

ORDINANCE ON HANDLING OF ADMINISTRATIVE VIOLATIONS

(No. 44/2002/PL-UBTVQH10 of July 2, 2002)

In order to prevent and combat administrative violations, contributing to maintaining security, social order and safety, protecting the interests of the State as well as the legitimate rights and interests of individuals and organizations, enhancing the socialist legislation and raising the State management effectiveness;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the Xth National Assembly, the 10th session;

Pursuant to the Resolution of the Xth National Assembly, 10th session, on the 2002 law- and ordinance-making program;

This Ordinance prescribes the handling of administrative violations.

Chapter I

GENERAL PROVISIONS

Article 1. Handling of administrative violations

1. Handling of administrative violations shall include the administrative sanctions and other administrative handling measures.
2. The administrative sanctions shall apply to individuals, agencies and organizations (hereinafter referred collectively to as individuals and organizations), that intentionally or unintentionally commit acts of violating law provisions on State management, which, however, do not constitute crimes and, as required by law, must be administratively sanctioned.
3. Other administrative handling measures shall apply to individuals who commit acts of violating the legislation on security, social order and safety but not to the extent of being examined for penal liability as prescribed in Articles 23, 24, 25, 26 and 27 of this Ordinance.

Article 2. Competence to prescribe acts of administrative violation and the regime of application of other administrative handling measures

The Government shall prescribe acts of administrative violation, sanctioning forms, consequence-overcoming measures applicable to each act of administrative violation in the field of State management; prescribe the regime of application of measure of education at communes, wards, district towns, sending to reformatories, education establishments or medical treatment establishments, and placing under administrative probation.

Article 3. Principles for handling administrative violations

1. All administrative violations must be detected in time and stopped immediately. The handling of administrative violations must be effected swiftly, fairly and absolutely; all consequences caused by administrative violations must be overcome strictly according to law provisions.

2. Individuals and organizations shall be administratively sanctioned only when they commit administrative violations prescribed by law.

Individuals shall be subject to the application of other administrative handling measures only if they belong to one of the subjects prescribed in Articles 23, 24, 25, 26 and 27 of this Ordinance.

3. The handling of administrative violations must be effected by competent persons strictly according to law provisions.

4. An act of administrative violation shall be administratively sanctioned only once.

If many persons commit the same act of administrative violation, each of the violators shall be sanctioned.

If a person commits many acts of administrative violation, he/she shall be sanctioned for each act of violation.

5. The handling of administrative violations must be based on the nature and seriousness of the violations, the personal identity of the violators and the extenuating as well as aggravating circumstances in order to decide on appropriate handling forms and measures.

6. Administrative violations committed in cases of emergency circumstances, legitimate self-defense, unexpected incident or in cases where the violators are suffering from mental diseases or other ailments, which deprive them of the capability to be aware of or control their acts.

Article 4. Responsibilities to combat, prevent and oppose administrative violations

1. Agencies, organizations and all citizens must strictly abide by the law provisions on handling of administrative violations. Agencies and organizations are obliged to educate their members in the sense of defending and abiding by laws, the rules of social life, and take prompt measures to preclude causes and conditions for committing administrative violations in their agencies and organizations.

2. Upon detection of any administrative violations, the persons with competence to handle administrative violations shall have to handle such violations strictly according to the provisions of law.

It is strictly forbidden to abuse ones' positions and/or powers to harass, tolerate, cover up and/or unseverely and unjustly handle administrative violations.

3. Citizens have the rights and obligations to detect, denounce all acts of administrative violations and acts of law offenses committed by persons competent to handle administrative violations.

4 The Vietnam Fatherland Front Committee and the Front's member organizations shall, within the ambit of their respective functions, tasks and powers, have to supervise the law observance in handling administrative violations.

Article 5. Supervision and inspection in handling of administrative violations

1. The Nationality Council and Committees of the National Assembly, the People's Councils shall, within the ambit of their tasks and powers, supervise the law observance in handling administrative violations.

2. The heads of State bodies shall have to regularly inspect the handling of administrative violations by persons competent to handle administrative violations under their respective management, timely handle law offenses and settle complaints and denunciations in the handling of administrative violations according to law provisions.

Article 6. Subjects handled for administrative violations

1. The subjects sanctioned for administrative violations include:

a) Persons aged between full 14 and under 16 shall be administratively sanctioned for intentional administrative violations; persons aged full 16 or older shall be administratively sanctioned for all administrative violation acts they have committed.

Active-service army men, reserve army men during the time of concentrated training and persons of the people's police force, who commit administrative violations, shall

be handled like other citizens; in cases where it is necessary to apply the sanctioning form of stripping off the right to use a number of operation permits for defense and security purposes, the sanctioning persons shall not directly handle but propose the competent agencies, army units or police units to handle according to discipline regulations;

b) Organizations shall be administratively sanctioned for all administrative violations they have committed. After serving the sanctioning decisions, the sanctioned organizations shall determine individuals who have committed the administrative violations in order to determine their legal liability according to law provisions;

c) Foreign individuals and organizations that commit administrative violations within the territory, the exclusive economic zone and/or continental shelf of the Socialist Republic of Vietnam shall be administratively sanctioned according to the provisions of Vietnamese laws, except otherwise provided for by international treaties which the Socialist Republic of Vietnam has signed or acceded to.

2. Subjects liable to the application of other administrative handling measures are persons defined in Articles 23, 24, 25, 26 and 27 of this Ordinance.

The other administrative handling measures prescribed in this Ordinance shall not apply to foreigners.

Article 7. Handling minors who commit administrative violations

1. Persons aged between full 14 and under 16 who commit administrative violations shall be sanctioned with warning.

Persons aged between full 16 and under 18 who commit administrative violations may be subject to the application of the administrative-violation sanctioning forms prescribed in Article 12 of this Ordinance. When imposing fines on them, the fine levels must not exceed half of the fine levels applicable to the majors; where they have no money to pay the fines, their parents or guardians shall have to pay instead.

2. Minors who commit acts of law offenses prescribed in Clause 2 of Article 23, Clause 2 of Article 24, Point b, Clause 2, Article 26 of this Ordinance shall be handled according to the regulations therein.

3. Minors who commit administrative violations thus causing damage shall have to pay the compensations therefor according to the provisions of law.

Article 8. Extenuating circumstances

1. The following circumstances shall be the extenuating circumstances:

- a) The violators have prevented or reduced harms done by the violations or volunteer to overcome the consequences, pay compensations;
- b) The violators have voluntarily reported their violations, honestly repenting their mistakes;
- c) The violators commit violations in the state of being spiritually incited by other persons' illegal acts;
- d) The violators commit violations due to being forced to or due to their material or spiritual dependence;
- e) The violators are pregnant women, old and weak persons, persons suffering from ailment or disability which restrict their capacity to perceive or to control their acts;
- f) The violators commit violations due to particularly difficult plights brought upon them not by themselves;
- g) The violations are committed due to backwardness.

2. Apart from the circumstances prescribed in Clause 1 of this Article, the Government may define others as the extenuating circumstances in documents prescribing the sanctioning of administrative violations.

Article 9. Aggravating circumstances

Only the following circumstances are aggravating circumstances:

- 1. The violations are committed in an organized manner;
- 2. The violations are committed many times in the same domain or repeated in the same domains;
- 3. Inciting, dragging minors to commit violations, forcing materially or spiritually dependent persons to commit violations;
- 4. The violations are committed in the state of being intoxicated by alcohol, beer or other stimulants;
- 5. Abusing one's positions and powers to commit violations;

6. Taking advantage of war, natural disaster circumstances, or other special difficulties of the society to commit violations;
7. Committing violations while serving criminal sentences or decisions on handling of administrative violations;
8. Continuing to commit administrative violations though the competent persons have requested the termination of such acts;
9. After the violations, having committed acts of fleeing or concealing the administrative violations.

Article 10. Statute of limitations for handling of administrative violations

1. The statute of limitations for sanctioning an administrative violation shall be one year as from the date such administrative violation is committed; for administrative violations in the fields of finance, securities, intellectual property, construction, environment, radiation safety and control, dwelling houses, land, dykes, publication, export, import, exit, entry or administrative violations being acts of smuggling, producing and/or trading in fake goods, the statute of limitations shall be two years; past the above-mentioned time limits, no sanction shall be imposed but other consequence-overcoming measures prescribed at Points a, b, c, d and e of Clause 3, Article 12 of this Ordinance shall still apply.

If the persons with sanctioning competence are at fault in letting the statute of limitations for sanctioning administrative violations expire, they shall be handled according to the provisions in Article 121 of this Ordinance.

2. For individuals who were sued, prosecuted or got decisions to be brought to trial according to criminal procedures, but later got decisions to suspend investigation or suspend the cases where acts of violation show signs of administrative violations, they shall be administratively sanctioned; within three days as from the date of issuing the decisions to suspend the investigation, suspend the cases, the decision issuers must send the decisions to the persons with sanctioning competence; for this case, the statute of limitations for sanctioning administrative violations shall be three months as from the date the persons with sanctioning competence receive the suspension decisions and the dossiers on the violations.

3. Within the time limits prescribed in Clauses 1 and 2 of this Article, if the violating individuals or organizations commit new administrative violations in the same field where the violations were previously committed or deliberately evade or obstruct the sanctioning, the statute of limitations prescribed in Clauses 1 and 2 of this Article shall not apply; the statute of limitations for sanctioning administrative violations

shall be re-calculated from the time the new administrative violations are committed or the time the acts of evading and/or obstructing the sanctioning terminate.

4. The statute of limitations for application of other administrative handling measures is prescribed in Articles 23, 24, 25 and 26 of this Ordinance.

Article 11. Time limits for being considered not yet administratively sanctioned

1. One year as from the date of completely serving the sanctioning decisions or the date of expiry of the statute of limitations for executing the sanctioning decisions, if the individuals and organizations sanctioned for administrative violations do not repeat their violations, they shall be considered not yet being administratively sanctioned.

2. Two years as from the date of completely serving the handling decisions or the date of expiry of the statute of limitations for executing the handling decisions, if the individuals subject to the application of other administrative handling measures do not commit acts prescribed in Articles 23, 24, 25, 26 and 27 of this Ordinance, they shall be considered not yet subject to the application of those measures.

Chapter II

FORMS OF SANCTIONING ADMINISTRATIVE VIOLATIONS AND MEASURES TO OVERCOME CONSEQUENCES

Article 12. Forms of sanctioning administrative violations and measures to overcome consequences

1. For each act of administrative violation, the violating individuals or organizations must be subject to one of the following principal sanctioning forms:

a) Warning;

b) Fines.

2. Depending on the nature and seriousness of their violations, individuals and/or organizations that commit administrative violations may also be subject to the application of one or both of the following additional sanctioning forms:

a) Stripping off the right to use permits, professional practice certificates;

b) Confiscating material evidences and/or means used to commit administrative violations.

3. Apart from the sanctioning forms prescribed in Clauses 1 and 2 of this Article, the violating individuals and organizations may also be subject to the application of one or many of the following consequence-overcoming measures:

a) Forcible restoration of the initial state altered due to the administrative violations or forcible dismantling of illegally constructed works;

b) Forcible application of measures to overcome the environmental pollution, epidemic spreads, caused by the administrative violations;

c) Forcible bringing out of the Vietnamese territory or forcible re-export of goods, articles and means;

d) Forcible destruction of articles which cause harms to human health, domestic animals and cultivated plants, and harmful cultural products;

e) Other measures prescribed by the Government.

4. Foreigners who commit administrative violations may also be sanctioned with expulsion. The expulsion shall be applied as a principal sanctioning form or an additional sanctioning form depending on each specific case.

Article 13. Warning

Warning shall be applied to individuals and organizations that commit minor administrative violations for the first time with extenuating circumstances or to acts of administrative violation committed by minors aged between full 14 and under 16. Warning shall be decided in writing.

Article 14. Fines

1. The fine levels in sanctioning administrative violations range from VND 5,000 to VND 500,000,000.

2. Depending on the nature and seriousness of violations, the maximum fine levels in the field of State management are prescribed as follows:

a) A fine of up to VND 20,000,000 shall apply to acts of administrative violation in the fields of social order and safety; traffic works management and protection;

irrigation works management and protection; labor; measurement and goods quality; accounting; statistics; justice; social insurance;

b) A fine of up to VND 30,000,000 shall apply to acts of administrative violation in the fields of land road and waterway traffic order and safety; culture and information; tourism; social evils prevention and combat; land; dykes and flood as well as storm prevention and fighting; health; pricing; electricity; plant protection and quarantine; aquatic resource protection; veterinary; forest and forest product management and protection; defense; security;

c) A fine of up to VND 70,000,000 shall apply to acts of administrative violation in the fields of trade; customs; environmental protection; radiation safety and control; railways traffic order and safety; construction; post, telecommunications and radio frequencies; securities; banking; technology transfer;

d) A fine of up to VND 100,000,000 shall apply to acts of administrative violation in the fields of minerals; intellectual property; maritime; civil aviation; taxation (except otherwise provided for by tax laws);

e) A fine of up to VND 500,000,000 shall apply to acts of infringing upon the territorial waters, the territorial waters adjacent areas, the exclusive economic zones and the continental shelf of the Socialist Republic of Vietnam with a view to studying, exploring and/or exploiting marine resources, petroleum and/or other natural resources.

