

【Statute Title】 Law of the People's Republic of China on the Mediation and Arbitration of Rural Land Contract Disputes [Effective]

【法规标题】 中华人民共和国农村土地承包经营纠纷调解仲裁法 [现行有效]

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(No. 14)

The Law of the People's Republic of China on the Mediation and Arbitration of Rural Land Contract Disputes, which was adopted at the 9th session of the Standing Committee of the 11th National People's Congress of the People's Republic of China on June 27, 2009, is hereby promulgated and shall come into force as of January 1, 2010.

President of the People's Republic of China Hu Jintao

June 27, 2009

Law of the People's Republic of China on the Mediation and Arbitration of Rural Land Contract Disputes

(Adopted at the 9th session of Standing Committee of the 11th National People's Congress of the People's Republic of China on June 27, 2009)

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中华人民共和国主席令

(第十四号)

(相关资料: 行政法规 1 篇 部门规章 7 篇 地方法规 25 篇 相关论文 1 篇)

《中华人民共和国农村土地承包经营纠纷调解仲裁法》已由中华人民共和国第十一届全国人民代表大会常务委员会第九次会议于 2009 年 6 月 27 日通过, 现予公布, 自 2010 年 1 月 1 日起施行。

中华人民共和国主席 胡锦涛
2009 年 6 月 27 日

中华人民共和国农村土地承包经营纠纷调解仲裁法
(2009 年 6 月 27 日第十一届全国人民代表大会常务委员会第九次会议通过)

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Chapter I General Provisions

第一章 总则

Article 1 This Law is enacted with a view to impartially and timely settling the disputes over contracted management of rural land, maintaining the legitimate rights and interests of the parties concerned and promoting the rural economic development and social stability.

第一条 为了公正、及时解决农村土地承包经营纠纷，维护当事人的合法权益，促进农村经济发展和社会稳定，制定本法。

Article 2 The mediation and arbitration of disputes over contracted management of rural land shall be governed by this Law.

The disputes over the contracted management of rural land include:

1. disputes arising from the conclusion, fulfillment, modification, cancellation and termination of rural land contracts;
 2. disputes arising from the sub-contract, lease, interchange, transfer, holding of shares and other means of turnover of contracted management rights to rural land;
 3. disputes arising from the withdrawal and adjustment of the contracted land;
 4. disputes arising from the confirmation of contracted management rights to rural land;
 5. disputes arising from impairment to the contracted management rights to rural land; and
 6. other disputes over contracted management of rural land as prescribed in law and regulations.
- The disputes arising from requisition of collectively owned land and the compensations therefor do not fall within the scope of acceptance by the rural land contract arbitration commission, they

may be settled by means of administrative reconsideration or lawsuits.

第二条 农村土地承包经营纠纷调解和仲裁，适用本法。

农村土地承包经营纠纷包括：

- （一）因订立、履行、变更、解除和终止农村土地承包合同发生的纠纷；
- （二）因农村土地承包经营权转包、出租、互换、转让、入股等流转发生的纠纷；
- （三）因收回、调整承包地发生的纠纷；
- （四）因确认农村土地承包经营权发生的纠纷；
- （五）因侵害农村土地承包经营权发生的纠纷；
- （六）法律、法规规定的其他农村土地承包经营纠纷。

因征收集体所有的土地及其补偿发生的纠纷，不属于农村土地承包仲裁委员会的受理范围，可以通过行政复议或者诉讼等方式解决。

Article 3 In the case of disputes over the contracted management of rural land, the parties may make reconciliation by themselves or may request mediation by the villagers' committee, people's government of the township (town), etc.

第三条 发生农村土地承包经营纠纷的，当事人可以自行和解，也可以请求村民委员会、乡（镇）人民政府等调解。

Article 4 If the parties fail to make reconciliation, fail to reach an agreement in mediation, or are unwilling to make reconciliation or accept mediation, they may apply to the rural land contract arbitration commission for arbitration, or may directly lodge a lawsuit in the people's court.

第四条 当事人和解、调解不成或者不愿和解、调解的，可以向农村土地承包仲裁委员会申请仲裁，也可以直接向人民法院起诉。

Article 5 The mediation and arbitration of disputes over contracted management of rural land shall be open, fair, impartial, convenient to the people and highly efficient, be in accordance with law and respect social ethics.

第五条 农村土地承包经营纠纷调解和仲裁，应当公开、公平、公正，便民高效，根据事实，符合法律，尊重社会公德。

Article 6 The people's governments at and above the county level shall strengthen the guidance over the mediation and arbitration of disputes over contracted management of rural land.

