

Grassland Law of the People's Republic of China (Order of the President No.82)

Order of the President of the People's Republic of China

No. 82

The Grassland Law of the People's Republic of China, amended and adopted at the 31st Meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on December 28, 2002, is hereby promulgated after its amendments and shall go into effect as of March 1, 2003.

Jiang Zemin

President of the People's Republic of China

December 28, 2002

Grassland Law of the People's Republic of China

(Adopted at the 11th Meeting of the Standing Committee of the Sixth National People's Congress on June 18, 1985 and amended at the 31st Meeting of the Standing Committee of the Ninth National People's Congress on December 28, 2002)

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Chapter I

General Provisions

Article 1 This Law is enacted with a view to protecting, developing and making rational use of grasslands, improving the ecological environment, maintaining the diversity of living things, modernizing animal husbandry and promoting the sustainable development of the economy and society.

Article 2 This Law shall be applicable to all activities of grassland planning, protection, development, use and management conducted within the territory of the People's Republic of China.

The term "grasslands" mentioned in this Law refers to natural and man-made grasslands.

Article 3 With regard to grasslands, the State applies the principles of scientific planning, all-round protection, giving priority to the development of key grasslands, and rational use, in order to promote the sustainable use of grasslands and the harmonious development of the ecology, economy and society.

Article 4 People's governments at all levels shall improve their administration in protection, development and use of grasslands and include such protection, development and use in their national economic and social development plans.

People's governments at all levels shall enhance dissemination of the knowledge, and education in the importance, of protection, development and use of grasslands.

Article 5 All units and individuals shall have the duty to observe the laws and regulations on grasslands and to protect the grasslands and shall, at the same time, have the right to

supervise, inform against and accuse any violation of the laws and regulations on grasslands and damage of the grasslands,

Article 6 The State encourages and supports scientific research in protection, development, use and monitoring of grasslands, spreads the use of advanced technologies and achievements and trains scientists and technicians in this respect.

Article 7 The State awards all units and individuals that have made outstanding contributions to the management, protection, development and rational use of, and scientific search in, grasslands.

Article 8 The competent administrative department for grasslands under the State Council shall be in charge of supervision over the grasslands nationwide.

The competent administrative departments for grasslands of the local people's governments at or above the county level shall be in charge of supervision over the grasslands in their respective administrative areas.

People's governments of townships (towns) shall tighten supervision over and inspection of the protection, development and use of the grasslands in their own administrative areas and may, where necessary, have full- or part-time persons to be responsible for specific supervision and inspection.

Chapter II

Ownership of Grasslands

Article 9 The grasslands are owned by the State, with the exception of the grasslands owned by collectives as provided for by law. With respect to the State-owned grasslands, the State Council shall exercise the right of such ownership on behalf of the State.

No unit or individual may take illegal possession of, trade in or illegally transfer in other forms the grasslands.

Article 10 The State-owned grasslands may, in accordance with law, be assigned for use to the units under the ownership by the whole people and to collective economic organizations.

All units that use the grasslands shall fulfil the duty of protecting, developing and rationally using the grasslands.

Article 11 With respect to the State-owned grasslands which, in accordance with law, are assigned for use to units under the ownership by the whole people and to collective economic organizations, the people's governments at or above the county level shall register such

grasslands, issue certificates for the right of use to the said units and organizations after verification and thus establish their right to use such grasslands.

With respect to the State-owned grasslands, for which the right of use is not assigned, the people's governments at or above the county level shall register such grasslands and shall be responsible for their protection and control.

With respect to the grasslands owned by collectives, the people's governments at or above the county level shall register such grasslands, issue to the collectives the certificates of ownership after verification to and establish their right of ownership of such grasslands.

Where the ownership of grasslands is changed in accordance with law, the formalities for registration of shall be completed.

Article 12 The right of ownership and the right of use of the grasslands registered in accordance with law shall be protected by law, and no unit or individual may infringe upon such ownership or right.

Article 13 The grasslands owned by collectives or the State-owned grasslands which have been assigned for use to collective economic organizations may be contracted for management by households individually or jointly within the said collective economic organizations.