3. For acts of administrative violation in the State management fields not yet prescribed in Clause 2 of this Article, the Government shall stipulate the fine levels which, however, shall not exceed VND 100,000,000.

Article 15. Expulsion

Expulsion means compelling foreigners who have committed acts of violating Vietnamese law to leave the territory of the Socialist Republic of Vietnam.

The Government shall prescribe the expulsion procedures.

Article 16. Deprivation of the right to use licenses, professional practice certificates

The definite or indefinite deprivation of the right to use licenses or professional practice certificates shall apply to individuals and organizations that have seriously violated the provisions on the use of licenses and/or professional practice certificates. While being deprived of the right to use licenses and/or professional practice

certificates, individuals and organizations must not carry out activities prescribed in the licenses or professional practice certificates.

Article 17. Confiscation of material evidences and means used for commission of administrative violations

1. Confiscating material evidences and means used to commit administrative violations means the requisition of things, money, goods and/or means directly involved in the administrative violations into the State fund.

2. Not confiscating material evidences and/or means which have been appropriated or used illegally but returning them to their lawful owners, managers or users.

Article 18. Forcible restoration of the initial state altered due to administrative violations or forcible dismantlement of illegally constructed works.

Individuals and organizations must restore the initial state altered due to their administrative violations or must dismantle works they have constructed illegally; if violating individuals and/or organizations fail to do so voluntarily, coercive measures shall be applied. The violating individuals and/or organizations shall bear all expenses for the application of coercive measures.

Article 19. Forcible overcoming of environmental pollution or epidemic spread due to administrative violations

Individuals and organizations committing administrative violations must immediately stop their violation acts which cause environmental pollution or epidemic spread and has to apply remedial measures; if violating individuals and/or organizations fail to do so voluntarily, coercive measures shall be applied. They shall have to bear all expenses for the application of the coercive measures.

Article 20. Forcible bringing out of Vietnamese territory or forcible re-export of goods, articles, means

Goods, articles and/or means which are introduced into Vietnamese territory or imported in contravention of law provisions or goods temporarily imported for re-export but not re-exported under the provisions of law shall be forcibly taken out of Vietnamese territory or re-exported. The violating individuals and organizations must bear all expenses for the application of these measures.

Article 21. Forcible destruction of articles which cause harms to human health, domestic animals and cultivated plants, and harmful cultural products

Articles which cause harms to human health, domestic animals and cultivated plants, and harmful cultural products, which are material evidences of administrative violations must be destroyed. If violating individuals and/or organizations fail to do so voluntarily, coercive measures shall be applied. The violating individuals and/or organizations must bear all expenses for the application of coercive measures.

Chapter III

OTHER ADMINISTRATIVE HANDLING MEASURES

Article 22. Other administrative handling measures

Other administrative handling measures include:

1. Education at communes, wards, district towns;
2. Sending to reformatories;
3. Sending to education establishments;
4. Sending to medical treatment establishments;
5. Administrative probation.

Article 23. Education at communes, wards, district towns

1. The education at communes, wards or district towns shall be decided by presidents of the People's Committees of communes, wards or district towns (hereinafter referred collectively to as the commune-level) and applicable to persons prescribed in Clause 2 of this Article in order to educate and manage them at their residence places.

The time limits for application of the measure of education at communes, wards or district towns shall range from three to six months.

2. Subjects to whom the measure of education at communes, wards or district towns shall apply include:

- a) Persons aged between full 12 and under 16 who have intentionally committed acts with signs of serious crimes prescribed in the Penal Code;
- b) Persons aged full 12 or older who have repeatedly committed acts of petty larceny, petty swindle, petty gambling, and causing public disorder;

c) Drug addicts aged full 18 or older, regular prostitutes aged full 14 or older and having given residence places;

d) Women aged over 55 and men aged over 60, who have committed acts of law offense prescribed in Clause 2, Article 25 of this Ordinance.

3. The statute of limitations for application of measure of education at communes, wards or district towns shall be six months as from the time of committing violation acts prescribed at Point a or from the last time of committing the violation acts prescribed at Points b and c, Clause 2 of this Article; the above-said statute of limitations shall also apply to cases prescribed at Point d, Clause 2 of this Article, as from the last time of committing the violation acts prescribed in Clause 2, Article 25 of this Ordinance.

4. The commune-level People's Committee presidents shall have to organize the implementation of measure of education at communes, wards or district towns; coordinate with concerned local agencies and organizations as well as families in managing and educating these subjects.

5. The Ministry of Public Security shall uniformly direct the application of measure of education at communes, wards and district towns.

Article 24. Sending to reformatories

1. The sending of minors who have committed acts of law offense prescribed in Clause 2 of this Article to reformatories to have their general education, vocational education, job training, labor and activities under the management and education by the reformatories shall be decided by presidents of the People's Committees of rural districts, urban districts, provincial capitals or towns (hereinafter referred collectively to as the district level).

The time limits for application of measure of sending to reformatories shall range from six months to two years.

2. Subjects to whom the measure of sending to reformatories shall apply include:

a) Persons aged between full 12 and under 14, who have committed acts with signs of very serious crimes or particularly serious crimes, as prescribed in the Penal Code;

b) Persons aged between full 12 and under 16, who have committed acts with signs of less serious crimes or serious crimes, as prescribed in the Penal Code, and had previously been subject to the application of measure of education at communes,

wards or district towns or not yet been subject to the application of this measure but having no given residence places;

c) Persons aged between full 14 and under 18, who have repeatedly committed acts of petty theft, petty swindle, petty gambling, causing public disorder, and had previously been subject to the application of measure of education at communes, wards or district towns or not yet been subject to the application of this measure but have no given residence places.

3. The statute of limitations for application of measure of sending to reformatories are prescribed as follows:

a) One year as from the time of committing the violation acts prescribed at Point a, Clause 2 of this Article;

b) Six months as from the time of committing violation acts prescribed at Point b or from the last time of committing one of the violation acts prescribed at Point c, Clause 2 of this Article.

4. The Ministry of Public Security shall set up reformatories according to regions; in cases where localities have the demand, the presidents of the People's Committees of provinces or centrally- run cities (hereinafter referred collectively to as the provincial level) shall propose the Ministry of Public Security to set up reformatories in their localities.

The Ministry of Public Security shall uniformly manage the reformatories and coordinate with the Ministry of Education and Training, the Ministry of Labor, War Invalids and Social Affairs, the Vietnam Committee for Child Protection and Care and the concerned agencies and organizations in organizing and managing reformatories suitable to the age groups of between full 12 and under 15 and between full 15 and under 18.

Article 25. Sending to education establishments

1. The sending of persons who have committed acts of law offense prescribed in Clause 2 of this Article to education establishments to labor, have their general education, job training and activities under the management of the education establishments shall be decided by provincial-level People's Committee presidents.

The time limits for application of measure of sending to education establishments shall range from six months to two years.

2. Subjects to whom the measure of sending to education establishments shall apply are persons who have committed acts of infringing upon the properties of domestic or foreign organizations, the properties, health, honor and/or dignity of citizens or foreigners, breaking social order and safety regularly but not to the extent of being examined for penal liability, and who have been subject to the application of measure of education at communes, wards or district towns or not yet subject to the application of this measure but have no given residence places.

Persons under 18, women of over 55 and men of over 60 years old shall not be sent to education establishments.

3. The statute of limitations for application of measure of sending to education establishments shall be one year as from the last time of committing one of the violation acts prescribed in Clause 2 of this Article.

4. The Ministry of Public Security shall set up education establishments according to regions; where localities have the demand, the provincial-level People's Committee presidents shall propose the Ministry of Public Security to set up education establishments in their respective localities.

The Ministry of Public Security shall uniformly manage the education establishments and coordinate with the Ministry of Education and Training and the Ministry of Labor, War Invalids and Social Affairs in organizing and managing the education establishments.

Article 26. Sending to medical treatment establishments

1. The sending of persons who have committed acts of law offense prescribed in Clause 2 of this Article to medical treatment establishments to labor, have their general education, job learning and medical treatment under the medical treatment establishments' management shall be decided by the district-level People's Committee presidents.

The medical treatment establishments must organize exclusive areas for persons of under 18 years old.

The medical treatment establishments must apply measures to prevent and combat the spread of HIV/AIDS and other contagious diseases.

The time limits for application of measure of sending to medical treatment establishments shall range from one to two years for drug addicts, and from three months to eighteen months for prostitutes.

2. Subjects to whom the measure of sending to medical treatment establishments shall apply include:

a) Drug addicts aged full 18 or older who have already been subject to the application of measure of education at communes, wards or district towns, or have not yet been subject to the application of this measure but have no given residence places;

b) Regular prostitutes aged full 16 or older, who have been subject to the application of measure of education at communes, wards or district towns or have not yet been subject to the application of this measure but have no given residence places.

Prostitutes of under 16 or over 55 shall not be sent to medical treatment establishments.

3. The statute of limitations for the application of measure of sending to medical treatment establishments shall be six months as from the last time of committing violation acts prescribed at Points a and b of Clause 2 of this Article.

If within three months from the last time of committing violation acts the violators make marked progress in the observance of law, the measure of sending to medical treatment establishments shall not apply.

4. The provincial-level People's Committee presidents shall set up and manage medical treatment establishments according to provinces and centrally-run cities.

5. The Ministry of Labor, War Invalids and Social Affairs shall coordinate with the Health Ministry, the Ministry of Education and Training, the Ministry of Public Security, Vietnam Committee for Child Protection and Care in working out programs for study, labor and medical treatment, suitable to each kind of subject in the medical treatment establishments.

Article 27. Administrative probation

1. The administrative probation applicable to persons who have committed acts of law offense detrimental to the national security but not to the extent of being examined for penal liability shall be decided by the provincial-level People's Committee presidents. Persons put under administrative probation must reside, work and earn their living in certain localities and be subject to the management and education by the local administration and people.

The administrative probation time limits shall range from six months to two years.

2. Administrative probation shall not apply to persons under 18.

3. The Ministry of Public Security shall uniformly direct the administrative probation.

Chapter IV

COMPETENCE TO HANDLE ADMINISTRATIVE VIOLATIONS

Article 28. The commune-level People's Committee presidents' competence to handle administrative violations

The commune-level People's Committee presidents shall have the right to:

1. Impose warning;
2. Impose fines of up to VND 500,000;
3. Confiscate material evidences and/or means used for administrative violations, with value of up to VND 500,000;
4. Compel the restoration of initial state altered due to administrative violations;
5. Compel the application of measure of overcoming the environmental pollution or epidemic spread, caused by the administrative violations;
6. Compel the destruction of articles which cause harms to human health, domestic animals and cultivated plants; and harmful cultural products;
7. Decide on the application of measure of education at communes, wards or district towns.

Article 29. The district-level People's Committee presidents' competence to handle administrative violations

The district-level People's Committee presidents shall have the right to:

1. Impose warning;
2. Impose fines of up to VND 20,000,000;
3. Strip off the right to use licenses, professional practice certificates under their jurisdiction;
4. Confiscate material evidences and/or means used for administrative violations;

5. Apply consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance;
6. Decide to apply measure of sending to reformatories;
7. Decide to apply measure of sending to medical treatment establishments.

Article 30. The provincial-level People's Committee presidents' competence to handle administrative violations

The provincial-level People's Committee presidents shall have the right to:

1. Impose warning;
2. Impose fines of up to the maximum level for fields prescribed in Clauses 2 and 3 of Article 14 of this Ordinance;
3. Strip off the right to use licenses, professional practice certificates under their jurisdiction;
4. Confiscate material evidences and/or means used for administrative violations;
5. Apply consequence-overcoming measures prescribed in Clause 3, Article 12 of this Ordinance;
6. Decide to apply measure of sending to education establishments;
7. Decide to apply administrative probation measure.

Article 31. People's Police's competence to handle administrative violations

1. People's Police officers being on official duty shall have the right to:
 - a) Impose warning;
 - b) Impose fines of up to VND 100,000.
2. The station heads and team heads of the persons defined in Clause 1 of this Article shall have the right to:
 - a) Impose warning;
 - b) Impose fines of up to VND 200,000.

3. The commune-level police chiefs may apply the administrative violation- handling measures prescribed in Article 28 of this Ordinance, except measure of education at communes, wards or district towns.

