|  |  |  |
| --- | --- | --- |
| 发文机关Promulgator | ：: | 全国人民代表大会常务委员会The Standing Committee of the National People's Congress |
| 发布日期Date of Issue | ：: | 2000.12.282000.12.28 |
| 生效日期Effective Date | ：: | 2000.12.282000.12.28 |
| 时效性Effectiveness | ：: | 现行有效Current |
| 文号No.  | ：: | 主席令第四十三号Presidential Decree No. 43 |

# 中华人民共和国现役军官法(2000修订)

# Law of the People's Republic of China on Active Duty Officers (Revised in 2000)

中华人民共和国现役军官法(2000修订)

Law of the People's Republic of China on Active Duty Officers (Revised in 2000)

主席令第四十三号

Presidential Decree No. 43

（１９８８年９月５日第七届全国人民代表大会常务委员会第三次会议通过 根据１９９４年５月１２日第八届全国人民代表大会常务委员会第七次会议《关于修改〈中国人民解放军现役军官服役条例〉的决定》修正 根据２０００年１２月２８日第九届全国人民代表大会常务委员会第十九次会议《关于修改〈中国人民解放军现役军官服役条例〉的决定》第二次修正）

(Adopted at the 3rd Meeting of the Standing Committee of the Seventh National People's Congress on September 5, 1988, amended for the first time in accordance with the Decision on Amending the Regulations of the Chinese People's Liberation Army on the Military Service of Officers in Active Service adopted at the 7th Meeting of the Standing Committee of the Eighth National People's Congress on May 12, 1994, and amended for the second time in accordance with the Decision on Amending the Regulations of the Chinese People's Liberation Army on the Military Service of Officers in Active Service adopted at the 19th Meeting of the Standing Committee of the Ninth National People's Congress on December 28, 2000)

目录

Contents

　　第一章 总则

Chapter 1 General Provisions

　　第二章 军官的基本条件、来源和培训

Chapter 2 Basic Requirements for Officers and Their Sources and Training

　　第三章 军官的考核和职务任免

Chapter 3 Assessment of Officers and Appointment and Removal of Officers

　　第四章 军官的交流和回避

Chapter 4 Exchange of and Withdrawal by Officers

　　第五章 军官的奖励和处分

Chapter 5 Awards and Penalties for Officers

　　第六章 军官的待遇

CHAPTER 6 TREATMENT OF OFFICERS

　　第七章 军官退出现役

Chapter 7 Retirement of Officers from Active Service

　　第八章 附则

Chapter 8 Supplementary Provisions

第一章 总则

Chapter 1 General Provisions

第一条   为了建设一支革命化、年轻化、知识化、专业化的现役军官队伍，以利于人民解放军完成国家赋予的任务，制定本法。

Article 1 This Law is formulated for the purpose of building a contingent of revolutionary, younger, better educated and professional officers in active service to facilitate the People's Liberation Army's fulfilment of the tasks assigned by the State.

第二条   人民解放军现役军官（以下简称军官）是被任命为排级以上职务或者初级以上专业技术职务，并被授予相应军衔的现役军人。

Article 2 Officers in active service in the People's Liberation Army (hereinafter referred to as officers in short) are servicemen who hold posts at or above the platoon level or specialized technical posts at or above the junior level and who have been granted military ranks at corresponding levels.

军官按照职务性质分为军事军官、政治军官、后勤军官、装备军官和专业技术军官。

By the nature of the posts they hold, officers are classified as operational officers, political officers, logistics officers, armament officers and specialized technical officers.

第三条   军官是国家工作人员的组成部分。

Article 3 Officers constitute part of the State functionaries.

军官履行宪法和法律赋予的神圣职责，在社会生活中享有与其职责相应的地位和荣誉。

Officers perform the sacred duties entrusted to them by the Constitution and laws, and enjoy the status and honor corresponding to their duties in social life.

国家依法保障军官的合法权益。

The State protects the lawful rights and interests of officers in accordance with law.

第四条   军官的选拔和使用，坚持任人唯贤、德才兼备、注重实绩、适时交流的原则，实行民主监督，尊重群众公论。

Article 4 In the selection and use of officers, the principles of appointing people on their merits, stressing both political integrity and professional competence, attaching importance to actual performance, and exchanging officers when appropriate shall be adhered to, democratic supervision exercised, and public comments respected.

第五条   国家按照优待现役军人的原则，确定军官的各种待遇。

Article 5 On the principle of giving preferential treatment to servicemen, the State determines the various kinds of material and other benefits for officers.

第六条   军官符合本法规定的退出现役条件的，应当退出现役。

Article 6 Officers who meet the provisions on retiring from active service as specified in this Law shall retire from active service.

