

【Title】 Railway Law of the People's Republic of China[已被修订]
【法规标题】 中华人民共和国铁路法 [Revised]

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RAILWAY LAW OF THE PEOPLE'S REPUBLIC OF CHINA
(Adopted at the 15th Meeting of the Standing Committee of the Seventh National People's Congress on September 7, 1990, promulgated by Order No. 32 of the President of the People's Republic of China on September 7, 1990 and effective as of May 1, 1991)

中华人民共和国主席令
(第 3 2 号)

《中华人民共和国铁路法》已由中华人民共和国第七届全国人民代表大会常务委员会第十五次会议于1990年9月7日通过，现予公布，自1991年5月1日起施行。

中华人民共和国主席 杨尚昆
1990年9月7日

中华人民共和国铁路法
(1990年9月7日第七届全国人民代表大会
常务委员会第十五次会议通过)

CHAPTER I GENERAL PROVISIONS

第一章 总则

Article 1 This Law is formulated for the purpose of ensuring smooth progress of railway transport and railway construction in order to meet the demands of socialist modernization and people's livelihood.

第一条 为了保障铁路运输和铁路建设的顺利进行，适应社会主义现代化建设和人民生活的需要，制定本法。

Article 2 Railways as referred to in this Law include State railways, local railways, industrial railways and railway private sidings.

第二条 本法所称铁路，包括国家铁路、地方铁路、专用铁路和铁路专用线。

State railways refer to the railways administered by the competent department in charge of railways under the State Council.

国家铁路是指由国务院铁路主管部门管理的铁路。

Local railways refer to the railways administered by local people's governments.

地方铁路是指由地方人民政府管理的铁路。

Industrial railways refer to the railways administered by enterprises or other units to provide in-house transport services.

专用铁路是指由企业或者其他单位管理，专为本企业或者本单位内部提供运

Railway private sidings refer to the branch railway lines which are administered by enterprises or other units and are connected to a State railway line or any other railway line.

Article 3 The competent department in charge of railways under the State Council shall be responsible for railway affairs throughout the country, implement over the State railway network a transport control system which is highly centralized and under unified command, and shall provide guidance for, coordination among, supervision over and assistance to local railways, industrial railways and railway private sidings. A State railway transport enterprise shall perform the administrative functions as authorized by relevant laws and administrative rules and regulations.

Article 4 The State shall focus its effort on the development of State railways and provide substantial aid and support to the development of local railways.

Article 5 A railway transport enterprise must adhere to the socialist orientation in operation and management, pursue the aim of serving the people, improve operation and management, better the work style, and enhance the transport service quality.

Article 6 Citizens shall have the obligation to take good care of railway installations. Damage to railway installations and disruption of normal railway traffic shall be prohibited.

Article 7 Local people's governments at various levels along the railway lines shall assist the railway transport enterprises in ensuring safe and uninterrupted railway traffic, good social order at stations and on trains, intactness of railway installations, and smooth progress of railway construction.

Article 8 Regulations governing the technical operations of State railways shall be formulated by the competent department in charge of railways under the State Council, while rules governing the local railways and industrial railways shall be drawn up with reference to the regulations governing the technical operations of State railways.

Article 9 The State shall encourage scientific and technological research on railways in order to heighten their scientific and technical level. Any unit or individual that has achieved outstanding results in such research shall be awarded.

CHAPTER II RAILWAY TRANSPORT BUSINESS

输服务的铁路。

铁路专用线是指由企业或者其他单位管理的与国家铁路或者其他铁路线路接轨的岔线。

第三条 国务院铁路主管部门主管全国铁路工作，对国家铁路实行高度集中、统一指挥的运输管理体制，对地方铁路、专用铁路和铁路专用线进行指导、协调、监督和帮助。
国家铁路运输企业行使法律、行政法规授予的行政管理职能。

第四条 国家重点发展国家铁路，大力扶持地方铁路的发展。

第五条 铁路运输企业必须坚持社会主义经营方向和为人民服务的宗旨，改善经营管理，切实改进路风，提高运输服务质量。

第六条 公民有爱护铁路设施的义务。禁止任何人破坏铁路设施，扰乱铁路运输的正常秩序。

第七条 铁路沿线各级地方人民政府应当协助铁路运输企业保证铁路运输安全畅通，车站、列车秩序良好，铁路设施完好和铁路建设顺利进行。

第八条 国家铁路的技术管理规程，由国务院铁路主管部门制定，地方铁路、专用铁路的技术管理办法，参照国家铁路的技术管理规程制定。

第九条 国家鼓励铁路科学技术研究，提高铁路科学技术水平。对在铁路科学技术研究中有显著成绩的单位和个人给予奖励。

第二章 铁路运输营业

Article 10 All railway transport enterprises shall guarantee safe transport of passengers and goods and punctual train arrivals.

Article 11 A railway transport contract shall be an agreement in which the mutual rights and obligations between the railway transport enterprise and the passenger(s) or shipper(s) are defined.

A passenger ticket, a luggage, parcel or goods consignment note shall represent a contract or a constituent part of a contract.

Article 12 A railway transport enterprise shall ensure the passenger of riding on a train of the number and on the date stated on the passenger's ticket, and of arriving at the destination stated on the same ticket. In case of the passenger being unable to ride on the train of the number and on the date stated on the passenger's ticket owing to the liability of the railway transport enterprise, the said enterprise shall, as requested by the passenger, refund the total sum of the ticket fare or make arrangements for the passenger to ride on another train to the same destination.

Article 13 A railway transport enterprise shall take effective measures to serve the passengers well in a courteous, attentive, warm and cultured manner, keep the station premises and passenger cars clean and sanitary, provide boiled drinking water and good catering services on the train.

A railway transport enterprise shall take measures to protect the environment along railway lines from pollution.

Article 14 Any passenger boarding a train shall hold a valid passenger ticket. Any passenger riding on a train without a ticket or with an invalid ticket shall pay the ticket fare on the train plus such additional charges as specified in relevant railway regulations; the railway transport enterprise may order any passenger who refuses to do so to leave the train.

Article 15 The State railways and local railways shall plan the goods transport on the principle of promoting production and invigorating circulation.

Priority in transport shall be given to materials for emergency rescue or disaster relief and other goods and materials that warrant such priority according to relevant regulations of the State.

Where goods and materials to be carried by local railways need to be carried by State railways, the transport plan therefore shall be incorporated in the transport plan of State railways.