4. The district-level police chiefs shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 10,000,000;
- c) Strip off the right to use licenses, professional practice certificates under their jurisdiction;
- d) Confiscate material evidences and/or means used for administrative violations;
- e) Apply the consequence-overcoming measures prescribed at Points a, b and d of Clause 3, Article 12 of this Ordinance.

5. Heads of the Police Bureaus for Administrative Management of Social Order, heads of Traffic Police Bureaus, heads of the Fire-Fighting Police Bureaus, heads of the Economic Police Bureaus, heads of the Criminal Police Bureaus, heads of Police Bureaus for Prevention and Combat of Drug- Related Crimes, heads of the Exit and Entry Management Bureaus, heads of the Mobile Police units of the company or higher level operating independently, heads of the Police Stations at border gates or export-processing zones, shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 10,000,000;
- c) Strip off the right to use licenses, professional practice certificates under their jurisdiction;
- d) Confiscate material evidences and/or means used for administrative violations;
- e) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

6. The directors of the provincial-level Police Departments shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 20,000,000;

c) Strip off the right to use licenses, professional practice certificates under their jurisdiction;

d) Confiscate material evidences and/or means used for administrative violations;

e) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

7. The director of the Police Department for Administrative Management of Social Order, the director of the Traffic Police Department, the director of the Fire-Fighting Police Department, the director of the Economic Police Department, the director of the Criminal Police Department, the director of Police Department for Prevention and Combat of Drug-Related Crimes, the director of the Exit and Entry Management Department, shall have the right to:

a) Impose warning;

b) Impose fines of up to the maximum levels in the fields under their respective management as prescribed at Points a, b, c and d of Clause 2 and Clause 3 of Article 14 of this Ordinance;

c) Strip off the right to use licenses, professional practice certificates under their jurisdiction;

d) Confiscate material evidences and means used for administrative violations;

e) Apply the consequence-overcoming measures prescribed at Point a, b and d, Clause 3, Article 12 of this Ordinance.

8. The Minister of Public Security shall decide on the application of the sanctioning form of expulsion.

Article 32. Border guards' competence to handle administrative violations

1. Border guard combatants being on official duties have the right to:

a) Impose warning;

b) Impose fines of up to VND 100,000.

2. The team leaders of the persons prescribed in Clause 1 of this Article have the right to:

a) Impose warning;

b) Impose fines of up to VND 200,000.

3. Border post chiefs, border flotilla commanders and border sub-region commanders shall have the right to:

a) Impose warning;

b) Impose fines of up to VND 10,000,000;

c) Confiscate material evidences and/or means used for administrative violations;

d) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

4. The provincial-level border guard commanders, the commanders of the border guard fleets under the Border Guard Command shall have the right to:

a) Impose warning;

b) Impose fines of up to the maximum level for the fields under their respective management, as prescribed at Points a, b, c and d of Clause 2 and Clause 3 of Article 14 of this Ordinance;

c) Confiscate material evidences and/or means used for administrative violations;

d) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

Article 33. Coast Guard's competence to handle administrative violations

1. Policemen of the Coast Guard operation teams, being on official duties, shall have the right to:

a) Impose warning;

b) Impose fines of up to VND 200,000.

2. Heads of the operation units of the Coast Guard shall have the right to:

a) Impose warning;

b) Impose fines of up to VND 500,000.

3. Heads of the operation teams of the Coast Guard shall have the right to:

- a) Impose warning;
 - b) Impose fines of up to VND 2,000,000.
4. The Coast Guard flotilla captains shall have the right to:
- a) Impose warning;
 - b) Impose fines of up to VND 5,000,000;
 - c) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.
5. The Coast Guard fleet commanders shall have the right to:
- a) Impose warning;
 - b) Impose fines of up to VND 10,000,000;
 - c) Confiscate material evidences and means used for administrative violations;
 - d) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.
6. The Coast Guard region commanders shall have the right to:
- a) Impose warning;
 - b) Impose fines of up to VND 20,000,000;
 - c) Confiscate material evidences and means used for administrative violations;
 - d) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.
7. The director of the Coast Guard Department shall have the right to:
- a) Impose warning;
 - b) Impose fines of up to the maximum levels for the fields under his/her respective management, as prescribed at Clauses 2 and 3, Article 14 of this Ordinance;
 - c) Strip off the right to use licenses, professional practice certificates under their jurisdiction;

- d) Confiscate material evidences and means used for administrative violations;
- e) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

Article 34. The Customs' competence to handle administrative violations

1. The Operation Team leaders under the Customs Sub-Departments shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 500,000.

2. The Customs Sub-Department heads, leaders of the Inspection Teams of the provincial, inter-provincial, municipal Customs Departments (hereinafter referred collectively to as the Customs Departments), the Anti-Smuggling Inspection Team leaders and commanders of the Sea Control Flotillas under the Anti-Smuggle Investigation Department of the General Department of Customs shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 10,000,000;
- c) Confiscate material evidences and/or means used for administrative violations, with the value of up to VND 20,000,000.

3. The Customs Department directors shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 20,000,000;
- c) Strip off the right to use licenses under their jurisdiction;
- d) Confiscate material evidences and/or means used for administrative violations;
- e) Apply the consequence-overcoming measures prescribed at Points c and d, Clause 3, Article 12 of this Ordinance.

4. The director of the Anti-Smuggling Investigation Department of the General Department of Customs shall have the right to:

- a) Impose warning;
- b) Impose fines of up to the maximum levels for customs and taxation fields, as prescribed at Points c and d, Clause 2, Article 14 of this Ordinance;
- c) Strip off the right to use licenses under their jurisdiction;
- d) Confiscate material evidences and/or means used for administrative violations;
- e) Apply the consequence-overcoming measures prescribed at Points c and d, Clause 3, Article 12 of this Ordinance.

Article 35. The Ranger' s competence to handle administrative violations

1. Ranger officers being on official duties shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 100,000.

2. Ranger Station chiefs shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 2,000,000;
- c) Confiscate material evidences and/or means used for administrative violations, with the value of up to VND 10,000,000.

3. The heads of the Ranger units, the directors of the Forest Products Re-Inspection Sub-Departments and leaders of the Mobile Ranger teams shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 10,000,000;
- c) Confiscate of material evidences and/or means used for administrative violations, with value of up to VND 20,000,000;
- d) Compel the restoration of the initial state altered due to the administrative violations.

4. Directors of the Ranger Sub-Departments shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 20,000,000;
- c) Strip off the right to use licenses, professional practice certificates under their jurisdiction;
- d) Confiscate material evidences and/or means used for administrative violations;
- e) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

5. The director of the Ranger Department shall have the right to:

- a) Impose warning;
- b) Impose fines of up to the maximum levels in the field of forest and forest product management and protection prescribed at Point b, Clause 2, Article 14 of this Ordinance;
- c) Strip off the right to use licenses, professional practice certificates under his/her jurisdiction;
- d) Confiscate material evidences and/or means used for administrative violations;
- e) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

Article 36. Tax Offices' competence to handle administrative violations

Except when the fine levels are otherwise prescribed by law, the following persons shall have the rights:

1. Tax officials performing public duties shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 100,000.

2. The Tax Station chiefs and the Tax Team leaders shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 2,000,000.

3. The Tax Sub-Department heads shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 10,000,000;
- c) Confiscate material evidences and/or means used for administrative violations.

4. The Tax Department directors shall have the right to:

- a) Impose warning;
- b) Impose fines of up to the maximum levels for the taxation field prescribed at Point d, Clause 2, Article 14 of this Ordinance;
- c) Confiscate material evidences and/or means used for administrative violations.

Article 37. The Market Management Force's competence to handle administrative violations

1. The market controllers being on official duties shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 200,000.

2. The Market Management Team leaders shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 5,000,000;
- c) Confiscate material evidences and/or means used for administrative violations, with the value of up to VND 30,000,000;
- d) Compel the destruction of articles causing harms to human health, domestic animals and cultivated plants, harmful cultural products.

3. The Market Management Sub-Department heads shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 20,000,000;

- c) Strip off the right to use licenses, professional practice certificates under their jurisdiction;
- d) Confiscate material evidences and/or means used for administrative violations;
- e) Compel the destruction of articles which cause harms to human health, domestic animals and cultivated plants, harmful cultural products.

4. The director of the Market Management Department shall have the right to:

- a) Impose warning;
- b) Impose fines of up to the maximum levels in the trade field, prescribed at Point c, Clause 2, Article 14 of this Ordinance;
- c) Strip off the right to use licenses, professional practice certificates under his/her jurisdiction;
- d) Confiscate material evidences and/or means used for administrative violations;
- e) Compel the destruction of articles which cause harms to human health, domestic animals and cultivated plants, harmful cultural products.

Article 38. Specialized Inspectorates' competence to handle administrative violations

1. The specialized inspectors being on official duty shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 200,000;
- c) Confiscate material evidences and/or means used for administrative violations, with the value of up to VND 2,000,000;
- d) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

2. Specialized chief inspectors of the provincial-level Services shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 20,000,000;

c) Strip off the right to use licenses, professional practice certificates under their jurisdiction;

d) Confiscate material evidences and/or means used for administrative violations;

e) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

3. The specialized chief inspectors of the ministries, the ministerial-level agencies or the agencies attached to the Government shall have the right to:

a) Impose warning;

b) Impose fines of up to the maximum levels for the fields under their respective management, as prescribed at Points a, b, c and d, Clause 2 and Clause 3, Article 14 of this Ordinance;

c) Strip off the right to use licenses, professional practice certificates under their jurisdiction;

d) Confiscate material evidences and/or means used for administrative violations;

e) Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

Article 39. The competence of the directors of the Maritime Port Authorities, the directors of the Inland River Port Authorities, the directors of the Airport Authorities to handle administrative violations

The directors of the Maritime Port Authorities, the directors of the Inland River Port Authorities and the directors of the Airport Authorities shall have the right to:

1. Impose warning;

2. Impose fines of up to VND 10,000,000;

3. Strip off the right to use licenses, professional practice certificates under their jurisdiction;

4. Confiscate material evidences and/or means used for administrative violations;

5. Apply the consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 12 of this Ordinance.

Article 40. The competence of the People's Courts and civil judgment-executing bodies to handle administrative violations

1. The judges chairing the court sessions shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 1,000,000.

2. The civil judgment executors being on official duty shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 200,000.

3. Civil judgment-executing team leaders shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 500,000.

4. The heads of the provincial-level civil judgment- executing bureaus and the heads of the judgment executing bureaus of the military zone or equivalent level shall have the right to:

- a) Impose warning;
- b) Impose fines of up to VND 1,000,000.

Article 41. Authorization to handle administrative violations

In cases where the persons competent to handle administrative violations, defined in Articles 28, 29 and 30, Clauses 2, 3, 4, 5, 6 and 7 of Article 31, Clauses 2, 3 and 4 of Article 32, Clause 3, 4, 5, 6 and 7 of Article 33, Article 34, Clauses 2, 3, 4 and 5 of Article 35, Clauses 2, 3 and 4 of Article 36, Clause 2, 3 and 4 of Article 37, Clauses 2 and 3 of Article 38, Article 39, Clauses 3 and 4 of Article 40, of this Ordinance are absent, their authorized deputies shall have competence to handle administrative violations and be accountable for their decisions.

Article 42. Principles for determining the competence to handle administrative violations

1. The presidents of the People' Committees of all levels are competent to sanction administrative violations in the field of State management in their respective localities.

Persons competent to sanction administrative violations, defined in Articles 31 thru 40 of this Ordinance, shall be competent to sanction administrative violations in the fields and branches under their respective management.

Where an administrative violation falls under the sanctioning competence of many persons, the sanction shall be effected by the person who receives and processes the case first.

2. The sanctioning competence of the persons defined in Articles 28 thru 40 of this Ordinance is the competence applicable to an act of administrative violation. In case of fine, the sanctioning competence shall be determined on the basis of the maximum level of the fine table prescribed for each specific act of violation.

3. Where a person is sanctioned for many acts of administrative violation, the sanctioning competence shall be determined on the following principles:

a) If the sanctioning form and level prescribed for each act are under the competence of the sanctioning person, the sanctioning competence also belongs to such person;

b) If the sanctioning form and level prescribed for one of the acts are beyond the competence of the sanctioning person, he/she shall have to transfer the case of violation to the authority with sanctioning competence;

c) If acts fall within the sanctioning competence of many persons in different branches, the sanctioning competence shall belong to the People's Committee presidents with sanctioning competence in the localities where the violations are committed.

