is completed, a written record of the execution shall be made and signed or sealed by the relevant personnel present .

The People's Court may establish enforcement agencies as necessary .

Article 229 If the person subject to execution or the property subject to execution is in another place, the local people's court may be entrusted with the execution. After the entrusted people's court receives the entrustment letter, it must start execution within fifteen days and may not refuse. After the execution is completed, the entrusting People's Court shall be notified of the enforcement results in a timely manner; if the execution has not been completed within thirty days, the execution status shall also be notified to the entrusting People's Court.

If the entrusted people's court fails to execute the request within fifteen days from the date of receipt of the entrustment letter, the entrusting people's court may request the superior people's court of the entrusted people's court to instruct the entrusted people's court to enforce the case.

Article 230 During execution, if both parties reach a settlement agreement on their own, the execution officer shall record the contents of the agreement in the transcript and have both parties sign or seal it .

If the person applying for execution reaches a settlement agreement with the person subject to execution due to fraud or coercion, or the party fails to perform the settlement agreement, the people's court may resume execution of the original effective legal document based on the application of the party.

Article 231 During execution, if the person subject to execution provides a guarantee to the People's Court, and with the consent of the person applying for execution, the People's Court may decide to suspend execution and the period of suspension of execution. If the person subject to execution fails to perform within the time limit, the people's court has the right to execute the guaranteed property of the person subject to execution or the property of the guarantor.

Article 232 If a citizen who is the subject of execution dies, his estate shall be used to repay the debt. If the legal person or other organization that is the person subject to execution terminates, the person who inherits its rights and obligations shall perform its obligations .

Article 233 After the execution is completed, if the judgment, ruling and other legal documents based on the execution are indeed erroneous and are revoked by the people's court, the people's court shall make a ruling on the property that has been executed and order the person who obtained the property to Return; if you refuse to return, enforcement will be enforced.

Article 234 The provisions of this Part shall apply to the execution of mediation documents prepared by the People's Court .

Article 235 The People's Procuratorate has the power to exercise legal supervision over civil enforcement activities .

Chapter 20 Application and transfer of execution

Article 236 The parties must fulfill any legally effective civil judgment or ruling. If one party refuses to perform, the other party may apply to the People's Court for enforcement, or the judge may transfer the matter to an execution officer for enforcement .

The parties concerned must perform the mediation agreement and other legal documents that should be executed by the People's Court. If one party

refuses to perform, the other party may apply to the People's Court for enforcement .

Article 237 If one party fails to perform an award issued by an arbitration institution established in accordance with the law, the other party may apply to the people's court with jurisdiction for enforcement. The people's court subject to the application shall implement it .

If the respondent presents evidence to prove that the arbitration award falls under any of the following circumstances, the people's court shall form a collegial panel to review and verify the award and rule that it shall not be enforced :

(1) The parties do not have an arbitration clause in the contract or do not reach a written arbitration agreement afterwards ;

(2) The matter of the award does not fall within the scope of the arbitration agreement or the arbitration institution has no authority to arbitrate ;

(3) The composition of the arbitral tribunal or the arbitration procedures violate legal procedures ;

(4) The evidence on which the ruling is based is forged ;

(5) The other party conceals evidence from the arbitration institution that is sufficient to affect a fair award ;

(6) The arbitrator committed corruption, accepted bribes, engaged in malpractice for personal gain, or made a wrongful award while arbitrating the case .

If the people's court determines that the enforcement of the award is against the public interests of society, it shall rule not to enforce it .

The award shall be delivered to both parties and the arbitration institution .

If the arbitration award is ruled not to be enforced by the People's Court, the parties may reapply for arbitration based on the written arbitration agreement reached by both parties, or may file a lawsuit in the People's Court .

Article 238 If one party fails to perform a creditor's rights document that has been legally enforceable by a notary office, the other party may

apply to the people's court with jurisdiction for enforcement, and the people's court that receives the application shall enforce the obligation.

If there is indeed an error in the notarized creditor's rights document, the People's Court shall rule not to enforce it and shall serve the ruling to both parties and the notary office .

Article 239 The application execution period is two years. When applying for the suspension or interruption of the statute of limitations, the provisions of the law on the suspension or interruption of the statute of limitations shall apply .

The period specified in the preceding paragraph shall be calculated from the last day of the performance period specified in the legal document; if the legal document stipulates performance in installments, it shall be calculated from the last day of each performance period specified in the legal document; if the legal document does not stipulate a performance period, the period shall be calculated from the last day of the performance period specified in the legal document. calculated from the effective date of the document.

