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# 中华人民共和国农村土地承包经营纠纷调解仲裁法

# Law of the People's Republic of China on Mediation and Arbitration of Disputes over the Rural Land Contractual Management

中华人民共和国农村土地承包经营纠纷调解仲裁法

Law of the People's Republic of China on Mediation and Arbitration of Disputes over the Rural Land Contractual Management

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目    录

Catalogue

　　第一章 总则

Chapter 1 General Provisions

　　第二章 调解

Chapter 2 Mediation

　　第三章 仲裁

Chapter 3 Arbitration

　　　　第一节 仲裁委员会和仲裁员

Section 1 ARBITRATION COMMISSION AND ARBITRATORS

　　　　第二节 申请和受理

Section 2 Application and Acceptance

　　　　第三节 仲裁庭的组成

Section 3 Constitution of the Tribunal

　　　　第四节 开庭和裁决

Section 4 Hearings and Awards

　　第四章 附则

Chapter 4 Supplementary Provisions

第一章 总则

Chapter 1 General Provisions

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 1 This Law is enacted with a view to resolving disputes over the contractual management of rural lands in a just and timely manner, safeguarding the legitimate rights and interests of the parties concerned, and promoting the development of rural economy and social stability.

第二条   农村土地承包经营纠纷调解和仲裁，适用本法。

Article 2 The mediation and arbitration of disputes over the contractual management of rural lands shall be governed by the Law.

农村土地承包经营纠纷包括：

Disputes over the contractual management of rural lands include:

（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；

1. disputes arising from the conclusion, performance, modification, rescission or termination of rural land contracts;

（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；

(II) Disputes arising out of the subcontract, lease, exchange, transfer, share purchasing and other circulation of contracted management right of rural land;

（三）因收回、调整承包地发生的纠纷；

3. disputes arising from the withdrawal of or adjustments to contracted land;

（四）因确认农村土地承包经营权发生的纠纷；

(IV) disputes arising from the confirmation of contractual management rights to rural lands;

（五）因侵害农村土地承包经营权发生的纠纷；

(V) Disputes arising from infringement upon the contracted management right of rural land;

（六）法律、法规规定的其他农村土地承包经营纠纷。

(VI) other disputes over the contractual management of rural lands as prescribed in laws and regulations.

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。

Disputes arising from the expropriation of collectively owned land and the compensation thereof do not fall within the jurisdiction of the arbitration commission for rural land contracts and may be resolved through administrative reconsideration, litigation or any other means.

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 3 Where a dispute over the contractual management of rural land arises, the parties may reach an agreement of their own accord or may request that the villagers' committee or the people's government of the township (town) conciliate the dispute.

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 4 Where the parties cannot reach an agreement of their own accord or through mediation or do not wish to reach an agreement of their own accord or take the dispute to mediation, they may apply to the arbitration commission for rural land contracts for arbitration or bring a lawsuit directly to the people's court.

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 5 Disputes over the contractual management of rural land shall be conciliated and arbitrated in an open, fair, impartial, convenient and efficient manner, shall be based on facts, in conformity with the law and respect social ethics.

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。

Article 6 The people's governments at or above the county level shall strengthen their guidance on the mediation and arbitration of disputes over the contractual management of rural lands.

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。

The administrative departments of rural land contracts under the people's governments at or above the county level and other relevant departments shall, according to their respective duties, support the relevant mediation organizations and the arbitration commissions for rural land contracts to carry out relevant work in accordance with the law.

第二章 调解

Chapter 2 Mediation

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

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 8 To apply for mediation of disputes over the contractual management of rural lands, a party may file a written or oral application. In the case of 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 as well as the relevant disputes, the reasons and time.

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 9 In conciliating disputes over the contractual management of rural land, the villagers' committee or the people's government of the township (town) shall fully listen to the parties' statements on the facts and reasons, explain the relevant laws and policies of the state, patiently guide the parties, and help them to reach an agreement.