Chapter V

MEASURES TO PREVENT ADMINISTRATIVE VIOLATIONS AND ENSURE THE HANDLING OF ADMINISTRATIVE VIOLATIONS

Article 43. Measures to prevent administrative violations and ensure the handling of administrative violations

1. In cases where it is necessary to promptly prevent administrative violations or to ensure the handling of administrative violations, the competent persons may apply the following measures according to administrative procedures:

a) Custody of involved persons;

b) Custody of material evidences and/or means of the administrative violations;

c) Body search;

d) Inspection of transport means and objects;

e) Search of places where material evidences and/or means of administrative violations are hidden;

f) Administrative bail;

g) Management of foreigners who have violated Vietnamese law while the expulsion procedures are carried out;

h) Hunt for subjects who have to serve decisions on sending to reformatories, education establishments or medical treatment establishments if they escape.

2. When applying the measures prescribed in Clause 1 of this Article, the competent persons must strictly abide by the provisions in Articles 44 thru 52 of this Ordinance; if committing violations, they shall be handled according to the provisions in Article 121 of this Ordinance.

Article 44. Human custody according to administrative procedures.

1. The custody of people according to administrative procedures shall apply only in cases where it is necessary to prevent or immediately stop acts of causing public disturbance, causing injury to other persons or necessary to gather and/or verify important circumstances which serve as bases for deciding on the handling of administrative violations.

2. All cases of human custody must be decided in writing and copies of the decisions must be handed over to the persons subject to custody.

3. The time limit for human custody according to administrative procedures must not exceed 12 hours as from the time of starting to keep the violators; in case of necessity, the custody time limit can be prolonged but must not exceed 24 hours.

For persons who violate border regulations or commit administrative violations in distant, secluded mountain or island areas, the custody time limit may be longer, but must not exceed 48 hours as from the date of starting to keep the violators.

4. At the request of the persons in custody, the persons who have issued the custody decisions must notify their families and organizations where they work or study thereof. In case of custody of minors, who have committed administrative violations, at night or for more than 6 hours, the persons who have issued the custody decisions must immediately notify their parents or guardians thereof.

5. It is strictly forbidden to keep persons who have committed administrative violations in criminal custody rooms or temporary detention rooms or in places unhygienic and unsafe for custody persons.

6. The Government shall promulgate Regulation on human custody according to administrative procedures.

Article 45. Competence to keep persons in custody according to administrative procedures

1. The following persons are entitled to decide on human custody according to administrative procedures:

- a) The commune/district town People's Committee presidents, the ward police chiefs;
- b) The district police chiefs;
- c) The heads of the Police Bureaus for Administrative Management of Social Order, the heads of the Traffic Police Bureaus, the heads of the Economic Police Bureaus, the heads of the Criminal Police Bureaus, the heads of the Police Bureaus for Prevention and Combat of Drug-Related Crimes, the heads of the Exit and Entry Management Bureaus of the provincial-level Police Departments;
- d) The heads of mobile police units of company or higher levels operating independently, the heads of the border-gate police stations;
- e) The heads of the ranger units, the leaders of the mobile ranger teams;
- f) The heads of the Customs Sub- Departments, the leaders of the Control Teams of the Customs Departments, the leaders of the Anti-Smuggling Inspection Teams and the leaders of the sea patrol flotillas under the Anti-Smuggling Investigation Department of the General Department of Customs;

- g) The leaders of the Market Management teams;
- h) The commanders of the border sub-regions, the commanders of the border fleets, commanders of the border flotillas, the heads of the border posts and the commanders of the border guard units stationing in border and island regions;
- i) Commanders of the Coast Guard flotillas, fleets;
- j) Airplane or ship captains when airplanes or ships leave airports or sea ports.

2. Where the persons defined in Clause 1 of this Article are absent, their authorized deputies are entitled to decide on human custody according to administrative procedures and must be accountable for their decisions.

Article 46. Custody of material evidences and/or means of administrative violations

1. The custody of material evidences and/or means of administrative violations shall apply only to cases where it is necessary to verify circumstances which serve as bases for deciding to handle or immediately stop the administrative violations.

Persons defined in Article 45 of this Ordinance, the chief specialized inspectors of provincial-level Services and the chief specialized inspectors of the ministries, the ministerial-level agencies or the agencies attached to the Government are entitled to decide on the custody of material evidences and/or means of administrative violations.

2. In cases where there are grounds to believe that the material evidences and/or means of administrative violations may be dispersed or destroyed if they are not temporarily seized immediately, the immediate superiors of people's police officers, border guards, ranger officers, customs officials, market controllers or specialized inspectors are entitled to decide on the custody of material evidences and/or means of administrative violations. Within 24 hours after the decisions are issued, the decision issuers must report to their superiors who are among those competent to temporarily seize the material evidences and/or means of administrative violations, defined in Clause 1 of this Article, and get their written consents; in cases of failure to get the written consents of such persons, the decision issuers must immediately disregard the custody decisions and return the temporarily seized things, money, goods and/or means.

3. Persons who make decisions on the custody of material evidences and/or means of administrative violations must make records on the custody, which must clearly state the name, quantity, category of the temporarily seized material evidences and/or means and be signed by the decision makers and the violators. They have the

responsibility to preserve those material evidences and/or means; if the material evidences and/or means are lost, sold or damaged due to such persons' faults, they shall have to pay the compensations therefor.

Where the material evidences and/or means need to be sealed, the sealing thereof must be conducted immediately in front of the violators; if the violators are absent, the sealing must be conducted in front of their families' representatives, organizations' representatives, the administration's representatives and the witnesses.

4. For Vietnamese currency, foreign currencies, gold, silver, precious stones, precious metals, narcotics and other objects subject to special management regimes, the preservation thereof shall comply with the provisions of law.

For material evidences being commodities and/or articles which are easy to decay, the persons issuing decisions on the custody thereof must handle them according to Clause 3, Article 61 of this Ordinance.

5. Within ten days as from the date of custody, the persons who have issued the custody decisions must handle the custody material evidences and/or means with measures inscribed in the handling decisions or return them to the concerned individuals and/or organizations if the sanctioning form of confiscating the custody material evidences and/or means is not applied. The time limit for custody of material evidences and/or means of administrative violations may be prolonged for complicated cases requiring verification, but shall not exceed sixty days as from the date of custody of material evidences and/or means. The prolongation of the time limit for temporary seizure of material evidences and/or means must be decided by persons defined in Clause 1 of this Article.

6. The custody of material evidences and/or means of administrative violations must be effected by written decisions which must be enclosed with records on the custody and handed over to the violators or representatives of the violating organizations, each with one copy thereof.

Article 47. Body search according to administrative procedures

1. The body search according to administrative procedures shall be conducted only when there are grounds to believe that such persons hide in their bodies the objects, documents and/or means of administrative violations.

2. The persons defined in Article 45 of this Ordinance are entitled to decide on body search according to administrative procedures.

In cases where there are grounds to believe that if the search is not conducted immediately, the objects, documents and/or means of administrative violations may be dispersed or destroyed, apart from the persons defined in Article 45 of this Ordinance, the people's police officers, policemen of the Coast Guard operation teams, Border Guard combatants, ranger officers and market controllers being on official duty may conduct the body search according to administrative procedures and have to immediately report such in writing to their superiors being among persons defined in Article 45 of this Ordinance and have to bear responsibility before law for the body search.

3. The body search must be effected under written decisions, except for case of immediate search as provided for in Paragraph 2, Clause 2, this Article.

4. Before conducting the body search, the searchers must inform the to-be-searched persons of the decisions thereon. Upon body search, men shall search men and women search women, and the search must be witnessed by persons of the same sex.

5. All cases of body search must be recorded in writing. The body search decisions and records must be handed over to the searched persons, one copy each.

Article 48. Searching transport means and objects according to administrative procedures

1. The search of transport means and objects according to administrative procedures shall be carried out only when there are grounds to believe that hidden in those transport means and/or objects are material evidences of administrative violations.

2. Persons defined in Article 45 of this Ordinance, people's police officers, members of the Coast Guard operation teams, Border Guard combatants, ranger officers, tax officials, market controllers and specialized inspectors, who are on official duty, may search transport means and/or objects within the ambit of their respective jurisdiction.

3. The search of transport means and/or objects must be carried out in the presence of the transport means and/or object owners or the transport means operators and an witness; where the transport means and/or object owners or the transport means operators are absent, there must be two witnesses.

4. All cases of search of transport means and/or objects must be recorded in writing, and the copies of such records must be handed to the transport means and/or object owners or the transport means operators.

Article 49. Search of places where material evidences and/or means of administrative violations are hidden

1. The search of places where material evidences and/or means of administrative violations shall be conducted only when there are grounds to believe that the material evidences and/or means of administrative violations are hidden in those places.
2. The persons defined in Article 45 of this Ordinance are entitled to decide the search of places where material evidences and/or means of administrative violations are hidden; where such places are dwelling places, the search decisions must be consented in writing by the district-level People's Committee presidents before conducting the search.
3. The search of places where material evidences and/or means of administrative violations are hidden must be conducted in the presence of the owners of such places or members of their families and the witnesses. Where the place owners or members of their families are absent while the search cannot be postponed, there must be the representative of the local administration and two witnesses.
4. The search of places where material evidences and/or means of administrative violations are hidden must not be conducted at night, except for emergency cases, but the reasons therefor must be clearly stated in the records thereof.
5. All cases of search of places where material evidences and/or means of administrative violations are hidden must be effected under written decisions and must be recorded in writing. Such decisions and records must be handed to the place owners, one copy each.

Article 50. Administrative bail

1. The administrative bail means the handing to families, social organizations for management and supervision of persons who have committed acts of law offenses and are subject to the application of measure of being sent to reformatories, education establishments or medical treatment establishments during the time the competent agencies are carrying out procedures to consider and decide the application of this measure, provided that such persons have got certain residence places.
2. The district-level People's Committee presidents shall decide on the assignment of administrative bail responsibility to the families or social organizations in the places where the subjects reside. Where the subjects are minors, the administrative bail responsibility shall be assigned to their parents or guardians.

The families, social organizations and persons assigned the administrative bail responsibility are obliged not to let the subjects relapse into law violations and ensure their presence at the residence places when requested.

The administrative bail shall terminate upon the expiry of the bail duration inscribed in the bail assignment decisions or upon the sending of subjects to places for the execution of the measures prescribed in Clause 1 of this Article.

3. The Government shall specify the administrative bail.

Article 51. Management of foreigners who have violated Vietnamese laws during the time of carrying out the procedures for their expulsion

The management of foreigners who have violated Vietnamese laws while the expulsion procedures are being carried out shall be stipulated by the Government.

Article 52. Hunt for subjects to be sent, under decisions, to reformatories, education establishments or medical treatment establishments in case of escape

1. Where the persons to be sent, under decisions, to reformatories, education establishments or medical treatment establishments escape before they are sent to such establishments, the district-level police offices of the localities where such persons reside shall issue decisions to hunt for them.

Where the persons who are serving decisions at reformatories, education establishments or medical treatment establishments escape, the directors of the reformatories or the directors of the education establishments or medical treatment establishments shall issue decisions to hunt for them. The police offices shall have to coordinate with the reformatories, education establishments or medical treatment establishments in hunting for the subjects in order to send them back to such establishments.

2. For persons to be sent, under decisions, to reformatories or serving such decisions at reformatories as prescribed in Clause 1 of this Article, if they turn full 18 when they are re-captured, the district-level police chiefs shall propose the district-level People's Committee presidents to cancel the decisions on sending them to reformatories and compile dossiers proposing to send them to education establishments.

Chapter VI

PROCEDURES FOR SANCTIONING ADMINISTRATIVE VIOLATIONS AND EXECUTION OF SANCTIONING DECISIONS

Article 53. Stopping acts of administrative violations

Upon detecting administrative violations, the persons with handling competence must order the immediate cessation of the acts of administrative violations.

Article 54. Simple procedures

For warning or fine of between VND 5,000 and 100,000, the persons with sanctioning competence shall issue decisions to sanction such acts on the spot.

The sanctioning decisions must clearly state the dates of issuance; the full names and addresses of the violators or the violating organizations; acts of violation; places where the violations are committed; full name and positions of the decision issuers; clauses of legal documents to be applied. Such decisions must be handed to sanctioned individuals or organizations, one copy each. In case of fine, the decisions must clearly state the fine levels. Violating individuals and organizations may pay fines on spot to the persons with sanctioning competence; where fines are paid on spot, the fine receipts shall be issued.

Article 55. Making records of administrative violations

1. Upon detecting administrative violations in their respective management domains, the persons with sanctioning competence on official duty must promptly make records thereon, except for cases of sanctioning according to simple procedures.

Administrative violations occurring on aircraft or ships, the aircraft or ship captains must make records thereon for sending to persons with sanctioning competence when the aircraft or ships return to the airports or sea ports.

2. The records on administrative violations must clearly state the date and places of making the records; the full names and positions of the record makers; the full names, addresses and occupations of the violators or the names and addresses of the violating organizations; the hours, date and locations when and where the administrative violations occur; acts of violation; measures to prevent administrative violations and ensure the sanctions (if any); the conditions of custody material evidences and means (if any); the testimonies of violators or representatives of violating organizations; if there are witnesses, victims or representatives of the victim organizations, their full names, addresses and testimonies must be clearly inscribed.

