

申请执行指南 申請執行指南

Guide on Application for Execution

海南省高级人民法院 印制 THE HIGHER PEOPLE'S COURT OF HAINAN PRONINCE



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I. 当事人可以向人民法院申请执行下列生效法律文书:當事人可以向人民法院申請執行下列生效法律文書:

The parties are entitled to apply to the people's court for executing effective legal instruments as follows:

1. 生效民事判决、裁定、调解书,行政判决、裁定书,刑事附带民事判决、裁定书,支付令。

生效民事判决、裁定、調解書,行政判决、裁定 書,刑事附帶民事判决、裁定書,支付令。

Effective civil judgments, rulings or consent judgments, administrative judgments or rulings, criminal incidental civil judgments or rulings, order for payment.

2. 生效仲裁裁决和调解书

生效仲裁裁决和調解書。

Effective arbitration awards and conciliation statements.

 公证机关赋予强制执行效力的债权文书 公證機關賦予强制執行效力的債權文書。

Debt instruments with enforceability legally granted by a notary office.

4. 经人民法院裁定承认其效力的外国和香港、澳门、台湾地区法院作出的民商事判决,以及国外和香港、澳门、台湾仲裁机构作出的仲裁裁决。

經人民法院裁定承認其效力的外國和香港、澳門、 臺灣地區法院作出的民商事判决,以及國外和香港、 澳門、臺灣仲裁機構作出的仲裁裁决。

Civil verdicts given by a court of foreign country or Hong Kong, Macao or Taiwan whose effect was ruled and recognized by People's Court, and arbitration awards rendered by a foreign arbitral institution, or a arbitral institution of Hong Kong, Macao or Taiwan.

5. 法律规定应当由人民法院执行的其他法律文书。 法律規定應當由人民法院執行的其他法律文書。

Other legal instruments that should be executed by People's Court in accordance with law.

II. 申请执行材料/申請執行材料 Materials for Execution Application

1. 申请执行书/申請執行書;

A letter of application for execution;

 生效法律文书副本,并提供原件核对 生效法律文書副本,并提供原件核對;

Copies of effective legal documents with the original provided for check;

3. 生效证明原件/生效證明原件;

Original effective certificate;

4. 申请执行国外仲裁机构的仲裁裁决的,应当提交 经我国驻外使领馆认证或我国公证机关公证的仲裁裁 决书中文本;

申請執行國外仲裁機構的仲裁裁决的,應當提交 經我國駐外使領館認證或我國公證機關公證的仲裁 裁决書中文本;

If the arbitration award applied to be executed is from a foreign arbitration institute, a Chinese version of the arbitration award certified by overseas embassies and consulates of China, or notarized by a notary organization shall by submitted;

- 申请执行人的身份证明材料 申請執行人的身份證明材料;
 I dentity certificate of the applicant;
- 6. 被执行人可供执行的财产线索 被執行人可供執行的財産綫索。

The clues to the executable property of the person subjected to execution.

Ⅲ. 申请执行的期间/申請執行的期間 Period of Execution Application

1. 民事案件申请执行期间为2年。

民事案件申請執行期間爲2年。

The period of execution application in civil case shall be two years.

2. 申请执行的期间从法律文书规定的履行期间的最后一日起计算;法律文书规定分期履行的,从规定的每次履行期间的最后一日起计算;法律文书未规定履行期间的,从该法律文书生效之日起计算。

申請執行的期間從法律文書規定的履行期間的最 後一日起計算;法律文書規定分期履行的,從規定的 每次履行期間的最後一日起計算;法律文書未規定履 行期間的,從該法律文書生效之日起計算。

The period of execution application shall begin from the last day of the performance period specified in a legal instrument; begin from the last day of each specified performance period if a legal instrument requires performance in installments; or begin from the effective date of a legal instrument if the legal instrument does not specify a period of performance.