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。

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

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。

The mediation agreement shall be signed, sealed by or affixed with the fingerprints of both parties, and shall take effect upon being signed by the mediators and sealed by the mediation organization.

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。

Article 11 The arbitration tribunal shall mediate the disputes over the contractual management of rural lands. Where an agreement is reached through mediation, the arbitration tribunal shall prepare a mediation paper. If the mediation fails, it shall timely make an award.

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。

A conciliation statement shall set forth the arbitration claims and the results of the agreement between the parties. The mediation statement shall be signed by the arbitrators, sealed by the arbitration commission for rural land contracts, and served on the parties.

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。

The mediation agreement shall come into force upon signature by both parties. If one party retracts before signing and receiving a statement of mediation, an award shall be made promptly by the arbitration tribunal.

第三章 仲裁

Chapter 3 Arbitration

第一节 仲裁委员会和仲裁员

Section 1 ARBITRATION COMMISSION AND ARBITRATORS

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。

Article 12 An arbitration commission for rural land contracts shall be established in light of the actual needs for settling the disputes over the contractual management of rural lands. An arbitration commission for rural land contracts may be established in counties and cities not divided into districts, or in cities divided into districts or their districts.

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。

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

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。

Article 13 An arbitration commission for rural land contracts shall be concurrently composed of representatives of the local people's government and relevant departments thereof, representatives of the relevant people's organizations, representatives of rural collective economic organizations, representatives of farmers, and relevant legal and economic professionals, among which the representatives of farmers and relevant legal and economic professionals shall account for at least half of the members of the arbitration commission.

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。

An arbitration commission for rural land contracts shall have one director, one or two deputy directors and several committee members. The director and deputy director (s) shall be elected by all members.

第十四条   农村土地承包仲裁委员会依法履行下列职责：

Article 14 An arbitration commission for rural land contracts shall perform the following duties in accordance with the law:

（一）聘任、解聘仲裁员；

1. appoint or dismiss arbitrators;

（二）受理仲裁申请；

2. accepting arbitration applications;

（三）监督仲裁活动。

(III) supervising arbitration activities.

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。

The arbitration commission for rural land contracts shall formulate its articles of association in accordance herewith stipulating the method for appointing its members, their term of office, and its rules of procedure, etc.

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。

Article 15 An arbitration commission for rural land contracts shall appoint fair and decent persons as arbitrators.

仲裁员应当符合下列条件之一：

Arbitrators shall meet one of the following requirements:

（一）从事农村土地承包管理工作满五年；

1. has been engaged in the contractual management of rural lands for five full years;

（二）从事法律工作或者人民调解工作满五年；

2. having been engaged in the legal work or the people's mediation work for five full years; and

（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。

(III) a citizen who enjoys high prestige in the local area and is familiar with the laws and policies of the State on contracting rural land.

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。

Article 16 The arbitration commission for rural land contracts shall provide training for arbitrators on the laws and policies of the state on rural land contracts.

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。

The administrative department for rural land contracts under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall work out an arbitrator training plan and strengthen the organization of and guidance on the training work for arbitrators.

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。

Article 17 The members of the arbitration commission for rural land contracts and arbitrators shall perform their duties in accordance with the law, abide by the articles of association and arbitration rules of the arbitration commission for rural land contracts, and shall not solicit or accept bribes, engage in malpractice for personal gain, or infringe upon the lawful rights and interests of the parties.

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。

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

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。

The local people's governments at or above the county level and the relevant departments shall accept the complaints and reports concerning the violations of laws and discipline committed by members of the arbitration commissions for rural land contracts and arbitrators and organize the investigation and handling of such complaints and reports in accordance with the law.

第二节 申请和受理

Section 2 Application and Acceptance

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 18 The limitation for application for arbitration of disputes over the contractual management of rural lands shall be two years, computed from the date on which the party knows or should know about the infringement of his rights.