第七条   人民解放军总政治部主管全军的军官管理工作，团级以上单位的政治机关主管本单位的军官管理工作。

Article 7 The General Political Department of the People's Liberation Army shall be responsible for managing the affairs concerning the officers of the entire Army, while the political departments of units at or above the regimental level shall be responsible for managing the affairs concerning the officers of their respective units.

第二章 军官的基本条件、来源和培训

Chapter 2 Basic Requirements for Officers and Their Sources and Training

第八条   军官必须具备下列基本条件：

Article 8 Officers must meet the following basic requirements:

（一）忠于祖国，忠于中国共产党，有坚定的革命理想、信念，全心全意为人民服务，自觉献身国防事业；

1. being loyal to the motherland and to the Communist Party of China, cherishing firm revolutionary ideals and conviction, serving the people wholeheartedly, and devoting themselves to the cause of national defense;

（二）遵守宪法和法律、法规，执行国家的方针、政策和军队的规章、制度，服从命令，听从指挥；

2. observing the Constitution, laws and regulations, implementing State principles and policies and the Army's rules and regulations, and obeying orders and commands;

（三）具有胜任本职工作所必需的理论、政策水平，现代军事、科学文化、专业知识，组织、指挥能力，经过院校培训并取得相应学历，身体健康；

(III) possessing, as required for performing their own duties competently, sufficient understanding of theories and policies, modern military, scientific, general and specialized knowledge, and the ability to organize and direct work, having received training in schools or academies and corresponding academic credentials, and being in good health; and

（四）爱护士兵，以身作则，公道正派，廉洁奉公，艰苦奋斗，不怕牺牲。

(IV) cherishing the soldiers, setting good examples with their own conduct, being fair and upright, being honest and clean in performing their duties, working hard, and fearing no sacrifice.

第九条   军官的

Article 9 Officers’

（一）选拔优秀士兵和普通中学毕业生入军队院校学习毕业；

1. graduates of schools or academies in the Army, who are originally selected from among outstanding soldiers and graduates of regular secondary schools to study therein;

（二）接收普通高等学校毕业生；

2. graduates of regular institutions of higher education;

（三）由文职干部改任；

(III) civilian cadres in the civilian units;

（四）招收军队以外的专业技术人员和其他人员。

(IV) specialized technicians and other persons recruited from outside the Army.

战时根据需要，可以从士兵、征召的预备役军官和非军事部门的人员中直接任命军官。

When needed in times of war, soldiers, enlisted reserve officers, and persons in non-military departments may be directly appointed as active officers.

第十条   人民解放军实行经院校培训提拔军官的制度。

Article 10 The People's Liberation Army shall apply a system whereby its members are promoted as officers only after they have received training in schools or academies.

军事、政治、后勤、装备军官每晋升一级指挥职务，应当经过相应的院校或者其他训练机构培训。担任营级以下指挥职务的军官，应当经过初级指挥院校培训；担任团级和师级指挥职务的军官，应当经过中级指挥院校培训；担任军级以上指挥职务的军官，应当经过高级指挥院校培训。

Operational, political, logistics and armaments officers shall be promoted to the next higher commanding post only after they have received training in the appropriate schools, academies, or other training institutions. Officers who hold commanding posts at or below the battalion level shall be ones who have received training in schools or academies for junior commanders; officers who hold commanding posts at the regiment or division level shall be ones who have received training in schools or academies for intermediate commanders; and officers who hold commanding posts at or above the corps level shall be ones who have received training in schools or academies for senior commanders.

在机关任职的军官应当经过相应的院校培训。

Officers who serve in headquarters shall be ones who have received training in appropriate schools or academies.

专业技术军官每晋升一级专业技术职务，应当经过与其所从事专业相应的院校培训；院校培训不能满足需要时，应当通过其他方式，完成规定的继续教育任务。

Specialized technical officers shall be promoted to the next higher specialized technical posts only after they have received training in specialized technical schools or academies corresponding to their specialties, or after they have completed the specified continued education by other means when training offered by institutions of education cannot meet the need.

第三章 军官的考核和职务任免

Chapter 3 Assessment of Officers and Appointment and Removal of Officers

第十一条   各级首长和政治机关应当按照分工对所属军官进行考核。

Article 11 Leading cadres and political departments at various levels shall, in line with their division of responsibilities, appraise officers governed by them.

考核军官，应当实行领导和群众相结合，根据军官的基本条件和中央军事委员会规定的军官考核标准、程序、方法，以工作实绩为主，全面考核。考核结果分为优秀、称职、不称职三个等次，并作为任免军官职务的主要依据。考核结果应当告知本人。

The appraisal shall be conducted in a comprehensive way by the leaders together with the rank and file, in compliance with the basic requirements for officers and the criteria, procedures and methods for the appraisal of officers formulated by the Central Military Commission, with stress on actual performance. The results of the appraisal are divided into three grades: excellent, competent and incompetent, and serve as the main basis for appointing or removing officers. The officers concerned shall be informed of the results of the appraisal.