Article 240 When the enforcement officer receives the application for execution or the transfer of execution, he shall issue an execution notice to

the person subject to execution and may immediately take enforcement measures .

Chapter 21 Implementation measures

Article 241 If the person subject to execution fails to perform the obligations specified in the legal document in accordance with the execution notice, he shall report the current property situation and the property situation one year before the date of receipt of the execution notice. If the person subject to execution refuses to report or makes a false report, the people's court may fine or detain the person subject to execution or his legal agent, the principal person in charge of the relevant unit or the directly responsible person according to the seriousness of the case.

Article 242 If the person subject to execution fails to perform the obligations specified in the legal document in accordance with the execution notice, the people's court has the right to inquire the relevant units about the deposits, bonds, stocks, fund shares and other property of the person subject to execution. The people's court has the power to seize, freeze, transfer, and change the value of the property of the person subject to execution according to different circumstances. The property inquired, seized, frozen, transferred, or changed in value by the People's Court shall

not exceed the scope of the obligations that the person subject to execution shall perform.

When the people's court decides to seize, freeze, transfer or change property, it shall make a ruling and issue a notice of assistance in execution, and the relevant units must handle it .

Article 243 If the person subject to execution fails to perform the obligations specified in the legal document in accordance with the execution notice, the people's court has the right to withhold and withdraw the income of the person subject to execution that should fulfill the obligations. However, the necessary living expenses of the person subject to execution and his dependent family members shall be retained.

When the people's court withholds or withdraws income, it shall make a ruling and issue a notice of assistance in enforcement, which must be handled by the person's unit, banks, credit cooperatives and other units with savings business.

Article 244 If the person subject to execution fails to perform the obligations specified in the legal document in accordance with the execution notice, the people's court has the power to seal up, detain, freeze, auction, and sell off the property of the person subject to execution that is required

to perform his obligations. However, the daily necessities of the person subject to execution and his dependent family members shall be preserved.

To take the measures mentioned in the preceding paragraph, the People's Court shall make a ruling .

Article 245 When the people's court seals up or detains property, if the person subject to execution is a citizen, it shall notify the person subject to execution or his adult family members to be present; if the person subject to execution is a legal person or other organization, it shall notify its legal representative Or the person in charge will be present. Refusal to be present will not affect execution. If the person subject to execution is a citizen, his or her work unit or the grassroots organization where the property is located should send people to participate.

For the property that has been sealed or seized, the execution officer must make a list, sign or seal it by the person present, and give a copy to the person subject to execution. If the person subject to execution is a citizen, a share may also be given to his adult family members.

Article 246 The execution officer may designate the person subject to execution to be responsible for the safekeeping of the seized property.

Losses caused by the fault of the person subject to execution shall be borne by the person subject to execution .

Article 247 After the property is sealed or detained, the execution officer shall order the person subject to execution to perform the obligations specified in the legal document within the specified period. If the person subject to execution fails to perform within the time limit, the people's court shall auction the sealed or impounded property; if it is not suitable for auction or both parties agree not to conduct an auction, the people's court may entrust the relevant unit to sell it or sell it on its own. Items that are prohibited from being freely bought and sold by the state shall be handed over to relevant units for purchase at prices set by the state.

Article 248 If the person subject to execution fails to perform the obligations specified in the legal document and conceals property, the people's court has the right to issue a search warrant to search the person subject to execution and his residence or the place where the property is hidden .

To take the measures mentioned in the preceding paragraph, the dean shall issue a search warrant .

Article 249 For property or bills designated for delivery in a legal document, the execution officer shall summon both parties to deliver the property in person, or the execution officer shall hand it over and the person to whom it is delivered shall sign for receipt .

If the relevant unit holds the property or ticket, it shall transfer it according to the People's Court's Notice of Assistance in Enforcement, and the person to whom it is delivered shall sign for receipt .

If the relevant citizens hold the property or bills, the people's court will notify them to hand it over. Those who refuse to hand it over will be subject to compulsory enforcement .

Article 250 For forced eviction of a house or forced withdrawal of land, the dean shall issue a notice ordering the person subject to execution to perform within a specified period. If the person subject to execution fails to perform within the time limit, enforcement will be enforced by the execution officer .

During compulsory execution, if the person subject to execution is a citizen, the person subject to execution or his adult family member shall be notified to be present; if the person subject to execution is a legal person or other organization, his legal representative or principal responsible person shall

be notified to be present. Refusal to be present will not affect execution. If the person subject to execution is a citizen, his or her work unit or the grassroots organization where the house or land is located should send people to participate. The enforcement officer shall record the enforcement situation in a record, which shall be signed or sealed by the person present.