No adjustment may be made to the grasslands used by the contractors within the term of contractual management of the grasslands; where appropriate adjustments need be made to a few pieces of grasslands, the matter shall be subject to agreement by two-thirds or more members of the villagers (herdsmen) assembly, or two-thirds or more villagers' (herdsmen's) representatives, of the collective economic organization concerned and shall be reported for approval to the township (town) people's government and the competent administrative department for grasslands under the people's government at the county level.

Where grasslands owned by a collective or the State-owned grasslands which are assigned for use to a collective economic organization in accordance with law are contracted to units or individuals other than the ones of the said organization, the matter shall be subject to agreement by two-thirds or more members of the villagers (herdsmen) assembly, or two-thirds or more villagers' (herdmen's) representatives, of the collective economic organization concerned and shall be reported for approval to the township (town) people's government.

Article 14 For contractual management of a piece of grasslands, the party contracting out the grasslands and the contracting party shall sign a written contract. The contents of the grassland contract shall include the rights and obligations of both parties, the four boundaries, area and grade of the contracted grasslands, the term of the contract and the starting and expiration dates, the purpose of use of the grasslands and the liabilities for breach of the contract,

etc. At the expiration of the term of the contract, the original contractor shall, under equal conditions, have the priority of the right to contract.

The units and individuals for contractual management of grasslands shall fulfil the obligations of protecting, developing, and rationally using the grasslands in adherence to the purpose of use as agreed upon in the contract.

Article 15 The right to contractual management of grasslands is protected by law, and it may be transferred in accordance with law and on the principles of voluntariness and compensation.

The transferee of the right to contractual management of grasslands shall have the capability of pursuits in animal husbandry and shall fulfil the obligations of protecting, developing, and rationally using the grasslands in adherence to the purpose of use as agreed upon in the contract.

The transfer of the right to contractual management of grasslands shall be subject to agreement by the party contracting out the grasslands. The term of transfer agreed upon in the transfer contract by the contractor and the transferee may not exceed the remaining period of the original contract.

Article 16 Disputes over the ownership or the right of use of grasslands shall be settled by the parties through consultation; and where consultation fails, the disputes shall be handled by the people's government concerned.

Disputes between units shall be handled by the people's government at or above the county level; disputes between individuals or between individuals and units shall be handled by the township (town) people's government or the people's government at or above the county level.

Any party that is not satisfied with the decision made by the people's government concerned may bring a suit in the People's Court in accordance with law.

Pending the settlement of a dispute over ownership of grasslands, none of the parties may change the status quo in which the grasslands is being used, or damage the grasslands in question or the facilities thereon.

Chapter III

Planning

Article 17 The State practises a system of unified planning for protection, development and use of grasslands. The competent administrative department for grasslands under the State Council shall, together with the relevant departments under the State Council, draw up national plans for protection, development and use of grasslands and submit them to the State Council for approval before putting them into effect.

The competent administrative department for grasslands under the local people's government at or above the county level shall, together with relevant departments at the same level and on the basis of the plans for protection, development and use of grasslands at the next higher level, draw up such plans for its own administrative area and submit them to the people's government at the same level for approval before putting them into effect.

Where a plan for protection, development and use of grasslands really need be readjusted or modified, the matter shall be subject to approval by the original approving authority.

Article 18 A plan for protection, development and use of grasslands shall be drawn up on the basis of the plan for national economic and social development and in adherence to the following principles:

(1) improving the ecological environment, preserving the diversity of living things and promoting the sustainable use of grasslands;

(2) basing on the existing grasslands, suiting measures to local conditions, making overall plans and, formulating different guidelines for different categories;

(3) giving first place to protection, enhancing development, improving grasslands in batches and using them rationally; and

(4) combining the ecological, economic and social benefits.

Article 19 The plan for protection, development and use of grasslands shall include: the objective of and measures for protection, development and use of grasslands, functional division of grasslands and the general plan for various projects, and the various special plans.