Article 16 A railway transport enterprise shall carry the goods, parcels and luggage to their destinations in observance of the time limit stipulated in the contract or within the time limit prescribed by the competent department in charge of railways under the State Council. For any

第十条 铁路运输企业应当保证旅客和货物运输的安全，做到列车正点到达。

第十一条 铁路运输合同是明确铁路运输企业与旅客、托运人之间权利义务关系的协议。

旅客车票、行李票、包裹票和货物运单是合同或者合同的组成部分。

第十二条 铁路运输企业应当保证旅客按车票载明的日期、车次乘车，并到达目的站。因铁路运输企业的责任造成旅客不能按车票载明的日期、车次乘车的，铁路运输企业应当按照旅客的要求，退还全部票款或者安排改乘到达相同目的站的其他列车。

第十三条 铁路运输企业应当采取有效措施做到旅客运输服务工作，做到文明礼貌、热情周到，保持车站和车厢内的清洁卫生，提供饮用开水，做好列车上的饮食供应工作。

铁路运输企业应当采取措施，防止对铁路沿线环境的污染。

第十四条 旅客乘车应当持有效车票。对无票乘车或者持失效车票乘车的，应当补收票款，并按照规定加收票款；拒不交付的，铁路运输企业可以责令下车。

第十五条 国家铁路和地方铁路根据发展生产、搞活流通的原则，安排货物运输计划。

对抢险救灾物资和国家规定需要优先运输的其他物资，应予优先运输。

地方铁路运输的物资需要经由国家铁路运输的，其运输计划应当纳入国家铁路的运输计划。

第十六条 铁路运输企业应当按照全国约定的期限或者国务院铁路主管部门规定的期限，将货物、包裹、行李运到目的站；逾期运到的，铁路运输企业应当支

overdue goods, parcel, or luggage, the railway transport enterprise shall be liable to indemnity for breach of contract.

In case a railway transport enterprise fails to deliver the goods, parcels or luggage to their consignee or owner passenger after thirty days in excess of the time limit, the shipper, consignee or passenger concerned shall be entitled to claim compensation for loss from the railway transport enterprise.

Article 17 A railway transport enterprise shall be liable to pay compensation for loss, short-delivery, deterioration, contamination, or damage that might have occurred to the shipped goods, parcels or luggage as of the moment the railway transport enterprise undertakes the conveyance until the moment of their delivery.

(1) Any shipper or passenger who has voluntarily applied for insured transport of valued articles shall be entitled to an indemnity on a par with the actual loss but not exceeding the insured value.

(2) Indemnity for goods conveyed not in the manner of insured transport of valued articles shall be on a par with the actual loss but not exceeding the liability limit laid down by the competent department in charge of railways under the State Council. If the loss is caused by deliberate action or grave fault on the part of the railway transport enterprise, the above-stated liability limit shall not apply but the indemnity shall be made in conformity with the actual loss.

Any shipper or passenger may, on voluntary basis, buy insurance policy for transport of goods at an insurance agency and the insurance agency shall be liable for indemnity in conformity with the agreement as stated in the insurance contract.

Any shipper or passenger may, on voluntary basis, enter into insured transport of valued goods or buy insurance policy for transport of goods, or may do without. No shipper or passenger shall be compelled in any manner to enter into insured transport or buy transport insurance policy.

Article 18 A railway transport enterprise shall not be liable to indemnity for any loss, in relation to goods, parcels or luggage, caused by the following reasons:

(1) Force majeure.

(2) Natural property of the goods or articles contained in the parcel or luggage, or natural wear and tear.

(3) Fault on the part of the shipper, consignee or passenger concerned.

Article 19 Any shipper shall truthfully fill in the goods consignment note, and the railway transport enterprise shall be authorized to check the description, weight and quantity of the goods and parcels as written on the note. Upon check-up, if the reported disagrees with the real contents, the shipper shall pay for the check-up expenses; if the reported agrees

付违约金。

铁路运输企业逾期三十日仍未将货物、包裹、行李交付收货人或者旅客的，托运人、收货人或者旅客有权按货物、包裹、行李灭失向铁路运输企业要求赔偿。

第十七条 铁路运输企业应当对承运的货物、包裹、行李自接受承运时起到交付时止发生的灭失、短少、变质、污染或者损坏，承担赔偿责任：

（一）托运人或者旅客根据自愿申请办理保价运输的，按照实际损失赔偿，但最高不超过保价额。

（二）未按保价运输承运的，按照实际损失赔偿，但最高不超过国务院铁路主管部门规定的赔偿限额；如果损失是由于铁路运输企业的故意或者重大过失造成的，不适用赔偿限额的规定，按照实际损失赔偿。

托运人或者旅客根据自愿可以向保险公司办理货物运输保险，保险公司按照保险合同的约定承担赔偿责任。

托运人或者旅客根据自愿，可以办理保价运输，也可以办理货物运输保险；还可以既不办理保价运输，也不办理货物运输保险。不得以任何方式强迫办理保价运输或者货物运输保险。

第十八条 由于下列原因造成的货物、包裹、行李损失的，铁路运输企业不承担赔偿责任：

（一）不可抗力。

（二）货物或者包裹、行李中的物品本身的自然属性，或者合理损耗。

（三）托运人、收货人或者旅客的过错。

第十九条 托运人应当如实填报托运单，铁路运输企业有权对填报的货物和包裹的品名、重量、数量进行检查。经检查，申报与实际不符的，检查费用由托运人承担；申报与实际相符的，检查费

with the real contents, the check-up expenses shall be borne by the railway transport enterprise, and any damage incurred from the check-up with the contents of the goods or parcels as a result of the check shall be compensated for by the same enterprise.

Any deficiency in payment of transport charges and other fees as a result of untrue declaration of the goods shipped shall be made up by the shipper concerned, and the railway transport enterprise shall, according to the relevant regulations of the competent department in charge of railways under the State Council, collect from the shipper extra transport charges and other fees.

Article 20 Goods consigned for shipment that need packing shall be packed by the shipper in conformity with the national standards for packing or the trade standards for packing; where both these standards are lacking, the shipper shall pack the goods properly so that the goods would not suffer any damage due to improper packing.

A railway transport enterprise shall, with regard to the perishable goods and living animals the shipment of which it has undertaken, in accordance with the relevant regulations of the competent department in charge of railways under the State Council and the contracted agreement.

Article 21 Upon the arrival of shipped goods, parcels or luggage, the relevant consignee or passenger shall claim them in time in observance of the time limit set by the competent department in charge of railways under the State Council and at the same time pay any transport charges and other fees that the shipper has not paid or underpaid; if such time limit is exceeded, the consignee or passenger shall pay due charges for storage in accordance with relevant regulation.