3. A record must be made in at least two copies; signed by the record maker and the violator or the representative of the violating organization; if there are witnesses, victims or representatives of the victim organizations, they must also sign the decision; where the record consists of many pages, the persons defined in this Clause must sign their names to each page of the record. If the violator, the representative of the violating organization, the witnesses, the victims or representatives of the victim

organizations refuse to sign, the record maker shall have to clearly inscribe their reasons therefor in the record.

4. Records, when completely made, must be handed to violating individuals or organizations, one copy each; if the cases of violation are beyond the sanctioning competence of the record makers, they must send the records to the persons with sanctioning competence.

Article 56. Sanctioning decisions

1. The time limit for making a sanctioning decision shall be ten days as from the date of making the record on the administrative violation; for cases of administrative violation involving many complicated circumstances, the time limit for issuing the sanctioning decision shall be thirty days. In case of deeming it necessary to have more time for verification, gathering of evidences, the competent persons must report such to their immediate superiors in writing for extension thereof; the extension must be made in writing, the extension duration shall not exceed thirty days. Past the above-mentioned time limits, the persons with sanctioning competence must not issue sanctioning decisions, except for case of sanctioning with expulsion; where the sanctioning decisions are not issued, the consequence-overcoming measures prescribed in Clause 3, Article 12 of this Ordinance and the confiscation of administrative-violation material evidences of types banned from circulation can also be applied.

If past the said time limits the persons with sanctioning competence are at fault in failing to issue sanctioning decisions, they shall be handled according to the provisions in Article 121 of this Ordinance.

2. When deciding to sanction one person who has committed many acts of administrative violation, the competent person shall issue only one sanctioning decision deciding on the sanctioning form and level for each violation act; if the sanctioning form of fine is applied, the fines shall be aggregated into an overall fine level.

3. The sanctioning decisions must clearly state the date of issuance; the full names and positions of the decision issuers; the full names, addresses and occupations of the violators or the names and addresses of the violating organizations; acts of administrative violation; circumstances related to the settlement of violation cases; articles and clauses of legal documents to be applied; the principal sanctioning forms, the additional sanctioning forms (if any), measures to overcome consequences (if any); the duration and places for execution of sanctioning decisions and the signatures of the sanctioning decisions issuers.

The sanctioning decisions must also clearly state the sanctioned individuals and/or organizations, that shall be forced to execute the sanctioning decisions if they fail to voluntarily execute them; the right to complain or initiate lawsuits against the decisions to sanction administrative violations shall comply with the provisions of law.

4. Sanctioning decisions shall take effect after their signing, except for cases where the decisions state other effective dates.

5. The sanctioning decisions shall be addressed to sanctioned individuals and organizations and the fine-collecting agencies within three days as from the dates the sanctioning decisions are issued

Article 57. Fining procedures

1. The sanctioning with fines of over VND 100,000 must strictly comply with the provisions in Articles 55 and 56 of this Ordinance.

2. When fining, the specific fine level for an act of administrative violation shall be the average of the fine bracket prescribed for such act; if the extenuating circumstances are involved, the fine levels can be reduced but not to below the minimum level of the fine bracket; if aggravating circumstances are involved, the fine level may be increased but not beyond the maximum level of the fine bracket.

3. Where the sanctioning form of fine is applied only to violating individuals or organizations, the persons with sanctioning competence may temporarily seize the permits for circulation of means or driving licenses or other necessary relevant papers until such individuals or organizations completely execute the sanctioning decisions. If the violating individuals or organizations do not have the above-mentioned papers, the persons with sanctioning competence may temporarily seize the material evidences and/or means of violations.

4. The fined individuals and organizations must pay fines and get the fine receipts.

5. The collected fines must be remitted into the State budget via accounts opened at State treasuries.

6. The Government shall prescribe the management of fine receipts and fine money.

Article 58. Places for payment of fines

1. Within ten days after being given the sanctioning decisions, the sanctioned individuals and organizations must pay fines at the State treasuries inscribed in the

sanctioning decisions, except for cases where fines are paid on the spot and the cases prescribed in Clause 2 of this Article.

2. In remote and isolated regions, on rivers, on sea, in regions where traffic meet with difficulties or outside the working hours, the sanctioned individuals and organizations may pay fines to the persons with sanctioning competence. The persons with sanctioning competence shall have to collect fines on the spot and pay them into State treasuries as prescribed in Clause 3 of this Article.

3. In remote, far-flung regions or areas where traffic meets with difficulties, the persons who collect fines on the spot shall have to remit fines into the State treasuries within seven days as from the date the fines are collected; for other cases, the above-said time limit shall not exceed two days. Where fines are collected on rivers, sea, the fine collectors must remit them into the State treasuries within two days as from the date they come ashore.

Article 59. Procedures for stripping off the right to use licenses, professional practice certificates

1. When stripping off the right to use licenses and/or professional practice certificates, the persons with sanctioning competence shall seize the licenses and/or professional practice certificates, inscribe such in the sanctioning decisions and notify the agencies which have issued those licenses and/or professional practice certificates thereof.

2. Upon the expiry of the time limit for deprivation of the right to use licenses and/or professional practice certificates, inscribed in the sanctioning decisions, the persons with sanctioning competence shall return such licenses and/or professional practice certificates to the individuals and/or organizations whose right to use licenses and/or professional certificates was stripped off.

3. Upon detecting that the licenses and/or professional practice certificates have been granted ultra vires or contain illegal contents, the persons with sanctioning competence shall have to withdraw them immediately and at the same time report such to the competent State bodies.

Article 60. Procedures for confiscation of material evidences and/or means of administrative violations

When confiscating material evidences and/or means of administrative violations inscribed in the sanctioning decisions, the persons with sanctioning competence must make the records thereof. The records must clearly state the names, quantity, category and registration numbers (if any), conditions and quality of the confiscated things,

money, goods and means and must be signed by the confiscators, the sanctioned persons or the representatives of the sanctioned organizations and the witnesses.

Where it is necessary to seal the material evidences and/or means, the sealing must be carried out in front of the sanctioned persons or the representatives of the sanctioned organizations and the witnesses; if the sanctioned persons or the representatives of the sanctioned organizations are absent, there must be two witnesses.

Article 61. Handling material evidences and means of administrative violations

1. For confiscated material evidences and means of administrative violations, the persons who have decided to confiscate them shall have to preserve such material evidences and means.

If the material evidences and/or means of a case of administrative violation are valued at VND 10,000,000 or more, the persons who decide to confiscate them must hand them over to the provincial-level auction service centers of the localities where the material evidences and/means are confiscated. If the material evidences and/or means of a case of administrative violation value under VND10,000,000, the person who decides the confiscation must hand them over to the district-level finance agency for organization of auction. The auction of material evidences and/or means of administrative violations must be carried out according to law provisions on auction.

The proceeds from the auction of material evidences and/or means of administrative violations, after subtracting expenses according to law provisions, must be remitted into the State budget via accounts opened at the State treasuries.

2. For material evidences and/or means of administrative violations being harmful cultural products, fake goods having no use value, articles causing harms to human health, domestic animals or plants, which must be destroyed, the competent persons must set up the handling council for destruction. Depending on the nature of the material evidences and means, the handling council shall be composed of representatives of concerned State bodies. The destruction of material evidences and means of administrative violations must be recorded in writing with the signatures of members of the handling council.

For goods, articles and means forced to be brought out of Vietnamese territory or forced to be re-exported, the violating individuals and/or organizations must take them out of the Vietnamese territory within the time limits prescribed in the sanctioning decisions.

3. For material evidences of administrative violations being goods and articles, which are easy to decay, the persons competent to confiscate them must make records

thereon and organize the immediate sale thereof. The proceeds therefrom must be deposited into the temporary custody accounts opened at the State treasuries. If later by decisions of the competent persons, such material evidences are confiscated, the proceeds must be remitted into the State budget; in cases where such materials evidences are not confiscated, the proceeds therefrom must be returned to the lawful owners, managers or users thereof.

4. For material evidences and means of administrative violations, except for material evidences and means prescribed in Clauses 2 and 3 of this Article, of which the lawful owners, managers or users are unidentified or these people do not come to receive them, the persons competent to confiscate them must announce such on the mass media and post up notices at the offices of the persons competent to confiscate them; within thirty day as from the date of public notice, if the lawful owners, managers or users cannot be identified or these persons do not come to receive them, the competent persons must issue decisions to confiscate the material evidences and means of violations for handling according to the provisions in Clause 1 of this Article.

5. For material evidences and means illegally appropriated and used for administrative violations, they must be returned to their lawful owners, managers or users.

6. Expenses for warehousing, yard-storage and preservation of material evidences and means of administrative violations and other expenses compliable with law provisions shall be subtracted from the proceeds from the sale of material evidences and/or means of administrative violations.

The charges for warehousing, yard-storing and preservation of material evidences and means shall not be collected if the material-evidences and/or means owners are not at fault in the administrative violations or the measure of confiscation is not applied to the material evidences and/or means.

Article 62. Transferring dossiers of cases of violation with criminal signs for penal liability examination.

1. When considering violation cases in order to decide on the sanction, if deeming that the violation acts show criminal signs, the competent persons must immediately transfer the dossiers thereon to competent criminal proceedings agencies.

It is strictly forbidden to retain violation cases with criminal signs for administrative sanction.

2. For cases where the sanctioning decisions have already been issued but later the violation acts are detected as showing criminal signs while the statute of limitations

for penal liability examination has not yet expired, the persons who have issued the sanctioning decisions shall have to disregard such decisions and within three days as from the date of disregarding the sanctioning decisions have to transfer the dossiers of the violation cases to the competent criminal proceedings agencies.

Article 63. Transferring dossiers of violation cases for administrative sanctions

In cases where individuals are sued, prosecuted or got decisions to be brought to trial according to criminal proceedings, but later got other decisions to suspend the investigation or suspend the cases, if the violation acts show signs of administrative violations, within three days as from the date of issuing decisions to suspend the investigation or suspend the cases, the agencies conducting the criminal proceedings must transfer the decisions on suspension of investigation or cases together with the dossiers of the violation cases and propose the administrative sanctions to the persons competent to sanction administrative violations.

Article 64. Executing decisions to sanction administrative violations

1. Individuals and organizations sanctioned for administrative violations must execute the sanctioning decisions within ten days as from the date they are given the sanctioning decisions, except otherwise provided for by law.
2. If past the time limit prescribed in Clause 1 of this Article the individuals and/or organizations sanctioned for administrative violations still fail to voluntarily execute the sanctioning decisions, they shall be coerced to do so.

Article 65. Postponing the execution of fining decisions

1. Individuals fined VND 500,000 or more may postpone the execution of the sanctioning decisions in cases where they are meeting with exceptionally economic difficulties and file their applications therefor, which are certified by the commune-level People's Committees of the localities where such persons reside or organizations where such persons work.
2. The time limit for postponing the execution of the fining decisions shall not exceed three months as from the date the postponement decisions are issued.
3. The persons who have issued fining decisions shall be entitled to decide on the postponement of the execution of those fining decisions.
4. The persons entitled to postpone the execution of the fining decisions may receive back their papers, material evidences and/or means, which are being temporarily seized according to the provisions in Clause 3, Article 57 of this Ordinance.

Article 66. Forced execution of decisions on sanctioning administrative violations

1. Individuals and organizations, that are sanctioned for administrative violations but fail to voluntarily execute the sanctioning decisions, shall be subject to coercive execution by the following measures:

a) Deducting part of their wages or income, deducting money from their bank accounts;

b) Inventorying and seizing assets with value corresponding to the fine amount for auction;

c) Other coercive measures to effect the confiscation of material evidences and/or means used for administrative violations, to force the restoration of the initial state altered due to administrative violations or force the dismantlement of illegally constructed works, force the application of measures to overcome the environmental pollution or epidemic spread, force the bringing out of the Vietnamese territory or re-export of goods, articles and/or means, force the destruction of articles which cause harms to human health, domestic animals and cultivated plants, harmful cultural products.

2. Individuals and organizations that receive the coercion decisions must strictly implement the coercive measures.

3. Individuals and organizations subject to coercive implementation must bear all expenses for organizing the implementation of coercive measures.

4. The coercion with the measures prescribed at Points b and c, Clause 1 of this Article must be notified before the application thereof to the presidents of the commune-level People's Committees of the localities where the coercion shall be carried out for implementation coordination.

5. The functional bodies of the People's Committees shall have to execute the coercion decisions of the presidents of the People's Committees of the same level according to the assignment by the People's Committee presidents.

6. The people's police force shall have to ensure order and safety in the process of enforcing the coercion decisions of the presidents of the People's Committee of the same level or the coercion decisions of other State bodies when so requested by such bodies.