任免军官职务，应当先经考核；未经考核不得任免。

The appointment and removal of officers shall be preceded by appraisals; no appointment or removal may be made without an appraisal.

第十二条   军官职务的任免权限：

Article 12 Authorities for the appointment and removal of officers are as follows:

（一）总参谋长、总政治部主任至正师职军官职务，由中央军事委员会主席任免；

1. officers from the Chief of the General Staff and the Director of the General Political Department down to those at the level of division commander shall be appointed or removed by the Chairman of the Central Military Commission;

（二）副师职（正旅职）、正团职（副旅职）军官职务和高级专业技术军官职务，由总参谋长、总政治部主任、总后勤部部长和政治委员、总装备部部长和政治委员、大军区及军兵种或者相当大军区级单位的正职首长任免，副大军区级单位的正团职（副旅职）军官职务由副大军区级单位的正职首长任免；

2. officers at the level of deputy division commander (or brigade commander) and the level of regiment commander (or deputy brigade commander) and senior specialized technical officers shall be appointed or removed by the Chief of the General Staff, the Director of the General Political Department, the Director and the Political Commissar of the General Logistics Department, the Director and the Political Commissar of the General Armaments Department, the commanders and political commissars of the major military commands and of the various services and arms, or the heads of units equivalent to the major military commands; officers at the level of regiment commander (or deputy brigade commander) in units equivalent to quasi major military commands shall be appointed or removed by the heads of those units;

（三）副团职、正营职军官职务和中级专业技术军官职务，由集团军或者其他有任免权的军级单位的正职首长任免，独立师的正营职军官职务由独立师的正职首长任免；

(III) officers at the level of deputy regiment commander and the level of battalion commander and intermediate specialized technical officers shall be appointed or removed by the heads of corps or of units at the corps level which have the power to make such appointments and removals; officers serving as battalion commanders in an independent division shall be appointed or removed by the heads of that division; and

（四）副营职以下军官职务和初级专业技术军官职务，由师（旅）或者其他有任免权的师（旅）级单位的正职首长任免。

(IV) officers at or below the level of deputy battalion commander and junior specialized technical officers shall be appointed or removed by the commander and political commissar of a division (or brigade) or the head (s) of a unit at the division (or brigade) level which has the power to make such appointments and removals.

前款所列军官职务的任免，按照中央军事委员会规定的程序办理。

The appointment and removal of officers described in the preceding paragraph shall be conducted in accordance with the procedures prescribed by the Central Military Commission.

第十三条   在执行作战、抢险救灾等紧急任务时，上级首长有权暂时免去违抗命令、不履行职责或者不称职的所属军官的职务，并可以临时指派其他军人代理；因其他原因，军官职务出现空缺时，上级首长也可以临时指派军人代理。

Article 13 While emergency missions like battles or rescue or relief operations are being carried out, leading cadres at higher levels shall have the power tentatively to remove officers on their staff who disobey orders, refuse to perform their duties or are incompetent, and to assign other servicemen to take over their posts for the moment; when vacancies of officer posts appear because of other reasons, they, too, shall have the power to assign servicemen to fill in the vacancies tentatively.

依照前款规定暂时免去或者临时指派军人代理军官职务，应当尽快报请有任免权的上级审核决定，履行任免手续。

The tentative removal of officers or assignment of servicemen to replace them made in accordance with the provisions of the preceding paragraph shall be reported as soon as possible to the higher authorities that have the power of appointment and removal for examination and decision in order to complete the procedure for appointment or removal.

第十四条   作战部队的军事、政治、后勤、装备军官平时任职的最高年龄分别为：

Article 14 The maximum age for operational, political, logistics and armaments officers in combat troops in peacetime shall be:

（一）担任排级职务的，三十岁；

1. 30 for officers at the platoon level;

（二）担任连级职务的，三十五岁；

2. 35 for officers at the company level;

（三）担任营级职务的，四十岁；

3. 40 for officers at the battalion level;

（四）担任团级职务的，四十五岁；

4. 45 for reserve officers at the regimental level;

（五）担任师级职务的，五十岁；

(V) 50 for officers at the division level;

（六）担任军级职务的，五十五岁；

6. 55 for officers at the corps level; and

（七）担任大军区级职务的，副职六十三岁，正职六十五岁。

(VII) 63 for officers at the level of deputy commander of the major military command and 65 for officers at the level of commander of the major military command.

在舰艇上服役的营级和团级职务军官，任职的最高年龄分别为四十五岁和五十岁；从事飞行的团级职务军官，任职的最高年龄为五十岁。

The maximum age for officers at battalion or regiment level aboard naval vessels shall be 45 and 50 respectively; the maximum age for flying officers at regiment level shall be 50.