Article 22 Any shipped goods that are not claimed for thirty days as of the date of issuing the notice of claim for the shipped goods, or that the consignee has informed the railway transport enterprise in writing of refusing to accept shall be sold off by the railway transport enterprise on condition that the enterprise has served the shipper a notice about such and received no acknowledgement for thirty days as of the date of receipt of the notice. The amount of money obtained from the selling, if there is any left after deduction of storage charges and other deductible fees, shall be refunded to the shipper, or turned over to the state treasury provided it is not refundable nor claimed by the shipper within one hundred and eighty days as of the date of disposal.

Any parcel not claimed for ninety days as of the date of issuing the notice of claim for such goods by the railway transport enterprise concerned and any luggage not claimed for ninety days as of its arrival at destination may be disposed of by the said enterprise provided that the latter has issued a public announcement thereupon and received no claim for the said parcel or luggage ninety days after the issuance. The amount of money obtained

用由铁路运输企业承担，因检查对货物和包裹中的物品造成的损坏由铁路运输企业赔偿。

托运人因申报不实而少交的运费和其他费用应当补交，铁路运输企业按照国务院铁路主管部门的规定加收运费和其他费用。

第二十条 托运货物需要包装的，托运人应当按照国家包装标准或者行业包装标准包装；没有国家包装标准或者行业包装标准的，应当妥善包装，使货物在运输途中不因包装原因而受损坏。

铁路运输企业对承运的容易腐烂变质的货物和活动物，应当按照国务院铁路主管部门的规定和合同的约定，采取有效的保护措施。

第二十一条 货物、包裹、行李到站后，收货人或者旅客应当按照国务院铁路主管部门规定的期限及时领取，并支付托运人未付或者少付的运费和其他费用；逾期领取的，收货人或者旅客应当按照规定交付保管费。

第二十二条 自铁路运输企业发出领取货物通知之日起满三十日仍无人领取的货物，或者收货人书面通知铁路运输企业拒绝领取的货物，铁路运输企业应当通知托运人，托运人自接到通知之日起满三十日未作答复的，由铁路运输企业变卖；所得价款在扣除保管等费用后尚有余款的，应当退还托运人，无法退还、自变卖之日起一百八十日内托运人又未领回的，上缴国库。

自铁路运输企业发出领取通知之日起满九十日仍无人领取的包裹或者到站后满九十日仍无人领取的行李，铁路运输企业应当公告，公告满九十日仍无人领取的，可以变卖；所得价款在扣除保管等费用后尚有余款的，托运人、收货人或者旅客可以自变卖之日起一百八十日内

from the selling, if there is any left after deduction of storage charges and other deductible fees, may be recovered by the shipper, consignee or passenger concerned within one hundred and eighty days as of the date of the selling, or shall be turned over to the state treasury if no claim for recovery is received within the same time limit.

Dangerous goods and articles the transport of which is restricted according to relevant regulations shall be handed over to the public security authority or department concerned for disposition and shall not be sold off by the railway transport enterprise itself.

For articles which are not suitable for storage over a long period of time, the deadline for their disposal may be shortened in accordance with relevant provisions set down by the competent department in charge of railways under the State Council.

Article 23 Passengers, shippers or consignees who are held responsible for any loss of property of a railway transport enterprise shall be liable to compensation for the loss.

Article 24 The State shall encourage industrial railways to take up also public passenger and goods transport services on a commercial basis; the State shall promote shared use of railway private sidings by related units on the basis of agreed terms.

Any industrial railway which will take up also public passenger or goods (or both) transport services on commercial basis shall report such to and obtain approval from the people's government of the relevant province, autonomous region or municipality directly under the Central Government. To any industrial railway undertaking commercial public passenger or goods transport, the provisions governing railway transport enterprises stipulated in this Law shall apply.

Article 25 Passenger fares and tariffs for goods, parcels and luggage shall be worked out by the competent department in charge of railways under the State Council and submitted by the latter to the State Council for approval. The items and rates of miscellaneous charges for passenger and goods transport on State railways shall be laid down by the competent department in charge of railways under the State Council. Tariffs applicable to specified operating lines, specified goods and provisional operating lines of the State railways shall be worked out by the competent department in charge of railways under the State Council by agreement with the competent department in charge of prices under the State Council.

Passenger fares, goods tariffs and the items and rates of miscellaneous charges for passenger and goods transport on local railways shall be laid down by the competent department in charge of prices under the people's government of the relevant province, autonomous region or municipality

领回, 逾期不领回的, 上缴国库。

对危险物品和规定限制运输的物品, 应当移交公安机关或者有关部门处理, 不得自行变卖。

对不宜长期保存的物品, 可以按照国务院铁路主管部门的规定缩短处理期限。

第二十三条 因旅客、托运人或者收货人的责任给铁路运输企业造成财产损失的, 由旅客、托运人或者收货人承担赔偿责任。

第二十四条 国家鼓励专用铁路兼办公共旅客、货物运输营业; 提倡铁路专用线与有关单位按照协议共用。

专用铁路兼办公共旅客、货物运输营业的, 应当报经省、自治区、直辖市人民政府批准。

专用铁路兼办公共旅客、货物运输营业的, 适用本法关于铁路运输企业的规定。

第二十五条 国家铁路的旅客票价率和货物、包裹、行李的运价率由国务院铁路主管部门拟订, 报国务院批准。国家铁路的旅客、货物运输杂费的收费项目和收费标准由国务院铁路主管部门规定。国家铁路的特定运营线的运价率、特定货物的运价率和临时运营线的运价率, 由国务院铁路主管部门商得国务院物价主管部门同意后规定。

地方铁路的旅客票价率、货物运价率和旅客、货物运输杂费的收费项目和收费标准, 由省、自治区、直辖市人民政府物价主管部门会同国务院铁路主管部门授权的机构规定。

兼办公共旅客、货物运输营业的专用铁

directly under the Central Government in conjunction with the agency authorized by the competent department in charge of railways under the State Council.

Passenger fares, goods tariffs and the items and rates of miscellaneous charges for passenger and goods transport on industrial railways which also run public passenger and goods transport on a commercial basis, and the rates of charges for sharing the use of railway private sidings, shall be laid down by the competent department in charge of prices under the people's government of the relevant province, autonomous region or municipality directly under the Central Government.

Article 26 Passenger fares, tariffs for goods, parcels and luggage, and the items and rates of miscellaneous charges for passenger and goods transport, must be announced by public notice; the same shall not go into effect before being so announced.