7. The procedures for application of coercive measures shall be prescribed by the Government.

Article 67. Competence to issue coercion decisions

The following persons are competent to issue coercion decisions and tasked to organize the coercive execution of the sanctioning decisions of their own and their subordinates:

1. The presidents of the commune-level, district-level or provincial-level People's Committees;
2. The district police chiefs, the directors of the provincial-level police departments, the director of the Police Department for Administrative Management of Social Order, the director of the Traffic Police Department, the director of the Fire Prevention and Fighting Department, the director of the Economic Police Department, the director of the Criminal Police Department, the director of the Police Department for Prevention and Combat of Drug-Related Crimes, the director of the Entry and Exit Management Department;
3. Heads of the border guard posts, commanders of the provincial-level Border Guard; the director of the Coast Guard Department;
4. The directors of the Customs Departments, the director of Anti-Smuggling Investigation Department under the General Department of Customs;
5. Heads of the Ranger Sub-Departments, director of the Ranger Department;
6. The directors of the Tax Departments;
7. The heads of the Market Management Sub-Departments, the director of the Market Management Department;
8. The specialized chief inspectors of the provincial-service level, the specialized chief inspectors of the ministries, ministerial-level agencies and agencies attached to the Government;
9. The judges chairing court sessions, heads of the provincial-level civil judgment execution sections, the heads of the judgment executing sections of the military zones or the equivalent level.

Article 68. Transferring decisions on sanctioning administrative violations for execution

Where individuals and organizations that commit the administrative violations in a locality but reside, headquarter in other localities and have no conditions to execute

the sanctioning decisions at places where they are sanctioned, the sanctioning decisions shall be transferred to residence places of individuals, headquarters of the organizations for execution according to the Government's regulations.

Article 69. The statute of limitation for execution of decisions on sanctioning administrative violations

The statute of limitation for executing a decision on sanctioning administrative violation shall be one year as from the date the sanctioning decision is issued; if past this time limit such decision is not implemented, the sanctioning decision shall not be executed but the consequence-overcoming measures inscribed in the decision still apply.

Where sanctioned individuals or organizations deliberately shirk or delay the execution of decisions on sanctioning administrative violations, the above-said statute of limitation shall be recalculated from the time of stopping acts of shirking or delaying the execution.

Chapter VII

PROCEDURES FOR APPLICATION OF OTHER ADMINISTRATIVE HANDLING MEASURES

Section I. PROCEDURES FOR EDUCATION AT COMMUNES, WARDS, DISTRICT TOWNSHIPS

Article 70. Deciding on education at communes, wards, district townships

1. The commune-level People's Committee presidents shall decide the education at communes, wards or district townships on their own or at the request of one of the following agencies or organizations:

- a) The commune-level police chiefs;
- b) The commune-level Fatherland Front Committee presidents;
- c) The representatives of agencies, organizations or population quarters in localities.

The commune-level People's Committee presidents may also decide on the education at communes, wards or district townships on the basis of the dossiers and records on

law-breaking acts committed by subjects, which are supplied by the district- and/or provincial-level police offices.

2. Before deciding on the education at communes, wards or district townships, the commune-level People's Committee presidents shall organize a meeting with the participation of the commune-level police chiefs, the representatives of the Legal Section, Fatherland Front Committee, relevant social organizations of the same level, local population and of families of the persons proposed for education for consideration and application of this measure.

3. Within three days after the end of the meeting prescribed in Clause 2 of this Article, the commune-level People's Committee presidents shall consider and decide on the education at communes, wards or district townships.

Depending on each subject, the commune-level People's Committee presidents shall decide to hand the persons subject to education to agencies, organizations or families for management and education.

4. The decisions on education at communes, wards or district townships take effect as from the date of their signing and must be sent immediately to the persons subject to such education, their families, the commune-level People's Councils as well as relevant agencies and organizations.

Article 71. Contents of decisions on education at communes, wards or district townships

The decisions on education at communes, wards or district townships must clearly inscribe the issuance dates; the full names and positions of the decision issuers; the full names, birth dates and residence places of the persons subject to education; acts of law offense committed by such persons; clauses and articles of the applicable legal documents, the application time limits, the effective dates of the decisions; the responsibilities of agencies, organizations and families assigned to educate and manage the persons subject to education; the right to complain, initiate lawsuits against decisions on education at communes, wards or district townships according to law provisions.

Article 72. Executing decisions on education at communes, wards or district townships

Within seven days as from the date the decisions take effect, the agencies or organizations assigned to manage and educate the target persons must organize meetings with such persons for the execution of those decisions. Depending on each education subject, the meeting shall be participated by representatives of the

Fatherland Front Committee, the police office, the Women's Union, the Peasants' Association, the Youth Union in the locality, the school and the family of the person subject to education.

After such meetings, the agencies or organizations assigned to manage and educate such persons shall have to assist and encourage them in their life, help them find jobs or propose the commune-level People's Committees to create conditions for the persons subject to education to find jobs or find jobs for them.

Once a month, the agencies or organizations assigned to manage and educate such persons shall have to report to the commune-level People's Committee presidents on the execution of the decisions; if the target persons make marked progress, the commune-level People's Committee presidents shall, at the requests of the agencies or organizations assigned the management responsibility and based on the written comments of the relevant agencies or organizations, decide to exempt the serving of the remaining duration of the decisions on education at communes, wards or district townships.

Article 73. The statute of limitations for execution of the decisions on education at communes, wards or district townships

The statute of limitations for execution of decisions on education at communes, wards or district townships shall expire after six months as from the date of issuance of the decisions. Where the persons subject to education and communes, wards or district townships deliberately evade the execution, the above-said statute of limitations shall be recalculated as from the time the act of evasion terminates.

Article 74. Expiry of the duration of serving the measure of education at communes, wards or district townships

When persons subject to education at communes, wards or district townships have completely served the decisions thereon, the commune-level People's Committee presidents shall issue them certificates.

Section 2. PROCEDURES FOR SENDING TO REFORMATORIES

Article 75. Compiling dossiers proposing the sending to reformatories

1. For minors who have committed acts of law offense, as prescribed in Article 24 of this Ordinance and need to be sent to reformatories, the commune-level People's

Committee presidents of the localities where such persons reside shall compile dossiers for submission to the district-level People's Committee presidents.

Such a dossier shall comprise a curriculum vitae, the documents on law offenses committed by such person, the education measures already applied, remarks of the police office, comments of the reformatory, the Fatherland Front Committee, the Youth Union, the Women Union, the Population, Family and Children Board of the locality and of his/her parents or guardian.

2. For minors who have no fixed residence, the commune-level People's Committee presidents of the localities where such persons have committed acts of law offenses shall make records thereon and report such to the district-level People's Committee presidents.

Where the subjects in law-breaking cases are detected, investigated and handled directly by the district- and/or provincial-level police offices, who have committed offenses not to the extent of being examined for penal liability but are subjects to be sent to reformatories, the police offices which are processing the cases must verify, gather documents and compile dossiers for submission to the district-level People's Committee presidents.

Such a dossier shall comprise a curriculum vitae, documents on the law offenses committed by such person, the extracts of previous judgments, previous incidents, the already applied education measures (if any).

3. The police offices shall have to assist the presidents of the People's Committees of the same level in gathering documents and compiling dossiers.

4. Within three days after the receipt of the dossiers or records prescribed in Clauses 1 and 2 of this Article, the district-level People's Committee presidents shall hand them to the chiefs of the police offices of the same level. Within 15 days after the receipt of the dossiers, the district-level police offices shall have to verify, gather documents, complete the dossiers and send them to members of the Advisory Council.

Article 76. The Advisory Council for sending to reformatories

1. The Advisory Council for sending to reformatories shall be set up under decision of the district-level People's Committee presidents, comprising the district police chief, the head of the district Legal Section, the head of the district-level Population, Family and Children Board. The district police chief shall act as the standing member of Advisory Council.

2. Within seven days after the receipt of the dossiers, the Advisory Council shall have to examine the dossiers and organize meetings to scrutinize and approve the dossiers.

The Advisory Council shall work according to the collective regime and make conclusions by majority. Divergent opinions shall be recorded in the minutes of the meetings and enclosed to the report to be submitted to the district-level People's Committee president.

Article 77. Decisions on sending to reformatories

1. The district-level People's Committee presidents shall consider and decide on the sending to reformatories within five days after the receipt of the report from the Advisory Council.

2. The decisions shall take effect after their signing and must be sent immediately to persons to be sent to the reformatories, the parents or guardians of such persons, the district-level police offices, the district-level People's Councils and the commune-level People's Committees of the localities where such persons reside.

Article 78. The contents of decisions on sending to reformatories

The decisions on sending to reformatories must clearly state the dates of their issuance; the full names and positions of the decision issuers; the full names, birth dates and residence places of persons to be sent to reformatories; acts of law offense committed by such persons, clauses and articles of applicable legal documents; the time limit and places for execution of decisions; the right to complain and initiate lawsuits against decisions on sending to reformatories according to law provisions.

Article 79. Execution of decisions on sending to reformatories

1. Within five days as from the date of issuing the decisions, the district-level police offices shall have to coordinate with the families or guardians of the persons serving the decisions in sending such persons to reformatories.

2. The duration of serving the decisions on sending to reformatories shall be calculated from the date the persons subject to such decisions are sent to reformatories.

Article 80. Postponement of or exemption from the execution of decisions on sending to reformatories

1. Persons sent to reformatories may postpone the execution of the decisions in the following cases:

- a) Being seriously ill, with written certification of hospitals of the district or higher level;
- b) Their families are meeting with particular difficulties and file the applications therefor, which are certified by the commune-level People's Committee presidents of the localities where such persons reside.

When the conditions for postponement of the decision execution no longer exist, the decisions shall continue to be executed; if during the postponement period, such persons have made marked progress in the observance of law or recorded merits, they may be exempt from serving the decisions.

2. The persons sent to reformatories shall be exempt from serving the decisions in the following cases:

- a) They have suffered from dangerous diseases as certified by hospitals of the district or higher level;
- b) They are pregnant as certified by hospitals of the district or higher level or women who are nursing their children of under 36 months old and file their applications therefor with certification of the commune-level People's Committees of the localities where such persons reside.

3. The district-level People's Committee presidents shall consider and decide on the postponement of or exemption from decision execution, based on the applications filed by the persons who have to serve the decisions on sending to reformatories. In case of necessity, the district-level People's Committee presidents shall assign the chiefs of the police offices of the same level to verify the cases before making decisions.

Article 81. Reduction of time limit for, temporary suspension of, or exemption from, serving the remaining duration in reformatories

1. Persons who are sent to reformatories and have served half of their terms, if making marked progress or recording merits, shall be considered for partly reduction of, or exemption from serving the remaining duration.

2. Where the persons serving decisions at reformatories are seriously ill and sent back to their families for treatment, they shall be temporarily suspended from serving the decisions; the medical treatment duration shall be counted into the decision-serving duration; if after their recovery from ailment the remaining serving duration is six months or more, such persons must continue to serve the decisions at the

establishments. Persons suffering from dangerous diseases and pregnant women are exempt from serving the remaining duration.

3. The directors of the Detention Camp Management Department, education establishments or reformatories shall decide to reduce the time limit for, temporarily suspend or exempt the decision execution, as prescribed in Clauses 1 and 2 of this Article, at the proposals of the directors of the reformatories. These decisions shall be sent to the district-level People's Committee presidents who have issued decisions on sending to reformatories.

Article 82. The statute of limitation for execution of decisions on sending to reformatories

The statute of limitation for execution of decisions on sending to reformatories shall expire after one year as from the date of issuing the decisions. Where the persons to whom the measure of sending to reformatories is applied deliberately evade the execution thereof, the above-said statute of limitation shall be recalculated from the time the act of evasion terminate.

Article 83. Expiry of the time limit for execution of the measure of sending to reformatories

When the persons sent to reformatories have completely served the decisions, the directors of the reformatories shall issue them certificates and send the copies thereof to the directors of the Detention Camp Management Department, education establishments, reformatories, the district-level People's Committee presidents who have issued the decisions, the commune-level People's Committee of the localities where such person reside as well as their families.

Section 3. PROCEDURES FOR SENDING TO EDUCATION ESTABLISHMENTS

Article 84. Compiling dossiers proposing the sending to reformatories

1. For persons who have committed law-breaking acts prescribed in Article 25 of this Ordinance and need to be sent to education establishments, the commune-level People's Committee presidents of the localities where such persons reside shall consider and compile dossiers for submission to the district-level People's Committee presidents.

Such a dossier contains the curriculum vitae, documents on law offenses committed by such person, the already applied education measures, remarks of the police office,

the opinions of the Fatherland Front Committee and the relevant social organizations of the same level.

2. For persons who have no fixed residence places, the commune-level People's Committee presidents of the places where such persons committed law-breaking acts shall make records and report the cases to the district-level People's Committee presidents.