第十九条   农村土地承包经营纠纷仲裁的申请人、被申请人为当事人。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。

Article 19 The applicant and respondent in the arbitration of disputes over the contractual management of rural lands shall be the parties concerned. Where the land is contracted by a household, the representative of the farm household may participate in the arbitration. If a party consists of many persons, representatives may be elected to participate in the arbitration.

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。

Whoever has an interest in the results of the handling of the case may apply for participation in the arbitration as a third party or be notified by the arbitration commission for rural land contracts to participate in the arbitration.

当事人、第三人可以委托代理人参加仲裁。

Any of the parties or a third party may entrust an agent to participate in the arbitration.

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：

Article 20 The following conditions shall be satisfied for applying for an arbitration of disputes over the contractual management of rural lands:

（一）申请人与纠纷有直接的利害关系；

1. The applicant has direct interests in the disputes;

（二）有明确的被申请人；

2. there is a definite respondent;

（三）有具体的仲裁请求和事实、理由；

(III) There are specific arbitration requests, facts and reasons;

（四）属于农村土地承包仲裁委员会的受理范围。

(IV) It falls within the scope of acceptance by the arbitration commission for rural land contracts.

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。

Article 21 A party applying for arbitration shall submit an arbitration application to the arbitration commission for rural land contracts where the land involved in the dispute is located. The arbitration application may be mailed or delivered by an agent. An application form for arbitration shall state the basic information of the claimant and the respondent, the arbitration request and the facts and reasons on which the request is based, and the corresponding evidence and source of evidence shall be provided.

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。

Where it is really difficult for a party to file a written application, he/she may file an oral application, which shall be recorded by the arbitration commission for rural land contracts and signed, sealed or fingerprinted by the applicant upon verification.

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：

Article 22 The arbitration commission for rural land contracts shall examine the arbitration application; where it considers the application conforms to the provisions of Article 20 hereof, it shall accept it. Under any of the following circumstances, the application shall not be accepted and the arbitration procedure for those accepted shall be terminated:

（一）不符合申请条件；

1. The application does not meet application conditions;

（二）人民法院已受理该纠纷；

2. the people's court has accepted the dispute;

（三）法律规定该纠纷应当由其他机构处理；

3. where it is provided in laws that the dispute shall be handled by another institution; or

（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。

(IV) there is an effective judgment, ruling, arbitral award or administrative handling decision about the dispute.

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 23 Where the arbitration commission for rural land contracts decides to accept the arbitration application, it shall, within five working days of the date on which it receives the arbitration application, serve on the applicant the acceptance notice, arbitration rules and roster of arbitrators; where it decides not to accept the arbitration application or terminates the arbitration procedure, it shall, within five working days of the date on which it receives the arbitration application or discovers the circumstance that the arbitration procedure shall be terminated, notify the applicant in writing and give an explanation.

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 24 The arbitration commission for rural land contracts shall, within five working days of accepting the arbitration application, serve an acceptance notice, a duplicate copy of the arbitration application, arbitration rules and a list of arbitrators on the respondent.

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 25 The respondent shall submit a written defense to the arbitration commission for rural land contracts within ten days of the date on which he/she receives the duplicate of the arbitration application. If it is really difficult for him/her to file a written defense, he/she may give an oral defense, which shall be recorded by the arbitration commission for rural land contracts and signed, sealed or affixed with the fingerprint of the respondent after verification. The arbitration commission for rural land contracts shall, within five working days of receiving the statement of defense, serve a copy of the statement of defense on the applicant. The arbitration proceedings shall not be affected if the respondent does not submit a defense.

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。

Article 26 A party may apply for property preservation if, as the result of an act of the other party or for some other reasons, it appears that an award may be impossible or difficult to enforce.

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。

Where a party applies for property preservation, the arbitration commission for rural land contracts shall submit his/her application to the basic people's court of the place where the domicile or property of the respondent is located.

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。

If an application for property preservation is wrongfully made, the applicant shall compensate the person against whom the application is made for any loss incurred from property preservation.