The rural land contract administrative departments of the people's governments at and above the county level and other relevant departments shall, under their respective functions, support the relevant mediation organizations and the rural land contract arbitration commissions to carry out relevant work according to law.

第六条 县级以上人民政府应当加强对农村土地承包经营纠纷调解和仲裁工作的指导。

县级以上人民政府农村土地承包管理部门及其他有关部门应当依照职责分工，支持有关调解组织和农村土地承包仲裁委员会依法开展工作。

Chapter II Mediation

第二章 调解

Article 7 The villagers' committees and the people's governments of townships (towns) shall strengthen the mediation of disputes over contracted management of rural land and help the parties to reach agreements on the settlement of disputes.

第七条 村民委员会、乡（镇）人民政府应当加强农村土地承包经营纠纷的调解工作，帮助当事人达成协议解决纠纷。

Article 8 To apply for mediation of disputes over contracted management of rural land, a party may file a written or oral application. In the case of filing an oral application, the villagers' committee or the people's government of the township (town) shall, on the spot, record the basic information of the applicant, disputes, grounds and time for which the mediation application is filed.

第八条 当事人申请农村土地承包经营纠纷调解可以书面申请，也可以口头申请。口头申请的，由村民委员会或者乡（镇）人民政府当场记录申请人的基本情况、申请调解的纠纷事项、理由和时间。

Article 9 When mediating the disputes over contracted management of rural land, the villagers' committee or the people's government of the township (town) shall fully hear the parties' statements of the facts and grounds, explain to them the relevant laws and policies of the state and patiently guide them so as to help them to reach an agreement.

第九条 调解农村土地承包经营纠纷，村民委员会或者乡（镇）人民政府应当充分听取当事人对事实和理由的陈述，讲解有关法律以及国家政策，耐心疏导，帮助当事人达成协议。

Article 10 Where an agreement is reached upon mediation, the villagers' committee or the people's government of the township (town) shall prepare a mediation agreement.

The mediation agreement shall bear the signatures, seals or fingerprints of both parties, and shall come into effect after it is signed by the mediators and is under the seal of the mediation organization.

第十条 经调解达成协议的，村民委员会或者乡（镇）人民政府应当制作调解协议书。

调解协议书由双方当事人签名、盖章或者按指印，经调解人员签名并加盖调解组织印章后生效。

Article 11 The arbitral tribunal shall mediate the disputes over contracted management of rural land. Where an agreement is reached upon mediation, the arbitration tribunal shall make a mediation paper. If the mediation fails, it shall timely make an award.

The mediation paper shall specify the arbitration claims and the result of the agreement between the parties. It shall be signed by the arbitrators and be under the seal of the rural land contract arbitration commission and be served on both parties.

The mediation paper shall be legally effective after both parties sign the receipt thereof. If either party goes back on his words before he signs the receipt of the mediation paper, the arbitration tribunal shall timely make an award.

第十一条 仲裁庭对农村土地承包经营纠纷应当进行调解。调解达成协议的，仲裁庭应当制作调解书；调解不成的，应当及时作出裁决。

调解书应当写明仲裁请求和当事人协议的结果。调解书由仲裁员签名，加盖农村土地承包仲裁委员会印章，送达双方当事人。

调解书经双方当事人签收后，即发生法律效力。在调解书签收前当事人反悔的，仲裁庭应当及时作出裁决。

Chapter III Arbitration

第三章 仲裁

Section 1 Arbitration Commissions and Arbitrators

第一节 仲裁委员会和仲裁员

Article 12 A rural land contract arbitration commission shall be established in light of the actual needs for settling the disputes over the contracted management of rural land. A rural land contract arbitration commission may be established in a county or un-districted city, or in a districted city or a jurisdictional area thereof.

A rural land contract arbitration commission shall be established under the guidance of the local people's government. Where a rural land contract arbitration commission has been established, its routine work shall be undertaken by the local rural land contract administrative department.

第十二条 农村土地承包仲裁委员会，根据解决农村土地承包经营纠纷的实际需要设立。农村土地承包仲裁委员会可以在县和不设区的市设立，也可以在设区的市或者其市辖区设立。

农村土地承包仲裁委员会在当地人民政府指导下设立。设立农村土地承包仲裁委员会的，其日常工作由当地农村土地承包管理部门承担。

（相关资料：部门规章 1 篇）

Article 13 A rural land contract arbitration commission shall be concurrently formed by the representatives from the local people's government and from its relevant departments, representatives from the relevant people's groups, representatives from rural collective economic organizations, farmer representatives, and professionals of law, economics and other relevant specialties. In particular, the number of farmer representatives and professionals of law and economics and other relevant specialties shall account for at least one half of the members of the arbitration commission.

