THE NATIONAL ASSEMBLY	SOCIALIST REPUBLIC OF VIET NAM
--------	Independence - Freedom - Happiness

Law No.: 15/2012/QH13	*Hanoi, June 20, 2012*

LAW

ON HANDLING ADMINISTRATIVE VIOLATIONS

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam which was amended and supplemented under the Resolution No.51/2001/QH10;

The National Assembly promulgates the Law on handling administrative violations

The first part

GENERAL PROVISIONS

Article 1. Scope of adjustment

This Law stipulates the administrative sanctions and administrative handling measures.

Article 2. Explanation of terms

In this Law, the following terms are construed as follows:

1. *The administrative violations* are acts at fault committed by individuals, organizations that break the law provisions on State management, which, however, do not constitute crimes, and as required by law, must be administratively sanctioned.

2. *The administrative sanctions* includes application of sanction forms, remedial measures with respect to individuals, organizations committing acts of administrative violations according to provisions of law on administrative sanctions which are implemented by the competent persons.

3. *The administrative handling measures* are measures applied for individuals who commit acts of law violation on security, social order and safety, however, do not constitute crimes, including measures of education at communes, wards, towns; sending to reformatories; sending to compulsory education establishments and sending to compulsory detoxification establishments .

4. *The measures replacing the handling of administrative violations* are educational measures that are applied to replace for the sanction forms against administrative violations or the administrative handling measures with respect to minors who commit administrative violations, including measure of reminding and measure of management at home.

5. *The repeating offences* are in case individuals, organizations who had been handled administrative violations but it is not expired time limit which is deemed to be having not been handled administrative violation, since the date of executing the sanctioning decisions, decision on application of administrative handling measures or after the expiration of this decision's execution, they committed acts of administrative violations which had been handled again.

6. *The administrative violations being committed many times* are cases of individuals, organizations who committed acts of administrative violations which before that they have committed same acts without being sanctioned and within statute of limitations for handling.

7. *The administrative violations being committed in an organized manner* are cases of individuals, organizations who collude with other individuals, organizations in order to commit acts of administrative violations.

8. *Licenses, practice certificates* are documents granted by the state agencies, the authorized to individuals, organizations according to law provisions so that those individuals, organizations can carry on their business, operation, practicing or using equipment, means. Licenses, practice certificates do not include business registration certificates, certificates attached to the personal status of licensees without purpose of practice permission.

9. *The dwelling place* is dwelling house, means or other house that a citizen uses for residence. The dwelling place may belong to the ownership of citizen or be leased, lent or let for free-of-charge stay by agencies, organizations, individuals according to law provisions.

10. *Organizations* are the state agencies, political - social organizations, political – social professional organizations, social organizations, professional social organizations, economic organizations, people's armed forces and other organizations that are established according to law provisions.

11. *Emergency circumstances* are situations that individuals, organizations wish to avoid a risk which actually threatening the interests of the State, organizations, their legitimate rights and interests or legitimate rights and interests of others and with no other way, must cause a damage being smaller than damage which needs be prevented.

12. *Legitimate self-defense* is behaviors of individuals, aiming to protect interests of the State, organizations, their own legitimate rights, interests or legitimate rights and interests of others, they necessarily resist those who having acts violating the above-mentioned rights and interests.

13. *Unexpected events* are events that individuals, organizations cannot foresee or are not required to foresee the consequences of their harmful acts.

14. *Force majeure* is event that happens objectively without being foreseen and cannot overcome although all necessary measures in permissible ability have been applied.

15. *Persons without administrative liability capacity* are persons committing acts of administrative violations while being incapable of cognizing or controlling their acts due to mental disease or other ailments.

16. *Drug addict* is person who uses drug, habit-forming drugs, psychotropic drugs and suffers dependence on these drugs.

17. *Legal representatives include* parents or guardian, lawyer, legal assistants.

Article 3. Principles for handling administrative violations

1. Principles for sanctioning administrative violations include:

a) All administrative violations must be detected and stopped in time and handled strictly and clearly, all consequences caused by administrative violations must be overcome strictly according to law provisions;

b) The sanction of administrative violations must be conducted fast, with publicity, objective and proper competence, ensure fairness, in accordance to law provisions.

c) The sanction of administrative violations must be based on the nature, seriousness, consequences of the violations, the subjects of violations and the extenuating as well as aggravating circumstances;

d) The sanction of administrative violations shall be conducted for only administrative violations regulated by the law.

An act of administrative violation shall be 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, or administrative violation in many times he/she shall be sanctioned for each act of violation.

dd) The persons competent to sanction are responsible for proving administrative violations. Sanctioned individuals or organizations can self-prove or be proved by their legal representatives that they do not commit acts of administrative violations;

e) For the same act of administrative violations, the fine levels for organizations are equal to 02 times compared with the fine levels for individuals.

2. Principles for application of administrative handling measures include:

a) Individuals shall be subject to the application of other administrative handling measures only if they belong to one of the subjects prescribed in Articles 90, 92, 94 and 96 of this Law;

b) The application of administrative handling measures must be carried out as regulated in point b, clause 1 of this Article;

c) Decision on the time limits for application of administrative handling measures must be based on the nature, level, consequences of the violations, the personal identity of the violators and the extenuating as well as aggravating circumstances;

d) The persons competent to application of administrative handling measures are responsible for proving administrative violations. Individuals subject to the administrative handling measures can self-prove or through their legal representatives to be proved that they do not commit acts of administrative violation;

Article 4. Competence to prescribe the administrative violation sanctions in state management sectors and the regime of application of administrative handling measures

Pursuant to regulations of this Law, the Government shall prescribe acts of administrative violation, sanctioning forms, levels of sanction, remedial measures applicable to each act of administrative violation; the sanctioning competence, specific fine levels according to each title and competence for taking minutes for administrative violations in each the state management sector; the regime of application of administrative handling measures and stipulate the forms of records, the forms of decisions being used in administrative violation sanctions.

Article 5. Subjects handled for administrative violations

1. The subjects sanctioned for administrative violations include:

a) Persons aged between full 14 and fewer than 16 shall be administratively sanctioned for intentional administrative violations; persons aged full 16 or older shall be administratively sanctioned for all administrative violations.

Persons of the people's army, 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 licenses, practice certificates or terminable suspension of operations related to defense and security, the sanctioning persons propose the competent agencies, people's army, people's police for handle;

b) Organizations shall be administratively sanctioned for all administrative violations they have committed.

c) Foreign individuals and organizations that commit administrative violations within the territory, the territorial waters adjacent areas, the exclusive economic zone and continental shelf of the Socialist Republic of Vietnam; in aircrafts with Vietnamese nationality, vessels flagged with Vietnamese nationality shall be administratively sanctioned according to the provisions of Vietnamese laws, except otherwise provided for by international treaties of which the Socialist Republic of Vietnam is member.

2. Subjects liable to the application of administrative handling measures are individuals defined in Articles 90, 92, 94 and 96 of this Law.

The administrative handling measures shall not apply to foreigners.

Article 6. Statute of limitations for handling of administrative violations

1. The statute of limitations for administrative violation sanction is regulated as follows:

a) The statute of limitations for administrative violation shall be 01 year, except from the following cases:

Administrative violations of accounting; tax procedures; charges, fees; insurance business; price management; securities; intellectual property; construction; protecting marine product and aquatic resources; forest and forest product management; investigation, planning, exploration, exploitation and use of water resources; exploration and exploitation of oil and gas and other minerals; environmental protection; atomic energy; management, development of houses and office buildings; land; dykes; press; publication; production of, export of, import of, trading goods; producing and/or trading prohibited, fake goods; overseas labor management, the statute of limitations for administrative sanctions shall be 02 years.

Administrative violations of tax evasion, tax fraud, late payment of tax, insufficient declaration of tax liability, the statute of limitations for administrative sanctions shall be in accordance with the tax laws;

b) The time to calculate the statute of limitations for administrative sanctions regulated at Point a, Clause 1 of this Article shall be regulated as follows:

For administrative violations have ended, the statute of limitations shall be from the termination of violations.

For administrative violations being done, the statute of limitations shall be from the time of detecting violations;

c) In the case of administrative sanctions for individuals transferred by proceeding agencies, the statute of limitations shall be applicable according to the provisions of Points a and b of this Clause. The period when proceeding agencies handle, consider the case shall be included in the statute of limitations for administrative sanctions.

d) Within the period specified in points a and b of this Clause, individuals, organizations deliberately evade or obstruct the sanctioning, the statute of limitations for administrative sanctions shall be re-calculated from the time terminating the acts of evading or obstructing the sanctioning.

2. The statute of limitations for application of administrative handling measures is regulated as follows:

a) The statute of limitations for application of education measures at communes, wards or towns shall be one year as from the time of committing violation acts prescribed at Clause 1, Article 90; 06 months as from the time of committing violation acts prescribed at Clause 2, Article 90 or as from the last time of committing violation acts prescribed at Clause 3 and 5, Article 90; 03 months as from the time of committing violation acts prescribed at Clause 4, Article 90 of this Law;

b) The statute of limitations for application of measure sending to reformatories is 01 year, as from the time of committing violation act prescribed at Clause 1 and Clause 2, Article 92; 06 months as from the time of committing violation act prescribed at Clause 3, Article 92 or as from the last time of committing one of violation acts prescribed at Clause 4, Article 92 of this Law;

c) The statute of limitations for application of measure sending to compulsory education establishments is 01 year, as from the last time of committing of one of violation acts prescribed at Clause 1, Article 94 of this Law;

d) The statute of limitations for application of sending to compulsory detoxification establishments is 03 months, as from the last time of committing violation act prescribed at Clause 1, Article 96 of this Law.

Article 7. Time limits for being considered not yet administratively sanctioned

1. 06 months as from the date of completely serving the sanctioning-with-warning decisions, or 01 year as from the date of completely serving the other 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 decisions on application of administrative handling measures or 01 year as from the date of expiry of the statute of limitations for executing the decisions on application of administrative handling measures, if the individuals subject to the application of other administrative handling measures do not repeat acts, they shall be considered not yet subject to the application of administrative handling measures.

Article 8. Calculation of time, period, statute of limitations in the administrative violation handling

1. Calculation of time limit, statute of limitations in the administrative violation handling shall be applicable according to regulations of the Civil Code, except for being regulated specifically about time under working days in this Law.

2. Night time shall be calculated from 22:00 p.m. of the previous day to 6:00 a.m. of the following day.

Article 9. Extenuating circumstances

The following circumstances shall be the extenuating circumstances:

1. The violators have prevented or reduced harms done by the violations or volunteer to overcome the consequences, pay compensations;

2. The violators have voluntarily reported their violations, honestly repenting their mistakes; actively help authorities detect administrative violations, handle administrative violations;

3. The violators commit violations in the state of being spiritually incited by other persons' illegal acts; beyond the limits of legitimate defense; exceeding the requirements of the emergency circumstances;

4. The violators commit administrative violations due to being forced to or due to their material or spiritual dependence;

5. 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;

6. The violators commit violations due to particularly difficult plights not caused by themselves;

7. The violations are committed due to backwardness.

8. Other extenuating circumstances regulated by the Government.

Article 10. Aggravating circumstances

1. The following circumstances are aggravating circumstances:

a) The administrative violations are committed in an organized manner;

b) The administrative violations are committed many times or repeated;

c) Inciting, dragging, using minors to commit administrative violations, forcing materially or spiritually dependent persons to commit violations;

d) Using the persons who violators are clearly known as suffering from mental illness or others that cause their loss of cognitive ability or their ability to control their behaviors in order to commit the administrative violations;

dd) Reviling, defaming who is on duty; administrative violations as gangsters;

e) Abusing one's positions and powers to commit administrative violations;

g) Taking advantage of war, natural calamity circumstances, disaster, epidemic diseases or other special difficulties of the society to commit administrative violations;

h) Committing violations while serving criminal sentences or decisions on application of administrative violation handling measure;

i) Continuing to commit administrative violations though the competent persons have requested the termination of such acts;

k) After the violations, having committed acts of fleeing or concealing the administrative violations.

l) Administrative violations of large-scale, large quantity or large value of goods;

m) Administrative violations against many people, children, the elderly, people with disabilities, pregnant women.

2. Circumstances specified in Clause 1 of this Article in case have been defined as administrative violations shall not be considered as aggravating circumstances.

Article 11. Cases not being administratively sanctioned

These following cases shall not be administratively sanctioned:

1. Commit acts of administrative violations in emergency circumstances;

2. Commit acts of administrative violations due to legitimate defense;

3. Commit acts of administrative violations due to unexpected events;

4. Commit acts of administrative violations due to force majeure;

5. The violators do not have administrative liability capacity; the violators commit administrative violations when are not sufficient age to be administratively sanctioned as regulated in point a, clause 1, Article 5 of this Law.

Article 12. The strictly prohibited acts

1. Retaining violation cases with criminal signs to handle as administrative violations.

2. Abusing their positions and powers to harass, demand, and receive money or property of the violators; tolerating, covering up, limiting rights of the violators during the administrative sanctions or application of administrative handling measures.

3. Issuing documents contrary to the competence that regulated acts of administration violations, competence, sanctioning forms, remedial measures for each act of administrative violation in the state management sector and administrative handling measures.

4. Not to sanction administrative violations, not to apply remedial measures or not to apply administrative handling measures.

5. Administrative sanctions, application of remedial measures or application of administrative handling measures are not in time, justly, in proper the competence, procedures and subjects regulated in this Law.