第三节 仲裁庭的组成

Section 3 Constitution of the Tribunal

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。

Article 27 The arbitration tribunal shall be composed of three arbitrators, with the chief arbitrator being jointly selected by the parties and the other two arbitrators being respectively selected by the parties; where the parties can not make a selection, the arbitrators shall be appointed by the director of the arbitration commission for rural land contracts.

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。

With regard to disputes over contracted management of rural land where the facts are clear, the relationship of rights and obligations is definite and the dispute is trivial, they 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 arbitration commission for rural land contracts.

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。

The arbitration commission for rural land contracts shall notify the parties of the composition of the arbitral tribunal within two working days of the date on which the arbitral tribunal is formed.

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：

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

（一）是本案当事人或者当事人、代理人的近亲属；

1. He is a party to the case or a close relative of a party or agent;

（二）与本案有利害关系；

(II) Having interests in the case;

（三）与本案当事人、代理人有其他关系，可能影响公正仲裁；

(III) He has some other relationship with a party to the case or with his agent, which may affect the impartiality of the arbitration; or

（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。

(IV) Privately meeting a party or his agent, or accepting a treat or gift from a party or agent thereof.

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。

A party applying for the withdrawal of an arbitrator shall state his reasons and submit the application prior to the first hearing. If the reasons are known after the first hearing, they may be put forward before the end of the last hearing.

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。

Article 29 The arbitration commission for rural land contracts shall timely make a decision on the withdrawal application, notify the parties orally or in writing, and give an explanation.

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。

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

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。

Where an arbitrator is unable to perform his duties due to withdrawal or any other reason, another arbitrator shall be selected or appointed in accordance with the provisions of this Law.

第四节 开庭和裁决

Section 4 Hearings and Awards

第三十条   农村土地承包经营纠纷仲裁应当开庭进行。

Article 30 The disputes over the contractual management of rural lands shall be heard by the arbitration tribunal.

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。

The hearing may be held in the township (town) or village of the place where the land involved in the dispute is located, or may be held in the place where the arbitration commission for rural land contracts is located. 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.

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。

The hearing shall be held in public, except in circumstances where secret of the State, business secret or personal privacy is involved or where the parties agree not to hold the hearing in public.

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。

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

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。

A party may request that the arbitration tribunal change the time and place of the hearing provided that there are justified reasons for doing so. The arbitration tribunal shall decide whether or not to make the change.

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 32 After applying for arbitration, the parties may reach a compromise of their own accord. Where a settlement agreement is reached, a request may be made to the arbitration tribunal for an award based on the settlement agreement, or the application for arbitration may be withdrawn.

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 33 The applicant may waive or change the arbitration claims. The respondent may acknowledge or refute the arbitration claim and shall have the right to make a counter-claim.

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 34 Where the applicant withdraws the arbitration claim before the arbitral tribunal renders an award, the arbitral tribunal shall terminate the arbitration proceedings unless the respondent makes a counterclaim.

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。

Article 35 If an applicant for arbitration who has been given a notice in writing fails to appear before the tribunal without good reasons, or leaves the tribunal room during a hearing without the permission of the arbitral tribunal, the applicant shall be deemed as having withdrawn his application.

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。

If the respondent fails, without justifiable reasons, to participate in the hearing upon a written notice, or quits the tribunal in the midst of the hearing without permission of the arbitration tribunal, a default award may be made.

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 36 During the hearing, the parties shall have the right to make submissions, state facts and reasons, provide evidence, and engage in cross-examination and debate. If any party does not know the language commonly used in that place, the arbitration commission for rural land contracts shall provide a translator for him/her.

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 37 The parties shall produce evidence in support of their claims. If the evidence relevant to the dispute is in the control of the contract issuer who is one party, the party shall provide relevant evidence within the time limit as specified by the arbitration tribunal; if it fails to furnish the evidence within the time limit, it shall bear the adverse consequences.

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 38 The arbitration tribunal may collect by itself any evidence it deems necessary.