A rural land contract arbitration commission shall have one director, 1 or 2 deputy directors and several commissaries. The director and deputy director (s) shall be elected by the all of the members of the commission.

第十三条 农村土地承包仲裁委员会由当地人民政府及其有关部门代表、有关人民团体代表、农村集体经济组织代表、农民代表和法律、经济等相关专业人员兼任组成，其中农民代表和法律、经济等相关专业人员不得少于组成人员的二分之一。

农村土地承包仲裁委员会设主任一人、副主任一至二人和委员若干人。主任、副主任由全体组成人员选举产生。

Article 14 A rural land contract arbitration commission shall perform the following functions according to law:

1. to hire or dismiss arbitrators;

2. to accept arbitration applications; and
3. to supervise the arbitration activities.

The rural land contract arbitration commission shall formulate bylaws under this Law, specifying the determination and term of office of its members, rules of procedures, etc.

第十四条 农村土地承包仲裁委员会依法履行下列职责：

- （一）聘任、解聘仲裁员；
- （二）受理仲裁申请；
- （三）监督仲裁活动。

农村土地承包仲裁委员会应当依照本法制定章程，对其组成人员的产生方式及任期、议事规则等作出规定。

Article 15 A rural land contract arbitration commission shall hire arbitrators from impartial and decent personnel.

An arbitrator shall conform to any of the following conditions:

1. having been engaged in the rural land contract administration work for 5 full years;
2. having been engaged in the legal work or the people's mediation work for 5 full years; and
3. having a high prestige in the local area and being a resident familiar with the rural land contract laws and relevant policies of the state.

第十五条 农村土地承包仲裁委员会应当从公道正派的人员中聘任仲裁员。

仲裁员应当符合下列条件之一：

- （一）从事农村土地承包管理工作满五年；
- （二）从事法律工作或者人民调解工作满五年；
- （三）在当地威信较高，并熟悉农村土地承包法律以及国家政策的居民。

Article 16 A rural land contract arbitration commission shall offer to the arbitrators trainings about rural land contract laws and relevant policies of the state.

The rural land contract administrative department of the people's government of a province, autonomous region or municipality directly under the Central Government shall work out an arbitrator training plan and strengthen the organization and guidance in respect of the training of arbitrators.

第十六条 农村土地承包仲裁委员会应当对仲裁员进行农村土地承包法律以及国家政策的培训。

省、自治区、直辖市人民政府农村土地承包管理部门应当制定仲裁员培训计划，加强对仲裁员培训工作的组织和指导。

Article 17 The members of a rural land contract arbitration commission and arbitrators shall perform their duties according to law, abide by the bylaws and arbitration rules of the rural land contract arbitration commission and arbitration rules, and shall not extort or take bribes, or practice favoritism or injure the legitimate rights and interests of the parties.

Where an arbitrator extorts or takes bribes, or practices favoritism, or renders an award by perverting the law, or accepts the treat and gifts from the parties concerned or commits any other conduct in violation of law or disciplines, the rural land contract arbitration commission shall dismiss him; if any crime is constituted, he shall be subject to the criminal liabilities according to law.

The people's governments at and above the county level and the relevant departments shall accept the complaints and tip-offs about the violations of law and disciplines committed by members of the rural land contract arbitration commissions and arbitrators and shall organize the investigation and handling of them according to law.

第十七条 农村土地承包仲裁委员会组成人员、仲裁员应当依法履行职责，遵守农村土地承包仲裁委员会章程和仲裁规则，不得索贿受贿、徇私舞弊，不得侵害当事人的合法权益。

仲裁员有索贿受贿、徇私舞弊、枉法裁决以及接受当事人请客送礼等违法违纪行为的，农村土地承包仲裁委员会应当将其除名；构成犯罪的，依法追究刑事责任。

县级以上地方人民政府及有关部门应当受理对农村土地承包仲裁委员会组成人员、仲裁员违法违纪行为的投诉和举报，并依法组织查处。

Section 2 Application and Acceptance

第二节 申请和受理

Article 18 The limitation for application for arbitration of disputes over the contracted management of rural land shall be 2 years, computing from the date on which the party knows or should know the injury to his rights.