6. Application of sanction forms, remedial measures is not correct, adequate for acts of administrative violations.

7. Unlawful interference in the handling of administrative violations.

8. Extending the application term of administrative handling measures.

9. Using the money from fines for administrative violations, from payment due to late execution of fine decisions, money from liquidation, sale of confiscated material evidences and/or means of

administrative violations and other amount from administrative sanctions in manner contrary to the law provisions on the state budget.

10. Forging, falsifying dossiers of administrative sanctions, dossiers of application of administrative handling measures.

11. Infringing the life, health, honor and dignity of the violators who are administratively sanctioned, being applied administrative handling measures, being applied measures of preventing and ensuring the administrative violation handling, being applied coercive measures of executing decisions on administrative violations handling.

12. Resisting, evading, delaying or obstructing the execution of the administrative sanctioning decisions, decisions on applying measures of preventing and ensuring administrative violation handling, decision on coercive measures of executing decisions on administrative violation sanction, decisions on applying administrative handling measures.

Article 13. Compensation for damage

1. In case the administrative violators cause damages, they must pay for those damages as compensation.

The compensation shall comply with the provisions of the Civil Law.

2. The persons competent to handling of the administrative violations, agencies, organizations, individuals related to the administrative violation handling if causing damages must compensate according to law provisions.

Article 14. Responsibilities to combat, prevent and oppose administrative violations

1. Individuals, organizations must strictly abide by the law provisions on administrative violation handling. Organizations are responsible for educating members of their organizations on awareness of protection and compliance with the law, the rules of social life, to take measures in time to eliminate the causes and conditions that cause violations in their organizations.

2. In case of detecting administrative violations, the people who are competent to handle administrative violations must be responsible for handling violations according to the law provisions.

3. Individuals, organizations have responsibility to detect, denounce and combat, prevent and oppose administrative violations.

Article 15. Complaints, denunciations and initiating lawsuits in administrative violation handling

1. Individuals and organizations that are handled for administrative violations shall have the rights to complain about, initiate lawsuit for decisions on administrative sanctions according to the law provisions.

2. Individuals have the right to denounce acts of violations of law in the administrative violation handling according to the law provisions.

3. In the settlement process of complaints, lawsuits if it is deemed that the implementation of decisions on administrative violations subject to complaints, lawsuits will cause irremediable consequences, the people who are in charge of settlement of complaints, lawsuits must make

decisions on temporarily suspending the execution of the decision according to the law provisions.

Article 16. Responsibility of the competent people in administrative violation handling

1. In the process of administrative handling, the competent people in administrative handling must comply with the provisions of this Law and other related law provisions.

2. The competent people in administrative handling, who harass, claim, receive money, other property from the violators, tolerate, cover up, do not sanction or sanction not in time, not exact nature or levels of violations, not proper competence or violate other regulations in Article 12 of this law and other law provisions, depending on the nature and seriousness of their violations, they shall be disciplined or prosecuted for criminal liability.

Article 17. Responsibility for the management of law observance on administrative handling

1. The Government unifies the management of law execution on administrative sanctions.

2. The Ministry of Justice is responsible to the Government for the management of law execution on administrative handling with the following tasks and authorities:

a) To assume the prime responsibility for or coordinate in the proposal of, development of and submission to competent agencies for promulgation or to promulgate according to its competence legal normative documents on administrative sanctions;

b) General track and report the implementation of the law execution on administrative handling; to make statistics reports, set up and manage the national database on administrative handling;

c) To assume the prime responsibility for and coordinate in guidance, training, professional training in the law execution on administrative handling;

d) To examine and coordinate with relevant ministries and agencies to carry out the inspection of the law execution on administrative handling.

3. Within their duties and powers, the ministries, departments are responsible for implementing or coordinating with the Ministry of Justice to perform the tasks specified in Clause 2 of this Article; timely providing information to the Ministry of Justice on administrative handling to set up the national database; every 06 months, every year, sending reports to the Ministry of Justice on administrative handling within their management.

4. Within the duties and powers, the Supreme People's Court implements the provisions in Clause 2 of this Article and every 06 months, every year, the People’s Court sends announcement to the Ministry of Justice on administrative handling within its management; directs People’s Courts at all levels about the information provision of administrative handling; assumes the prime responsibility for and coordinates with the Government in issuing documents providing details and guiding the implementation of the relevant provisions.

5. Within the duties and powers, the People's Committees at all levels managing the law execution about administrative handling in the localities, have the following responsibilities:

a) To direct the implementation of legal normative documents on administrative handling; disseminate, educate legal information on administrative handling;

b) To check, inspect, handle violations and according to the competence, handle complaints, denunciations in the law observance about administrative handling;

c) Promptly provide information to the Ministry of Justice on administrative handling to set up the national database; every 06 months, every year, send reports to the Ministry of Justice about the administrative handling in their localities.

6. Agencies of the competent people in administrative sanctions, the People's Courts with competence in consideration, decision of administrative handling measures, agencies executing the sanctioning decisions, executing coercive and sanctioning decisions, executing decisions on application of administrative handling measures are responsible for sending documents, decisions regulated in Article 70, Clause 2, Article 73, Clause 2, Article 77, Article 88, Clause 4, Article 98, Article 107, Clause 3, Article 111, paragraph 2, Clause 3, Article 112, Clauses 1 and 2, Article 144 to agency of database management about administrative handling of the Ministry of Justice, local justice agencies.

7. The Government shall regulate details about this Article.

Article 18. Responsibilities of the heads of units, agencies in administrative handling

1. Within their duties and powers, the heads of agencies, units having competence to handle administrative violations have the following responsibilities:

a) Frequently inspecting, checking and timely handling violations of persons with competence to handle administrative violations under their management; settling complaints and denunciations in handling administrative violations prescribed by law;

b) Not to interfere unlawfully in administrative handling and must have joint responsibility for violations of the persons with competence to handle administrative violations under their management according to the law provisions;

c) Not to let happening acts of corruption committed by the persons with competence to handle administrative violations under their management;

d) Other responsibilities as prescribed by law.

2. Within their duties and powers, ministers, the heads of ministerial-level agencies, the chairmen of People's Committees at all levels have responsibilities as follows:

a) Frequently direct, check the administrative handling of the persons with competence to handle administrative violations under their management;

b) Discipline persons who have committed mistakes in the administrative handling in the scope of their respective management;

c) Timely handle complaints and denunciations about the administrative handling in the sectors, fields under their management according to the law provisions;

d) Other responsibilities as prescribed by law.

3. Within their scope of duties and powers, the Ministers, Heads of ministerial-level agencies, the chairmen of People's Committees at all levels, heads of agencies, units with competence to handle administrative violations are responsible for detecting errors from decisions on administrative handling promulgated by themselves or their subordinates to timely amend, supplement or cancel, issue new decisions according to their competence.

Article 19. Supervision of the administrative handling

The National Assembly, the agencies of the National Assembly, People's Committees at all levels, members of the National Assembly and People's Committees, the Vietnam Fatherland Front, member organizations of the Vietnam Fatherland Front and all citizens monitor activities of the agencies, persons with competence to handle administrative violations; in case of detecting unlawful acts committed by agencies or persons with competence to handle administrative violations, they are entitled to request, propose competent agencies and persons to consider, settle and handle according to the law provisions.

Agencies or persons with competence to handle administrative violations must consider, settle and answer such requirements, proposals according to the law provisions.

Article 20. Application of the Law on administrative handling for administrative violations outside the territory of the Socialist Republic of Vietnam

Vietnamese citizens, organizations violating the administrative law of the Socialist Republic of Vietnam outside the territory of Vietnam may be administratively sanctioned according to the provisions of this Law.

The second part

ADMINISTRATIVE SANCTIONS

Chapter I

SANCTIONING FORMS AND REMEDIAL MEASURES

Section 1. SANCTIONING FORMS

Article 21. Sanctioning forms and application principles

1. Forms of administrative sanctions include:

a) Warning;

b) Fines;

c) Stripping off the right to use permits, professional practice certificates in a definite term; or suspension of operation in a definite term;

d) Confiscating material evidences, means of administrative violation used to commit administrative violations (hereinafter called material evidences, means of administrative violation);

e) Expulsion;

2. Sanctioning forms specified in point a and point b, Clause 1 of this Article shall be defined and applied as principal sanctioning forms.

Sanctioning forms specified in the points c, d and e, Clause 1 of this Article may be specified as additional sanctioning forms or principal sanctioning forms.

3. For each act of administrative violations, individuals, organizations committing administrative violations shall be applied one principal sanctioning form; may be applied one or more additional sanctioning forms specified in Clause 1 of this Article. The additional sanctioning forms are only applied together with the principal ones.

Article 22. Warning

Warning shall be applied to individuals and organizations that commit minor administrative violations, with extenuating circumstances and shall be applied warning form according to the regulations, or to all acts of administrative violations committed by minors aged between full 14 and fewer than 16. Warning shall be decided in writing.

Article 23. Fines

1. The fine levels in sanctioning administrative violations range from VND 50,000 to VND 1,000,000,000 for individuals, VND 100,000 to VND 2,000,000 for organizations, except for those regulated in Clause 3, Article 24 of this Law.

For urban areas of central cities, the fine levels may be higher, but not exceeding 02 times compared with the common levels applied for the same violations in the fields of road traffic; environmental protection; security, order and social security.

2. The Government shall regulate the frame of fine levels or fines for specific administrative violations according to one of the following methods, but the highest fine frame does not exceed the maximum fine level specified in Article 24 of this Law:

a) Defining the minimum, the maximum fines;

b) Defining the number of times, the percentage of the value and quantity of violation goods, material evidences, violated subjects or revenue, interest earned from acts of administrative violations.

3. Based on the behavior, frame of fines or the fine levels specified in the decree of the Government and requirements of characteristic socio-economic management of the localities, the People's Councils of the centrally-affiliated cities shall define the frame of fines or the specific fine levels for violations in the fields regulated in paragraph 2, Clause 1 of this Article.

4. The specific fine level for an act of administrative violation is the average level of the fine frame prescribed for such violation; if there are extenuating circumstances, the fine level may be reduced but not lower than minimum level of the fine frame; if there are aggravating circumstances, the fine may be increased but not higher than the maximum fine level of the fine frame.

Article 24. The maximum fine levels in fields

1. The maximum fine level in the fields of state management for individuals shall be regulated as follows:

a) A fine of up to VND 30,000,000: marriage and family; gender equality; domestic violence; storage; religion; emulation; justice administration; population; environmental hygiene; statistics;

b) A fine of up to VND 40,000,000: security, order, social security; prevention of social evils; civil judgment; enterprises and cooperatives bankruptcy; road traffic; electronic transactions; postal service;

c) A fine of up to VND 50,000,000: fire fighting and prevention; cipher, management and protection of national borders; judicial assistance; preventive medical activities; HIV / AIDS prevention; education; culture; sports; tourism; management of science and technology; technology transfer; children protection and care; social sponsor and relief; natural disaster

prevention; plants protection and quarantine; management and conservation of genetic resources; manufacturing and trading breeding of animals and plants; veterinary; accounting; independent audit; charges, fees; public asset management; invoices; national reserve; electricity; chemicals; hydrometeorology; cartography; business registration;

d) A fine of up to VND 75,000,000: national security and defense; labor; vocational training; railway traffic; inland waterway traffic; health insurance; social insurance;

dd) A fine of VND 100,000,000: irrigation works management; dykes; medical examination and treatment; cosmetics; pharmacy and medical equipment; production and trading of animal feed and fertilizers; advertising; betting and games with awards; overseas labor management; maritime traffic; civil air traffic; management and protection of traffic works; information technology; telecommunications; radio frequency; press; publish; trade; protecting the benefits of consumers; customs, tax procedures; lottery business; insurance business; practicing thrift, combating waste; management of explosive materials; protecting aquatic resources and marine products;

e) A fine of up to VND 150 million: price management; real estate trading; mining, manufacturing and trading the building materials; technical infrastructure management; management, development of housing and office buildings; bidding; investment;

g) A fine of up to VND 200,000,000: production, trading forbidden goods, fake goods;

h) A fine of up to VND 250 million: survey, planning, exploration, exploitation and use of water resources;

i) A fine of up to VND 500,000,000: construction; management of forest and forest products; land;

k) A fine of up to VND 1 billion: the management of the sea areas, islands and continental shelves of the Socialist Republic of Vietnam; nuclear and radioactive materials management, nuclear energy; currency, precious metals, precious stones, banking and credit; exploration and exploitation of oil and gas and other minerals; environmental protection.

2. The maximum fine level in the field of State management specified in Clause 1 of this Article for organizations shall be 02 times compared with the fine level for individuals.

3. The maximum fine in the field of taxation; measurement; intellectual property; food safety; quality of products and goods; securities; restricting competition comply with the respective laws.

4. The maximum fine levels for the new fields have not been defined in Clause 1 of this Article shall be prescribed by the State after obtaining the consent of the National Assembly Standing Committee.

Article 25. The definite deprivation of the right to use licenses, professional practice certificates or suspension of operation in definite time

1. The definite deprivation of the right to use licenses or professional practice certificates shall apply to individuals and organizations that have seriously violated the activities written in the licenses, 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.

2. The suspension of operation in definite time is the sanctioning form that is applied for individuals, organizations committing acts of administrative violations in the following cases:

a) Partly suspension of operation causing serious consequences or practically causing serious consequences to the life, human health, environment for facilities manufacturing, trading and supplying services being required to possess licenses according to the law regulations.

b) Partly or entirely suspension of manufacturing, trading, supplying services or other activities causing serious consequences or practically causing serious consequences to the life, human health, environment and order, social safety, that are required to possess licenses according to the law regulations.