作战部队的师级和军级职务军官，少数工作需要的，按照任免权限经过批准，任职的最高年龄可以适当延长，但是师级和正军职军官延长的年龄最多不得超过五岁，副军职军官延长的年龄最多不得超过三岁。

The maximum age for a small number of the officers at the division or corps level in combat troops may be appropriately extended, provided this is necessitated by work and approved by the authorities with the prescribed power for appointment and removal. However, the maximum age extension for officers at the division level and at the level of corps commander shall be not more than five years while the maximum age extension for officers at the level of deputy corps commander shall be not more than three years.

第十五条   作战部队以外单位的副团职以下军官和大军区级职务军官，任职的最高年龄依照本法第十四条第一款的相应规定执行；正团职军官，任职的最高年龄为五十岁；师级职务军官，任职的最高年龄为五十五岁；副军职和正军职军官，任职的最高年龄分别为五十八岁和六十岁。

Article 15 For officers in units other than combat troops, the maximum age for those at or below the level of deputy regiment commander and those at the level of the major military command shall be determined in accordance with the provisions of the first paragraph of Article 14 of this Law; the maximum age for those at the level of regiment commander, at the division level, at the level of deputy corps commander, and at the level of corps commander shall be 50, 55, 58, and 60 respectively.

第十六条   专业技术军官平时任职的最高年龄分别为：

Article 16 The maximum age for specialized technical officers in peacetime shall be:

（一）担任初级专业技术职务的，四十岁；

1. 40 for junior specialized technical officers;

（二）担任中级专业技术职务的，五十岁；

2. 50 for intermediate specialized technical officers; and

（三）担任高级专业技术职务的，六十岁。

3. 60 for senior specialized technical officers.

担任高级专业技术职务的军官，少数工作需要的，按照任免权限经过批准，任职的最高年龄可以适当延长，但是延长的年龄最多不得超过五岁。

The maximum age for a small number of the senior specialized technical officers may be appropriately extended, but the extension shall be not more than five years, provided this is necessitated by work and approved by the departments which have the prescribed authority for appointment and removal.

第十七条   担任排、连、营、团、师（旅）、军级主官职务的军官，平时任职的最低年限分别为三年。

Article 17 The minimum term of office for the principal commanders at the levels of platoon, company, battalion, regiment, division (brigade), and corps in peacetime shall be three years.

第十八条   机关和院校的股长、科长、处长、局长、部长及相当领导职务的军官，任职的最低年限参照本法第十七条的规定执行。

Article 18 The minimum term of office for chiefs of sections, subdivisions, divisions, bureaus and departments in headquarters or academies and schools and officers holding leading posts at corresponding levels shall be determined with reference to the provisions of Article 17 of this Law.

机关和院校的参谋、干事、秘书、助理员、教员等军官，每个职务等级任职的最低年限为三年。

The minimum term of office for staff officers, clerical workers, secretaries, assistants, instructors, etc. shall be three years.

第十九条   专业技术军官平时任职的最低年限，按照中央军事委员会的有关规定执行。

Article 19 The minimum term of office for specialized technical officers in peacetime shall be determined in accordance with the relevant regulations of the Central Military Commission.

第二十条   军官任职满最低年限后，才能根据编制缺额和本人德才条件逐职晋升。

Article 20 Officers may be promoted to the next higher level by filling vacancies available in the authorized size of the staff on the strength of their political integrity and professional competence, but only after they have completed their minimum term of office.

军官德才优秀、实绩显著、工作需要的，可以提前晋升；特别优秀的，可以越职晋升。

Officers who are outstanding in political integrity and professional competence and who have distinguished themselves in performing their duties may be promoted ahead of time, provided this is necessitated by work; those who are exceptionally outstanding may be promoted by skipping a grade.

第二十一条   军官晋升职务，应当具备拟任职务所要求的任职经历、文化程度、院校培训等资格。具体条件由中央军事委员会规定。

Article 21 Officers to be promoted to the next higher level shall have the qualifications required by the posts they are to hold, including the record of assignments, educational level, and training received in academies or schools. The specific qualifications shall be prescribed by the Central Military Commission.

第二十二条   军官职务应当按照编制员额和编制职务等级任命。

Article 22 Officers shall be appointed within the authorized size of the staff and in accordance with the authorized grading of posts.

第二十三条   军官经考核不称职的，应当调任下级职务或者改做其他工作，并按照新任职务确定待遇。

Article 23 Officers whom appraisals prove to be unqualified for their posts shall be transferred to posts at lower levels or to other jobs, and their material and other benefits shall be redetermined accordingly.