The property that has been moved out of a house that has been forcibly moved out will be sent by the people's court to be transported to the designated place and handed over to the person subject to execution. If the person subject to execution is a citizen, the property can also be handed over to his adult family members. The loss caused by the refusal to accept shall be borne by the person subject to execution.

Chapter 251 During the execution, if it is necessary to go through the transfer procedures of relevant property rights certificates, the people's court may issue a notice of assistance in execution to the relevant unit, and the relevant unit must handle it .

Article 252 If the person subject to execution fails to perform the acts specified in a judgment, ruling or other legal document in accordance with the execution notice, the people's court may enforce the execution or entrust

relevant units or other persons to complete the execution, and the costs shall be borne by the person subject to execution.

Article 253 If the person subject to execution fails to perform the monetary payment obligation within the period specified in the judgment, ruling or other legal documents, he shall pay double the interest on the debt during the period of delayed performance. If the person subject to execution fails to perform other obligations within the period specified in the judgment, ruling or other legal documents, he shall pay a delay performance fee.

Article 254: If the person subject to execution is still unable to repay the debt after the people's court takes the enforcement measures stipulated in Articles 242, 243, and 244 of this Law, The obligations should continue to be fulfilled. If the creditor discovers that the person subject to execution has other properties, he may request the People's Court for execution at any time.

Article 255 If the person subject to execution fails to perform the obligations specified in the legal document, the people's court may take measures against him or notify relevant units to assist him in taking measures such as restricting his departure from the country, recording in the

credit reporting system, publishing information on non-performance of obligations through the media, and other measures prescribed by law. measure.

Chapter 22 Execution abort and terminate

Article 256 Under any of the following circumstances, the people's court shall rule to suspend execution :

- (1) The applicant indicates that the execution can be postponed ;
- (2) A person outside the case raises a well-founded objection to the subject matter of execution ;
- (3) When a citizen who is one of the parties dies and needs to wait for the heir to inherit the rights or assume the obligations ;
- (4) The legal person or other organization that is a party is terminated and the successor of rights and obligations has not yet been determined ;
- (5) Other circumstances where the People's Court deems execution should be suspended .

After the suspended situation disappears, execution resumes .

Article 257 Under any of the following circumstances, the People's Court shall rule to terminate execution :

- (1) The applicant withdraws the application ;
- (2) The legal document based on which it was executed has been revoked ;
- (3) When the citizen who is the person subject to execution dies, there is no inheritance for execution, and there is no person to bear the obligation ;
- (4) The right holder of a case for claiming alimony, support, or child support dies ;
- (5) The citizen who is the subject of execution is unable to repay the loan due to difficulties in living, has no source of income, and has lost the ability to work ;
- (6) Other circumstances under which the People's Court deems execution should be terminated .

Article 258 Rulings to suspend or terminate execution shall take effect immediately upon delivery to the parties .

Part 4 Special Provisions on Foreign-Related Civil Litigation Procedures

Chapter 23 General principles

Article 259 When conducting foreign-related civil litigation within the territory of the People's Republic of China, the provisions of this part shall apply. If there are no provisions in this part, other relevant provisions of this Law shall apply .

Article 260 If an international treaty concluded or acceded to by the People's Republic of China has different provisions from this Law, the provisions of the international treaty shall apply, except for provisions to which the People's Republic of China declares reservations .

Article 261 Civil lawsuits filed 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 provisions of international treaties concluded or acceded to by the People's Republic of China.

Article 262 When hearing foreign-related civil cases, the people's courts shall use the languages and scripts commonly used in the People's Republic of

China. If the parties require an interpreter, it can be provided and the cost shall be borne by the parties .

Article 263 If foreigners, stateless persons, foreign enterprises and organizations sue or respond to lawsuits in the People's Court and need to entrust a lawyer to represent them in litigation, they must entrust a lawyer from the People's Republic of China .

Article 264 Foreigners, stateless persons, foreign enterprises and organizations who have no domicile within the territory of the People's Republic of China entrust lawyers or other persons of the People's Republic of China to represent them in litigation, and mail or entrust them from outside the territory of the People's Republic of China. The power of attorney must be certified by the notary public in the country where it is located and authenticated by the embassy or consulate of the People's Republic of China in that country, or it must fulfill the certification procedures stipulated in the relevant treaty between the People's Republic of China and the country in which it is located.