3. The time limit of deprivation of the right to use licenses or professional practice certificates, time limit of operation suspension specified in Clause 1 and Clause 2 of this Article are from 01 month to 24 months, as the date when sanctioning decision takes effect. The competent persons in sanctioning hold the licenses or professional practice certificates during the deprivation term.

Article 26. 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; applied for serious administrative violations due to the intentional fault of individuals, organizations.

The handling of confiscated material evidences and means of administrative violations shall comply with the provisions of Article 82 of this Law.

Article 27. Expulsion

1. Expulsion means compelling foreigners who have committed acts of administrative violations in Vietnam to leave the territory of the Socialist Republic of Vietnam.

2. The Government shall prescribe in details application of sanctioning forms for expulsion.

Section 2. REMEDIAL MEASURES

Article 28. Remedial measures and application principles

1. Remedial measures include:

a) Forcible restoration of the initial state;

b) Forcible dismantling of works, parts of works constructed without permits or not proper with permits;

c) Forcible application of measures to overcome the environmental pollution, epidemic spreads;

d) Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-export of goods, articles and means;

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

e) Forcible correction of false information or misleading;

g) Forcible removal of infringing elements on the goods or packaging of goods, means of trading, and articles;

h) Forcible recall of products, goods without quality guarantee;

i) Forcible submit of the unlawful profits from administrative violations or forced to submit the money equivalent to the value of material evidences, means used to commit administrative violations which have been sold, dispersed or destroyed contrary to the law provisions;

k) Other remedial measures prescribed by the Government.

2. Application principles of remedial measures:

a) For each act of administrative violation, in addition to being applied sanctions, individuals, organizations committing administrative violations may be applied one or more remedial measures specified in Clause 1 of this Article;

b) Remedial measures are applied independently for cases specified in Clause 2, Article 65 of this Law.

Article 29. Forcible restoration of the initial state

Individuals, organizations committing administrative violations must restore the initial state altered due to their acts of administrative violations; in case individuals, organizations committing administrative violations do not voluntarily carry out their duties, they shall be coerced to carry out their duties.

Article 30. Forcible dismantling of works, parts of works constructed without building permits or not proper with building permits

Individuals, organizations committing administrative violations must dismantle works, parts of works constructed without building permits or not proper with building permits; in case individuals, organizations committing administrative violations do not voluntarily carry out their duties, they shall be coerced to carry out their duties.

Article 31. Forcible application of measures to overcome the environmental pollution, epidemic spreads

Individuals, organizations committing administrative violations must implement measures to overcome the environmental pollution, epidemic spreads; in case individuals, organizations committing administrative violations do not voluntarily carry out their duties, they shall be coerced to carry out their duties.

Article 32. Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-export of goods, articles and means

Individuals, organizations committing administrative violations must bring out of the territory of the Socialist Republic of Vietnam or re-export goods, articles and means brought into the territory of the Socialist Republic of Vietnam, imported contrary to the provisions of law or temporary import for re-export, but not re-export in accordance with the provisions of the law.

This remedial measure is also applied to goods imported, transited which infringe upon intellectual property rights, fake goods infringe upon intellectual property rights, import means, raw materials and materials used primarily for the production and trading of intellectual property counterfeit goods, after the removal of offending elements; in case individuals, organizations

committing administrative violations do not voluntarily carry out their duties, they shall be coerced to carry out their duties.

Articles 33. Forcible destruction of goods, articles which cause harms to human health, domestic animals and cultivated plants, and environment, harmful cultural products;

Individuals, organizations committing administrative violations must destroy articles which cause harms to human health, domestic animals and cultivated plants, environment and harmful cultural products or other material evidences belong to groups of being destroyed according to the law provisions; in case individuals, organizations committing administrative violations do not voluntarily carry out their duties, they shall be coerced to carry out their duties.

Article 34. Forcible correction of false information or misleading

Individuals, organizations committing administrative violations must correct false information or misleading which have been announced, informed on the mass media, being announced, informed on websites; in case individuals, organizations committing administrative violations do not voluntarily carry out their duties, they shall be coerced to carry out their duties.

Article 35. Forcible removal of infringing elements on the goods or packaging of goods, means of trading, and articles;

Individuals, organizations who manufacture, trade goods or use means of trading, articles which contain the infringing elements on the goods, packaging of goods, means of trading, articles must remove those infringing elements; in case individuals, organizations committing administrative violations do not voluntarily carry out their duties, they shall be coerced to carry out their duties.

Article 36. Forcible recall of products, goods without quality guarantee

Individuals, organizations manufacturing, trading products, goods which do not meet registered or announced quality and other goods without quality guarantee, conditions of circulation in the market; in case individuals, organizations committing administrative violations do not voluntarily carry out their duties, they shall be coerced to carry out their duties.

Article 37. Forcible submit of the unlawful profits from administrative violations or forced to submit the money equivalent to the value of exhibit, means used to commit administrative violations which have been sold, dispersed or destroyed contrary to the law provisions

The violating individuals, organizations must submit the unlawful profits under the forms of money, valuable papers and articles getting from the administrative violations to the State budget or return to the subjects being appropriated; must submit the money equivalent to the value of material evidences, means used to commit administrative violations in case such material evidences, means have been sold, dispersed or destroyed contrary to the law provisions; if individuals, organizations committing administrative violations do not voluntarily carry out their duties, they shall be coerced to carry out their duties.

Chapter II

COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATIONS AND APPLY REMEDIAL MEASURES

Article 38. Competence of chairmen of the People's Committees

1. Chairmen of the commune-level People's Committees have rights to:

a) Impose warning;

b) Impose fines of up to 10% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 5,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, b, c and dd, Clause 1, Article 28 of this Law.

2. Chairmen of the district-level People's Committees have rights to:

a) Impose warning;

b) Impose fines of up to 50% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 50,000,000;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

d) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

e) Apply the remedial measures specified in point a, b, c, dd, e, h, i and k Clause 1, Article 28 of this Law.

3. Chairmen of the province-level People's Committees have rights to:

a) Impose warning;

b) Impose fines of up to the maximum fine levels for the respective field specified in Article 24 of this Law;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

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

e) Apply the remedial measures specified in Clause 1, Article 28 of this Law.

Article 39. Competence of People's Police

1. People's Police officers being on official duty shall have the rights to:

a) Impose warning;

b) Impose fines of up to 1% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 500,000;

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 3% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 1,500,000;

3. The commune-level police chiefs, the Police Post Chief, the Heads of the Police stations at border gates, export-processing zones have the rights to:

a) Impose warning;

b) Impose fines of up to 5% of the maximum fines levels for the respective field specified in Article 24 of this Law but not over VND 2,500,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, c and dd, Clause 1, Article 28 of this Law.

4. The district-level police chiefs, Heads of Professional Bureaus belong to the Police Departments of road, rail, Heads of Professional Bureaus belong to the Police Departments of waterways, Heads of the provincial-level Police Departments including Heads of the Police Bureaus for Administrative Management of Social Order, Heads of Public Order Police, Heads of rapid response police force, Heads of Police Bureaus for Criminals Investigation of Social Order, Heads of Police Bureaus for Criminal Investigation of Economic management order and position, Heads of Police Bureaus for Investigation of Drug-Related Crimes, Heads of Police Bureaus of road, rail, Heads of Police Bureaus of waterways, Heads of the Mobile and Protection Police, Heads of Criminal judgment and justice support Bureaus, Heads of Police Bureaus for Prevention and Combat of Environmental Crimes, Heads of the Fire-Fighting & Rescue Police Bureaus, Heads of the Fire-Fighting & Sea-Rescue Police Bureaus, Heads of the Exit and Entry Management Bureaus, Heads of Internal Security & Politics Bureaus, Heads of the Economic Security Bureaus, Heads of cultural and Ideology security Bureaus, Heads of the Information Security Bureaus, Heads of the Fire-Fighting Police Bureaus of districts belong to Fire-Fighting Police Departments; Heads of the Mobile Police units of the company or higher level have the rights to:

a) Impose warning;

b) Impose fines of up to 20% of the maximum fines levels for the respective field specified in Article 24 of this Law but not over VND 25,000,000;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

d) Confiscate material evidences and/or means used for administrative violations, with value of not over the fines levels specified in point b of this clause;

e) Apply the remedial measures specified in point a, c, dd, and k, Clause 1, Article 28 of this Law.

5. The directors of the provincial-level Police Departments, Directors of Fire-Fighting Police Departments have the rights to:

a) Impose warning;

b) Impose fines of up to 50% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 50,000,000;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

d) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

dd) Directors of the provincial-level Police Departments have rights to decide the expulsion as a sanctioning form.

e) Apply the remedial measures specified in point a, c, dd, i and k, Clause 1, Article 28 of this Law.

6. Director General of Internal Security & Politics Department, Director General

of the Economic Security Department, Director general of Culture and Ideology Security Department, Director general of the Information Security Department, Director general of Police Department for administrative management of social order, Director general of Department for Criminal Investigation of Social Order, Director general of Department for Criminal Investigation of Economic management order and position, Director general of Police Department for Investigation of Drug-Related Crimes, Director general of Police Department of road, rail, Director general of Police Department of waterways, Director general of the Fire-Fighting & Rescue Police Department, Director general of Protection Police Department, Director general of Criminal judgment and justice support Department, Director general of Police Department for Prevention and Combat of Environmental Crimes, Director general of Police Department for Prevention and Combat of Hi-tech Crimes have the rights to:

a) Impose warning;

b) Impose fines of up to the maximum fine levels for the respective field specified in Article 24 of this Law;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

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

e) Apply the remedial measures specified in point a, c, dd, i and k, Clause 1, Article 28 of this Law.

7. The director general of the Exit and Entry Management Department has rights to sanction according to Clause 6 of this Article and has rights to apply expulsion as a sanctioning form.

Article 40. Competence of border guards

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

a) Impose warning;

b) Impose fines of up to 1% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 500,000;

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 5% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 2,500,000;

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

a) Impose warning;

b) Impose fines of up to 20% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 25,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, c, dd and k, Clause 1, Article 28 of this Law.

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

a) Impose warning;

b) Impose fines of up to the maximum fine levels for the respective field specified in Article 24 of this Law;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

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

e) Apply the remedial measures specified in point a, c, dd, i and k, Clause 1, Article 28 of this Law.

Article 41. Competence of Coast Guards

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

a) Impose warning;

b) Impose fines of up to 2% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 1,500,000;

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

a) Impose warning;

b) Impose fines of up to 5% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 5,000,000;

3. Heads of the operation teams of the Coast Guard, station heads of the Coast Guard stations shall have the right to:

a) Impose warning;

b) Impose fines of up to 10% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 10,000,000;

c) Apply the remedial measures specified in points a, c, and dd Clause 1, Article 28 of this Law.

4. The Coast Guard flotilla captains shall have the rights to:

a) Impose warning;

b) Impose fines of up to 20% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 25,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, c, d, dd and k, Clause 1, Article 28 of this Law.

5. The Coast Guard fleet commanders shall have the rights to:

a) Impose warning;

b) Impose fines of up to 30% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 50,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, c, d, dd and k, Clause 1, Article 28 of this Law.

6. The Coast Guard region commanders shall have the rights to:

a) Impose warning;

b) Impose fines of up to 50% of the maximum fines levels for the equivalent field specified in Article 24 of this Law but not over VND 100,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fines levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, c, d, dd and k, Clause 1, Article 28 of this Law.

7. The director general of the Coast Guard Department shall have the rights to:

a) Impose warning;

b) Impose fines of up to the maximum fine levels for the respective field specified in Article 24 of this Law;

c) Deprive right to use permits, professional practice certificates in definite time or suspend operation in definite time;

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

e) Apply the remedial measures specified in point a, b, c, d, dd and k, Clause 1, Article 28 of this Law.

Article 42. Competence of the Customs

1. The Customs officers, being on official duties, shall have the right to:

a) Impose warning;

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

2. The Operation team leaders under the Customs Sub-Departments, the Operation Team leaders under the Post-clearance Examination Customs Sub-Departments shall have the rights to:

a) Impose warning;

b) Impose fines of up to VND 5,000,000.

3. The Customs Sub-Department heads, the Heads of the Post clearance Examination Customs Sub-Departments, leaders of the Inspection Teams of the provincial, inter-provincial, municipal Customs Departments, the Anti-Smuggling Inspection Team leaders, the Team leaders of Customs procedure, commanders of the Sea Control Flotillas and Team leaders of Intellectual property checking and protection under the Anti-Smuggle Investigation Department of the General Department of Customs shall have the rights to:

a) Impose warning;

b) Impose fines of up to VND 25,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point d, dd, g, i and k, Clause 1, Article 28 of this Law.

4. The director of the Anti-Smuggling Investigation Department, the director of the Post clearance Examination Customs Sub-Departments under the General Department of Customs, the directors of the provincial, inter-provincial, municipal Customs Departments shall have the rights to:

a) Impose warning;

b) Impose fines of up to VND 50,000,000;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

d) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

e) Apply the remedial measures specified in point d, dd, g, i and k, Clause 1, Article 28 of this Law.

5. The Director General of Customs have the rights to:

a) Impose warning;

b) Impose fines of up to the maximum fine levels for the respective field specified in Article 24 of this Law;

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

d) Apply the remedial measures specified in point d, dd, g, i and k, Clause 1, Article 28 of this Law.