Where the subjects are directly detected, investigated and handled by the district-and/or provincial-level police offices in law-breaking cases, who have committed offenses not to the extent of being examined for penal liability and are liable to be sent to education establishments, the police offices which are processing the cases shall have to verify, gather documents and compile dossiers for submission to the presidents of the People's Committees of the same level.

Such a dossier shall include a curriculum vitae, documents on law offenses committed by such person, the extracts of previous judgments, previous incidents, the already applied education measures (if any).

3. The police offices shall have to assist the presidents of the People's Committees of the same level in gathering documents for compilation of dossiers.

4. Within twenty days as from the date of receiving the dossiers prescribed in Clauses 1 and 2 of this Article, the district-level People's Committee presidents shall verify the dossiers and send them to the provincial-level People's Committee presidents. Within three days after the receipt of the dossiers, the provincial-level People's Committee presidents shall send the dossiers to the Advisory Council members. Where the provincial-level police offices have compiled the dossiers prescribed in Clause 2 of this Article, they must report such to the provincial-level People's Committee presidents and send the dossiers to the Advisory Council Members.

Article 85. The Advisory Council for sending into education establishments

1. The Advisory Council for sending into education establishments shall be set up under decisions of the provincial-level People's Committee presidents, comprising the provincial-level Police Department director, the director of the provincial-level Justice Service, the director of the provincial-level Service of Labor, War Invalids and Social Affairs, the president of the provincial-level Fatherland Front Committee; the Police Department director shall act as standing member of the Advisory Council.

2. Within fifteen days after the receipt of the dossiers, the Advisory Council shall have to examine the dossiers and organize meetings to scrutinize the dossiers.

The Advisory Council shall work according to the collective regime and make conclusions by majority. Divergent opinions must be recorded in the minutes of the meetings, enclosed to the report to be submitted to the provincial-level People's Committee presidents.

Article 86. Decisions on sending into education establishments

1. The provincial-level People's Committee presidents shall consider and decide on the sending into education establishments within seven days after the receipt of reports of the Advisory Council.

2. The decisions on sending into education establishments take effects from the date of their signing and must be sent immediately to the persons to be sent to education establishments, the provincial-level police offices, the provincial-level People's Councils and the commune-level People's Committees of the places where such persons reside.

Article 87. The contents of decisions on sending into education establishments

The decisions on sending violators into education establishments must clearly inscribe the date of their issuance; the full names and positions of the decision issuers; the full names, birth dates, occupations and residence places of the persons sent to education establishments; acts of law offenses committed by such persons; clauses and articles of the applicable legal documents; the time limits and places for execution of the decisions; the right to complain or initiate lawsuits against decisions on sending to education establishments according to law provisions.

Article 88. Execution of decisions on sending violators into education establishments

1. Within five days after the issuance of decisions, the provincial-level police offices shall have to take the decision servers to education establishments.

2. The time limits for serving the decisions on sending to education establishments shall be counted from the dates the persons subject to the application of this measure are sent into education establishments.

Article 89. Postponement of or exemption from execution of decisions on sending into education establishments

1. Persons to be sent into education establishments may postpone the execution of decisions thereon in the following cases:

- a) They are seriously ill as certified by hospitals of the district or higher level;
- b) They are pregnant as certified by hospitals of the district or higher level or they are women nursing their children of under 36 months old provided that they file the applications therefor and obtain the certification by the commune-level People's Committees of the localities where such persons reside;
- c) Their families are meeting with particular difficulties provided that they file the applications therefor and obtain the certification by the commune-level People's Committees of the localities where they reside.

When the conditions for execution postponement no longer exist, the decisions shall continue to be executed.

2. Persons sent to education establishments shall be exempt from decision execution in the following cases:

- a) They are suffering from dangerous diseases with certification by hospitals of the district or higher level and such persons are no longer dangerous to society;
- b) During the period of postponement of decision execution, such persons have made marked progress in the observance of law or recorded merits.

3. The provincial-level People's Committee presidents shall consider and decide on the execution postponement or exemption on the basis of the written requests filed by the persons serving the decisions on sending to education establishments. In case of necessity, the provincial-level People's Committee presidents shall assign the provincial Police Department director to verify specific cases prescribed in Clauses 1 and 2 of this Article before making decisions.

Article 90. Reduction of time limits for, temporary suspension of or exemption from, serving the remaining duration at education establishments

1. Persons sent to education establishments who have served half of their terms, if making marked progress or recording merits, shall be considered for partly reduction of or exemption from serving the remaining duration.

2. Where the persons serving decisions at education establishments are seriously ill and sent back to their families for treatment, they shall be temporarily suspended from execution of the decisions; the treatment duration shall be counted into the decision-executing duration; if after their recovery from ailment, the remainder of the decision-executing duration is three months or more, such persons must continue to serve the decisions at the establishments. For pregnant women, they shall be temporarily

suspended from decision execution till their children are full 36 months old; if during the period of temporary suspension, such persons make marked progress or record merits, they shall be exempt from serving the remaining duration. Persons who suffer from dangerous diseases shall be exempt from serving the remaining duration.

3. The directors of the Detention Camp Management, the education establishments or reformatories shall decide to reduce the time limits for, temporarily suspend or to exempt the decision execution prescribed in Clauses 1 and 2 of this Article, based on the proposal of the director of the education establishment. These decisions shall be sent to the provincial-level People's Committee presidents who have issued decisions on sending violators to education establishments.

Article 91. Statute of limitation for execution of decisions on sending violators into education establishments

The statute of limitation for execution of decisions on sending violators into education establishments shall be one year as from the date of issuance. Where the persons sent to education establishments deliberately evade the execution, the above-said statute of limitation shall be recalculated from the time the acts of evasion terminate.

Article 92. Expiry of the time limits for serving the measure of sending into education establishments

When the persons sent to education establishments have completely served the decisions thereon, the directors of the education establishments shall grant them certificates and send the copies thereof to the directors of the Detention Camp Management Department, the education establishments and the reformatories, the provincial-level People's Committee presidents who have issued the decisions and the commune-level People's Committees of the places where such persons reside.

Section 4. PROCEDURES FOR SENDING VIOLATORS TO MEDICAL TREATMENT ESTABLISHMENTS

Article 93. Compilation of dossiers proposing sending into medical treatment establishments

1. For persons who have committed acts of law offense prescribed in Article 26 of this Ordinance and need the application of measure of sending into medical treatment establishments, the commune-level People's Committee presidents of the localities where such persons reside shall consider and compile dossiers for submission to the district-level People's Committee presidents.

Such a dossier shall include a curriculum vitae, medical records (if any), documents on law offenses committed by such person and the already applied education measures, remarks of the police office, opinions of the Fatherland Front Committee and relevant social organizations of the same level.

2. For persons who have no fixed residence places, the commune-level People's Committee presidents of the localities where such persons have committed acts of law offense shall make records thereon and report such to the district-level People's Committee presidents.

Where the subjects are directly detected, investigated and handled by the provincial- and/or district-level police offices in cases of law offenses, who are liable to be sent to medical treatment establishments, the police offices which are processing the cases must verify, gather documents and compile dossiers for submission to the district-level People's Committee presidents.

Such a dossier shall include the curriculum vitae, the medical records (if any), documents on law offenses committed by such person, already applied education measures (if any).

3. The police offices shall have to assist the presidents of the People's Committees of the same level in gathering documents and compiling dossiers.

4. Within three days after the receipt of the dossiers or records prescribed in Clauses 1 and 2 of this Article, the district-level People's Committee presidents shall hand them to the heads of the Labor, War Invalids and Social Affairs sections. Within fifteen days after the receipt of the dossiers, the heads of the Labor, War Invalids and Social Affairs sections shall coordinate with the police offices of the same level in verifying the dossiers, gathering documents, completing the dossiers and sending them to the Advisory Council members.

Article 94. The Advisory Council for sending into medical treatment establishments

1. The Advisory Council for sending into medical treatment establishments shall be set up under decisions of the district-level People's Committee presidents, comprising the head of the Labor, War Invalids and Social Affairs section, the head of the Justice section, the district police chief, the president of the district Women's Union. Where the subjects proposed to be sent to medical treatment establishments are minors, the Advisory Council must be participated by the head of the district-level Population, Family and Children Board. The head of the Labor, War Invalids and Social Affairs section shall act as the standing member of the Advisory Council.

2. Within seven days after the receipt of the dossiers, the Advisory Council shall have to examine the dossiers and organize meetings to scrutinize and approve the dossiers.

The Advisory Council shall work according to the collective regime and make conclusions by majority. Divergent opinions must be recorded into the minutes of the meetings, enclosed to the report to be submitted to the district-level People's Committee presidents.

Article 95. Decisions on sending violators into medical treatment establishments

1. The district-level People's Committee presidents shall consider and decide the sending of violators to medical treatment establishments within fifteen days as from the date of receiving the reports of the Advisory Council.

2. The decisions on sending violators into medical treatment establishments shall take effect after their signing and must be immediately sent to the persons to be sent to medical treatment establishments, their families, the district Labor, War Invalids and Social Affairs sections, the district police offices, People's Councils and the commune-level People's Committees of the localities where such persons reside. Where the subjects are minors, the decisions on sending them into medical treatment establishments must be sent to their parents or guardians.

Article 96. Contents of decisions on sending violators into medical treatment establishments

The decisions on sending violators into medical treatment establishments must clearly inscribe the dates of their issuance, the full names and positions of the decision issuers; the full names, birth dates, occupations and residence places of the persons to be sent to medical treatment establishments; their acts of law offenses and clauses as well as articles of the applicable legal documents; the time limits and places for decision execution; the right to complain and initiate lawsuits against decisions on sending violators into medical treatment establishments according to law provisions.

Article 97. Execution of decisions on sending violators into medical treatment establishments

1. Within five days after the decisions are issued, the district-level police offices shall have to take the decision servers into medical treatment establishments.

2. The time limit for executing the decisions on sending violators into medical treatment establishments shall be counted from the date the decision servers are sent to the medical treatment establishments.

Article 98. Postponement of or exemption from the execution of decisions on sending violators into medical treatment establishments

1. The persons sent to medical treatment establishments may postpone the execution of the decisions in the following cases:

- a) They are seriously ill, with certification by hospitals of the district or higher level;
- b) They are pregnant as certified by hospitals of the district or higher level or are women who are nursing their children of under 36 months old and file their applications therefor and get certification of the commune-level People's Committees of the localities where such persons reside.

When the conditions for execution postponement no longer exist, the decisions shall continue to be executed.

2. The persons sent to medical treatment establishments shall be exempt from execution of decisions in the following cases:

- a) They are suffering from dangerous diseases, with certification of hospitals of the district or higher level;
- b) During the period of postponement of execution of decisions, they make marked progress in the observance of law or record merits.

3. The district-level People's Committee presidents shall consider and decide on the execution postponement or exemption, based on the written requests of the persons who are subject to the execution of decisions on sending to medical treatment establishments. In case of necessity, the district-level People's Committee presidents shall assign the heads of the Labor, War Invalids and Social Affairs sections to coordinate with the heads of the district-level police offices in verifying the specific cases prescribed in Clauses 1 and 2 of this Article before making decisions.

Article 99. Reduction of time limits for, temporary suspension of or exemption from serving the remaining duration at medical treatment establishments

1. Persons who have been sent to medical treatment establishments and served half of their terms, if making marked progress or recording merits, shall be considered for partly reduction of or exemption from serving the remaining duration.

2. Where persons who are serving decisions at medical treatment establishments are seriously ill and sent back to their families for treatment, they shall be temporarily suspended from execution of decisions; the treatment duration shall be counted into

the time limits for execution of decisions; if after their recovery from ailment, the remaining decision- executing duration is three months or more, such persons shall have to continue serving the decisions at the establishments. For pregnant women, they shall be temporarily suspended from executing the decisions until their children reach the age of 36 months old; if during the temporary suspension, such persons make marked progress or record merits, they shall be exempt from serving the remaining duration. Persons suffering from dangerous diseases shall be exempt from serving the remaining duration.

3. The district-level People’s Committee presidents who have issued decisions on sending violators to medical treatment establishments shall decide to reduce the time limits for, temporarily suspend or exempt the execution as provided for in Clauses 1 and 2 of this Article, based on the proposals of the directors of the medical treatment establishments.

Article 100. Statute of limitation for execution of decisions on sending violators to medical treatment establishments

The statute of limitation for execution of decisions on sending violators to medical treatment establishments shall expire after one year as from the date of issuing the decisions. Where the persons sent to medical treatment establishments deliberately evade the execution, the above-said statute of limitation shall be recalculated from the time the act of evasion terminates.