第二十四条   担任师、军、大军区级职务的军官，正职和副职平时任职的最高年限分别为十年。任职满最高年限的，应当免去现任职务。

Article 24 The maximum term of office for commanders and deputy commanders at or equivalent to the level of division, corps, or major military command in peacetime shall be ten years. Those who have completed their maximum term of office shall be relieved of their posts.

第二十五条   根据国防建设的需要，军队可以向非军事部门派遣军官，执行军队交付的任务。

Article 25 To meet the needs in the building of national defence, Army may send officers to non-military departments to fulfil the tasks assigned by the Army.

第二十六条   军官可以按照中央军事委员会的规定改任文职干部。

Article 26 Officers may be transferred to posts as civilian cadres in the Army in accordance with the regulations of the Central Military Commission.

第四章 军官的交流和回避

Chapter 4 Exchange of and Withdrawal by Officers

第二十七条   军官应当在不同岗位或者不同单位之间进行交流，具体办法由中央军事委员会根据本法规定。

Article 27 Officers shall be exchanged between different posts or different units. Specific measures shall be prescribed by the Central Military Commission in accordance with this Law.

第二十八条   军官在一个岗位任职满下列年限的，应当交流：

Article 28 Officers who have completed the following terms of office at one post shall be exchanged:

（一）作战部队担任师级以下主官职务的，四年；担任军级主官职务的，五年；

1. in combat troops, four years for principal commanders at or below the division level and five years for principal commanders at the corps level; and

（二）作战部队以外单位担任军级以下主官职务的，五年；

2. in units other than combat troops, five years for principal commanders at or below the corps level; and

（三）机关担任股长、科长、处长及相当领导职务的，四年；担任局长、部长及相当领导职务的，五年；但是少数专业性强和工作特别需要的除外。

(III) 4 years for chiefs of sections, subdivisions and divisions and equivalent posts in government departments and 5 years for chiefs of bureau and ministers and equivalent posts in government departments except a small number of highly specialized officers and officers specially necessitated by work.

担任师级和军级领导职务的军官，在本单位连续工作分别满二十五年和三十年的，应当交流。

Officers holding leading posts at the division and corps levels and having worked consecutively in the same unit for 25 years and 30 years respectively shall be exchanged.

担任其他职务的军官，也应当根据需要进行交流。

Officers holding other posts shall also be exchanged as required.

第二十九条   在艰苦地区工作的军官向其他地区交流，按照中央军事委员会的有关规定执行。

Article 29 Officers working in the areas where conditions are hard shall be exchanged to other areas in accordance with the relevant regulations of the Central Military Commission.

第三十条   军官之间有夫妻关系、直系血亲关系、三代以内旁系血亲关系以及近姻亲关系的，不得担任有直接上下级或者间隔一级领导关系的职务，不得在同一单位担任双方直接隶属于同一首长的职务，也不得在担任领导职务一方的机关任职。

Article 30 For officers having matrimonial relationship, lineal blood relationship, collateral blood relationship within three generations, or close marriage relationship, one of them shall not hold a post directly under the leadership of the other or a post of two levels lower under the leadership of the other, nor shall they hold posts in the same unit where both are directly subordinate to the same leader, nor shall one hold a post in the unit led by the other.

第三十一条   军官不得在其原籍所在地的军分区（师级警备区）和县、市、市辖区的人民武装部担任主官职务，但是工作特别需要的除外。

Article 31 No officer may hold the post of the principal commander of the military subcommand (or garrison command at the division level) or the department of the people's armed forces of the county, municipality or district under the jurisdiction of the municipal government in his or her native place. But officers specially necessitated by work are exceptions.

第三十二条   军官在执行职务时，涉及本人或者涉及与本人有本法第三十条所列亲属关系人员的利益关系的，应当回避，但是执行作战任务和其他紧急任务的除外。

Article 32 When officers perform the duties involving their own interests or the interests of the people having such relationships with them as listed in Article 30 of this Law, they shall withdraw. But officers carrying out combat tasks or other urgent tasks are exceptions.

第五章 军官的奖励和处分

Chapter 5 Awards and Penalties for Officers

第三十三条   军官在作战和军队建设中做出突出贡献或者取得显著成绩，以及为国家和人民做出其他较大贡献的，按照中央军事委员会的规定给予奖励。

Article 33 Officers who have made significant contributions or achieved outstanding successes in battle or in army building and those who have made considerable contributions to the State and the people in other fields of endeavor shall be awarded in accordance with the relevant regulations of the Central Military Commission.

奖励分为：嘉奖、三等功、二等功、一等功、荣誉称号以及中央军事委员会规定的其他奖励。

The awards shall fall into the following categories: Honourable Citation; Citation for Merit, Class III; Citation for Merit, Class II; Citation for Merit, Class I; and conferment of honourable titles and other awards instituted by the Central Military Commission.