Chapter 24 Jurisdiction

Article 265: For a lawsuit brought against a defendant who has no domicile within the territory of the People's Republic of China due to a

contract dispute or other property rights dispute, if the contract is signed or performed within the territory of the People's Republic of China, or the subject matter of the lawsuit is within the territory of the People's Republic of China, Within the territory of the Republic of China, or the defendant has property that can be seized within the territory of the People's Republic of China, or the defendant has a representative office within the territory of the People's Republic of China, the property can be seized from the place where the contract is signed, the place where the contract is performed, the location of the subject matter of the lawsuit, or the place where the subject matter of the lawsuit is located, or the defendant has a representative office within the territory of the People's Republic of China. The people's court at the place where the property is located, where the infringement is committed, or where the representative office is domiciled has jurisdiction.

Article 266: Litigation arising from disputes over the performance of a Sino-foreign joint venture contract, a Sino-foreign cooperative enterprise contract, or a Sino-foreign cooperative exploration and development of natural resources contract in the People's Republic of China shall be under the jurisdiction of the People's Court of the People's Republic of China.

Chapter 25 delivery, period

Article 267 The People's Court may use the following methods to serve litigants who do not have domicile within the territory of the People's Republic of China :

(1) Service in accordance with the methods stipulated in the international treaty concluded or jointly acceded to by the country where the addressee is located and the People's Republic of China ;

(2) Delivered through diplomatic channels ;

(3) For a recipient who has the nationality of the People's Republic of China, the embassy or consulate of the People's Republic of China in the country where the recipient is located may be entrusted to serve the recipient on his or her behalf ;

(4) Service to the litigation agent authorized by the recipient to accept service on his behalf ;

(5) Service to the representative office established by the recipient within the territory of the People's Republic of China or the branch office or business agent authorized to accept service ;

(6) If the law of the country where the recipient is located allows service by mail, it can be served by mail. If three months have passed since the date of mailing, the service receipt has not been returned, but various circumstances are sufficient to determine that it has been delivered. , it shall be deemed delivered on the expiration date of the period;

(7) Deliver it by fax, email or other methods that can confirm the recipient ' s receipt ;

(8) If it cannot be served by the above method, it shall be delivered by announcement, and it shall be deemed to have been served three months from the date of announcement .

Article 268: If the defendant has no residence within the territory of the People's Republic of China, the People's Court shall serve a copy of the complaint to the defendant and notify the defendant to file a defense within thirty days after receiving the copy of the complaint. If the defendant applies for an extension, the people's court will decide whether to grant it.

Article 269 If a party who has no domicile within the territory of the People's Republic of China is dissatisfied with the judgment or order of the People's Court of First Instance, he or she has the right to file an appeal within thirty days from the date of delivery of the judgment or order. The

respondent shall file a reply within thirty days after receiving a copy of the appeal petition. If a party cannot file an appeal or submit a statement of defense within the statutory period and applies for an extension, the people's court will decide whether to grant it.

Article 270 The period during which the People's Court hears foreign-related civil cases is not restricted by the provisions of Articles 149 and 176 of this Law .

Chapter 26 arbitration

Article 271: If disputes arising from foreign-related economic and trade, transportation or maritime affairs are submitted to the foreign-related arbitration institution of the People's Republic of China or other arbitration institutions for arbitration if the parties have an arbitration clause in the contract or subsequently reach a written arbitration agreement, the parties shall not File a lawsuit with the People's Court.

If the parties do not have an arbitration clause in the contract or do not reach a written arbitration agreement afterwards, they may file a lawsuit in the People's Court .

Article 272 If a party applies for interim measures, the foreign-related arbitration institution of the People's Republic of China shall submit the party's application to the intermediate people's court where the respondent is domiciled or where the property is located for ruling .

Article 273: If an award is made by the foreign-related arbitration institution of the People's Republic of China, the parties shall not bring a lawsuit to the People's Court. If one party fails to perform the arbitration award, the other party may apply for enforcement to the Intermediate People's Court where the respondent is domiciled or where the property is located.

Article 274 For an award issued by a foreign-related arbitration institution of the People's Republic of China, if the respondent presents evidence to prove that the arbitration award has any of the following circumstances, the people's court shall form a collegial panel to review and verify the award and rule that it shall not be enforced:

(1) The parties do not have an arbitration clause in the contract or do not reach a written arbitration agreement afterwards ;

(2) The respondent did not receive notice of the appointment of an arbitrator or the conduct of arbitration proceedings, or failed to state its

opinion due to other reasons that were not the responsibility of the respondent ;

(3) The composition of the arbitral tribunal or the arbitration procedures are inconsistent with the arbitration rules ;

(4) The matter of the award does not fall within the scope of the arbitration agreement or the arbitration institution has no authority to arbitrate .