Article 20 The plan for protection, development and use of grasslands shall dovetail with the overall plan for land use and be coordinated with the plans for environmental protection, water and soil conservation, prevention and control of desertification, and for water resources, and long-term plans for forestry, overall urban planning, village and market town planning and other relevant plans.

Article 21 Once approved, the plan for protection, development and use of grasslands shall strictly be implemented.

Article 22 The State establishes a survey system for grasslands.

The competent administrative department for grasslands under the local people's government at or above the county level shall, together with relevant departments at the same level, conduct survey of the grasslands; the owners or users of the grasslands are expected to assist and cooperate in such survey and provide the relevant information.

Article 23 The competent administrative department for grasslands under the State Council shall, together with the relevant departments under the State Council, formulate national standards for grassland grading.

The competent administrative department for grasslands under the people's government at or above the county level shall, on the basis of the results of grassland survey and the quality of the grasslands, grade the grasslands in accordance with the standards for grassland grading.

Article 24 The State establishes a statistics system for grasslands.

The competent administrative department for grasslands under the people's government at or above the county level shall, together with the statistics department at the same level, formulate measures for grassland survey and statistics, in accordance with law compile statistics in respect of the area, grade, grass yield, stock-carrying capacity, etc. of grasslands and regularly publish information on grassland statistics.

Information on grassland statistics provides the basis for the people's governments at various levels to draw up their plans for protection, development and use of grasslands.

Article 25 The State establishes an early warning system for grassland yielding and ecological monitoring.

The competent administrative department for grasslands under the people's government at or above the county level shall conduct dynamic monitoring of the basic conditions of the grasslands, such as the area, grade, vegetation composition, yielding capacity, natural disasters and biological epidemics, and provide timely service in respect of dynamic monitoring and early warning information to the government at the same level and the relevant departments.

Chapter IV

Development

Article 26 People's governments at or above the county level shall increase their input to grassland development in support of such development.

The State encourages units and individuals to invest in grassland development and, following the principle that whoever invests benefits, protects the legitimate rights and interests of the investors for grassland development.

Article 27 The State encourages and supports development of man-made grasslands, improvement of natural pastures and development of bases for forage grass and fodder, in order to stabilize and increase the yielding capacity of the grasslands.

Article 28 People's governments at or above the county level shall support, encourage and provide guidance to farmers and herdsmen in their efforts to build production and living facilities, such as grassland fences, forage grass and fodder reserves, livestock pens and herdsmen's settlements.

People's governments at or above the county level shall support the construction of grassland water conservation facilities, develop grassland water-saving irrigation and improve the conditions of drinking water for human beings and animals.

Article 29 People's governments at or above the county level shall, according to the plans for protection, development and use of grasslands, build more bases for seeds of forage or grass shoots or tissues and encourage selected breeding, introduction and wide use of superior seeds of forage or grass shoots or tissues.

The use of new varieties of grass may only be spread after the varieties are examined and approved by the national committee for examination and approval of grass varieties and are published by the competent administrative department for grasslands under the State Council. Any variety of seed of forage or grass shoot or tissue imported from outside China shall be subject to examination and approval in accordance with law.

The competent administrative departments for grasslands under the people's governments at or above the county level shall, in accordance with law, tighten their supervision and control over the breeding, processing, quarantine and testing of seeds of forage or grass shoots or tissues to ensure their quality.

Article 30 People's governments at or above the county level shall, in a planned way, build facilities for protection against grassland fires, such as fire monitoring, fire-protection material reserves and fire-blocking belt, in order to meet the need for protection against fires.

Article 31 For the grasslands that are degenerated, encroached upon by sand or rock, salinized or where soil-erosion occurs, the local people's governments at various levels shall, according to the plans for grassland protection, development and use, mark the areas for special control and improvement.

Large-scale, comprehensive grassland control and improvement shall be included in the State plan for improvement of national land.

Article 32 People's governments at or above the county level shall, according to the plans for grassland protection, development and use, allocate funds from the plans for national economic and social development at the corresponding level for improving grasslands, for artificial sowing of variety of grass and for breeding of seeds of forage or grass shoots or tissues, and no unit or individual may withhold or misappropriate such funds; and the finance and

auditing departments under the people's governments at or above the county level shall tighten supervision and control in this respect.