Article 43. Competence of rangers

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

a) Impose warning;

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

2. Ranger Station chiefs shall have the rights 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 value of not over the fine levels specified in point b of this clause;

3. The heads of the Ranger units, the leaders of the Mobile & Fire-fighting Ranger teams shall have the rights to:

a) Impose warning;

b) Impose fines of up to VND 25,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, c, dd, i and k, Clause 1, Article 28 of this Law.

4. Directors of the Ranger Sub-Departments, Team leaders of Ranger Special Force under the Ranger Departments shall have the rights to:

a) Impose warning;

b) Impose fines of up to VND 50,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

e) Apply the remedial measures specified in point a, b, c, dd, i and k, Clause 1, Article 28 of this Law.

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

a) Impose warning;

b) Impose fines of up to the maximum levels for the field of forest & forest products management specified in Article 24 of this Law;

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

d) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

e) Apply the remedial measures specified in point a, b, c, dd, i and k, Clause 1, Article 28 of this Law.

Article 44. Competence of Tax Offices:

1. Tax officers performing public duties shall have the rights to:

a) Impose warning;

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

2. The Tax Team leaders shall have the rights to:

a) Impose warning;

b) Impose fines of up to VND 2,500,000.

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

a) Impose warning;

b) Impose fines of up to VND 25,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

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

a) Impose warning;

b) Impose fines of up to VND 70,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

5. The General Director of Tax shall have the rights to:

a) Impose warning;

b) Impose fines of up to the maximum level for the tax field specified in Article 24 of this Law;

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

d) Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

Article 45. Competence of the Market Management Force

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

a) Impose warning;

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

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

a) Impose warning;

b) Impose fines of up to VND 25,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

e) Apply the remedial measures specified in point a, dd, e, g, h, i and k, Clause 1, Article 28 of this Law.

3. The Heads of the Market Management Sub-Departments under the Department of Industry and Trade, Heads of Anti-Smuggling Division, Heads of Anti-Fake Division, Heads of Goods Quality Control Division under the Market Management Department shall have the rights to:

a) Impose warning;

b) Impose fines of up to VND 50,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

e) Apply the remedial measures specified in point a, c, d, dd, e, h, i and k, Clause 1, Article 28 of this Law.

4. The directors of the Market Management Department shall have the rights to:

a) Impose warning;

b) Impose fines of up to the maximum level for the respective field specified in Article 24 of this Law;

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

d) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

e) Apply the remedial measures specified in point a, c, d, dd, e, g, h, i and k, Clause 1, Article 28 of this Law.

Article 46. Competence of Inspectorates

1. The inspectors, the persons with assignments of specialized inspection, being on official duty shall have the rights to:

a) Impose warning;

b) Impose fines of up to 1% of the maximum fines levels for the respective field specified in Article 24 of this Law but not over VND 500,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, c and dd, Clause 1, Article 28 of this Law.

2. Chief inspectors of the provincial-level Services, Chief inspectors of Aviation Bureaus, Chief inspectors of Marine Bureaus, Chief inspectors of the Vietnam Agency for Radiation and Nuclear Safety, Chief inspectors of the State Securities Commission; Heads of the Sub-Departments of Hygiene and Food safety, Directors of the Sub-Department of Population and Family Planning of the Department of Health, Heads of the Sub-Departments of Plant Protection, Veterinary Medicine, Aquatic, quality management of agricultural, forestry and aquatic products, irrigation, dykes, forestry, rural development under the Department of Agriculture and Rural development, Directors of the Region Frequency Centers and equivalent positions who are assigned to perform the specialized inspection tasks by the Government shall have the rights to:

a) Impose warning;

b) Impose fines of up to 50% of the maximum fine levels for the respective field specified in Article 24 of this Law but not over VND 50,000,000;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

d) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

e) Apply the remedial measures specified in Clause 1, Article 28 of this Law.

3. Heads of the Regional State Reserves Bureaus, Heads of the Statistics Bureaus, Heads of the Pollution Control Bureaus, Directors of the State Treasury of provinces, cities directly under the central state and equivalent positions who are assigned to perform the specialized inspection tasks by the Government shall have the rights to:

a) Impose warning;

b) Impose fines of up to 70% of the maximum fines levels for the equivalent field specified in Article 24 of this Law but not over VND 250,000,000;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

d) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

e) Apply the remedial measures specified in Clause 1, Article 28 of this Law.

4. The Chief Inspector of ministries and ministerial-level agencies, the Director General of the General Department of Vietnam Road, the Director General of the General Statistics Office, the Director General of the Directorate for Standards and Quality, the Director General of the General Bureau of Vocational Training, the Director General of Irrigation Bureau, the Director General of the General Bureau of Forestry, the Director General of the Fisheries Bureau, the Director General of the General Bureau of Geology and Mineral Resources, the Director General of Bureau of Environment, the Director General of the General Bureau of Land Management , the Director of the State Treasury, the Chairman of the State Securities Commission, the Director General of the State Reserves Bureau, the Director General of the General Bureau of Population and Family Planning, the Chairman of the State Committee of the Vietnamese in foreign countries, the Head of the Central Emulation, the Head of the Government Committee for Religious Affairs, the Heads of the Bureau of Chemicals, the Head of the Engineering safety and Industrial environment Bureau, the Head of the Vietnam railway Bureau, the Head of the Vietnam Inner Waterways Bureau, the Head of the Vietnam Agency for Radiation and Nuclear Safety, the Head of Veterinary medicine Bureau, the Head of the Plant Protection Bureau, the Head of the Bureau of Processing, Trading agriculture, forestry and aquatic products and salt, the Head of Insurance Management & Monitoring Bureau, the Head of the Radio Frequency Bureau, the Head of Telecommunications Bureau, the Head of Radio, Television and Electronic information Management Bureau, the Head of Journalism Bureau, the Head of Publishing Bureau, the Head of Medicine Management Bureau, the Head of Diseases diagnosis and treatment Bureau, the Head of Health Environment Management Bureau, the Head of Preventive Medicine Bureau, the Head of Hygiene and Food Safety Bureau and other equivalent positions

who are assigned to perform the specialized inspection tasks by the Government shall have the rights to:

a) Impose warning;

b) Impose fines of up to the maximum level for the respective field specified in Article 24 of this Law;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

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

e) Apply the remedial measures specified in Clause 1, Article 28 of this Law.

5. The Heads of the ministerial-level specialized inspection team shall have the rights to sanction according to the regulations in Clause 3 of this Article.

The Heads of the provincial-level specialized inspection team, the Heads specialized inspection team of state management agencies who are assigned to perform the specialized inspection tasks shall have the rights to sanction according to the regulations in Clause 2 of this Article.

Article 47. Competence of the Maritime Port Authorities, the Airport Authorities, the Inland River Port Authorities

1. The Chief Representatives of the Maritime Port Authorities, the Chief Representatives of the Inland River Port Authorities and the Chief Representatives of the Airport Authorities shall have the rights 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 value of not over the fines levels specified in point b of this clause;

2. The directors of the Maritime Port Authorities, the directors of the Inland River Port Authorities under the Inland Waterways Bureau and the directors of the Airport Authorities shall have the right to:

a) Impose warning;

b) Impose fines of up to VND 25,000,000;

c) Deprive the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time;

d) Confiscate material evidences and/or means used for administrative violations, with value of not over the fines levels specified in point b of this Article;

e) Apply the remedial measures specified in point a, b, c, dd, i and k, Clause 1, Article 28 of this Law.

Article 48. Competence of the People's Courts

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

a) Impose warning;

b) Impose fines of up to VND 1,000,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause.

2. The judges who are assigned to settle the bankruptcy lawsuits shall have the rights 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 value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law

3. Chief Judge of district People's Court, specialized Chief Judge of provincial People's Court, Chief Judge of Regional Military People's Court have the rights to:

a) Impose warning;

b) Impose fines of up to VND 7,500,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

4. Chief Judge of provincial People's Court, Chief Judge of Regional Military People's Court and equivalent positions, Chief Judge of Appellate Courts, specialized Chief Judge of the People's Supreme Court have the rights to:

a) Impose warning;

b) Impose fines of up to the maximum level for the respective field specified in Article 24 of this Law;

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

d) Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

Article 49. Competence of civil judgment-executing bodies

1. The civil judgment executors being on official duty shall have the rights to:

a) Impose warning;

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

2. The Heads of Civil Judgment Execution Bureau have the rights to:

a) Impose warning;

b) Impose fines of up to VND 2,500,000;

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

3. The civil judgment executors who are the Team leader of Assets Management and Liquidation of bankruptcy have the rights to:

a) Impose warning;

b) Impose fines of up to VND 5,000,000;

c) Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

4. The Directors of Civil Judgment Execution Department, the heads of the judgment executing bureaus of the military zone level have the rights to:

a) Impose warning;

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

c) Confiscate material evidences and/or means used for administrative violations, with value of not over the fine levels specified in point b of this clause;

d) Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

5. The Director General of Civil Judgment Execution Department have the rights to:

a) Impose warning;

b) Impose fines of up to the maximum level for the field of civil judgment execution specified in Article 24 of this Law;

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

d) Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

Article 50. Competence of the Overseas Labor Management Department

The director of the Overseas Labor Management Department has the rights to:

1. Impose warning;

2. Impose fines of up to the maximum level for the Overseas Labor Management field specified in Article 24 of this Law;

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

4. Deprive the rights of using licenses in definite time or suspension of operation in definite time;

5. Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

Article 51. Competence of diplomatic missions, consulates and other agencies authorized to perform consular functions of the Socialist Republic of Vietnam in foreign countries

Heads of diplomatic missions, consulates and other agencies authorized to perform consular functions of the Socialist Republic of Vietnam in foreign countries have the rights to:

1. Impose warning;

2. Impose fines of up to the maximum level for the respective field specified in Article 24 of this Law;

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

4. Apply the remedial measures specified in point a, i and k, Clause 1, Article 28 of this Law.

Article 52. Principles for determining and fixing the competence to administrative violation sanction and application of remedial measures

1. The administrative violation sanctioning competence of the persons defined in Articles 38 to 51 of this Law is the competence applicable to an act of administrative violation for persons. In case of fines, the competence sanctioning organizations shall be 02 times compared with the competence sanctioning personals and be determined on the basis of the percentage prescribed in this Law with that position.

In the case of fines for administrative violations in the inner city areas of the fields specified in Paragraph 2, Clause 1, Article 23 of this Law, the titles competent to fines for administrative violations regulated by the Government shall also have the sanctioning competence equivalent to the higher fines for administrative violations regulated by the People's Council of cities under the Central State applicable in the inner city.

2. Fines competence prescribed in Clause 1 of this Article shall be determined on the basis of the maximum level of the fine frame prescribed for each specific violating act.

3. Chairmen of the People's Committees of all levels with competence to sanction administrative violations in the field of local state management.

Persons with competence to sanction administrative violations specified in Articles 39 to 51 of this Law have competence to sanction administrative violations in the fields, sectors under their management.

In the case of administrative violations under the sanctioning competence of many persons, the administrative sanctions shall be conducted by the person who handles the violations in the first time.

4. In case of sanctioning a person who commits multiple violations, the competence to sanction administrative violations shall be defined according to the following principles:

a) If the form of sanctions, the value of material evidences and means of administrative violations are confiscated, remedial measures are prescribed for each act under the control of the person who sanctions administrative violations, the sanctioning competence still belongs to that person;

b) If the form of sanctions, the value of material evidences and means of administrative violations being confiscated, remedial measures are prescribed for one of acts beyond the competence of the person who sanctions of administrative violations, such person must transfer the violations to suitable authority.

c) If the acts under the competence of administrative sanctions of many different sectors, the sanctioning competence shall be under the Chairmen of the People's Committees where the violations occur with competence to impose sanctions.

Article 53. Changing the names of the titles having the competence to sanction administrative violations

In case the titles with competence to sanction administrative violations specified in this Law changes the names, these titles shall have sanctioning competence.

Article 54. Delegation of the sanctioning competence

1. Persons with competence to sanction administrative violations specified in Article 38; Clause 2, 3, 4, 5, 6 and 7, Article 39; Clause 2, 3 and 4 of Article 40; Clause 3, 4, 5, 6 and 7, Article 41; Clause 2, 3, 4 and 5, Article 42; Clause 2, 3, 4 and 5, Article 43; Clause 2, 3, 4 and 5, Article 44;

Clause 2, 3 and 4 of Article 45; Clause 2, 3 and 4 of Article 46; Article 47; Clause 3 and Clause 4, Article 48; Clause 2, 4 and 5 of Article 49; Article 50 and Article 51 of this Law may be assigned to their deputy to sanction administrative violations.

2. The delegation of sanctioning administrative violations are carried out regularly or according to each case and must be made in writing, clearly identifying the scope, content and duration of the delegation.

3. The deputies delegated to sanction administrative violations shall be responsible for their administrative sanctions decisions before their Heads and law. Persons who are delegated can not empower, authorize to any other person.

Chapter III

PROCEDURES FOR SANCTION, EXECUTION OF SANCTIONING DECISIONS AND COERCIVE EXECUTION OF SANCTIONING DECISIONS

Section 1. PROCEDURES FOR SANCTION

Article 55. Forcing to stop acts of administrative violations

Forcing to stop acts of administrative violations is action applied by the competent persons on their official duty for the ongoing administrative violations in order to stop immediately the acts of violations. Forcing to stop acts of administrative violations is conducted by words, whistle, command, document or other forms as prescribed by law.