If the people's court determines that the enforcement of the award is against the public interests of society, it shall rule not to enforce it .

Article 275 If the arbitration award is ruled not to be enforced by the People's Court, the parties may reapply for arbitration based on the written arbitration agreement reached by both parties, or may file a lawsuit in the People's Court .

Chapter 27 mutual legal assistance

Article 276 In accordance with international treaties concluded or acceded to by the People's Republic of China, or in accordance with the principle of reciprocity, the people's courts and foreign courts may request

each other to serve documents, investigate and collect evidence, and conduct other litigation activities on their behalf.

If a foreign court requests assistance on a matter that is detrimental to the sovereignty, security or social and public interests of the People's Republic of China, the people's court will not enforce it .

Article 277 Requesting and providing judicial assistance shall be conducted in accordance with the channels stipulated in the international treaties concluded or acceded to by the People's Republic of China; if there is no treaty relationship, it shall be conducted through diplomatic channels .

Foreign embassies and consulates in the People's Republic of China may serve documents to citizens of that country and investigate and collect evidence, but they must not violate the laws of the People's Republic of China and may not take coercive measures .

Except for the circumstances specified in the preceding paragraph, no foreign agency or individual may serve documents, investigate and collect evidence within the territory of the People's Republic of China without the permission of the competent authority of the People's Republic of China .

Article 278 A foreign court's request for judicial assistance from a people's court and its attached documents shall be accompanied by a Chinese translation or other language text stipulated in international treaties .

The People's Court's request for judicial assistance from a foreign court and its attached documents shall be accompanied by a translation into the language of that country or other language texts stipulated in international treaties .

Article 279 The People's Court shall provide judicial assistance in accordance with the procedures prescribed by the laws of the People's Republic of China. If a foreign court requests a special method, it may proceed in accordance with the special method requested, but the special method requested shall not violate the laws of the People's Republic of China.

Article 280 If the person subject to execution or his property is not within the territory of the People's Republic of China and a party requests enforcement of a legally effective judgment or ruling made by a people's court, the party may directly apply to a foreign court with jurisdiction for recognition. and enforcement, the People's Court may also request recognition and enforcement by a foreign court in accordance with the provisions of

international treaties concluded or acceded to by the People's Republic of China , or in accordance with the principle of reciprocity.

If a party requests enforcement of a legally effective arbitration award made by a foreign-related arbitration institution in the People's Republic of China, if the person subject to enforcement or his property is not within the territory of the People's Republic of China, the party shall apply directly to a foreign court with jurisdiction for recognition and enforcement.

Article 281 If a legally effective judgment or ruling issued by a foreign court requires recognition and enforcement by the People's Court of the People's Republic of China, the party concerned may apply directly to the Intermediate People's Court of the People's Republic of China with jurisdiction for recognition and enforcement. A foreign court may also request the People's Court for recognition and enforcement in accordance with the provisions of international treaties concluded or acceded to by that country and the People's Republic of China, or in accordance with the principle of reciprocity.

Article 282 The People's Court shall review the legally effective judgments and rulings made by foreign courts that apply or request recognition and enforcement in accordance with the international treaties

concluded or acceded to by the People's Republic of China or in accordance with the principle of reciprocity. If a violation violates the basic principles of the laws of the People's Republic of China or national sovereignty, security, or social and public interests, the ruling shall recognize its validity, and if execution is required, an execution order shall be issued and shall be executed in accordance with the relevant provisions of this Law. Any violation of the basic principles of the laws of the People's Republic of China or national sovereignty, security, or social and public interests will not be recognized or enforced.

Article 283 If an award of a foreign arbitration institution requires recognition and enforcement by the People's Court of the People's Republic of China, the parties shall apply directly to the Intermediate People's Court where the person subject to execution is domiciled or where his property is located. The People's Court shall comply with the provisions of the People's Court of the People's Republic of China. international treaties concluded or acceded to by the Republic, or handled in accordance with the principle of reciprocity.

Article 284 This law shall come into effect on the date of promulgation , and the " Civil Procedure Law of the People's Republic of China (Trial)" shall be abolished at the same time .

【E- mail recommendation 】 【 Error correction 】

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