Chapter V

Use

Article 33 Contractors for grassland management shall make rational use of the grasslands, and they may not exceed the stock-carrying capacity verified by the competent administrative department for grasslands; and they shall take such measures as growing and reserving forage grass and fodder, increasing the supplies of forage grass and fodder, readjusting their disposition of livestock, optimizing the mix of livestock and increasing the number of heads of livestock for sale, in order to keep the balance between grass yield and the number of livestock raised.

The standard for grassland stock-carrying capacity and the measures for control of the balance between the grass yield and the number of livestock raised shall be formulated by the competent administrative department for grasslands under the State Council.

Article 34 Contractors for grassland management in pastoral regions shall practise regional rotation grazing, rational distribution of herds and balanced use of grasslands.

Article 35 The State encourages rearing livestock in pens in rural areas, in semi-rural and semi-pastoral areas and in the pastoral areas where conditions permit. Contractors for grassland management shall, according to the kinds and number of livestock they raise, readjust and reserve forage grass and fodder and employ new techniques such as forage grass and fodder ensiling and processing, in order to gradually change the mode of production in which grazing depends solely on natural grasslands.

In areas where grazing is prohibited or closed grazing or rotation grazing is practised, the State gives grain or funds as subsidies to people who raise livestock in pens, and the specific measures in this respect shall be formulated by the State Council or the relevant department authorized by it.

Article 36 For people working on haying grounds or bases for breeding wild grass seeds, shoots or tissues, the competent administrative departments for grasslands under the people's governments at or above the county level shall specify a rational period of time for grass mowing and variety collecting as well as the height for the stubble left and intensity for cutting and collecting, in order to practise rotation mowing and collecting.

Article 37 Where, under special circumstances such as natural disaster, it is necessary to temporarily readjust the use of grasslands, the matter shall, on the principles of voluntariness and mutual benefit, be resolved through consultation by the two parties concerned. Where it is necessary to temporarily readjust the use of grasslands between counties, the matter shall be resolved through consultation arranged by the relevant people's governments at the county level,

or by the people's government at a higher level to which the people's governments at the county level are both subordinated.

Article 38 No grasslands, or as little grasslands as possible, may be occupied for exploiting mineral resources and engineering. Where it is necessary to requisition or use grasslands, the matter shall be subject to examination and approval by the competent administrative department for grasslands under the people's government at or above the provincial level, and, the examination and approval formalities for the use of land for construction shall be completed in accordance with the laws and administrative regulations on land administration.

Article 39 Where grasslands owned by collectives are to be requisitioned for construction, compensation shall be made to the said collectives in accordance with the Land Administration Law of the People's Republic of China; and where State-owned grasslands are to be used for construction, compensation shall be made to the contractors for grassland management in accordance with the relevant regulations of the State Council.

Where grasslands are to be requisitioned or used for construction, fees for restoration of grassland vegetation shall be paid. Such special fees shall be used for special purposes, that is, to be used in accordance with relevant regulations by the competent administrative department for grasslands to restore grassland vegetation, and no unit or individual may withhold or misappropriate them. The measures for collection, use and management of the fees for restoration of grassland vegetation shall be formulated by the competent administrative department for pricing and the financial department under the State Council jointly with the competent administrative department for grasslands under it.

Article 40 Where it is necessary to occupy a piece of grasslands temporarily, the matter shall be subject to examination and approval by the competent administrative department for grasslands under the people's government at or above the county level.

The time limit for temporary occupation of grasslands shall not exceed two years and no permanent building or structure may be put up on the grasslands that are temporarily occupied; and at the expiration of the time limit, the unit using the grasslands shall restore the vegetation and return the grassland without delay.

Article 41 Where it is necessary to use grasslands for constructing projects and facilities there directly in the service of grassland protection and pursuits in animal husbandry, the matter shall be subject to approval by the competent administrative department for grasslands under the people's government at or above the county level. Where for construction of other projects, it is necessary convert grasslands to land for purposes other than animal husbandry, the examination and approval formalities for the land to be used for construction shall be completed in accordance with law.