第三十四条   军官违反军纪的，按照中央军事委员会的规定给予处分。

Article 34 Officers who have violated military discipline shall be given disciplinary sanctions in accordance with the regulations of the Central Military Commission.

处分分为：警告、严重警告、记过、记大过、降职（级）或者降衔、撤职、开除军籍以及中央军事委员会规定的其他处分。

The disciplinary sanctions shall fall into the following categories: disciplinary warning; serious disciplinary warning; recording of a demerit; recording of a serious demerit; demotion to a lower post (or grade); dismissal from post; disciplinary discharge from the military service and other disciplinary sanctions prescribed by the Central Military Commission.

第三十五条   对被撤职的军官，根据其所犯错误的具体情况，任命新的职务；未任命新的职务的，应当确定职务等级待遇。

Article 35 Officers who have been removed from office shall be appointed to new posts in the light of the specific circumstances under which they made mistakes; those who have not been appointed to new posts shall also be regarded for their posts and treatment.

第三十六条   军官违反法律，构成犯罪的，依法追究刑事责任。

Article 36 Officers whose actions against the law constitute criminal offences shall be investigated for criminal responsibility in accordance with law.

第六章 军官的待遇

CHAPTER 6 TREATMENT OF OFFICERS

第三十七条   军官实行职务军衔等级工资制和定期增资制度，按照国家和军队的有关规定享受津贴和补贴，并随着国民经济的发展适时调整。具体标准和办法由中央军事委员会规定。

Article 37 A system linking salary to post and military rank and a regular salary increase system shall be instituted for officers, who shall, in accordance with the relevant regulations of the State and the Army, enjoy allowances and subsidies which shall be duly adjusted with the development of the national economy. Specific criteria and measures shall be prescribed by the Central Military Commission.

军官按照规定离职培训、休假、治病疗养以及免职待分配期间，工资照发。

Officers shall continue to draw their salaries, when they, in accordance with the relevant regulations, receive off-service training, take vacation, receive medical treatment or recuperate, or when they wait for new assignments after being relieved of their duties.

第三十八条   军官享受公费医疗待遇。有关部门应当做好军官的医疗保健工作，妥善安排军官的治病和疗养。

Article 38 Officers shall enjoy free medical care. The relevant departments shall do a good job of providing medical and health services for officers and make proper arrangements for their medical treatment and recuperation.

军官按照国家和军队的有关规定享受军人保险待遇。

Officers shall enjoy servicemen insurance in accordance with the relevant regulations of the State and the Army.

第三十九条   军官住房实行公寓住房与自有住房相结合的保障制度。军官按照规定住用公寓住房或者购买自有住房，享受相应的住房补贴和优惠待遇。

Article 39 Officers' housing shall be guaranteed by a system under which public apartments are combined with self-owned houses. Officers may reside in public apartments or buy their own houses in accordance with regulations, and they shall enjoy appropriate housing subsidies and preferential treatment.

第四十条   军官享受休假待遇。上级首长应当每年按照规定安排军官休假。

Article 40 Officers shall be entitled to vacation. Leading cadres at higher levels shall arrange annual vacation for officers in accordance with regulations.

执行作战任务部队的军官停止休假。

Officers of units carrying out combat duties are suspended from vacation.

国家发布动员令后，按照动员令应当返回部队的正在休假的军官，应当自动结束休假，立即返回本部。

When the State issues an order of mobilization, officers on vacation who are required to return to their units in response to the order shall terminate their vacation and return to their units immediately.

第四十一条   军官的家属随军、就业、工作调动和子女教育，享受国家和社会优待。

Article 41 Officers' family members shall enjoy the preferential treatment of the State and the society in respect of coming to reside with the officers, getting employed or transferred to other jobs and in respect of education for children.

军官具备家属随军条件的，经师（旅）级以上单位的政治机关批准，其配偶和未成年子女、无独立生活能力的子女可以随军，是农村户口的，转为城镇户口。

Officers who are qualified to take along with them their family members, i.e., their spouses and their children who have not come of age or who do not have the ability to live by themselves, may do so after obtaining approval from the political departments at or above the division (or brigade) level, and those family members who are from the countryside may have their rural domicile registrations changed to urban ones.

部队移防或者军官工作调动的，随军家属可以随调。

When the units are shifted to other places for garrison duties or when the officers are assigned posts in other places, their dependents may accompany the officers.

军官年满五十岁、身边无子女的，可以调一名有工作的子女到军官所在地。所调子女已婚的，其配偶和未成年子女、无独立生活能力的子女可以随调。

An officer who has reached the age of 50 but who has no child living with him or her may have one working child transferred to the place where he or she is stationed. If the son or daughter to be thus transferred is married, his or her spouse and his or her children who have not come of age or who do not have the ability to live by themselves may be transferred along with him or her.