Article 27 Counterfeiting or alterations of tickets or other certificates which are printed and used in relation to passenger and goods transport by State railways, local railways and industrial railways shall be prohibited. Reselling of passenger tickets or other railway transport certificates for profit shall be prohibited.

Article 28 Relevant regulations of the State concerning articles the transport of which is prohibited or restricted must be observed in consigning shipment and carrying goods, parcels or luggage.

Article 29 Domestic through transport of passenger and goods between railway transport enterprises and highway, air or waterway transport enterprises must be handled in accordance with relevant provisions laid down by the State, or in the absence of such provisions, in accordance with the agreement reached by all parties concerned.

Article 30 Participation of State or local railways in international through transport must obtain approval from the State Council.

Article 31 Military transport on railways shall be handled in accordance with relevant provisions laid down by the State.

Article 32 In the event of dispute over a railway transport contract, the railway transport enterprise and the involved shipper, consignee or passenger may settle the dispute by way of mediation; or if a party does not wish to settle the dispute by mediation or the mediation proves unsuccessful, the railway transport enterprise and the involved shipper, consignee or passenger may, in accordance with relevant provisions on arbitration included in the contract or with the written agreement on arbitration reached afterwards, apply for arbitration to an arbitration agency designated by the State.

路的旅客票价率、货物运价率和旅客、货物运输杂费的收费项目和收费标准，以及铁路专用线共用的收费标准，由省、自治区、直辖市人民政府物价主管部门规定。

第二十六条 铁路的旅客票价，货物、包裹、行李的运价，旅客和货物运输杂费的收费项目和收费标准，必须公告；未公告的不得实施。

第二十七条 国家铁路、地方铁路和专用铁路印制使用的旅客、货物运输票证，禁止伪造和变造。禁止倒卖旅客车票和其他铁路运输票证。

第二十八条 托运、承运货物、包裹、行李，必须遵守国家关于禁止或者限制运输物品的规定。

第二十九条 铁路运输企业与公路、航空或者水上运输企业相互间实行国内旅客、货物联运，依照国家有关规定办理；国家没有规定的，依照有关各方的协议办理。

第三十条 国家铁路、地方铁路参加国际联运，必须经国务院批准。

第三十一条 铁路军事运输依照国家有关规定办理。

第三十二条 发生铁路运输合同争议的，铁路运输企业和托运人、收货人或者旅客可以通过调解解决；不愿意调解解决或者调解不成的，可以依据合同中的仲裁条款或者事后达成的书面仲裁协议，向国家规定的仲裁机构申请仲裁。当事人一方在规定的期限内不履行仲裁机构的仲裁决定的，另一方可以申请人民法院强制执行。

Where a party does not perform the award of the arbitration agency within the prescribed time limit, the other party may apply to a people's court for compulsory execution.

Where no provision on arbitration is made in the contract and no written agreement on arbitration has been reached afterwards, either of the parties may bring a suit in a people's court.

CHAPTER III RAILWAY CONSTRUCTION

Article 33 Planning for the expansion of railway network shall be based on the demands of national economy, social development and the building up of national defence and shall be coordinated with the development plans of other modes of transport.

Article 34 The construction plan of local railways, industrial railways or railway private sidings must conform to the national railway development plan and must obtain approval from the competent department in charge of railways under the State Council or an agency authorized by this department.

Article 35 The planning of any railway track, station, junction area and other related facilities within a planned urban area of a city shall be brought in line with the overall plan of this city.

The land-use plan for railway construction shall be incorporated in the relevant overall land-use plan. Land needed for future expansion or construction of new railway lines shall be allotted by the people's government at or above the county level in its overall land-use plan.

Article 36 The use of land for railway construction shall be handled in accordance with provisions of relevant laws and administrative rules and regulations.

The relevant local people's government shall support railway construction and assist the railway transport enterprise to carry out land requisition for railway construction, to dismantle or move any structures or inhabitants thereon and make due arrangements for them.

Article 37 Any railway transport enterprise shall, having acquired the right to use any land for railway construction, use the land for the approved purpose and shall not use the land for any other purposes without proper authorization; no other unit or individual may occupy or seize the said land.

The department of land administration under the local people's government at or above the county level shall order any unit or individual that has occupied or seized the land appropriated for railway construction to stop doing so and to compensate the railway transport enterprise

当事人没有在合同中订立仲裁条款，事后又没有达成书面仲裁协议的，可以向人民法院起诉。

第三章 铁路建设

第三十三条 铁路发展规划应当依据国民经济和社会发展规划以及国防建设的需要制定，并与其他方式的交通运输发展规划相协调。

第三十四条 地方铁路、专用铁路、铁路专用线的建设计划必须符合全国铁路发展规划，并征得国务院铁路主管部门或者国务院铁路主管部门授权的机构的同意。

第三十五条 在城市规划区范围内，铁路的线路、车站、枢纽以及其他有关设施的规划，应当纳入所在城市的总体规划。

铁路建设用地规划，应当纳入土地利用总体规划。为远期扩建、新建铁路需要的土地，由县级以上人民政府在土地利用总体规划中安排。

第三十六条 铁路建设用地，依照有关法律、行政法规的规定办理。

有关地方人民政府应当支持铁路建设，协助铁路运输企业做好铁路建设征用土地工作和拆迁安置工作。

第三十七条 已经取得使用权的铁路建设用地，应当依照批准的用途使用，不得擅自改作他用；其他单位或者个人不得侵占。

侵占铁路建设用地的，由县级以上地方人民政府土地管理部门责令停止侵占、赔偿损失。

concerned for the loss.

Article 38 The standard railway gauge shall be 1435mm. Standard gauge must be adopted in the construction of a new State railway.
For narrow-gauge railways, the gauge shall be 762mm or 1000mm.
Other technical requirements for new railways and reconstructed railways shall conform to relevant national standards or trade standards.

Article 39 A railway line, after its completion of construction, may, in accordance with the procedures laid down by the State for capital construction, be put into operation only after it has been duly examined and accepted as satisfactory.

Article 40 At the crossing point of a railway and a highway, priority shall be given to the installation of a grade separation structure; at a crossing where a grade separation structure is not installed, a level crossing or a pedestrian cross-walk may be laid in conformity with relevant provisions of the State. The setting up of a level crossing or a pedestrian cross-walk within a planned urban area shall be decided by the railway transport enterprise, or the relevant enterprise owning the relating industrial railways or private sidings, or any other relevant unit jointly with the department in charge of city planning.
The removal of an established level crossing or pedestrian cross-walk shall be decided by the railway transport enterprise, or the relevant enterprise owning the relating industrial railway or private siding, or any other relevant unit by agreement with the local people's government.