The projects and facilities constructed directly in the service of grassland protection and pursuits in animal husbandry mentioned in the preceding paragraph refer to the following:

(1) facilities for producing and storing seeds of forage or grass shoots or tissues and forage grass and fodder;

(2) facilities for livestock pens, breeding centers, shearing centers, medicated bath pools and drinking water for human beings and livestock;

(3) bases for scientific research, experiments and demonstration; and

(4) facilities for grassland fire protection and for irrigation.

Chapter VI

Protection

Article 42 The State practises a system for protection of essential grasslands. The following grasslands are defined as essential grasslands and shall be placed under strict control:

(1) important pastures;

(2) meadows;

(3) man-made grassplots used for pursuits of animal husbandry, grassplots restored from reclamation, improved grassplots and bases for seeds of forage or grass shoots or tissues;

(4) grasslands that play a special role in readjusting the climate, conserving the sources of water, preserving water and soil, providing shelter from the wind, and fixing sand;

(5) grasslands that provide the living environments for wild animals and plants under special protection by the State;

(6) bases for grassland research and experiments in teaching; and

(7) other grasslands that should be defined as the essential ones in accordance with the regulations of the State Council.

The measures for protection of and control over essential grasslands shall be formulated by the State Council.

Article 43 The competent administrative department for grasslands under the State Council or the people's governments of provinces, autonomous regions or municipalities directly under

the Central Government may, in compliance with the relevant regulations on administration of the nature reserves, set up grassland nature reserves in the following areas:

- (1) typical grasslands;
- (2) ranges of rare and endangered species of wild animals and plants; and
- (3) grasslands of important ecological functions and worthy of economic and scientific research.

Article 44 People's governments at or above the county level shall enhance protection of and control over rare and endangered species of wild plants and the resources of germplasm on the grasslands.

Article 45 The State practises a system of basing the number of livestock raised on the grass available and maintaining the balance between the yield of grass and the number of livestock raised. The competent administrative department for grasslands under the people's government at or above the county level shall, according to the standard for stock-carrying capacity of grasslands formulated by the competent administrative department for grasslands under the State Council and in light of the actual local conditions, check and determine the stock-carrying capacity on a regular basis. People's governments at various levels shall take effective measures to prevent the carrying capacity from being exceeded and to prevent overgrazing.

Article 46 Reclamation of grasslands is prohibited. With respect to the reclaimed grassland that suffer serious soil erosion, tend to be encroached upon by sand or need improvement of the ecological environment, the grasslands shall be restored step by step and in a planned way; and where the grasslands are encroached upon by sand or rock or are salinized, such encroachment and salinization shall be put under control within a time limit.

Article 47 With respect to the grasslands that suffer serious degeneration, sand or rock encroachment, or salinization and the grasslands in ecologically fragile areas, the system under which grazing is prohibited and grazing is closed shall be practised.

Article 48 The State supports returning reclaimed land to grasslands, prohibition against grazing and closed grazing according to law. The specific measures in this regard shall be formulated by the State Council or the people's governments of the provinces, autonomous regions and municipalities under the Central Government.

Farmers or herdsmen who return reclaimed land to grasslands within the planned scope approved by the State Council shall be given subsidies in the form of grain or cash or be given money to buy varieties of grass. After the reclaimed land is returned to grasslands, it shall be checked and registered by the competent administrative department for grasslands under the people's government at or above the county level, and the formalities for alteration of the

purpose of use of the land shall be completed in accordance with law and the certificate for ownership of the grasslands be issued.

Article 49 It is prohibited to collect or dig plants or engage in other activities to the detriment of grassland vegetation on desert or semi-desert grasslands, or on the grasslands that suffer serious degeneration or salinization, or that are seriously encroached upon by sand or rock, or that suffer serious soil erosion, or on the grasslands that are situated in ecologically fragile areas.