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。

Article 39 If the arbitration tribunal deems it necessary to authenticate a technical issue, it may submit the issue to the authentication institution agreed upon by the parties for authentication. If no authentication institution has been agreed upon by the parties, the issue shall be authenticated by the authentication institution designated by the arbitration tribunal.

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。

At the request of the parties or the arbitral tribunal, the authentication institution shall send an expert to participate in the hearing. Upon the permission of the arbitration tribunal, the parties may ask the expert questions.

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。

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

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。

The arbitration tribunal shall hold the hearing in accordance with the arbitration rules, give the two parties an equal opportunity to make statements and arguments, and organize them to cross-examine the evidence.

经仲裁庭查证属实的证据，应当作为认定事实的根据。

Evidence verified by the arbitration tribunal to be true shall serve as the basis for ascertaining the facts.

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 41 In the event that the evidence might be destroyed or that it would be difficult to obtain the evidence later on, the parties may apply for preservation of the evidence. Where a party applies for evidence preservation, the arbitration commission for rural land contracts shall submit the application of the party to the basic people's court of the place where the evidence is located.

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。

Article 42 For disputes where the relationship of rights and obligations is clear and definite, the arbitral tribunal may, upon the application of the parties, first render an award on maintaining the status quo, resuming the agricultural production and stopping fetching earth, occupying the land and other acts.

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。

Where one party does not execute the pre-award, the other party may apply to the people's court for enforcement, provided that it shall provide corresponding guarantee.

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。

Article 43 The arbitration tribunal shall make a written record of the hearing, which shall be signed, sealed by or affixed with the fingerprint of the arbitrators, recorder, parties and other arbitration participants.

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。

Where the parties and other participants in arbitration are of the view that there are omissions or errors in their statements recorded, they shall have the right to apply for addition and correction. If no supplementation is made, such application shall be recorded.

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。

Article 44 The arbitration tribunal shall give a ruling according to the confirmed facts, laws and the policies of the state and make an award.

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。

An award shall be made on the basis of the opinions of the majority of arbitrators, and the different opinions of the minority of arbitrators shall be recorded. When a majority opinion can not be reached by the arbitration tribunal, an award shall be made according to the chief arbitrator's opinion.

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。

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

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。

The arbitration commission for rural land contracts shall serve the arbitral award on the parties within three working days of making the award, and shall inform the parties of their right to file a lawsuit if they are not satisfied with the arbitral award, along with the time limit for doing so.

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 46 Arbitration tribunals shall perform their duties independently in accordance with the law, and shall not be interfered with by any administrative organ, social organization or individual.

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 47 Disputes over the contractual management of rural land shall be concluded within 60 days of the date on which the arbitration application is accepted; where there is a need to extend the time limit due to the complexity of the case, an extension of up to 30 days may be allowed subject to the approval of the director of the arbitration commission for rural land contracts, and the parties shall be notified in writing.

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 48 Any party who is dissatisfied with an arbitral award may institute legal proceedings in a people's court within 30 days of receiving the award. If they fail to file a suit before expiration of the prescribed time limit, the written ruling shall thereupon become legally effective.

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。

Article 49 The parties shall execute the legally effective mediation paper or arbitral award within the specified time limit. If one party fails to do so within the time limit, the other party may apply for execution to the basic people's court of the place where the domicile or property of the respondent is located. The people's court that accepts the application shall execute in accordance with the law.

第四章 附则

Chapter 4 Supplementary Provisions

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 50 For purposes of this Law, land in rural areas includes the arable land, forestlands and grasslands owned collectively by the peasants and by the State and used collectively by the peasants according to law, as well as other lands used for agriculture according to 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 51 The rules on the arbitration of disputes over the contractual management of rural land and the standard charter for the arbitration commission for rural land contracts shall be jointly formulated by the administrative departments of agriculture and forestry under the State Council in accordance with the provisions of this Law.

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。

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

第五十三条   本法自２０１０年１月１日起施行。

Article 53 This Law shall be effective 1 January 2010.