Article 56. Administrative sanction without record taking

1. Administrative sanction without record taking is applicable in cases of warning or fines of up to VND 250,000 for individuals, VND 500,000 for organizations and the persons with sanctioning competence must make decisions of administrative sanctions on the spot.

In case administrative sanctions are detected thanks to using technical, professional equipment, means, the record must be taken.

2. Decisions of administrative sanctions on the spot must be written clearly the information of date of decisions; full name, address of violators or name, address of violating organizations; acts of violations; venues of violations; evidences and details related to the violation settlement; full name, position of persons who make sanctioning decisions; articles, clauses of applicable legal documents. In case of fines, there must be the fine levels in the decisions.

Article 57. Administrative sanction with taking records, dossiers of administrative sanctions

1. Administrative sanctions with record taking applied for acts of administrative violations of individuals, organizations committing acts of administrative violations not belong to cases specified in paragraph 1, Clause 1, Article 56 of this Law.

2. The sanctions of administrative violations with taking records must be made into dossiers of administrative sanctions by competent persons. The dossiers include records of administrative violations, decisions of administrative sanction, related documents and papers and must be filled in book of records.

The dossiers must be restored according to the law provisions of archives.

Article 58. Taking record of administrative violation

1. Upon detecting administrative violations in their respective management domains, persons with sanctioning competence on duty shall promptly make records thereof, except for cases of sanctioning without record taking specified in Clause 1, Article 56 of this Law.

For administrative violations detected by professional technical devices, means, a record shall be made immediately after violators, violating organizations are identified.

For administrative violations committed on aircraft, ships, trains the aircraft, train or ship captains must make records thereof and send them to persons with administrative sanctioning competence when the aircraft, trains or ships return to the airports, platforms or seaports.

2. An administrative violation record must clearly indicate the date and place of making the record; full name and position of the maker, full name, address and occupation of the violator or name and address of the violating organization; time, date and location when and where the administrative violations occur; acts of violations; measures taken to prevent the administrative violations and ensure handling; conditions of the seized material evidences and means; statements of the violators or representatives of the violating organizations. If there are witnesses, victims or representatives of the victim organizations, their full names, addresses and statements must be indicated in the record; rights and term of explaining administrative violations of violators or representatives of violating organizations; agencies receiving explanations.

If the administrative violators, representatives of violating organizations are absent at the place occurring violation or deliberately escape or fail to sign on the record due to objective reasons, the record must be signed by a representative of the authority at grassroots of the place occurring violation or signed by two witnesses.

3. A record must be made in at least two copies; signed by the record maker and the violators or the representatives of the violating organizations; in case violators can not sign, they can press their finger-prints in record. If there are witnesses, victims or representatives of the victim organizations, they must also sign in the record. If the record consists of many pages, the persons mentioned in this Clause shall sign in each page of record. If the violators, the representatives of the violating organizations, witnesses, victims or representatives of the victim organizations refuse to sign, the record maker shall write the reasons thereof in the record.

After the records of administrative violations have been completed, they must be given to violators, violating organizations 01 copy; in case the administrative violations do not belong to or beyond the sanctioning competence of the record makes, the records must be immediately transferred to the persons with sufficient competence to sanction.

In case the violators are the minors, the records must also be sent to their parents or guardians.

Article 59. Verifying details of administrative sanctions

1. During the consideration of making administrative sanctioning decisions, if necessary, the persons with sanctioning competence are responsible for verifying these following details:

a) Whether or not administrative violations;

b) Individuals and organizations committing administrative violations, errors, personal identifications of violators;

c) Aggravating, extenuating circumstances;

d) The nature and extent of damage caused by administrative violations;

dd) Case of without decisions on administrative sanctions specified in Clause 1, Article 65 of this Law;

e) The other details which are meaningful to the consideration, sanctioning decisions

During the process of consideration, making sanctioning decisions, the persons with sanctioning competence may solicit expertise. The soliciting expertise shall be conducted according to the law provisions of expertise.

2. Verifying details of acts of administrative violations must be made in writing.

Article 60. Defining the value of material evidences of administrative violations as a basis for the defining frame of fines, sanctioning competence

1. In the case of defining the value of material evidences of administrative violations as a basis for defining the frame of fines, sanctioning competence, the competent persons who are handling cases must define the value of material evidences and must be responsible for such evaluation.

2. Depending on the specific material evidence, the evaluation is based on one of the grounds in the following priority order:

a) The price listed or stated in the contract or purchase invoices or import declaration;

b) The price according to the notice of local financial agencies; in case of without price notice, the price shall be based on the market price in the localities at the time of administrative violations;

c) The cost price of material evidence if it is goods not yet been brought out for sale;

d) For the material evidences being fake goods, the price of the material evidences are the market price of the real goods or goods of the same features, technology, use at the place of detecting administrative violations.

3. In case there is no basis to apply regulations in Clause 2 of this Article to define the value of material evidences of administrative violation for defining the frame of fines, sanctioning competence, the competent persons handling that case can make decisions on temporary seizure of material evidences of administrative violation and establish an Appraisal Council. The Appraisal Council includes the person who makes decision on temporary seizure of material evidences as the Chairman of the Council, the representative of the financial agencies of the same level and the representative of relevant professional agencies as members.

The time limit of temporary seizing material evidences to determine the value is not more than 24 hours since making the decisions on temporary seizure, in cases of extreme necessity; the time limit may be extended but must not exceed 24 hours. All costs relating to the seizure, valuation and damages caused by the temporary seizure shall be paid by the agencies of person competent to make decision on temporary seizure. Procedure, records of temporary seizure shall be conducted according to regulations in Clause 5 and Clause 9, Article 125 of this Law.

4. Bases for defining value and documents related to the definition of value of material evidences must be written in the dossiers of administrative sanctions.

Article 61. Explanation

1. For acts of administrative violations which regulated by the law provisions to apply the sanctioning forms of depriving the rights of using licenses, professional practice certificates in definite time or suspension of operation in definite time or apply the maximum fines of the fine frame for those acts from VND 15,000,000 or more than for individuals, from VND 30,000,000 or more than for organizations, the violating individuals, organizations have right to explain directly or in writing for persons with competence to sanction administrative violations. The persons with sanctioning competence are responsible for consider explanation of violating individuals, organizations before making sanctioning decisions, except for those cases that individuals, organizations do not have requirements of explanation within the term specified in Clause 2 and Clause 3 of this Article.

2. For cases of explanation in writing, violating individuals, organizations must send written explanations to persons with competence to sanction administrative violations within 05 days, since the date of taking records of administrative violations.

In case of complicated circumstances, the competent persons can extend with the maximum of 5 days at the request of the violating individuals, organizations.

The violating individuals, organizations must perform explanations in writing by themselves or by their legal representatives.

3. For the cases of direct explanation, the violating individuals, organizations must send their written request for direct explanation to the persons with sanctioning competence within 02 working days, since the date of taking record of administrative violations.

The persons with sanctioning competence must send written notices to violators about the time and venue of direct explanation session within 05 days, from the date of receiving request of violators.

The persons with sanctioning competence hold the direct explanation session and are responsible for defining legal foundations and details, evidences related to the acts of administrative violations, sanctioning forms, remedial measures scheduled to apply for violating acts. The violating individuals, organizations, their legal representatives have rights to participate in the direct explanation session and giving opinions, evidences to protect their legal rights and benefits.

The direct explanation must be made in the records, and signed by the related parties. If the record consists of many pages, the parties must sign on each page. This record must be stored in the dossier of administrative violation sanction and assigned to the violating individuals, organizations or their legal representatives 01 copy for each respective one.

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

1. When considering the violating case to decide administrative sanctions, if deeming that the violating acts have criminal signs, the persons with sanctioning competence must immediately transfer the violating case to criminal procedure agencies.

2. During the process of sanctioning decisions on administrative sanctions, in case the violating acts are detected to have criminal signs while the statute of limitations is not over, the decider of administrative sanctions must decide to temporarily suspend that decision and within 03 days, from the suspension date, they must transfer the violating case to criminal procedure agencies; in

case the sanctioning decisions are completed, the decider of administrative violations must transfer the violating case to criminal procedure agencies.

3. The criminal procedure agencies are responsible for considering, concluding the case and reply the results in writing to the competent persons who have transferred documents in the terms according the law provisions of criminal procedure; in case of not prosecuting a criminal case, the criminal procedure agencies must return the case to the competent persons who have transferred documents.

For cases specified in Clause 2 of this Article, if the criminal procedure agencies decide to prosecute the case, the persons with competence of administrative sanctions must cancel the decisions on administrative sanctions and transfer all material evidences, means of administrative violations and documents about the execution of sanctioning decisions for criminal procedure agencies.

4. The transferring of violating cases with criminal signs to examine for penal liability must be informed in writing for violators.

Article 63. Transferring dossiers of violation cases for administrative sanctions

In cases that criminal procedure agencies handling, settling, but later got other decisions not to criminal prosecutions, canceling decisions on criminal prosecutions, decisions on suspending the investigation or decisions on suspending the cases, if the violation acts have 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 above-mentioned decisions together with dossiers, material evidences, means of violation case and proposal of administrative sanction to the persons with competence of administrative sanction.

2. The administrative sanction shall be based on dossier of violation case being transferred by the criminal procedure agencies.

If necessary, the persons with competence of administrative sanction shall conduct further verification of details as foundation of administrative sanctioning decision.

3. The time limit for making decisions on administrative sanctions is 30 days, from the date of receiving decisions specified in Clause 1 of this Article together with the dossiers of violation cases. In case of further verification specified in Clause 2 of this Article, the maximum time limit is not over 45 days.

Article 64. Use of professional, technical devices, equipment in detecting administrative violations

1. Agencies, persons competent to sanction administrative violations are entitled to use professional, technical devices, equipment to detect administrative violations of order, traffic safety and environmental protection.

2. The management, use and definition of list of professional, technical devices, equipment must ensure the following principles:

a) Respect for freedom, honor, dignity and privacy of citizens and other lawful rights and interests of individuals and organizations;

b) To comply with the process, rules on the use of professional, technical devices, equipment;

c) The results obtained by professional technical devices, equipment must be recorded in writing and will only be used in administrative sanctions;

d) Professional, technical devices, equipment must be ensured complied with technical standards, regulations prescribed by the competent authorities.

3. The Government shall stipulate the management, use and list of professional, technical devices, equipment used to detect administrative violations.

Article 65. Cases without decisions on administrative sanctions

1. There are no decisions on sanctioning administrative violations in the following cases:

a) Cases specified in Article 11 of this Law;

b) Failing to identify the objects of administrative violations;

c) The statute of limitations for sanctioning administrative violations specified in Article 6 is over or the expiration of the sanctioning decisions specified in Clause 3 of Article 63 or Clause 1 of Article 66 of this Law;

d) Individuals committing administrative violations are dead, missing, violating organizations are in the situation of dissolution, bankruptcy in period of considering for making the sanctioning decisions;

e) Transfer dossiers of violation cases with criminal signs as prescribed in Article 62 of this Law.

2. For the cases specified in point a, b, c and d, Clause 1 of this Article, the competent persons do not make decisions on administrative sanctions but can make decisions on confiscating material evidences to the state budget or destroy material evidences of administrative violations belong to the types of being banned for circulation and applied remedial measures specified in Clause 1, Article 28 of this Law.

In the decision, the reasons for not making decisions on administrative sanctions must be written; confiscated or destroyed material evidences; applied remedial measures, responsibility and time limit of implementation.

Article 66. The time limit for making decisions to sanction administrative violations

1. Persons with competence of administrative sanctions must make decisions on administrative sanctions within 07 days, from the date of taking administrative records. For those cases with complicated details which do not belong to cases of explanation or explanation cases specified in Clause 2 and Clause 3 of Article 61 of this Law, the time limit for making sanctioning decisions are 30 days, from the date of taking records.

In case of particularly serious cases, with many complicated details and belong to explanation cases specified in paragraph 2, Clauses 2 and 3, Article 61 of this Law, which requires more time to verify and collect evidences, the persons with sanctioning competence must report to their direct heads in writing to ask for extension; the extension must be made in writing, the time limit of extension shall not exceed 30 days.

2. Beyond the time limit specified in Clause 1 of this Article or Clause 3, Article 63 of this Law, the persons with sanctioning competence do not make sanctioning decisions but still make decisions on application of remedial measures specified in Clause 1, Article 28 of this Article,

decisions on confiscating material evidences to the state budget or destroying material evidences of administrative violations belong to the types of being banned for circulation.

In case persons with competence of administrative sanctions have mistakes in not making decisions in excess of the time limit, they shall be handled according to the law provisions.

Article 67. Issuance of decisions on sanctioning administrative violations

1. In case one individual, organization committing many acts of administrative violations and being sanctioned at the same time, just one sanctioning decision is made, in which defining forms, levels of sanctions for each act of administrative violations.

2. In case many individuals, organizations committing an act of administrative violations, 01 or more sanctioning decisions can be made to define sanctioning forms, levels for each individual, organization.

3. In case many individuals, organizations committing many different administrative violations in the same violation case, 01 or more sanctioning decisions can be made to decide sanctioning forms, levels for each violating act of each individual, organization.