Article 50 Anyone who intends to engage in operational activities such as quarrying of soil, sand and stone on grassland shall be subject to approval by the competent administrative department for grasslands under the people's government at the county level; and anyone who intends to exploit mineral resources shall, in addition, go through the relevant formalities in accordance with law.

Anyone who, upon approval, engages in one of the activities on grassland listed in the first paragraph of this Article shall operate within the prescribed time limit and area and according to the approved ways of quarrying and exploiting, and shall take measures to protect grassland vegetation.

Anyone who engages in one of the activities listed in the first paragraph of this Article on the grassland used by others shall, in addition, obtain permission from the user of the grassland in advance.

Article 51 Planting of forage grass and fodder crops shall be done on grasslands in compliance with the plans for grassland protection, development and use; and the competent administrative department for grasslands under the people's government at or above the county level shall tighten supervision and control to prevent the grasslands from sand encroachment and soil erosion.

Article 52 Profit-making tourist activities on grasslands shall be done in compliance with the relevant plans for grassland protection, development and use and the relevant formalities shall be only be gone through after permission is obtained in advance from the competent administrative department for grasslands under the local people's government at or above the county level.

No one who engages in profit-making tourist activities on grasslands may infringe upon the legitimate rights and interests of the grassland owner and user and the contractor for management of the grasslands, nor may he damage grassland vegetation.

Article 53 In protection against grassland fires, the guideline of putting prevention first and combining prevention with fire fighting shall be applied.

People's governments at all levels shall establish a responsibility system for protection against grassland fires, specify the period of time for protection against grassland fires and formulate preliminary plans for preventing and extinguishing grassland fires, in order to prevent and extinguish grassland fires successfully.

Article 54 People's governments at or above the county level shall arrange for and administer the work of preventing and controlling damage caused by rats, insect pests and poisonous and harmful weeds. The competent administrative departments for grasslands under the said people's government shall take measures to enhance their work in monitoring, giving early warning against, investigating, preventing and controlling damage caused by rats, insect pests and poisonous and harmful weeds and make arrangements for research in the methods for all-round prevention and control and spread their use.

Hypertoxic and highly residual pesticides and pesticides that may lead to secondary hazard toxicity are prohibited from use on grasslands.

Article 55 With the exception of the motor vehicles used for emergencies, disaster relief or herdsmen's relocation, no motor vehicles may leave the roads to drive on grasslands, to the detriment of the vegetation; where it is necessary to do so for activities such as geological exploration and scientific survey, a map of the areas and routes the vehicles plan to travel shall be submitted to the competent administrative department for grasslands under the people's government at the county level and be used upon confirmation.

Chapter VII

Supervision and Inspection

Article 56 The competent administrative department for grasslands under the State Council, and such departments under the local people's governments at or above the county level in the provinces and autonomous regions where there are relatively large areas of grasslands shall establish institutions for grassland supervision and control, which are responsible for supervision over and inspection of the implementation of grassland laws and regulations and for investigation and handling of violations of such laws and regulations.

The competent administrative departments for grasslands and the institutions for grassland supervision and control shall make efforts to build competent contingents of law-enforcing officers and help raise the political and professional quality of the grassland supervisors and inspectors. Grassland supervisors and inspectors shall be devoted to their duties and enforce laws impartially.

Article 57 When performing their duties of supervision and inspection, grassland supervisors and inspectors shall have the power to take the following measures:

(1) requesting the units or individuals under inspection to provide documents and data related to the ownership of the grasslands for the purpose of looking them up or making duplicates;

(2) requesting the units or individual under inspection to make explanations on questions regarding ownership of the grasslands, etc;

(3) entering the site of law-breaking to conduct photographing, videotaping and surveying; and

(4) instructing the units or individuals under inspection to cease their violations of the grassland laws or regulations and perform their statutory obligations.

Article 58 The competent administrative department for grasslands under the State Council and such departments under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall improve training and appraisal of grassland supervisors and inspectors.

Article 59 The units and individuals concerned shall assist and cooperate in the supervision and inspection conducted by grassland supervisors and inspectors, and they are not allowed to prevent the supervisors and inspectors or obstruct them from performing their duties in accordance with law.