第十八条 农村土地承包经营纠纷申请仲裁的时效期间为二年，自当事人知道或者应当知道其权利被侵害之日起计算。

Article 19 The applicant and respondent in the arbitration of disputes over the contracted management of rural land shall be the parties concerned. In the case of household contract, the representatives from the farmer households may participate in the arbitration. If there are a large number of persons in either of the parties, representatives may be recommended and elected to participate in the arbitration.

Anyone who has interests in the handling results of the case may apply for participating in the arbitration as the third party or be notified by the rural land contract arbitration commission to participate in the arbitration.

A party or the third party may authorize an agent to participate in the arbitration on his behalf.

第十九条 农村土地承包经营纠纷仲裁的申请人、被申请人当事人。家庭承包的，可以由农户代表人参加仲裁。当事人一方人数众多的，可以推选代表人参加仲裁。

与案件处理结果有利害关系的，可以申请作为第三人参加仲裁，或者由农村土地承包仲裁委员会通知其参加仲裁。

当事人、第三人可以委托代理人参加仲裁。

Article 20 An application for arbitration of disputes over contracted management of rural land shall meet the following requirements:

1. The party has direct interests in the disputes;
2. There is a definite respondent;
3. There are concrete arbitration claims and facts or grounds; and
4. It falls within the scope of acceptance by the rural land contract arbitration commission.

第二十条 申请农村土地承包经营纠纷仲裁应当符合下列条件：

- （一）申请人与纠纷有直接的利害关系；

- (二) 有明确的被申请人;
- (三) 有具体的仲裁请求和事实、理由;
- (四) 属于农村土地承包仲裁委员会的受理范围。

Article 21 Where a party applies for arbitration, he shall submit an arbitration application to the rural land contract arbitration commission of the place where the land involved in the disputes is located. He may mail the arbitration application or authorize a person to deliver it to the rural land contract arbitration commission. The arbitration application shall specify the basic information about the applicant and the respondent, the arbitration claims and the facts or grounds, and furnish corresponding evidence and sources thereof.

Where it is really difficult for a party to file a written application, he may file an oral application. The rural land contract arbitration commission shall make transcripts of the oral application and have the transcripts bear the signature, seal or fingerprint of the applicant upon his verification.

第二十一条 当事人申请仲裁,应当向纠纷涉及的土地所在地的农村土地承包仲裁委员会递交仲裁申请书。仲裁申请书可以邮寄或者委托他人代交。仲裁申请书应当载明申请人和被申请人的基本情况,仲裁请求和所根据的事实、理由,并提供相应的证据和证据来源。

书面申请确有困难的,可以口头申请,由农村土地承包仲裁委员会记入笔录,经申请人核实后由其签名、盖章或者按指印。

Article 22 A rural land contract arbitration commission shall examine the arbitration applications, and shall accept those conforming to the provisions of Article 20 of this Law. It shall not accept any application which is under any of the following circumstances; if it has accepted such an application, it shall terminate the arbitration procedure:

1. It does not meet the application requirements;
2. The disputes have been accepted by the people's court;
3. It is provided in law that the disputes shall be handled by another institution; or
4. There is an effective judgment, ruling, arbitral ruling or administrative handling decision about the disputes already.

第二十二条 农村土地承包仲裁委员会应当对仲裁申请予以审查,认为符合本法第二十条规定的,应当受理。有下列情形之一的,不予受理;已受理的,终止仲裁程序:

- (一) 不符合申请条件;
- (二) 人民法院已受理该纠纷;
- (三) 法律规定该纠纷应当由其他机构处理;
- (四) 对该纠纷已有生效的判决、裁定、仲裁裁决、行政处理决定等。

Article 23 If a rural land contract arbitration commission decides to accept an application, it shall, within 5 working days from the date on which it receives the arbitration application, serve upon the applicant the acceptance notice, arbitration rules and roster of arbitrators. If it decides not to accept the application or decides to terminate the arbitration procedure, it shall, within 5 working days from the date on which it receives the arbitration application or finds the circumstance for termination of the arbitration procedures, notify the applicant in writing and make an explanation.

第二十三条 农村土地承包仲裁委员会决定受理的,应当自收到仲裁申请之日起五个工作日内,将受理通知书、仲裁规则和仲裁员名册送达申请人;决定不予受理或者终止仲

裁程序的,应当自收到仲裁申请或者发现终止仲裁程序情形之日起五个工作日内书面通知申请人,并说明理由。

Article 24 The rural land contract arbitration commission shall, within 5 working days from the date on which it accepts the arbitration application, serve upon the respondent the acceptance notice, duplicate of the arbitration application, arbitration rules and roster of arbitrators.