4. Sanctioning decisions take effect from the date of signing, unless the different effective date provided in decisions

Article 68. The content of decisions on administrative sanctions

1. Decisions on administrative sanctions must include the main content as follows:

a) Location, date of making decisions;

b) Legal foundations for promulgating decisions;

c) Records of administrative violations, results of verification, written explanation of violating individuals, organizations or records of explanation meeting and other documents (if any);

d) Full name, position of decider;

dd) Full name, address, occupation of violators or name, address of violating organizations;

e) Acts of administrative violations; extenuating circumstances, aggravating circumstances;

g) Articles, Clauses of applied legal documents;

h) The principal sanctioning form; additional sanctioning forms, remedial measures (if any);

i) Rights of complains, initiate lawsuits against decisions on administrative sanction;

k) Effect of decisions, time limit and place of implementation of decisions on administrative sanction, places for fine payment;

l) Full name, signatures of the persons who make decisions on administrative sanctions;

m) Responsibility for executing decisions on administrative sanctions and the coercion in case individuals, organizations are not voluntarily sanctioned.

2. The time limit of decision implementation is 10 days, from the date of receiving sanctioning decisions; in case the sanctioning decisions writing the implementation time limit of more than 10 days, the implementation shall be followed according to such time limit.

3. In case of issuing one decision on administrative sanctions for many individuals, organizations committing an violating act or many individuals, organizations committing many different acts of administrative violations in the same violation case, the content of violating act, sanctioning forms, levels for each individual, organization must be defined in a specific and clear way.

Section 2. EXECUTION OF DECISIONS SANCTIONING ADMINISTRATIVE VIOLATION

Article 69. Execution of sanctioning decisions without making records

1. The sanctioning decisions without making records must be handed to sanctioned individuals or organizations, one copy each. If minors are sanctioned with warning, the sanctioning decisions shall be sent to their parents or guardians.

2. The violating individuals, organizations pay fines on spot to the persons with sanctioning competence. The fine collectors shall hand vouchers colleting fines to individuals, organizations paying fines and remit fines directly at State Treasuries or into accounts of State Treasuries within 02 working days, as from the date of collecting fines.

If violating individuals, organizations fail to pay fines on spot, they may remit at State Treasuries or into accounts of State Treasuries indicated in the sanctioning decisions within time limit specified in clause 1, Article 78 of this Law.

Article 70. Sending decisions sanctioning administrative violation for execution

Within 02 working days, as from the day of issuing decisions sanctioning administrative violation with making records, competent persons having issued such sanctioning decisions must send to sanctioned individuals or organizations, agencies collecting fines and other relevant agencies (if any) for execution.

The decisions sanctioning administrative violation may be handed directly or through post in an assurance form and notifying to sanctioned individuals thereof.

In case a decision is handed directly but violated organization or individual deliberately does not receive such decision, competent person shall make record thereof with certification of local authority and it is considered that the decision has been handed.

For cases when sending through post in an assurance form, if within 10 days, since the sanctioning decision has been sent through post for the third time and be returned because violating individual or organization deliberately does not receive it; the sanctioning decision has been posted at the residence place of sanctioned individual, head office of sanctioned organization or there are grounds for presuming that the violator evades receiver of sanctioning decision, in such cases, it is considered that the decision has been handed.

Article 71. Transfer of sanctioning decisions for execution

1. In case individuals, organizations perform administrative violations in locals of this provincial level but being resident, placing office in locals of other provincial level and have no condition to serve sanctioning decision at sanctioned place, sanctioning decisions shall be transferred to agencies at the same level in places where individuals being resident, organizations placing head offices in order to organize execution; if places where individuals being resident, organizations placing head offices, have no agency at the same level, sanctioning decision shall be transferred to the district-level People’s Committees in order to organize execution.

2. If administrative violations happen in a district-level local but individuals being resident, organizations placing office in other district-level local and in scope of a province in mountainous areas, islands, remoted areas which is difficult for going and violated individuals or organizations have no condition to serve sanctioning decision at sanctioned place, the sanctioning decisions shall be transefered to agencies at the same level in place where individuals being resident, organizations placing office in order to organize execution.

3. Agencies having competence on sanctioning administrative violations for cases specified in clause 1 and clause 2 of this Article shall transfer entire dossier, related documents; material evidences and/or means used to commit administrative violations (if any) to agencies receiving sanctioning decisions for execution as prescribed by this Law. Violating individuals, organizations shall pay expenditures for transtort of dossiers, material evidences and/or means used to commit administrative violations.

Article 72. Public announcement by mass media on sanctioning with respect to individuals, organizations committing administrative violation

1. If commiting administrative violations on food safety; product and goods quality; pharmacy; medical treatment and examination; labor; construction; social insurance; health insurance; environmental protection; tax; securities; intellectual property; measurement; production and/or trading in counterfeits causing big consequences or bad affect in social opinion, agencies of persons competent to sanction administrative violations shall publish in sanction.

2. Content publicized includes individuals, organizations committing administration violation, violating acts, forms of sanctions and remedial measures.

3. The publication being performed on websites or news of Ministrial-level, Depeartment-level management agencies or provincial People's Committees where happening administrative violations.

Article 73. Execution of decisions sanctioning administrative violation

1. Individual or organization being sanctioned administrative violations must serve sanctioning decision within 10 days, since receiving decision sanctioning administrative violation; if decision sanctioning administrative violation indicate time limit of execution more than 10 days, may execute under that time limit.

When individual or organization being sanctioned administrative violation complain, sue with respect to decision sanctioning administrative violation, the sanctioning decision must be executed, except for case specified in clause 3 Article 15 of this Law. Complaints, lawsuits shall be settled as prescribed by law.

2. The persons competent to sanction and have issued sanctioning decisions shall monitor, examinate sanctioning decisions' execution of sanctioned individuals or organizations and notify result of finish decisions' execution to agencies managing the database on handling administrative violations of the Ministry of Justice and local Justice agencies.

Article 74. Statute of limitations for executing decisions sanctioning administrative violations

1. Statute of limitations for executing decisions sanctioning administrative violations is 01 year, as from the day of issuing decision, past this time limit, not executing such decisions, unless the sanctioning decisions have forms of sanctions such as confiscating material evidences and/or

means used to commit administrative violations, applying remedial measures, in cases, must confiscate material evidences and/or means prohibited for cisculation, apply remedial measures in necessary cases in order to protect environment, ensure on construction, traffic, and order security, social safety.

2. If sanctioned individuals or organizations deliberately evade, postpone, the above-mentioned statute of limitations shall be calculated from time stopping actions of evading, postponing.

Article 75. Execution of decisions sanctioning administrative violation in case the sanctioned persons died, missed, sanctioned organizations dissolve or bankrupt

In case the sanctioned persons died, missed, sanctioned organizations dissolve or bankrupt, not execute decision on fines, but execute forms of sanctions such as confiscating material evidences and/or means used to commit administrative violations and remedial measures indicated in decisions.

The Government provides in details this Article.

Article 76. Postponing execution of decisions on fines

1. A decision on fines may be postponed for execution in case individual fined from 3,000,000 dong or more meeting special, unexpected economic difficulties due to disasters, fires, epidemics, dangerous diseases, accidents and certified by communal People's Committees where that person resideor by agency or organization where that person studying, working.

2. The individual must have application for postponing decision sanctioning administrative violation and send it to agency of person having issued sanctioning decision. Within 05 days, as from the day of receiving application, the person who has issued sanctioning decision shall consider to decide postponing execution of that sanctioning decision.

Time limit postponing execution of sanctioning decision not exceeding 03 months, as from the day of postponing decision.

3. The individual being postponed execution of sanctioning decision may receive documents, material evidences and/or means used to commit administrative violations which have been impounded as prescribed in clause 6 Article 125 of this Law.

Article 77. Reduction, exemption of fines

1. Individuals in cases specified in clause 1 Article 76 of this Law having no capacity to serve decision, may be considered to reduce, exempt the remaining part of fines indicated in sanctioning decision.

2. The individuals specified in clause 1 of this Article must have application for reduction or exemption of the remaining part or entire of fines and send it to person having issued sanctioning decision. Within 03 days, as from the day of receiving application, the person who has issued sanctioning decision must transfer application enclosed dossiers of matters to the direct superior. Within 05 days, as from the day of receiving application, the direct superior must consider for decision and notify to the person who has issued sanctioning decision, person applying for reduction or exemption thereof; if not agree with reduction or exemption, must clearly sate reason.

If the President of the provincial People's Committee has issued sanctioning decision, the provincial People's Committee of that province shall consider for decision on reduction or exemption of fines.

3. The individual being reduced or exempted fines may receive documents, material evidences and/or means used to commit administrative violations which have been impounded as prescribed in clause 6 Article 125 of this Law.

Article 78. Procedures for paying fines

1. Within 10 days, since receiving sanctioning decision, sanctioned individuals or organizations must pay fines at State Treasuries or pay into account of State Treasuries indicated in sanctioning decision, unless having paid fines as specified in clause 2 and clause 3 of this Article. If past the above-mentioned time limit, they shall be enforced for execution of sanctioning decision and each late day of paying fines, violating individuals, organizations must pay additionally 0.05% on total fines have not yet paid.

2. In remote areas, border areas, mountainous areas where going meets difficulties, sanctioned individuals or organizations may pay fines for the persons with sanctioning competence. The persons with sanctioning competence shall collect fines on spot and remit at State Treasuries or into accounts of State Treasuries within 07 working days, as from the date of collecting fines.

In case sanction performed on sea or outside working hour, persons with sanctioning competence may collect directly fines and must remit at State Treasuries or remit into accounts of State Treasuries within 02 working days, as from the day coming ashore or collecting fines.

3. Individuals, organizations conducting administrative violation and being fined must pay fines one time, except for case specified in Article 79 of this Law.

All cases of collecting fines, the fine collectors shall hand vouchers colleting fines to individuals, organizations paying fines.

4. The Government provides in details this Article.

Article 79. Paying fines in many times

1. Paying fines in many times is applied when having the following conditions:

a) Being fined from 20,000,000 dong or more for individuals and from 200,000,000 dong or more for organizations;

b) Meeting special economic difficulties and having application for paying fines in many times. The application of an individual must be certified on circumstance facing special economic difficulties by communal People's Committee where that person resideor agency, organization where that person studying, working; the application of an organization must be certified by the directly managing tax office or direct superior agency or organization.

2. Time limit of paying fines in many times not exceeding 06 months, since sanctioning decision takes effect; maximum number of times paying fines is not over 03 times.

The minimum level paying fines of the first time is 40% of total fines.

3. The person who has issued decision on fines, has right to decide paying fines in many times. The decision on paying fines in many times must be made in writing.

Article 80. Procedures for deprivation in a defined time limit of the right to use licenses, professional professional practice certificates or terminate operation in a defined time limit

1. Case of deprivation of the right to use licenses, professional professional practice certificates in a defined time limit indicated in sanctioning decision, persons with sanction competence shall collect and keep licenses, professional professional practice certificates and notify immediately to agencies have issued licenses, professional professional practice certificates threof. When ending time limit of deprivation of the right to use licenses, professional professional practice certificates indicated in sanctioning decision, persons with sanction competence shall hand over licenses, professional professional practice certificates to individuals, organizations have been deprived those licenses, professional professional practice certificates.

2. Case of termination in a defined time limit, violating individuals or organizations must stop immediately a part of or entire activities on production, business, service or other activities indicated in sanctioning decision.

3. In time of deprivation of the right to use licenses, professional professional practice certificates or termination of activities in a defined time limit, facilities doing in production, business, and service are not permitted to execute activities indicated in sanctioning decision.

4. For cases specified in clause 1 and clause 2 of this Article, if facilities doing in production, business, service have actual capacity causing consequences to human life and health, environment, the competent person must notify in writing on deprivation of the right to use licenses, professional professional practice certificates or termination of activities in a defined time limit to relevant agencies.

5. If detecting licenses, professional professional practice certificates granted ultra vires or contain illegal contents, the persons with sanctioning competence must perform withdrawal immediately intra vires, and must notify in writing to agencies which have granted those licenses, professional professional practice certificates; in case not under competence to withdraw, those persons must report to competent agencies for settlement.

Article 81. procedures for confiscation of material evidences and/or means of administrative violations

1. When confiscating material evidences and/or means of administrative violations as prescribed in Article 26 of this Law, the persons with sanctioning competence must make the record thereof. In the record must clearly indicate name, quantity, category, registration number (if any), conditions, quality of confiscated articles, money, goods, and/or means means of administrative violations and must have signature of person performing confiscation, sanctioned persons or representative of sanctioned organizations and the witnesses; if sanctioned persons or representative of sanctioned organizations are not absent, there must be two witnesses. For material evidences and means of administrative violations which need seal, the sealing must be carried out in front of the sanctioned persons or the representatives of the sanctioned organizations or the witnesses. The sealing must be recorded.

For temporary seized material evidences and means of administrative violations, when realizing that conditions of material evidences and means change comparing to time issuing decision on custody, persons with sanctioning competence must make record on these changes; the record must have signatures of the person making record, person in charge of custody and the witnesses.

2. The confiscated material evidences and/or means of administrative violations must be managed and preserved under regulation of the Goverment.