Grassland supervisors and inspectors shall, when performing their duties, produce their certificates for law-enforcement to the units or individuals to be inspected.

Article 60 Any violation of grassland laws or regulations shall be dealt with by administrative means in accordance with law; where the competent administrative department for grasslands concerned fails to make a decision to such an effect, the competent administrative department for grasslands at a higher level shall have the power to instruct the department concerned to make such a decision, or shall directly make the decision itself.

Chapter VIII

Legal Responsibility

Article 61 Where a staff member of the competent administrative department for grasslands or a relevant functionary of a State organ who, neglecting his duty or abusing his power, fails to perform the duty of supervision and control in accordance with law or fails to investigate into and handle violations he discovers, which cause serious consequences and thus constitutes a crime, he shall be investigated for criminal responsibility in accordance with law; if the circumstances are not serious enough for criminal punishment, he shall be given an administrative sanction in accordance with law.

Article 62 Anyone who withholds or misappropriates funds to be used for improving grasslands, growing grass by artificial means and producing seeds of forage or grass shoots or tissues, or the fees for restoring grassland vegetation, which constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if the circumstances are not serious enough for criminal punishment, he shall be given an administrative sanction in accordance with law.

Article 63 Any unit or individual that has no power to approve the requisition or use of grasslands illegally does so, or does so beyond the limits of power for approval or in violation of the procedure provided for by law, which constitutes a crime, it/he shall be investigated for criminal responsibility in accordance with law; if the circumstances are not serious enough for criminal punishment, it/he shall be given an administrative sanction in accordance with law. The document illegally approving the requisition or use of grasslands shall be invalid. The grasslands illegally approved for requisition or use shall be taken back, if the person concerned refuses to return them, he shall be deemed an illegal user of grasslands and dealt with as such.

Anyone who illegally approves the requisition or use of grasslands and thus causes losses to the persons concerned shall bear the responsibility to pay compensation in accordance with law.

Article 64 Anyone who trades in or illegally transfers grasslands by other means, which constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if the circumstances are not serious enough for criminal punishment, he shall be instructed by the competent administrative department for grassland at or above the county level, in conformity with its functions and powers, to rectify within a time limit, his illegal gains shall be confiscated and he shall, in addition, be fined not less than the amount of, but not more than five times, the illegal gains.

Article 65 Anyone who, without approval or obtaining approval by fraudulent means, illegally uses grasslands, which constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if the circumstances are not serious enough for criminal punishment, he shall be instructed by the competent administrative department under the people's government at or above the county level, in conformity with its functions and powers, to return the grasslands illegally used; anyone who, acting counter to the plans for grassland protection, development and use, converts the grasslands to land for construction without authorization shall dismantle, within a time limit, the newly-constructed buildings or other facilities on the grasslands illegally used, restore the grassland vegetation and shall, in addition, be fined not less than six times, but not more than 12 times, the average output value of the grasslands in the three years prior to their illegal use.

Article 66 Anyone who illegally reclaims grasslands, which constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if the circumstances are not serious enough for criminal punishment, he shall be instructed by the competent administrative department for grasslands under the people's government at or above the county level, in

conformity with its functions and powers, to cease the violation and restore the grassland vegetation within a time limit, his unlawful money and things of value and illegal gains shall be confiscated and he shall, in addition, be fined not less than the amount of, but not more than five times, the illegal gains; if there are no illegal gains, he shall, in addition, be fined not more than RMB 50,000 yuan; and if losses are caused to the grassland owner or user, he shall bear the responsibility to pay compensation in accordance with law.

Article 67 Anyone who collects or digs plants or engages in other activities to the detriment of grassland vegetation on desert or semi-desert grasslands or on the grasslands that suffer serious degeneration or salinization, or that are seriously encroached upon by sand or rock, or that suffer serious soil erosion, or on the grasslands that are situated in ecologically fragile areas shall be instructed by the competent administrative department for grasslands under the people's government at or above the county level, in conformity with its functions and powers, to cease the violation, his unlawful money and things of value and illegal gains shall be confiscated and he may, in addition, be fined not less than the amount of, but not more than five times, the illegal gains; if there are no illegal gains, he may, in addition, be fined not more than 50,000 yuan; if losses are caused to the grassland owner or user, he shall bear the responsibility to pay compensation in accordance with law.