第二十四条 农村土地承包仲裁委员会应当自受理仲裁申请之日起五个工作日内,将受理通知书、仲裁申请书副本、仲裁规则和仲裁员名册送达被申请人。

Article 25 The respondent shall submit a written answer to the rural land contract arbitration commission within 10 days from the date on which he receives the duplicate of the arbitration application. If it is really difficult for him to prepare a written answer, he may make an oral answer. The rural land contract arbitration commission shall make transcripts for the oral answer and have them bear the signature, seal or fingerprint of the respondent upon his verification. The rural land contract arbitration commission shall serve upon the applicant the duplicate of the written answer within 5 working days from the date on which it receives the written answer. The failure of a respondent to submit an answer shall not affect the arbitration procedures.

第二十五条 被申请人应当自收到仲裁申请书副本之日起十日内向农村土地承包仲裁委员会提交答辩书;书面答辩确有困难的,可以口头答辩,由农村土地承包仲裁委员会记入笔录,经被申请人核实后由其签名、盖章或者按指印。农村土地承包仲裁委员会应当自收到答辩书之日起五个工作日内将答辩书副本送达申请人。被申请人未答辩的,不影响仲裁程序的进行。

Article 26 One party may apply for property preservation in the event that the conduct of the other party or other causes may result in the failure or difficulty to execute the award.

If one party applies for property preservation, the rural land contract arbitration commission shall submit his application to the grassroots people's court of the place where the domicile or property of the respondent is located.

If the application errs, the applicant shall compensate the respondent for the losses as a result of the property preservation.

第二十六条 一方当事人因另一方当事人的行为或者其他原因,可能使裁决不能执行或者难以执行的,可以申请财产保全。

当事人申请财产保全的,农村土地承包仲裁委员会应当将当事人的申请提交被申请人住所地或者财产所在地的基层人民法院。

申请有错误的,申请人应当赔偿被申请人因财产保全所遭受的损失。

Section 3 Formation of Arbitral Tribunals

第三节 仲裁庭的组成

Article 27 An arbitral tribunal shall comprise three arbitrators. The chief arbitrator shall be jointly selected by the parties. The other 2 arbitrators shall be respectively selected by the parties, or may be appointed by the director of the rural land contract arbitration commission in the case of the parties' failure of selection.

In the case of clear facts, explicit relationship between rights and obligations, and minor disputes,

the disputes over contracted management of rural land may be arbitrated by a sole arbitrator upon consent of both parties. The arbitrator shall be jointly selected by the parties or be appointed by the director of the rural land contract arbitration commission.

The rural land contract arbitration commission shall notify the parties of the information about the formation of the arbitral tribunal within 2 working days from the date on which the arbitral tribunal is formed.

第二十七条 仲裁庭由三名仲裁员组成，首席仲裁员由当事人共同选定，其他二名仲裁员由当事人各自选定；当事人不能选定的，由农村土地承包仲裁委员会主任指定。

事实清楚、权利义务关系明确、争议不大的农村土地承包经营纠纷，经双方当事人同意，可以由一名仲裁员仲裁。仲裁员由当事人共同选定或者由农村土地承包仲裁委员会主任指定。

农村土地承包仲裁委员会应当自仲裁庭组成之日起二个工作日内将仲裁庭组成情况通知当事人。

Article 28 Under any of the following circumstances, an arbitrator shall withdraw, and the parties shall also have the right to apply in writing or orally for his withdrawal:

1. being a party or close relative of a party or agent in the case;
2. having interests in the case;
3. having any other relationship with a party to the case or his agent, which may affect the impartiality of the arbitration; or
4. privately meeting a party or his agent, or accepting a treat or gift from a party or agent thereof.

To apply for the withdrawal of an arbitrator, the party shall specify the grounds and file an application prior to the initial hearing of the arbitral tribunal. If the party knows the withdrawal grounds after the initial hearing of the arbitral tribunal, he may file an application prior to the end of the final hearing of the arbitral tribunal.

第二十八条 仲裁员有下列情形之一的，必须回避，当事人也有权以口头或者书面方式申请其回避：

- (一) 是本案当事人或者当事人、代理人的近亲属；
- (二) 与本案有利害关系；
- (三) 与本案当事人、代理人有其他关系，可能影响公正仲裁；
- (四) 私自会见当事人、代理人，或者接受当事人、代理人的请客送礼。

当事人提出回避申请，应当说明理由，在首次开庭前提出。回避事由在首次开庭后知道的，可以在最后一次开庭终结前提出。

Article 29 The rural land contract arbitration commission shall timely make a decision about the application for withdrawal and notify the party orally or in writing, and make an explanation.