Article 82. Handling the confiscated material evidences and/or means of administrative violations

1. The confiscated material evidences and/or means of administrative violations shall be handled as follows:

a) For material evidences of administrative violations being Vietnam money, foreign currency, certificates of value, gold, silver, jewels, precious metals, they must be remitted into the State budget;

b) For papers, material, documents relating to material evidences and/or means used to commit administrative violations, they shall be transfer to agencies in charge of managing, using assets as prescribed in point d of this clause.

c) For material evidences and/or means used to commit administrative violations as drug, weapon, explosives, support tools, objects with history value, cultural value, national treasures, antiques, precious forestry product, objects being prohibited circulation and other assets, they shall be transfer to specialized state management agencies in order to manage, handle as prescribed by law;

d) For material evidences and/or means used to commit administrative violations which are transfered to state agencies for management and use under decision of competent authorities, agency having issued decision on confiscation shall assume the prime responsibility for, and coordinate with financial agency to organize transfer to state agency for management, use;

dd) For material evidences and/or means used to commit administrative violations which are confiscated not in cases specified in points a, b, c and d of this clause, hiring a professional auction organization in local of central-affiliated cities and provinces where happen violation act in order to implement auction; if fail to hire an auction organization, establishing a council for auction.

Auction of confiscated material evidences and/or means of administrative violations shall be implement under regulation of law on auction;

e) For confiscated material evidences and/or means of administrative violations which are useless or cannot to auction, agencies of competent persons having issued decision on confiscation must establish a handling council including relevant state agencies. Handling the confiscated material evidences and/or means of administrative violations must be made record with signatures of members of handling council. Methods, orders of, procedures for handling assets are implemented as prescribed by law on managing, using state assets.

2. Procedures for handling the confiscated material evidences and/or means of administrative violations specified in clause 1 of this Article shall be implemented as follows:

a) For cases specified in points a, b, c and d clause 1 of this Article, agency deciding confiscation shall make record of submitting, transferring material evidences and/or means. Handing over and receiving material evidences and/or means of administrative violations as prescribed in points a, b, c and d clause 1 of this Article must be implemented as prescribed by law on managing, using state assets;

b) For cases specified in point d clause 1 of this Article, the reserve price of auctioned asset when doing procedures for transfer shall be defined under Article 60 of this Law. If value of material evidences and/or means of administrative violations which has been defined, changes at time point of transfer, agency issuing decision on confiscation of material evidences and/or means of administrative violations shall decide establishments of council for evaluation of assets before doing procedures of transfer. Members of evaluation council as prescribed in clause 3 Article 60 of this Law.

3. Within 30 days, as from the day of decision on confiscation of material evidences and/or means of administrative violations, competent agencies must handle as prescribed in clause 1 of this Article. If passing this time limit, but not implement, the competent agencies shall be responsible before law.

4. Expenses for warehousing, yards and preservation of confiscated material evidences and means of administrative violations, charge of auction and other expenses compliable with law provisions shall be subtracted from the proceeds from the sale of confiscated material evidences and/or means of administrative violations.

The proceeds from the sale of confiscated material evidences and/or means of administrative violations after subtracting expenses as prescribed in this clause and compliable with law provisions, must be remit into the State budget.

Article 83. Management of the proceeds from sanctioning administrative violations, vouchers of collection, remittance of fines

1. The proceeds from sanctioning administrative violations include paid amount for administrative violation; paid amount due to late execution of decision on fines; amounts from sale, liquidation of the confiscated material evidences and/or means of administrative violations and other amounts.

2. All the proceeds from sanctioning administrative violations must be remitted in the State budget and be managed, used in accordance with provisions of law on the State budget.

Vouchers of collection, remittance of fines shall be managed under redulations of Government.

Article 84. Procedures for expulsion

1. Decision on expulsion must be notified before implementation to the Ministry of Foreign Affairs, the diplomatic mission, consular post of country of which person expelled is citizen or of country where that person have been resident before coming Vietnam.

2. The competent Police offices shall organize implementation of decision on expulsion, apply preventive measures and ensure handling administrative violations specified in Chapter I fourth part of this Law.

Article 85. Implementation of remedial measures

1. Time limit for implementation of remedial measures is performed under the decision on sanctioning administration violation or decision on applying remedial measures as prescribed in point b, clause 2, Article 28 of this Law.

2. Individuals, organizations conducting administrative violation shall implement remedial measures indicated in decision as prescribed by law and be liable to all expenses for implementation of those remedial measures.

3. The person having competence for issuance of decision shall monitor, expedite and inspect implementation of remedial measures being performed by individuals, organizations.

4. If fail to define subject of administrative violation as prescribed in clause 2 Article 65 of this Law or individual is die, lost or organizations is dissolved, bankrupt and having no organization receiving transfer of rights and obligations as prescribed in Article 75 of this Law, agencies where person having competence of sanction and handling dossier of administrative violation must organize implementation of remedial measures specified in clause 1, Article 28 of this Law.

Expenses for implementation of remedial measures which agency of person having competence for sanction issue decision for implementation are taken from reserve budget source allocated to that agency.

5. In emergency case, which needs overcome immediately consequence in order to protect environment, ensure traffic, agencies where person having competence of sanction and handling dossier of administrative violation shall organize implementation of remedial measures. Individuals, organizations committing administrative violation must repay expenditure to agencies having implemented remedial measures, if not repay, they shall be forced for implementation.

Section 3. COERCIVE EXECUTION OF DECISIONS SANCTIONING ADMINISTRATIVE VIOLATIONS

Article 86. Coercive execution of decisions sanctioning administrative violations

1. Ccoercive execution of decisions sanctioning administrative violations is applied in case individuals, organizations sanctioned administrative violation fail to voluntarily execute the sanctioning decision as prescribed in Article 73 of this Article.

2. The coercive measures include:

a) Deducting part of wages or income, deducting money from bank accounts of violating individuals, organizations;

b) Distraining assets with value corresponding to the fine amount for auction;

c) Collecting money, assets of subjects forced for execution of decision on sanctioning administrative violation which are kept by other individuals, organizations if after violating, individuals, organizations deliberately disperse their assets.

d) Forcible application of remedial measures specified in clause 1 Article 28 of this Law.

3. The Government shall prescribe in details coercive execution of decisions sanctioning administrative violations.

Article 87. Competence to decide enforcement

1. The following persons having competent to issue decision on enforcement.

a) President of People’s Committee at levels;

b) The police post chiefs, district-level police chiefs, directors of Fire-Fighting Police Bureaus, directors of provincial police departments, director general of the Department of Internal Political Security, director general of the Department of Economic Security, director general of Department of Cultural and Ideology Security, director general of Deparment of Information Security, director general of the Police Department for Administrative Management of Social

Order, director general of the Police Department for Investigating Crimes on Social Order, director general of the Police Department for Investigating Crimes on Economic and Position Management Order, director general of the Police Department for Investigating Drug-related Crimes, director general of the Traffic Police Department for roadway, railway, director general of the Waterway Police Department, director general of the Police Department for Fire-fighting, Salvage and Rescue, director general of the Exit and Entry Management Department, director general of the Police Department for Justice Protection and Support, director general of the Police Department for Prevention and Combat of Environmental Crimes, director general of the Police Department for Prevention and Combat of Crimes Using Hi-tech;

c) Border Post chiefs, Border Guard Commanders of the Border-gate, Port, provincial-level Border Guard Commanders, Commanders of the Border Guard Fleets under the Border Guard Command; Coast Guard region commanders, director of the Coast Guard Department;

d) Customs Sub-Department heads, directors of provincial, inter-provincial Customs Deparment, directors of Post-Clearance Examination Department, directors of Anti-Smuggling Investigation Department under the General Department of Customs, director general of the General Department of Customs;

dd) Directors of the Ranger Sub-Departments, directors of the Ranger Departments;

e) Directors of taxation sub-department, directors of taxation department, director general of Taxation General Department;

g) Directors of Market Management sub-Department, directors of Market Management Department;

h) Director of the Overseas Laborers Management Department, the heads of diplomatic missions, consular posts, other agencies authorized to implement consular function of Vietnam overseas

i) The titles specified in clauses 2,3 and 4 Article 46 of this Law;

k) Directors of Maritime Port Authorities, directors of Inland River Port Authorities, Director of Airport Authorities;

l) The court presidents of district-lavel People's Courts, court presidents of provincial People's Courts, court presidents of regional Miliatry Courts, court presidents of Military Zone and equivalent Courts, presidents of specialized Courts of Supreme People's Court; directors of Civil Judgment-Executing sub-departments, directors of Civil Judgment-Executing Departments, heads of the judgment executing bureaus of the military zone or equivalent level, director general of Civil Judgment-Executing general department.

2. The enforcement competent persons specified in clause 1 of this Article may delegate for their deputies. The delegating is just performed when the leaders being absent and must be presented in writing, in which clearly defining the delegated scope, content, time limit. The deputies being delegated must be responsible for their decisions before the leaders and before the law. The delegated persons are not allowed to further delegate or authorize for any other individual.

Article 88. Execution of coercive decision

1. Persons issuing coercive decisions shall immediately send coercive decisions to relevant individuals, organizations and implement the coercive execution for sanctioning decision of their own and their subordinates.

2. Individuals, organizations receiving the coercive decisions must strictly comply with coercive decisions and be liable to all expenses on implemenetation of coercive measures.

3. The responsibilities of agencies, organizations in coordination to implement coercive decisions:

a) The relevant individuals, organizations have obligation to coordinate with the persons having competence issuing coercive decisions to deploy measures aiming to implement coercive decisions;

b) The People Police Forces shall ensure order and safety in process of execution of coercive decisions of the President of the People's Committee at the same level or coercive decisions or other state agencies as required;

c) The credit institutions where opening accounts of individuals, organizations being forced for execution must retain in accounts of those individuals, organizations an amount equivalent to the payable amount of individuals, organizations at the request of persons having competence to issue coercive decisions. If balance in deposit account is less than the amount which individuals, organizations being forced to pay, credit institutions still must retain and deduct to remit that amount. Within 05 working days before deducting and remitting, credit institutions shall notify to individuals, organizations being forced, deducting and remitting do not need their agreement.

The third part

APPLICATION OF ADMINISTRATIVE HANDLING MEASURES

Chapter I

THE ADMINISTRATIVE HANDLING MEASURES

Article 89. The measure of education at communes, wards, district towns

1. Education at communes, wards, district towns means administrative handling measure applied to subjects specified in Article 90 of this Article in order to educate, manage them at residence in case it is not necessary to isolate them from community.

2. The time limit for application of measure of education at communes, wards, district towns is between 03 months and 06 months.

Article 90. Subjects of application of measure of education at communes, wards, district towns

1. Persons aged between full 12 and under 14 who have intentionally committed acts with signs of very serious crimes prescribed in the Penal Code.

2. Persons aged between full 14 and under 16 who have intentionally committed acts with signs of serious crimes prescribed in the Penal Code.

3. Persons aged between full 14 and under 18, 02 times or more within 06 months, having committed acts of petty theft, petty swindle, petty gambling, causing public disorder, but not liable to criminal prosecutions.

4. Drug addicts aged full 18 or older, and having given stable residence places.

5. Persons aged full 18 or older, who have committed acts violating assets of agencies, organizations, assets, health, honor, dignity of citizens or foreigners, violating order, social security with 02 times or more in 06 months but not liable to criminal prosecutions.

6. The persons specified in clause 1, 2 and 3 of this Article but having no stable residence, shall be hand over social relief establishments or children assitance establishments in order to manage, educate in time limit of execution of measure of education at communes, wards, district towns.

Article 91. Measure of sending to reformatories

1. The sending to reformatories means a administrative handling measure applying to persons committing acts violating law specified in Article 92 of this Law aiming to help them to follow general education, apprentice, labor and have living activities under management and education of school

2. The time limit for application of measure sending to reformatory is between 06 months and 24 months.

Article 92. Subjects of application of measure sending to reformatories

1. Persons aged between full 12 and under 14 who have intentionally committed acts with signs of special serious crimes prescribed in the Penal Code.

2. Persons aged between full 14 and under 16 who have unintentionally committed acts with signs of very serious crimes prescribed in the Penal Code.

3. Persons aged between full 14 and under 16 who have intentionally committed acts with signs of serious crimes prescribed in the Penal Code and had previously been subject to the application of measure of education at communes, wards or district towns.

4. Persons aged between full 14 and under 18, 02 times or more within 06 months, having committed acts of petty theft, petty swindle, petty gambling, causing public disorder, but not liable to criminal prosecutions and had previously been subject to the application of measure of education at communes, wards or district towns.

5. Not applying measure sending to reformatories for the following cases:

a) Persons having no administrative liability capacity;

b) Pregnant women with certificate of hospital;

c) Being woman or sole person nurturing children under 36 months old certified by commune People’s Committee where that person is resident.

Article 93. Measure of sending to compulsory education establishments

1. The sending to compulsory education establishments means the administrative handling measure applied to person committing acts violating law specified in Article 94 of this Law in order to labor, follow general education, apprentice and have living activities under management of compulsory education establishments.

2. The time limit for application of measure sending to compulsory education establishments is between 06 months and 24 months.

Article 94. Subjects of application of measure sending to compulsory education establishments

1. Subjects to whom the measure of sending to compulsory 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, with 02 times or more in 06 months 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 stable residence places.

2. Not applying measure sending to compulsory education establishments for the following cases:

a) Persons having no administrative liability capacity;

b) Persons under 18 years old;

c) Women of over 55 and men of over 60 years old;

d) Pregnant women with certificate of hospital;

e) Being woman or sole person nurturing children under 36 months old certified by commune People's Committee where that person is resident.

Article 95. Measure of sending to compulsory detoxification establishments

1. The sending to compulsory detoxification establishments means the administrative handling measure applied to person committing acts violating law specified in Article 96 of this Law in order to be medical treated, labor, follow general education, apprentice under management of compulsory detoxification establishments.