Article 41 Any railway bridge to be built across a water course shall conform to the requirements for flood prevention, navigation and flow of current as laid down by the State in relevant regulations.

CHAPTER IV SAFETY AND PROTECTION OF RAILWAYS

Article 42 A railway transport enterprise must strengthen the control and protection of railways, regularly inspect and repair railway transport facilities so as to ensure intactness of these facilities and guarantee safe conveyance of passengers and goods.

Article 43 The railway security organ and the local security authority shall jointly keep the public order along railway lines, in stations and on trains, while dividing up the work in such a way that the public order in stations as well as on trains shall be under the charge of the railway security organ, and the public order along railway lines shall be under the joint charge of the local security authority and the railway security organ, with the local security authority in the main.

第三十八条 铁路的标准轨距为 1 4 3 5 毫米。新建国家铁路必须采用标准轨距。

窄轨铁路的轨距为 7 6 2 毫米或者 1 0 0 0 毫米。

新建和改建铁路的其他技术要求应当符合国家标准或者行业标准。

第三十九条 铁路建成后，必须依照国家基本建设程序的规定，经验收合格，方能交付正式运行。

第四十条 铁路与道路交叉处，应当优先考虑设置立体交叉；未设立体交叉的，可以根据国家有关规定设置平交道口或者人行过道。在城市规划区内设置平交道口或者人行过道，由铁路运输企业或者建有专用铁路、铁路专用线的企业或者其他单位和城市规划主管部门共同决定。

拆除已经设置的平交道口或者人行过道，由铁路运输企业或者建有专用铁路、铁路专用线的企业或者其他单位和当地人民政府商定。

第四十一条 修建跨越河流的铁路桥梁，应当符合国家规定的防洪、通航和水流的要求。

第四章 铁路安全与保护

第四十二条 铁路运输企业必须加强对铁路的管理和保护，定期检查、维修铁路运输设施，保证铁路运输设施完好，保障旅客和货物运输安全。

第四十三条 铁路公安机关和地方公安机关分工负责共同维护铁路治安秩序。车站和列车内的治安秩序，由铁路公安机关负责维护；铁路沿线的治安秩序，由地方公安机关和铁路公安机关共同负责维护，以地方公安机关为主。

Article 44 The competent department in charge of electric power shall guarantee the power supply for railway traction and critical loads arising in railway operation. The scope of power supply for critical loads arising in railway operation shall be defined by the competent department in charge of railways under the State Council through consultation with the competent department in charge of electric power under the State Council.

Article 45 Hill slopes beyond the right-of-way of and flanking the railway line shall be conditioned as key territories for water and soil conservation by the relevant local people's government. Slopes on top of railway tunnels shall be conditioned by the local people's government with due assistance of the relevant railway transport enterprise. Hill slopes within the railway line's right-of-way shall be conditioned by the railway transport enterprise.

Article 46 In case there is any such activity as building an uphill pond, a reservoir, or a dyke or dam; excavating a water course, a trunk channel or other waterway; stone-quarrying; sand-fetching; or digging a well for water, which is carried out within a specific distance from both sides of a railway line, bridge or culvert, and which might cause adverse effects on the stability of the railway subgrade or endanger the railway bridge or culvert, the relevant local people's government at or above the county level shall order such activities to be ceased, and set a time limit for restoring the site to its original state or to take necessary safety and protection measures.

Unless the approval of the relevant railway transport enterprise is obtained and proper safety and protection measures are provided, the erecting of power or communications lines over or across a railway line, the laying of buried cables or pipes along a railway subgrade, and the digging of tunnels through or under a railway embankment shall not be allowed.

Building of any structures or planting of any trees which might hinder a good watch from the driver's cabin over the railway line shall not be allowed at the inner side of a curve or at a place close to a level crossing or a pedestrian cross-walk. In case any building, such as afore-mentioned, has been erected, the local people's government at or above the county level shall order the builder to remove the building, and if any tree, such as afore-mentioned, has been planted, the said government shall order the relevant unit or individual to remove, trim or cut down the tree within a specified period of time.

Any unit or individual that violates the provisions stated in the preceding three paragraphs shall be liable to compensation for any loss thereby suffered by the relevant railway transport enterprise.

Article 47 It shall be prohibited to install a level crossing or a pedestrian

第四十四条 电力主管部门应当保证铁路牵引用电以及铁路运营用电中重要负荷的电力供应。铁路运营用电中重要负荷的供应范围国务院铁路主管部门和国务院电力主管部门商定。

第四十五条 铁路线路两侧地界以外的山坡地由当地人民政府作为水土保持的重点进行整治。铁路隧道顶上的山坡地由铁路运输企业协助当地人民政府进行整治。铁路地界以内的山坡地由铁路运输企业进行整治。

第四十六条 在铁路线路和铁路桥梁、涵洞两侧一定距离内，修建山塘、水库、堤坝，开挖河道、干渠，采石挖砂，打井取水，影响铁路路基稳定或者危害铁路桥梁、涵洞安全的，由县级以上地方人民政府责令停止建设或者采挖、打井等活动，限期恢复原状或者责令采取必要的安全防护措施。

在铁路线路上架设电力、通讯线路，埋置电缆、管道设施，穿凿通过铁路路基的地下坑道，必须经铁路运输企业同意，并采取安全防护措施。

在铁路弯道内侧、平交道口和人行过道附近，不得修建妨碍行车瞭望的建筑物和种植妨碍行车瞭望的树木。修建妨碍行车瞭望的建筑物的，由县级以上地方人民政府责令限期拆除。种植妨碍行车瞭望的树木的，由县级以上地方人民政府责令有关单位或者个人限期迁移或者修剪、砍伐。

违反前三款的规定，给铁路运输企业造成损失的单位或者个人，应当赔偿损失。

第四十七条 禁止擅自在铁路线路上铺设

cross-walk without proper authorization.

Necessary signs and protective installations must be provided at level crossings or pedestrian cross-walks in conformity with relevant regulations.

Pedestrians and vehicles must, when passing a railway level crossing or a pedestrian cross-walk, observe the relevant regulations governing passage over crossings.

Article 48 Transport of dangerous goods must be handled in conformity with the regulations formulated by the competent department in charge of railways under the State Council. It shall be forbidden to consign for shipment any dangerous article under the name of a non-dangerous article.