The withdrawal of an arbitrator shall be decided by the director of the rural land contract arbitration commission. If the director of the rural land contract arbitration commission serves as an arbitrator, the his withdrawal shall be collectively decided by the rural land contract arbitration commission.

Where an arbitrator is unable to perform his duties because of withdrawal or for any other reason, a new arbitrator shall be selected or appointed under this Law.

第二十九条 农村土地承包仲裁委员会对回避申请应当及时作出决定，以口头或者书面方式通知当事人，并说明理由。

仲裁员是否回避，由农村土地承包仲裁委员会主任决定；农村土地承包仲裁委员会主任

担任仲裁员时，由农村土地承包仲裁委员会集体决定。

仲裁员因回避或者其他原因不能履行职责的，应当依照本法规定重新选定或者指定仲裁员。

Section 4 Hearing of Arbitral Tribunal and Awards

第四节 开庭和裁决

Article 30 The disputes over the contracted management of rural land shall be heard by the arbitral tribunal.

The hearing may be held in the township (town) or village of the place where the land involved in the disputes is located, or may be held at the location of the rural land contract arbitration commission. If both parties request that the hearing be held in the township (town) or village, the hearing shall be held in the township (town) or village.

The hearing shall be held in public, except the situation that the case involves any state secret, business secret or personal privacy or the parties stipulate not to hold the hearing in public.

第三十条 农村土地承包经营纠纷仲裁应当开庭进行。

开庭可以在纠纷涉及的土地所在地的乡（镇）或者村进行，也可以在农村土地承包仲裁委员会所在地进行。当事人双方要求在乡（镇）或者村开庭的，应当在该乡（镇）或者村开庭。

开庭应当公开，但涉及国家秘密、商业秘密和个人隐私以及当事人约定不公开的除外。

Article 31 The arbitral tribunal shall notify the parties and other arbitration participants of the time and place of the hearing to be held.

A party may apply to the arbitral tribunal for changing the time and place of the hearing if he has a good reason. The arbitral tribunal shall decide on whether to make the change.

第三十一条 仲裁庭应当在开庭五个工作日前将开庭的时间、地点通知当事人和其他仲裁参与人。

当事人有正当理由的，可以向仲裁庭请求变更开庭的时间、地点。是否变更，由仲裁庭决定。

Article 32 The parties may make reconciliation by themselves after filing an arbitration application. If they reach a reconciliation agreement, they may request the arbitral tribunal to make an award according to the reconciliation agreement, or may withdraw the arbitration application.

第三十二条 当事人申请仲裁后，可以自行和解。达成和解协议的，可以请求仲裁庭根据和解协议作出裁决书，也可以撤回仲裁申请。

Article 33 The applicant may waive or change the arbitration claims. The respondent may admit or argue against the arbitration claims and has the right to make counterclaims.

第三十三条 申请人可以放弃或者变更仲裁请求。被申请人可以承认或者反驳仲裁请求，有权提出反请求。

Article 34 If the applicant withdraws the arbitration claims before the arbitral tribunal renders an award, the arbitral tribunal shall terminate the arbitration unless the respondent makes

counterclaims.

第三十四条 仲裁庭作出裁决前，申请人撤回仲裁申请的，除被申请人提出反请求的外，仲裁庭应当终止仲裁。

Article 35 If the applicant fails, without good reason, to participate in the hearing disregarding the written notice given to him, or if he quits the tribunal in the midst of the hearing without permission of the arbitral tribunal, he may be deemed to have withdrawn the arbitration application.

If the respondent fails to participate in the hearing disregarding the written notice given to him, or if he quits the tribunal in the midst of the hearing without permission of the arbitral tribunal, a default award may be made.

第三十五条 申请人经书面通知，无正当理由不到庭或者未经仲裁庭许可中途退庭的，可以视为撤回仲裁申请。

被申请人经书面通知，无正当理由不到庭或者未经仲裁庭许可中途退庭的，可以缺席裁决。

Article 36 During the course of a hearing, the parties have the right to express their opinions, state the facts and grounds, present evidence, cross-examine the evidence and make arguments. If any party does not know the language commonly used in that place, the rural land contract arbitration commission shall provide a translator for him.