Article 101. Expiry of the time limit for execution of measures of sending into medical treatment establishments

When the persons sent to medical treatment establishments have already served the decisions, the directors of the medical treatment establishments shall grant them certificates and send the copies thereof to the district-level People’s Committee presidents who have issued the decisions, the commune-level People’s Committees of the localities where such persons reside and to such persons’ families.

Section 5. PROCEDURES FOR APPLICATION OF ADMINISTRATIVE PROBATION

Article 102. Compilation of dossiers proposing the administrative probation

1. For persons who have committed acts of law offense prescribed in Article 27 of this Ordinance and need to be placed on administrative probation, the district-level People’s Committee presidents of the localities where such persons reside shall

consider and compile dossiers for submission to the provincial-level People's Committee presidents.

2. Such a dossiers shall include the curriculum vitae, documents on law offenses committed by such person, remarks of the district-level police office, opinions of the Fatherland Front Committee of the same level and opinions of the commune-level People's Committees of the locality where such person resides.

3. The district-level police offices and the commune-level People's Committees of the localities where such persons reside shall have to assist the district-level People's Committee presidents in gathering documents for compilation of the dossiers.

4. Within three days after the receipt of the dossiers prescribed in Clause 1 of this Article, the provincial-level People's Committee presidents shall hand the dossiers to the directors of the provincial Police Departments. Within twenty days after the receipt of such dossiers, the directors of the provincial-level Police Departments shall have to verify the dossiers and send them to the Advisory Council members.

Article 103. The Advisory Councils for administrative probation

1. A Advisory Council for administrative probation shall be set up by decision of the provincial-level People's Committee president, comprising the director of the provincial Police Department, the director of the Justice Service, the president of the provincial Fatherland Front Committee. The director of the provincial Police Department shall act as standing member of the Advisory Council.

2. Within fifteen days as from the date of receiving the dossiers, the Advisory Council shall have to examine the dossiers and organize meetings to scrutinize and approve the dossiers.

The Advisory Council shall work according to the collective regime and make conclusions by majority. Divergent opinions must be recorded in the minutes of the meetings, enclosed to the report for submission to the provincial-level People's Committee presidents.

Article 104. Decisions on administrative probation

1. The provincial-level People's Committee presidents shall consider and decide on the administrative probation within seven days after the receipt of reports from the Advisory Council.

2. The decisions on administrative probation take effect after their signing and must be immediately sent to the persons subject to administrative probation, the district-

level People's Committees of the localities where the dossiers are compiled, the provincial-level People's Councils and the commune-level People's Committees of the localities where such persons reside and the localities where the administrative-probation decisions are executed.

Article 105. Contents of decisions on administrative probation

The administrative-probation decisions must clearly inscribe the dates of their issuance; the full names and positions of the decision issuers; the full names, birth dates, occupations, residence places of the administrative probationers; their acts of law offenses; clauses and articles of legal documents to be applied; the time limits and places of decision execution; the right to complain and initiate lawsuits against administrative-probation decisions according to law provisions.

Article 106. Execution of administrative-probation decisions

1. Within five days after the issuance of decisions, the provincial-level police offices shall have to organize the execution of the decisions on administrative probation.
2. The time limit for execution of administrative-probation decisions shall be calculated from the date the administrative probationers start serving the decisions. While serving the decisions, the administrative probationers must submit to the management and education of the commune-level administration and local population at places where they serve the administrative-probation decisions.
3. The commune-level People's Committee presidents of the localities where the administrative probationers serve the decisions shall have to manage and educate the probationers; and quarterly report to the district-level People's Committee presidents thereon for further report to the provincial-level People's Committee presidents.

Article 107. Reduction of the administrative-probation time limits

1. The administrative probationers who have served half of the probation duration, if making marked progress in the observance of law or recording merits, may be considered for reduction of the probation duration.
2. The provincial-level People's Committee presidents who have issued administrative-probation decisions shall consider and decide on the reduction of administrative probation duration to the probationers on the basis of the proposal of the district-level People's Committee presidents of the localities where such persons are serving the probation decisions.

Article 108. Statute of limitation for execution of administrative-probation decisions

The statute of limitation of administrative- probation decisions shall expire after one year as from the date of issuance of the decisions. Where the administrative probationers deliberately evade the execution, the above-said statute of limitation shall be recalculated from the time the acts of evasion terminate.

Article 109. Expiry of the administrative probation

When the administrative probationers have completely served the decisions, the presidents of the People's Committees of the communes where the probation decisions are executed shall grant certificates to such persons and send the copies thereof to the provincial-level People's Committee presidents who have issued the decisions and the district-level People's Committees of the localities where the dossiers were compiled.

Section 6.

OTHER PROVISIONS ON THE APPLICATION OF ADMINISTRATIVE
HANDLING MEASURES

Article 110. Temporarily taking the persons who are serving the measures of sending into reformatories, education establishments or medical treatment establishments out of the places where they serve the administrative-handling measures at the request of the criminal proceeding agencies

1. At the request of the competent criminal proceedings agencies, the directors of reformatories, the directors of education establishments, the directors of the medical treatment establishments shall decide to temporarily take the persons serving the administrative-handling measures out of the places where they serve those measures for participation in the legal proceedings in cases related to such persons.
2. The duration of temporary taking such persons out of the places of serving the administrative-handling measures shall be counted into the duration of serving those measures.

Article 111. Transferring the dossiers of subjects liable to the application of other administrative handling measures with criminal signs for penal liability examination

1. When scrutinizing the subjects' dossiers in order to decide the application of other administrative handling measures, the competent persons, if deeming that their

violation acts show criminal signs, must immediately transfer the dossiers to the competent bodies conducting the criminal proceedings.

2. For cases where decisions to apply other administrative handling measures were already issued and later the violation acts of the persons to whom these measures have been applied are detected with criminal signs while the statute of limitation for penal liability examination has not yet expired, the persons who have issued decisions to apply other administrative handling measures must cancel those decisions and within three days as from the date of canceling the decisions must transfer the subjects' dossiers to the competent bodies conducting the criminal proceedings.

Where the imprisonment sentence was imposed by courts, the duration of serving the measures of sending to reformatories, education establishments or medical treatment establishments shall be counted into the duration of serving the imprisonment penalty. Two days of serving the measure of sending to reformatories, education establishments or medical treatment establishments are calculated as equal to one day of serving the imprisonment sentence.

Article 112. Examination of penal liability for criminal acts committed before or during the time of serving the other administrative handling measures

Where the persons to whom other administrative handling measures have been applied are detected as having committed criminal acts before or during the time of serving the decisions thereon, at the requests of the competent criminal proceeding bodies, the persons who have issued decisions on education at communes, wards, district towns or on administrative probation, or the directors of reformatories, the directors of education establishments, or the directors of the medical treatment establishments must issue decisions to temporarily suspend the execution of decisions against such persons and transfer their dossiers to the criminal proceeding bodies; where such persons have been sentenced to imprisonment by courts, they shall be exempt from serving the remaining duration in the decisions on the application of other administrative handling measures; if the applied penalties are not the imprisonment penalty, those persons shall possibly have to continue serving the decisions on application of other administrative handling measures.

Article 113. Handling cases where a person is subject to both the sending into an education establishment and the sending into a medical treatment establishment or both the sending into a reformatory and the sending into a medical treatment establishment

In cases where a person has committed law violation acts, being subject to the sending into education establishment and also to medical treatment establishment or subject to

the sending into reformatory and also to medical treatment establishment, the competent body shall only apply the measure of sending him/her into a medical treatment establishment. The agency which has processed the dossiers shall have to transfer the entire dossiers on such person to the Advisory Council for the sending into a medical treatment establishment in order to carry out the subsequent procedures according to law provisions.

Chapter VIII

SUPERVISION AND EXAMINATION OF LAW OBSERVANCE IN HANDLING ADMINISTRATIVE VIOLATIONS

Article 114. Supervision by the Nationality Council and Committees of the National Assembly

The National Assembly's Nationality Council and Committees shall, within the scope of their tasks and powers, have the responsibilities to:

1. Supervise the handling of administrative violations and request the concerned agencies, organizations and individuals to report on the situation of handling administrative violations;
2. Upon receiving complaints and/or denunciations about the handling of administrative violations, if detecting any law offenses, request the competent persons to consider and settle them then report on the settlement thereof; if disagreeing with the settlement results, to request the superiors of those persons to settle them;
3. When conducting the supervision, if detecting any law offenses which cause harms to the interests of the State, the legitimate rights and interests of citizens, agencies and/or organizations, request the competent persons to immediately apply necessary measures to promptly stop the violations and consider the violators' liability.

Article 115. Supervision by the People's Councils

The People's Councils at all levels shall, within the scope of their respective tasks and powers, have the responsibility to:

1. Supervise the handling of administrative violations in their respective localities;
2. Periodically examine reports of the People's Committees of the same level on the situation of handling administrative violations in the localities;

3. Upon receiving complaints and denunciations about the handling of administrative violations, if detecting any law offenses, request the competent persons to consider and settle them, then report on the settlement thereof;

4. While supervising the handling of administrative violations in their respective localities, if detecting any law offenses which cause harms to the interests of the State, the legitimate rights and interests of citizens, agencies and/or organizations, request the competent persons to apply necessary measures in order to promptly stop the violations and examine the violators' liability.

Article 116. Examination by ministries, ministerial-level agencies and agencies attached to the Government

The ministers, the heads of the ministerial-level agencies and the heads of the agencies attached to the Government shall have the responsibility to:

1. Regularly examine the handling of administrative violations by persons competent to handle administrative violations in the scope of their respective management;

2. Promptly settle complaints and denunciations about the handling of administrative violations in the branches and domains under their respective management according to law provisions;

3. Discipline persons who have committed mistakes in handling administrative violations in the scope of their respective management;

4. Implement the regime of reporting on the situation of administrative violations in the branches and fields under their management at the requests of competent agencies.

Article 117. Examination by the People's Committees at all levels

The presidents of the People's Committees at all levels shall have the responsibility to:

1. Regularly examine the handling of administrative violations by persons competent to handle administrative violations in the scope of their respective management.

2. Promptly settle complaints and denunciations about the handling of administrative violations in their respective localities, according to law provisions.

3. Discipline persons who have made mistakes in handling administrative violations in the scope of their respective management.

4. Periodically or when requested, report to the People's Councils and answer questions of deputies of the People's Councils of the same level on the situation of handling administrative violations in the localities.

Chapter IX

COMPLAINTS, DENUNCIATIONS, COMMENDATIONS AND HANDLING OF VIOLATIONS

Article 118. Complaints, denunciations

1. Individuals and organizations that are sanctioned for administrative violations or their lawful representatives shall have the right to complain about decisions on sanctioning administrative violations, decisions on application of measures to prevent administrative violations and ensure the handling thereof.
2. Persons who are subject to education at communes, wards or district towns, to the sending to reformatories, education establishments or medical treatment establishments or to administrative probation or their lawful representatives shall have the right to complain about the application of those measures.
3. All citizens shall have the right to denounce illegal acts in handling administrative violations.
4. The competence, procedures and time limits for settling complaints and denunciations shall comply with the legislation on complaints and denunciations.

Article 119. Initiating administrative lawsuits

The initiation of lawsuits against decisions on sanctioning administrative violations, decisions on application of measures to prevent and ensure the handling of administrative violations, decisions on education at communes, wards, district towns, on sending into reformatories, education establishments, medical treatment establishments, on administrative probation shall comply with the provisions of legislation on procedures for settlement of administrative cases.

Article 120. Commendation and reward

Individuals and organizations that record achievements in preventing and combating administrative violations shall be commended and/or rewarded according to the general regime of the State.

It is strictly forbidden to use money collected from sanctions against administrative violations or from the sale of confiscated material evidences and means for rewards.

Article 121. Handling violations committed by persons competent to handle administrative violations

Persons competent to handle administrative violations who harass, tolerate, cover up, fail to handle or handle not in time, improperly or handle beyond their competence violators shall, depending in the nature and seriousness of their violations, be disciplined or examined for penal liability; if causing damage, they must make compensations therefor according to law provisions.

Article 122. Handling violations committed by persons handled for administrative violations

Persons who are handled for administrative violations, if committing acts of opposing people on official duty, delaying or evading the execution of decisions, or committing other acts, shall, depending on the nature and seriousness of their violations, be administratively handled or examined for penal liability; if causing damage, they must pay compensations therefor according to law provisions.

Chapter X

IMPLEMENTATION PROVISIONS

Article 123. Implementation effect

This Ordinance takes effect as from October 1, 2002.

It shall replace the July 6, 1995 Ordinance on Handling of Administrative Violations.

All previous regulations on handling of administrative violations, which are contrary to this Ordinance, shall be annulled. Where it is otherwise provided for by laws, the provisions of laws shall apply.

Article 124. Implementation guidance

The Government shall detail and guide the implementation of this Ordinance.

On behalf of the National Assembly Standing Committee

Chairman
NGUYEN VAN AN