Passengers shall be prohibited from carrying any dangerous article into a railway station or a train. Railway security personnel or any such railway worker designated by the competent department in charge of railways under the State Council shall, for the safety of transher have the right to inspect the article or articles carried by any passenger. Any railway worker when carrying out transport safety inspection shall bear an on-duty identification sign.

A list of the descriptions of dangerous articles shall be specified and promulgated by the competent department in charge of railways under the State Council.

Article 49 Any railway worker shall have the right to stop any person who is about to damage or destroy, or cause to move or shift, any railway signalling installation or other facilities for traffic operation, and any person who is about to place obstacle(s) on the railway track. The railway worker may catch such a person and hand him over to the public security authorities.

Article 50 It shall be forbidden for anybody to make a covert ride on a goods train, to climb up or hang on to a train in motion, or to hit or strike a train. Any railway worker shall have the right to stop such a person.

Article 51 It shall be forbidden to walk, sit or lie on a railway track. Any railway worker shall have the right to stop such conduct.

Article 52 It shall be forbidden to graze livestock within twenty metres of either side of a railway track. Any railway worker shall have the right to stop such conduct.

Article 53 Any railway worker shall have the right to stop persons who

平交道口和人行过道。

平交道口和人行过道必须按照规定设置必要的标志和防护设施。

行人和车辆通过铁路平交道口和人行过道时，必须遵守有关通行的规定。

第四十八条 运输危险品必须按照国务院铁路主管部门的规定办理，禁止以非危险品品名托运危险品。

禁止旅客携带危险品进站上车。铁路公安人员和国务院铁路主管部门规定的铁路职工，有权对旅客携带的物品进行运输安全检查。实施运输安全检查的铁路职工应当佩戴执勤标志。

危险品的品名由国务院铁路主管部门规定并公布。

第四十九条 对损毁、移动铁路信号装置及其他行车设施或者在铁路线路上放置障碍物的，铁路职工有权制止，可以扭送公安机关处理。

第五十条 禁止偷乘货车、攀附行进中的列车或者击打列车。对偷乘货车、攀附行进中的列车或者击打列车的，铁路职工有权制止。

第五十一条 禁止在铁路线路上行走、坐卧。对在铁路线路上行走、坐卧的，铁路职工有权制止。

第五十二条 禁止在铁路线路两侧二十米以内或者铁路防护林地内放牧。对在铁路线路两侧二十米以内或者铁路防护林地内放牧的，铁路职工有权制止。

第五十三条 对聚众拦截列车或者聚众冲

have gathered up to intercept a train, or to assault a railway traffic control office. The responsible public security personnel on site shall have the right to order those persons who refuse to stop such action to disperse; and if such a demand is refused, the responsible public security personnel on site shall, according to relevant regulations established by the State, choose to force them to disperse by necessary means. Those who refuse to obey shall be taken away from the site by force or detained.

Article 54 Any railway worker shall have the right to stop those persons who try to start a riot and rob goods and materials being transported on railways and may seize them and hand them over to the public security authorities; the public security personnel on site may detain them.

Article 55 Any railway worker shall have the right to stop any person who is picking quarrels and stirring up troubles on board a train causing public disorder or jeopardizing the physical being or property of other passengers; the railway security personnel may detain such person.

Article 56 If a certain kind of infectious disease which demands quarantine as stated in legal provisions is discovered in a railway station or on board a passenger train, the railway sanitation and quarantine authority shall carry out the necessary quarantine process; the local sanitation and quarantine authority shall render assistance to the former upon request. The quarantine of goods in transport shall be carried out in accordance with relevant regulations of the State.

Article 57 In case of any railway traffic accident, the railway transport enterprise shall act in accordance with relevant provisions about the investigation and handling of accidents stipulated by the State Council and its relevant competent department, and ensure the timely restoration of normal traffic; no unit or individual shall hinder the re-opening of the railway track and train operation.

Article 58 A railway transport enterprise shall be liable to compensation for any personal injury or fatality due to traffic accident or other operational accident. It shall hold no liability for compensation for any personal injury or fatality due to force majeure or due to the fault of the aggrieved person oneself.
Personal injury or fatality resulting from passing the railway track at a level crossing or via a pedestrian cross-walk in violation of relevant regulations or from walking, sitting or lying on the railway track shall be deemed injury or fatality caused by the fault of the aggrieved person one-self.

Article 59 Major bridges and tunnels of State railways shall be guarded by the Chinese People's Armed Police Forces.

击铁路行车调度机构的，铁路职工有权制止；不听制止的，公安人员现场负责人有权命令解散；拒不解散的，公安人员现场负责人有权依照国家有关规定决定采取必要手段强行驱散，并对拒不服从的人员强行带离现场或者予以拘留。

第五十四条 对哄抢铁路运输物资的，铁路职工有权制止，可以扭送公安机关处理；现场公安人员可以予以拘留。

第五十五条 在列车内，寻衅滋事，扰乱公共秩序，危害旅客人身、财产安全的，铁路职工有权制止，铁路公安人员可以予以拘留。

第五十六条 在车站和旅客列车内，发生法律规定需要检疫的传染病时，由铁路卫生检疫机构进行检疫；根据铁路卫生检疫机构的请求，地方卫生检疫机构应予以协助。
货物运输的检疫，依照国家规定办理。

第五十七条 发生铁路交通事故，铁路运输企业应当依照国务院和国务院有关主管部门关于事故调查处理的规定办理，并及时恢复正常行车，任何单位和个人不得阻碍铁路线路开通和列车运行。

第五十八条 因铁路行车事故及其他铁路运输运营事故造成人身伤亡的，铁路运输企业应当承担赔偿责任；如果人身伤亡是因不可抗力或者由于受害人自身的原因造成的，铁路运输企业不承担赔偿责任。
违章通过平交道口或者人行过道，或者在铁路线路上行走、坐卧造成的人身伤亡，属于受害人自身的原因造成的人身伤亡。

第五十九条 国家铁路的重要桥梁和隧道，由中国人民武装警察部队负责守

卫。

CHAPTER V LEGAL RESPONSIBILITY

第五章 法律责任

Article 60 Any person who, in violation of relevant provisions of this Law, has carried any dangerous article into a railway station or on board a train or has consigned for shipment any dangerous article under a name of a non-dangerous article thus causing a grave accident, shall be investigated for criminal responsibility in accordance with [Article 115 of the Criminal Law](#). Any enterprise, institution, State organ, or public organization which commits the crime as specified in this Article shall be imposed a fine, and the person in charge of any of the aforesaid unit and the person or persons immediately responsible for the offence shall be investigated for criminal responsibility.