第三十六条 当事人在开庭过程中有权发表意见、陈述事实和理由、提供证据、进行质证和辩论。对不通晓当地通用语言文字的当事人，农村土地承包仲裁委员会应当为其提供翻译。

Article 37 A party shall provide evidence to support his own claims. If the evidence related to the disputes is in the control of the contract-issuer who is one party, the party shall provide the relevant evidence within the time limit as specified by the arbitral tribunal; if he fails to furnish the evidence with the time limit, he shall bear the unfavorable consequences.

第三十七条 当事人应当对自己的主张提供证据。与纠纷有关的证据由作为当事人一方的发包方等掌握管理的，该当事人应当在仲裁庭指定的期限内提供，逾期不提供的，应当承担不利后果。

Article 38 The arbitral tribunal may collect the evidence, which it considers necessary, by itself.

第三十八条 仲裁庭认为有必要收集的证据，可以自行收集。

Article 39 If the arbitral tribunal deems it necessary to authenticate a specific issue, it may have it authenticated by the authentication institution as agreed on by the parties. If non-authentication institution is agreed on by the parties, the arbitral tribunal shall designate an authentication institution to conduct the authentication.

Upon request of the parties or upon requirement of the arbitral tribunal, the authentication institution shall assign an authenticator to participate in the hearing. Upon permission of the arbitral tribunal, the parties may ask the authenticator questions.

第三十九条 仲裁庭对专门性问题认为需要鉴定的，可以交由当事人约定的鉴定机构鉴定；当事人没有约定的，由仲裁庭指定的鉴定机构鉴定。

根据当事人的请求或者仲裁庭的要求，鉴定机构应当派鉴定人参加开庭。当事人经仲裁庭许可，可以向鉴定人提问。

Article 40 The evidence shall be presented during the course of the hearing, but the evidence involving any state secret, business secret or personal privacy shall not be presented during the hearing in public.

The arbitral tribunal shall hold a hearing under the arbitration rules, offer both parties equal opportunities to make statements and arguments, and organize them to cross-examine the evidence.

The evidence which the arbitral tribunal confirms true upon investigation shall be regarded as the basis for finding the facts.

第四十条 证据应当在开庭时出示，但涉及国家秘密、商业秘密和个人隐私的证据不得在公开开庭时出示。

仲裁庭应当依照仲裁规则的规定开庭，给予双方当事人平等陈述、辩论的机会，并组织当事人进行质证。

经仲裁庭查证属实的证据，应当作为认定事实的根据。

Article 41 Where there is a likelihood that the evidence may be destroyed, lost or too difficult to obtain later, a party may apply for preservation of the evidence. If a party applies for preservation of the evidence, the rural land contract arbitration commission shall submit the application of the party to the grassroots people's court of the place where the evidence is located.

第四十一条 在证据可能灭失或者以后难以取得的情况下，当事人可以申请证据保全。当事人申请证据保全的，农村土地承包仲裁委员会应当将当事人的申请提交证据所在地的基层人民法院。

Article 42 For disputes involved in a case where the relationships of rights and obligations between the parties are clear, the arbitral tribunal may, at the request of the parties, first render an award to maintain the status quo, resume the agricultural production and stop fetching earth, occupying the land, etc.

If one party does not execute the pre-award, the other party may apply to the people's court for enforcement, but he shall provide a corresponding guarantee.

第四十二条 对权利义务关系明确的纠纷，经当事人申请，仲裁庭可以先行裁定维持现状、恢复农业生产以及停止取土、占地等行为。

一方当事人不履行先行裁定的，另一方当事人可以向人民法院申请执行，但应当提供相应的担保。

Article 43 The arbitral tribunal shall make transcripts of the hearing information and have them bear the signatures, seals or fingerprints of the arbitrators, recorder, parties and other arbitration participants.

If a party or any other arbitration participant considers that there is any omission or error in the records of his statements, he has the right to apply for making a supplement or correction. If he is not allowed to make a supplement or correction, a record of the application shall be made.

第四十三条 仲裁庭应当将开庭情况记入笔录，由仲裁员、记录人员、当事人和其他仲裁参与人签名、盖章或者按指印。

当事人和其他仲裁参与人认为对自己陈述的记录有遗漏或者差错的，有权申请补正。如果不予补正，应当记录该申请。

Article 44 The arbitral tribunal shall make an award on the basis of the confirmed facts and under the relevant laws and state policies, and prepare an arbitral award.