随军的军官家属、随调的军官子女及其配偶的就业和工作调动，按照国务院和中央军事委员会的有关规定办理。

The assignment and transfer of jobs for officers' family members who reside with the officers and for officers' children and their children's spouses who are transferred to the places where the officers are stationed shall be handled in accordance with the relevant regulations of the State Council and the Central Military Commission.

第四十二条   军官牺牲、病故后，其随军家属移交政府安置管理。具体办法由国务院和中央军事委员会规定。

Article 42 The affairs of the family members who reside with the officers shall be handed over to the government after the officers' death in action or because of illness. Specific measures shall be formulated by the State Council and the Central Military Commission.

第七章 军官退出现役

Chapter 7 Retirement of Officers from Active Service

第四十三条   军事、政治、后勤、装备军官平时服现役的最低年限分别为：

Article 43 The minimum term of active service for operational, political, logistics and armaments officers in peacetime shall be:

（一）担任排级职务的，八年；

1. 8 years for officers at the platoon level;

（二）担任连级职务的，副职十年，正职十二年；

2. 10 years for officers at the level of deputy company commander, and 12 years for officers at the level of company commander;

（三）担任营级职务的，副职十四年，正职十六年；

3. 14 years for officers at the level of deputy battalion commander, and 16 years for officers at the level of battalion commander; and

（四）担任团级职务的，副职十八年，正职二十年。

(IV) 18 years for officers at the level of deputy regiment commander, and 20 years for officers at the level of regiment commander.

第四十四条   专业技术军官平时服现役的最低年限分别为：

Article 44 The minimum term of active service for specialized technical officers in peacetime shall be:

（一）担任初级专业技术职务的，十二年；

1. 12 years for junior specialized technical officers;

（二）担任中级专业技术职务的，十六年；

2. 16 years for intermediate specialized technical officers; and

（三）担任高级专业技术职务的，二十年。

3. 20 years for senior specialized technical officers.

第四十五条   军官未达到平时服现役的最低年限的，不得退出现役。但是有下列情形之一的，应当提前退出现役：

Article 45 No officers who have not completed their minimum term of active service in peacetime may retire from active service. However, those who fall into any of the following categories shall retire from active service ahead of time:

（一）伤病残不能坚持正常工作的；

1. being unable to carry on work regularly because of wound, illness, or disability;

（二）经考核不称职又不宜作其他安排的；

(II) being appraised as unqualified for the post and unsuitable for other arrangements;

（三）犯有严重错误不适合继续服现役的；

(III) having made a serious mistake and become unsuitable for continued active service;

（四）调离军队，到非军事部门工作的；

4. being transferred from the corps to non-military departments; or

（五）因军队体制编制调整精简需要退出现役的。

(V) having to retire from active service as a result of the readjustment and streamlining of the structure and organization of the Army.

军官未达到平时服现役的最低年限，要求提前退出现役未获批准，经教育仍坚持退出现役的，给予降职（级）处分或者取消其军官身份后，可以作出退出现役处理。

Officers who have not completed their minimum term of active service in peacetime, whose applications for retiring from active service ahead of time have been rejected and who insist on early retirement despite persuasion may be allowed to do so after they are demoted to a lower post (or grade) by way of disciplinary sanction or after they are deprived of their status as officers.

第四十六条   军官达到平时服现役的最高年龄的，应当退出现役。

Article 46 Officers shall retire from active service when they reach the maximum age for active service in peacetime.

军官平时服现役的最高年龄分别为：

The maximum age for Active Duty Officers in peacetime shall be:

（一）担任正团职职务的，五十岁；

1. 50 for officers at the level of regiment commander;

（二）担任师级职务的，五十五岁；

2. 55 for officers at the division level;

（三）担任军级职务的，副职五十八岁，正职六十岁；

3. 58 for officers at the level of deputy corps commander, and 60 for officers at the level of corps commander; and

（四）担任其他职务的，服现役的最高年龄与任职的最高年龄相同。

(IV) the maximum age for active duty officers holding other posts shall be the same as the maximum age for their posts.

第四十七条   军官未达到平时服现役的最高年龄，有下列情形之一的，应当退出现役：

Article 47 Officers who have not reached the maximum age for active service in peacetime shall retire from active service if they fall into any of the following categories:

（一）任职满最高年限后需要退出现役的；

1. having to retire from active service after completing their maximum terms of office;

（二）伤病残不能坚持正常工作的；

2. being unable to carry on work regularly because of wound, illness, or disability;

（三）受军队编制员额限制，不能调整使用的；

3. being not in a position to be reappointed because of limitations on the size of the staff;

（四）调离军队，到非军事部门工作的；

4. being transferred from the corps to non-military departments; or

（五）有其他原因需要退出现役的。

(V) having to retire from active service because of other reasons.