Any person who carries dynamite or detonator or who illegally carries firearms, bullets or controlled knives into a railway station or on board a train shall be investigated for criminal responsibility with reference to [Article 163 of the Criminal Law](#).

Article 61 Any person who intentionally damages or destroys or causes to move or shift any railway signalling installation, or places on the railway track obstacle(s) that might lead to the overturning of a train without having caused serious consequences shall be investigated for criminal responsibility in accordance with [Article 108 of the Criminal Law](#); any person who acts in the aforesaid manner causing serious consequences shall be investigated for criminal responsibility in accordance with [Article 110 of the Criminal Law](#).

Article 62 Any person who steals spare part(s) or component(s) of a train operation facility installed on a railway line or equipment or material(s) attached to a railway line, thus endangering safe operation of the train but without causing any serious consequences, shall be investigated for criminal responsibility in accordance with the provisions regarding the crime of sabotaging traffic facility stipulated in [Article 108 of the Criminal Law](#); any person who acts in the aforesaid manner causing serious consequences shall be investigated for criminal responsibility in accordance with the provisions regarding the crime of sabotaging traffic facility stipulated in [Article 110 of the Criminal Law](#).

Article 63 The major culprit and the core members of persons who gather to intercept or block the way of a train and pay no heed to the order to stop shall be investigated for criminal responsibility in accordance with [Article 159 of the Criminal Law](#).

The major culprit and the core members of persons who gather to assault a railway traffic control office and pay no heed to the order to stop shall be investigated for criminal responsibility in accordance with [Article 158 of](#)

第六十条 违反本法规定，携带危险品进站上车或者以非危险品品名托运危险品，导致发生重大事故的，依照[刑法第一百一十五条](#)的规定追究刑事责任。企业事业单位、国家机关、社会团体犯本款罪的，处以罚金，对其主管人员和直接责任人员依法追究刑事责任。携带炸药、雷管或者非法携带枪支子弹、管制刀具进站上车的，比照[刑法第一百六十三条](#)的规定追究刑事责任。

第六十一条 故意损毁、移动铁路行车信号装置或者在铁路线路上旋转足以使列车倾覆的障碍物，尚未造成严重后果的，依照[刑法第一百零八条](#)的规定追究刑事责任；造成严重后果的，依照[刑法第一百一十条](#)的规定追究刑事责任。

第六十二条 盗窃铁路线路上行车设施的零件、部件或者铁路线路上的器材，危及行车安全，尚未造成严重后果的，依照[刑法第一百零八条](#)破坏交通设施罪的规定追究刑事责任；造成严重后果的，依照[刑法第一百一十条](#)破坏交通设施罪的规定追究刑事责任。

第六十三条 聚众拦截列车不听制止的，对首要分子和骨干分子依照[刑法第一百五十九条](#)的规定追究刑事责任。聚众冲击铁路行车调度机构不听制止的，对首要分子和骨干分子依照[刑法第一百五十八条](#)的规定追究刑事责任。

[the Criminal Law](#).

Article 64 The major culprit and the core members of persons who try to start a riot and rob goods and materials being transported on railways shall be investigated for criminal responsibility in accordance with [Article 151](#) or [Article 152](#) of [the Criminal Law](#).

Any railway worker who collaborates with other person or persons in committing the crime as specified in the preceding paragraph shall be subject to a heavier punishment.

Article 65 Any person who, on board a railway train, robs any other passenger of his or her belongings or hurts any other passenger shall be given a heavier punishment in accordance with relevant provisions of [the Criminal Law](#).

Any person who, on board a railway train, picks quarrels, stirs up troubles or insults any woman to a flagrant extent shall be investigated for criminal responsibility in accordance with [Article 160](#) of [the Criminal Law](#); any person who extorts money or other property from any other passenger by blackmail shall be investigated for criminal responsibility in accordance with [Article 154](#) of [the Criminal Law](#).

Article 66 Any person who resells railway passenger ticket for profit involving relatively large quantity or value shall be investigated for criminal responsibility in accordance with [Article 117](#) of [the Criminal Law](#). Any person who makes a regular business of reselling railway passenger ticket for profit involving relatively large quantity or value, or who is the chief culprit of a gang engaged in ticket-reselling for profit, shall be investigated for criminal responsibility in accordance with [Article 118](#) of [the Criminal Law](#). Any railway worker who resells passenger ticket for profit or who collaborates with other person or persons in reselling passenger ticket for profit shall be investigated for criminal responsibility in accordance with [Article 119](#) of [the Criminal Law](#).

Article 67 Any person who commits an act in violation of this Law that is not serious enough to be subjected to criminal sanction but is subject to punishment in terms of public security control shall be punished in accordance with relevant provisions of [the Regulations on Administrative Penalties for Public Security](#).

Article 68 Any person or unit that sets up a level crossing or pedestrian cross-walk over a railway track without proper authorization shall be ordered to remove the same within a time limit and may concurrently be imposed a fine by the relevant railway public security organ or the relevant local public security authority.

Article 69 Any railway transport enterprise which, in violation of relevant

第六十四条 聚众哄抢铁路运输物资的，对首要分子和骨干分子依照[刑法第一百五十一条](#)或者[第一百五十二条](#)的规定追究刑事责任。

铁路职工与其他人员勾结犯前款罪的，从重处罚。

第六十五条 在列车内，抢劫旅客财物，伤害旅客的，依照[刑法](#)有关规定从重处罚。

在列车内，寻衅滋事，侮辱妇女，情节恶劣的，依照[刑法第一百六十条](#)的规定追究刑事责任；敲诈勒索旅客财物的，依照[刑法第一百五十四条](#)的规定追究刑事责任。

第六十六条 倒卖旅客车票数额较大的，依照[刑法第一百一十七条](#)的规定追究刑事责任。以倒卖旅客车票为常业的，倒卖数额巨大的或者倒卖集团的首要分子，依照[刑法第一百一十八条](#)的规定追究刑事责任。铁路职工倒卖旅客车票或者与其他人员勾结倒卖旅客车票的，依照[刑法第一百一十九条](#)的规定追究刑事责任。

第六十七条 违反本法规定，尚不够刑事处罚，应当给予治安管理处罚的，依照[治安管理处罚条例](#)的规定处罚。

第六十八条 擅自在铁路线路上铺设平交道口、人行过道的，由铁路公安机关或者地方公安机关责令限期拆除，可以并处罚款。

第六十九条 铁路运输企业违反本法规

provisions stipulated in this Law, has collected more than is due in respect of transport tariff, ticket fare or miscellaneous charges for passenger or goods transport must refund the amount overcharged to the relevant payor or turn over the unrefundable amount to the State treasury. Any person who seizes on the amount overcharged as his or her own, or any persons who embezzle or divide the amount overcharged among themselves shall be investigated for criminal responsibility in accordance with the provisions of [Article 1](#) and [Article 2](#) of [the Supplementary Provisions Concerning the Punishment of Crimes of Embezzlement and Bribery](#).