An award shall be made on the basis of the opinions of the majority of arbitrators and the dissentient opinions of a minority of arbitrators shall be recorded in writing. Where an arbitral tribunal fails to form the opinions by a majority, the arbitral award shall be rendered according to the opinion of the chief arbitrator.

第四十四条 仲裁庭应当根据认定的事实和法律以及国家政策作出裁决并制作裁决书。

裁决应当按照多数仲裁员的意见作出，少数仲裁员的不同意见可以记入笔录。仲裁庭不能形成多数意见时，裁决应当按照首席仲裁员的意见作出。

Article 45 An arbitral award shall expressly state the arbitration claims, disputed facts, reasons, results and date of the award, as well as the right of a party to lodge a lawsuit and the time limit for a party to lodge a lawsuit in the case of dissatisfaction with the arbitral award, and shall bear the signature of the arbitrators and the seal of the rural land contract arbitration commission.

The rural land contract arbitration commission shall serve the arbitral award on the parties within 3 working days as of the date on which the award is made, and notify the parties of their right to lodge a lawsuit and the time limit for them to lodge a lawsuit in the case of dissatisfaction with the arbitral award.

第四十五条 裁决书应当写明仲裁请求、争议事实、裁决理由、裁决结果、裁决日期以及当事人不服仲裁裁决的起诉权利、期限，由仲裁员签名，加盖农村土地承包仲裁委员会印章。

农村土地承包仲裁委员会应当在裁决作出之日起三个工作日内将裁决书送达当事人，并告知当事人不服仲裁裁决的起诉权利、期限。

Article 46 The arbitral tribunal shall independently perform its functions according to law, and shall not be subject to any interference of any administrative organ, social group, or individual.

第四十六条 仲裁庭依法独立履行职责，不受行政机关、社会团体和个人的干涉。

Article 47 The arbitration of disputes over the contracted management of rural land shall be ended within 60 days from the date of acceptance of the arbitration application. If it is necessary to extend the time limit because of the complexity of the case, an extension may be made upon approval of the director of the rural land contract arbitration commission and a written notice shall be given to the parties, but the maximum extension shall not exceed 30 days.

第四十七条 仲裁农村土地承包经营纠纷，应当自受理仲裁申请之日起六十日内结束；案情复杂需要延长的，经农村土地承包仲裁委员会主任批准可以延长，并书面通知当事人，但延长期限不得超过三十日。

Article 48 Where a party is dissatisfied with the arbitral award, he may lodge a lawsuit in the people's court within 30 days from the date on which he receives the arbitral award. If he fails to lodge a lawsuit within the time limit, the arbitral award shall become legally effective thereupon.

第四十八条 当事人不服仲裁裁决的，可以自收到裁决书之日起三十日内向人民法院起诉。逾期不起诉的，裁决书即发生法律效力。

Article 49 The parties shall execute the legally effective mediation paper or arbitral award within the specified time limit. If one party fails to execute it within the time limit, the other party may file an enforcement application with the grassroots people's court of the place where the domicile or property of the respondent is located. The people's court which accepts the application shall enforce the said mediation paper or arbitral award in pursuance of law.

第四十九条 当事人对发生法律效力的调解书、裁决书，应当依照规定的期限履行。一方当事人逾期不履行的，另一方当事人可以向被申请人住所地或者财产所在地的基层人民法院申请执行。受理申请的人民法院应当依法执行。

Chapter IV Supplementary Provisions

第四章 附则

Article 50 The term "rural land" as used in this Law refers to the farmland, woodland and grass land collectively owned by farmers or owned by the state but collectively used by farmers, and other types of land used for agriculture according to law.

第五十条 本法所称农村土地，是指农民集体所有和国家所有依法由农民集体使用的耕地、林地、草地，以及其他依法用于农业的土地。

Article 51 The arbitration rules on contracted management of rural land and the model bylaws of the rural land contract arbitration commissions shall be jointly formulated by the agriculture and forestry administrative departments of the State Council under this Law.

第五十一条 农村土地承包经营纠纷仲裁规则和农村土地承包仲裁委员会示范章程，由国务院农业、林业行政主管部门依照本法规定共同制定。

Article 52 No fees may be charged from any party for the arbitration of disputes over the contracted management of rural land. The operating funds for the arbitration work shall be guaranteed by the fiscal budget.

第五十二条 农村土地承包经营纠纷仲裁不得向当事人收取费用，仲裁工作经费纳入财政预算予以保障。

（相关资料：部门规章 1 篇）

Article 53 This Law shall come into force as of January 1, 2010.

第五十三条 本法自 2010 年 1 月 1 日起施行。

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