第四十八条   军官退出现役的批准权限与军官职务的任免权限相同。

Article 48 Officers' retirement from active service shall be approved by the same authorities that have the power to approve their appointment and removal.

第四十九条   军官退出现役后，采取转业由政府安排工作和职务，或者由政府协助就业、发给退役金的方式安置；有的也可以采取复员或者退休的方式安置。

Article 49 After retiring from active service, officers shall be transferred to civilian jobs with the government assigning them jobs and posts or assisting them to get jobs and providing them with retirement pay; some of them may be treated as demobilized servicemen or as pensioners.

担任师级以上职务和高级专业技术职务的军官，退出现役后作退休安置，有的也可以作转业安置或者其他安置。

After they retire from active service, officers holding posts at or above the divisional level or senior specialized technical posts shall be treated as pensioners; some of them may be transferred to civilian jobs, or other arrangements may be made for them.

担任团级以下职务和初级、中级专业技术职务的军官，退出现役后作转业安置或者其他安置。

After they retire from active service, officers holding posts at or below the regimental level or junior or intermediate specialized technical posts shall be transferred to civilian jobs, or other arrangements may be made for them.

对退出现役由政府安排工作和职务以及由政府协助就业、发给退役金的军官，政府应当根据需要进行职业培训。

After retiring from active service, officers who are assigned jobs and posts or who are assisted to get jobs and provided with retirement pay by the government shall receive vocational training arranged by the government where necessary.

未达到服现役的最高年龄，基本丧失工作能力的军官，退出现役后作退休安置。

Officers who have basically lost their ability to work before reaching the maximum age for active service shall be treated as pensioners after retiring from active service.

服现役满三十年以上或者服现役和参加工作满三十年以上，或者年满五十岁以上的军官，担任师级以上职务，本人提出申请，经组织批准的，退出现役后可以作退休安置；担任团级职务，不宜作转业或者其他安置的，可以由组织批准退出现役后作退休安置。

Officers who have been in active service for 30 years or more, or who have been in active service and have worked for the State for a total of 30 years or more, or who are aged 50 or more, may be treated as pensioners, provided they are released from active service upon approval of their applications for retirement by the competent authorities; and those who are at the regimental level and are not suitable for transference to civilian jobs or for other arrangements may be treated as pensioners, provided their retirement from active service is approved by the competent authorities.

第五十条   军官达到服现役的最高年龄，符合国家规定的离休条件的，可以离职休养。因工作需要或者其他原因，经过批准，可以提前或者推迟离休。

Article 50 Officers who have reached the maximum age for active service may leave their posts to rest if they meet the relevant State requirements for doing so. Upon approval, some may do so before they reach the maximum age while others may stay longer in active service due to the need of work or for other reasons.

第五十一条   军官退出现役后的安置管理具体办法由国务院和中央军事委员会规定。

Article 51 The specific administrative measures for the arrangements to be made for the officers after they retire from active service shall be prescribed by the State Council and the Central Military Commission.

军官离职休养和军级以上职务军官退休后，按照国务院和中央军事委员会的有关规定安置管理。

Arrangements for officers who have left their posts to rest and officers at or above the corps level who have retired from active service shall be made and their affairs administered in accordance with the relevant regulations of the State Council and the Central Military Commission.

第八章 附则

Chapter 8 Supplementary Provisions

第五十二条   人民解放军总政治部根据本法制定实施办法，报国务院和中央军事委员会批准后施行。

Article 52 The General Political Department of the People's Liberation Army shall, in accordance with this Law, formulate measures for its implementation, which shall come into force after being submitted to and approved by the State Council and the Central Military Commission.

第五十三条   中国人民武装警察部队现役警官适用本法，具体办法由国务院和中央军事委员会规定。

Article 53 This Law shall be applicable to officers of the Chinese People's Armed Police Force in active service. Specific measures shall be formulated by the State Council and the Central Military Commission.

第五十四条   本法（原称《中国人民解放军现役军官服役条例》）自１９８９年１月１日起施行。１９７８年８月１８日第五届全国人民代表大会常务委员会批准、１９７８年８月１９日国务院和中央军事委员会颁布的《中国人民解放军干部服役条例》同时废止。

Article 54 This Law (formerly known as Regulations of the Chinese People's Liberation Army on the Military Service of Officers in Active Service) shall go into effect as of January 1, 1989. The Regulations on the Military Service of Cadres of the Chinese People's Liberation Army, which was approved by the Standing Committee of the Fifth National People's Congress on August 18, 1978 and promulgated by the State Council and the Central Military Commission on August 19, 1978, shall be annulled as of the same date.