Article 70 Any railway worker who, by taking advantage of his or her office, engages in smuggling, speculation and profiteering, or collaborates with any other person or persons in smuggling, speculation and profiteering, shall be investigated for criminal responsibility in accordance with [Article 119](#) of [the Criminal Law](#).

Article 71 Any railway worker who neglects his or her duties or violates relevant rules or regulations and thus causes a railway operational accident, or abuses his or her power or seeks personal gains by taking advantage of handling transport transactions, shall be subjected to disciplinary sanctions; if the circumstances are serious enough to constitute a crime, he or she shall be investigated for criminal responsibility in accordance with relevant provisions of [the Criminal Law](#).

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 72 For the purpose of this Law, a State railway transport enterprise means a railway administration or a railway sub- administration.

Article 73 Regulations for implementation shall be formulated by the State Council in accordance with this Law.

Article 74 This Law shall enter into force as of May 1, 1991.

定，多收运费、票款或者旅客、货物运输杂费的，必须将多收的费用退还付款人，无法退还的上缴国库。将多收的费用据为己有或者侵吞私分的，依照[关于惩治贪污罪贿赂罪的补充规定第一条](#)、[第二条](#)的规定追究刑事责任。

第七十条 铁路职工利用职务之便走私、投机倒把的，或者与其他人员勾结走私、投机倒把的，依照[刑法第一百二十九条](#)的规定追究刑事责任。

第七十一条 铁路职工玩忽职守、违反规章制度造成铁路运营事故的，滥用职权、利用办理运输业务之便谋取私利的，给予行政处分；情节严重、构成犯罪的，依照[刑法](#)有关规定追究刑事责任。

第六章 附则

第七十二条 本法所称国家铁路运输企业是指铁路局和铁路分局。

第七十三条 国务院根据本法制定实施条例。

第七十四条 本法自1991年5月1日起施行。

附：[刑法](#)有关条款

第一百一十五条 违反爆炸性、易燃性、放射性、毒害性、腐蚀性物品的管理规定，在生产、储存、运输、使用中发生重大事故，造成严重后果的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

第一百六十三条 违反枪支管理规定，私藏枪支、弹药，拒不交出的，处二年以

下有期徒刑或者拘役。

第一百零八条 破坏轨道、桥梁、隧道、公路、机场、航道、灯塔、标志或者进行其他破坏活动，足以使火车、汽车、电车、船只、飞机发生倾覆、毁坏危险，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十条 破坏交通工具、交通设备、电力煤气设备、易燃易爆设备造成严重后果的，处十年以上有期徒刑、无期徒刑或者死刑。

过失犯前款罪的，处七年以下有期徒刑或者拘役。

第一百五十九条 聚众扰乱车站、码头、民用航空站、商场、公园、影剧院、展览会、运动场或者其他公共场所秩序，聚众堵塞交通或者破坏交通秩序，抗拒、阻碍国家治安管理工作人员依法执行职务，情节严重的，对首要分子处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第一百五十八条 禁止任何人利用任何手段扰乱社会秩序。扰乱社会秩序情节严重，致使工作、生产、营业和教学、科研无法进行，国家和社会遭受严重损失的，对首要分子处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第一百五十一条 盗窃、诈骗、抢夺公私财物数额较大的，处五年以下有期徒刑、拘役或者管制。

第一百五十二条 惯窃、惯骗或者盗窃、诈骗、抢夺公私财物数额巨大的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑，可以并处没收财产。

第一百六十条 聚众斗殴，寻衅滋事，侮辱妇女或者进行其他流氓活动，破坏公共秩序，情节恶劣的，处七年以下有期徒刑、拘役或者管制。

流氓集团的首要分子，处七年以上有期

徒刑。

第一百五十四条 敲诈勒索公私财物的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

第一百一十七条 违反金融、外汇、金银、工商管理法规，投机倒把，情节严重的，处三年以下有期徒刑或者拘役，可以并处、单处罚金或者没收财产。

第一百一十八条 以走私、投机倒把为常业的，走私、投机倒把数额巨大的或者走私、投机倒把集团的首要分子，处三年以上十年以下有期徒刑，可以并处没收财产。

第一百一十九条 国家工作人员利用职务上的便利，犯走私、投机倒把罪的，从重处罚。

全国人大常委会关于惩治贪污罪、贿赂罪的补充规定有关条款

一、国家工作人员、集体经济组织工作人员或者其他经手、管理公共财物的人员，利用职务上的便利，侵吞、盗窃、骗取或者以其他手段非法占有公共财物的，是贪污罪。

与国家工作人员、集体经济组织工作人员或者其他经手、管理公共财物的人员勾结，伙同贪污的，以共犯论处。

二、对犯贪污罪的，根据情节轻重，分别依照下列规定处罚：

（1）个人贪污数额在五万元以上的，处十年以上有期徒刑或者无期徒刑，可以并处没收财产；情节特别严重的，处死刑，并处没收财产。

（2）个人贪污数额在一万元以上不满五万元的，处五年以上有期徒刑，可以并处没收财产；情节特别严重的，处无期徒刑，并处没收财产。

（3）个人贪污数额在二千元以上不满一万元的，处一年以上七年以下有期徒刑；情节严重的，处七年以上十年以下有期徒刑。个人贪污数额在二千元以上

不满五千元，犯罪后自首、立功或者有悔改表现、积极退赃的，可以减轻处罚，或者免于刑事处罚，由其所在单位或者上级主管机关给予行政处分。

（4）个人贪污数额不满二千元，情节较重的，处二年以下有期徒刑或者拘役；情节较轻的，由其所在单位或者上级主管机关酌情给予行政处分。

二人以上共同贪污的，按照个人所得数额及其在犯罪中的作用，分别处罚。对贪污集团的首要分子，按照集团贪污的总数额处罚；对其他共同贪污犯罪中的主犯，情节严重的，按照共同贪污的总数额处罚。

对多次贪污未经处理的，按照累计贪污数额处罚。