Article 68 Anyone who engages in activities of quarrying soil, sand or stone on grasslands without authorization or fails to do so in accordance with the specified time limit, area or the ways of quarrying shall be instructed by the competent administrative department for grasslands under the local people's government at or above the county level, in conformity with its functions and powers, to cease the violation and restore the grassland vegetation within a time limit, his unlawful money and things of value and illegal gains shall be confiscated and he may, in addition, be fined not less than the amount of, but not more than two times, the illegal gains; if there are no illegal gains, he may, in addition, be fined not more than 20,000 yuan; and if losses are caused to the grassland owner or user, he shall bear the responsibility to pay compensation in accordance with law.

Article 69 Anyone who, in violation of the provisions in Article 52 of this Law, engages in profit-making tourist activities on grasslands and damages grassland vegetation shall be instructed by the competent administrative department for grasslands under the local people's government at or above the county level, in conformity with its functions and powers, to cease the violation and restore the grassland vegetation within a time limit, his illegal gains shall be confiscated and he may, in addition, be fined not less than the amount of, but not more than two times, the illegal gains; if there are no illegal gains, he may, in addition, be fined not less than six times, but not more than 12 times, the average output value of the grasslands in the three years before they are damaged; and if losses are caused to the grassland owner or user, he shall bear the responsibility to pay compensation in accordance with law.

Article 70 Anyone who drives a motor vehicle, other than one used for emergencies and disaster relief or herdsmen's relocation, leaves the roads to drive on grasslands, or for the purpose

of geological exploration and scientific survey, drive on the grasslands, deviating from the confirmed map of the area and routes the vehicle plans to travel, thus causing damage to grassland vegetation, shall be instructed by the competent administrative department for grasslands under the local people's government at or above the county level to cease the violation and restore the grassland vegetation within a time limit, and he may, in addition, be fined not less than three times, but not more than nine times, the average output value of the grasslands in the three years before they are damaged; and if losses are caused to the grassland owner or user, he shall bear the responsibility to pay compensation in accordance with law.

Article 71 Any unit that puts up permanent buildings or structures on the grasslands temporarily occupied by it shall be instructed by the competent administrative department for grasslands under the people's government at or above the county level, in conformity with its functions and powers, to dismantle them within a time limit, and if it fails to do so at the expiration of the time limit, dismantling shall be enforced in accordance with law and the law-breaker shall pay the expenses entailed.

Where at the expiration of the time limit for temporary occupation of a piece of grasslands, the unit that uses the grasslands fails to restore the grassland vegetation, it shall be instructed by the competent administrative department for grasslands under the people's government at or above the county level, in conformity with its functions and powers, to do so within a time limit; and if the unit still fails to do so at the expiration of the time limit, the grassland vegetation shall be restored by the said department on its behalf and the law-breaker shall pay the expenses entailed.

Article 72 Any unit that, without approval, modifies the plans for grassland protection, development and use shall be instructed to rectify by the people's government at or above the county level within a time limit; and the persons directly in charge and the other persons directly responsible shall be given administrative sanctions in accordance with law.

Article 73 The measures for rectifying or punishing violations of the provisions of this Law on the system for the balance between the yield of grass and the number of livestock raised, namely, the number of livestock raised exceeds the standard for stock-carrying capacity checked and determined by the competent administrative department for grasslands under the people's government at or above the county level, shall be formulated by the people's congresses or their standing committees of the provinces, autonomous regions and the municipalities directly under the Central Government.

Chapter IX

Supplementary Provisions

Article 74 "Natural grasslands" mentioned in the second paragraph of Article 2 of this Law include land, mountains and hillsides covered with grass, and "man-made grasslands" include

improved pastures and pastures restored from reclaimed land, with the exception of land covered with grass in cities and towns.

Article 75 This Law shall go into effect as of March 1, 2003.

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