2. The time limit for application of measure sending to compulsory detoxification establishments is between 12 months and 24 months.

Article 96. Subjects of application of measure sending to compulsory detoxification establishments

1. Subjects of application of measure sending to compulsory detoxification establishments are Drug addicts aged full 18 or older having been subject to the application of measure of education at communes, wards or district towns but still addicted or not yet been subject to the application of this measure but have no stable residence places.

2. Not applying measure sending to compulsory detoxification establishments for the following cases:

a) Persons having no administrative liability capacity;

b) Pregnant women with certificate of hospital;

c) Being woman or sole person nurturing children under 36 months old certified by commune People's Committee where that person is resident.

Chapter II

PROCEDURES FOR COMPILATION OF DOSSIERS PROPOSING TO APPLY ADMINISTRATIVE HANDLING MEASURES

Article 97. Compilation of dossier proposing to apply measure of education at communes, wards, district towns

1. The commune-level police chiefs of place where the violators are subjects specified in Article 90 of this Law are resident or place where they have acts violating law, shall decide on application of measure of education at communes, wards or district townships on their own or at the request of The commune-level Fatherland Front Committee presidents or representatives of agencies, organizations, residential units at grassroots.

2. In case the violators are directly detected, investigated, handled by district Police agencies or provincial Police in cases of violating law, but not liable to criminal prosecutions and in subjects specified in Article 90 of this Law, the Police agencies

3. Application dossier comprises curriculum vitae, the documents on law offenses committed by such person, medical record (if any), statement of violator and other related documents.

For minors who are considered to apply measure of education at communes, wards, district towns, the dossier must have remarks of schools, agencies, organizations where minors studying, working (if any), comments of his/her parents or guardian.

4. After finishing the application dossier specified in clauses 1,2 and 3 of this Article, agencies have made dossiers must send them to commune-level the Presidents of the People's Committee, and notify to person subject to such application. For minors, compilation of such dossiers shall be notified to his/her parents or guardian. These persons are entitled to read dossier and take necessary content record within 05 days, after receiving notification.

Article 98. Decision on application of measure of education at communes, wards, district towns

1. Within 15 days, after receiving dossier proposing for application of measure of education at communes, wards, district towns, the commune-level Presidents of the People's Committee assign civil status-judicial officer to examine dossier and organize a consulting meeting.

The commune-level President of the People's Committee shall assume the prime responsibility for the consulting meeting with participation of chieft of commune-level police officer, civil status-judicial officer, the representatives of Fatherland Front Committee and some relevant social organizations at same level, local residents. The person subject to application of measure of education at communes, wards, district towns and his/her parents or guardian must be invited to take part in the meeting and express their opinions on measure application.

2. Within 03 days, after ending the consulting meeting specified in clause 1 of this Article, the commune-level Presidents of the People's Committee shall consider to decide application of measure of education at communes, wards, and district towns. Depending on each subjects, the commune-level Presidents of the People's Committee shall decide on handing the persons need be educated to agencies, organizations, their family for management and education; in case subjects have no stable residence, the social relief establishments or children assistance establishments shall be handed for management and education.

3. Decision on application of measure on education at communes, wards, district towns must clearly state the dates of issuance; the full name and positions of the decision issuers; the full names, date of birth and residence of the persons subject to education , the acts of law violation committed by such persons; clauses of legal documents to be applied, places where the violations are committed; the time limits for application, the date of execution; duties of agencies, organizations,family handed for education, management of persons subject to education ; rights to complaint, initiate lawsuits as prescribed by law.

4. The decision on application of measure of education at communes, wards, district towns shall take effect since day of signing and must be immediately sent to the persons subject to education , his/her family, the commune-level People's Council and relevant agencies, organizations.

5. Dossiers of application of measure of Education at communes, wards, district towns must be filled in book of records and archived as prescribed by law on archive.

Article 99. Compilation of dossier proposing for application of measure sending to reformatories

1. Compilation of dossier proposing for application of measure sending to reformatories with respect to subjects specified in Article 92 of this Law shall be performed as follows:

a) For violators being minors with stable residence, the commune-level president of People's Committee where such persons being resident, shall compile dossier proposing for application of measure sending to reformatories.

The proposal dossier comprises curriculum vitae, the documents on law offenses committed by violator, education measures have been applied; statement of violator, comments of his/her parents or legal representatives, comments of school, agency, organization where the minor studying or working (if any) and other related documents;

b) For violators being minors without stable residence, the commune-level president of People's Committee where such persons committing acts violating law, shall compile dossier proposing for application of measure sending to reformatories.

The proposal dossier comprises record of offenses; curriculum vitae; documents on law offenses committed by violator, the extracts of previous judgments, previous incidents; education measures have been applied (if any); statement of violator, comments of his/her parents or legal representatives;

c) The commune-level police office shall help the President of the People's Committee at same level to collect documents and compile the proposing dossier specified in point a and point b clause 1 of this Article.

2. In case the violator being minor who is directly detected, investigated, handled by district or provincial-level Police in cases of violating law, but not liable to criminal prosecutions and in subjects specified sending to reformatories as prescribed in Article 92 of this Law, the Police agency handling cases shall verify, gather documents and compile dossier proposing for application of measure sending to reformatories with respect to such person.

The proposal dossier comprises curriculum vitae; documents on law offenses committed by violator, education measures have been applied, statement of violator, comments of his/her parents or legal representatives;

3. After finishing the proposing dossier compilation specified in clauses 1 and 2 of this Article, agencies have made dossiers must notify to person being proposed for application, his/her parents or legal representatives about dossier compilation. These persons are entitled to read dossier and take necessary content record within 05 days, after receiving notification. After the applied person, his/her parents or legal representatives have read dossier, dossier shall be sent to the head of district-level Justice division.

Within 05 days, after receiving dossier, the head of district-level Justice Division shall examine legality of dossier and send it to the police head at same level.

Article 100. Consideration, decision for transferring dossier and proposing the district-level People's Court for application of measure sending to reformatories

1. Within 07 days, after receiving dossier specified in Article 99 of this Law, the district-level Police head shall consider and decide on transferring dossier to suggest the district-level People's Court to apply measure sending to reformatories; if dossier is not sufficient, it shall be re-transferred to agency having compiled to continue gathering documents for supplement of dossier.

2. The dossier proposing the district-level People's Court for consideration and decision on application of measure sending to reformatories comprises:

a) Dossier proposing for application of measure sending to reformatories specified in Article 99 of this Law;

b) A written document of the district-level Police head on proposing for consideration on application of measure sending to reformatories.

3. Dossiers proposing application of measure sending to reformatories must be filled in book of records and archived as prescribed by law on archive.

Article 101. Compilation of dossier proposing application of measure sending to compulsory education establishments

1. Compilation of dossier proposing for application of measure sending to compulsory education establishments with respect to subjects specified in Article 94 of this Law shall be performed as follows:

a) For violators with stable residence, the commune-level president of People's Committee where such persons being resident, shall compile dossier proposing for application of measure sending to compulsory education establishment.

The proposal dossier comprises curriculum vitae; documents on law offenses committed by violator, education measures have been applied, statement of violator or his/her legal representatives and other related documents;

b) For persons who are not resident in place acts of law violation have been committed, the commune-level President of the People's Committee must verify; if residence is defined, such persons shall be transfer enclosed with violation record to his/her local for handling; if residence is not defined, such persons shall be compiled dossier proposing application of measure sending to compulsory education establishment.

The proposal dossier comprises record of offenses; curriculum vitae; documents on law offenses committed by violator, the extracts of previous judgments, previous incidents; education measures have beed applied (if any); statement of violator or his/her legal representatives;

c) The commune-level police office shall help the President of the People's Committee at same level to gather documents and compile the proposing dossier specified in point a and point b clause 1 of this Article.

2. In case the violator being directly detected, investigated, handled by district or provincial-level Police in cases of violating law, but not liable to criminal prosecutions and in subjects spending to compulsory education establishments as prescribed in Article 94 of this Law, the Police agency handling cases shall verify, gather documents and compile dossier proposing for application of measure sending to compulsory education establishments with respect to such person.

The proposal dossier comprises curriculum vitae; documents on law offenses committed by violator, education measures have been applied, statement of violator or his/her legal representatives;

3. After finishing the proposing-dossier compilation specified in clauses 1 and 2 of this Article, agency has made dossiers must notify to person being proposed for application or legal representatives about dossier compilation. These persons are entitled to read dossier and take necessary content record within 05 days, after receiving notification. After the apllied persons or their representatives have read dossier, dossier shall be send to the head of district-level Justice division.

Within 05 days, after receiving dossier, the head of district-level Justice Division shall examine legality of dossier and send it to the police head at same level.

Article 102. Consideration, decision for transferring dossier and proposing the district-level People's Court for application of measure sending to compulsory education establishments

1. Within 07 days, after receiving dossier specified in Article 101 and 118 of this Law, the district-level Police head shall decide on transferring dossier to suggest the district-level People's Court to apply measure sending to compulsory education establishment; if dossier is not sufficient, it shall be re-transferred to agency having compiled to continue gathering documents for supplement of dossier.

2. The dossier proposing the district-level People's Court for consideration and decision on application of measure sending to compulsory education establishments comprises:

a) Dossier proposing for application of measure sending to compulsory education establishments specified in Article 101 and 118 of this Law;

b) A written document of the district-level Police head on proposing for consideration on application of measure sending to compulsory education establishment.

3. Dossiers proposing application of measure sending to compulsory education establishments must be filled in book of records and archived as prescribed by law on archive.

Article 103. Compilation of dossier proposing application of measure sending to compulsory detoxification establishments

1. Compilation of dossier proposing for application of measure sending to compulsory detoxification establishments with respect to drug addicts specified in Article 96 of this Law shall be performed as follows:

a) For drug addicts with stable residence, the commune-level president of People's Committee where such persons being resident, shall compile dossier proposing for application of measure sending to compulsory detoxification establishment.

The proposal dossier comprises curriculum vitae; documents proving the current drug addiction of such person, documents proving such person have been applied measure of education at communes, wards, district towns on act of drug addiction, statement of the violator or legal representatives and other related documents;

b) For drug addicts who are not resident in place acts of law violation have been committed by them, the commune-level President of People's Committee must verify; if residence is defined, such persons shall be transfer enclosed with violation record to his/her local for handling; if residence is not defined, such persons shall be compiled dossier proposing application of measure sending to compulsory detoxification establishment.

The proposal dossier comprises violation record, curriculum vitae; documents proving the current drug addiction of such person, documents proving such person have been applied measure of education at communes, wards, district towns on act of drug addiction, statement of the drug addicts;

c) The commune-level police office shall help the President of the People's Committee at same level to gather documents and compile the proposing dossier specified in clause 1 and clause 2 of this Article.

2. In case the violating drug addicts who is directly detected, investigated, handled by district or provincial-level Police in cases of violating law, are subjects sending to compulsory detoxification establishments as prescribed in Article 96 of this Law, the Police agency handling cases shall verify, gather documents and compile dossier proposing for application of measure sending to compulsory detoxification establishments with respect to such person.

The proposal dossier comprises curriculum vitae; documents proving the current drug addiction of such person, documents proving such person have been applied measure of education at communes, wards, district towns on act of drug addiction, statement of the violator or legal representatives;

3. After finishing the proposing-dossier compilation specified in clauses 1 and 2 of this Article, agency has made dossiers must notify to person being proposed for application or his/her legal representatives about dossier compilation. These persons are entitled to read dossier and take necessary content record within 05 days, after receiving notification. After the applied person or his/her legal representatives have read dossier, dossier shall be sent to the head of district-level Justice division.

Within 05 days, after receiving dossier, the head of district-level Justice Division shall examine legality of dossier and send it to the head of Labour, War Invalids and Social Affairs division at same level.

Article 104. Consideration, decision for transferring dossier and proposing the district-level People's Court for application of measure sending to compulsory detoxification establishments

1. Within 07 days, after receiving dossier specified in Article 103 of this Law, the head of Labour, War Invalids and Social Affairs division shall decide on transferring dossier to suggest the district-level People's Court to apply measure sending to compulsory detoxification establishment; if dossier is not sufficient, it shall be re-turned to agency having compiled to continue gathering documents for supplement of dossier.

2. The dossier proposing the district-level People's Court for consideration and decision on application of measure sending to compulsory detoxification establishments comprises:

a) Dossier proposing for application of measure sending to compulsory detoxification establishments specified in Article 103 of this Law;

b) A written document of the head of Labour, War Invalids and Social Affairs division on proposing for consideration on application of measure sending to compulsory detoxification establishment.

3. Dossiers proposing application of measure sending to compulsory detoxification establishments must be filled in book of records and archived as prescribed by law on archive.

Chapter III

AUTHORITIES, PROCEDURES FOR CONSIDERATION, DECISION ON APPLICATION OF ADMINISTRATIVE HANDLING MEASURES

Article 105. Authorities for decision on application of administrative handling measures

1. The Presidents of commune-level People's Committee have authorities for decision on application of measure of education at communes, wards, district towns.

2. The district-level People's Courts have authorities for decision on application of measure sending to reformatories, sending to compulsory education establishment, sending to compulsory detoxification establishment.

Article 106. Orders of, procedures for consideration, decision on application of administrative handling measures

The National Assembly Standing Committee shall prescribe order of and procedures for People's Courts in consideration and decision on application of measure sending to reformatories, sending to compulsory education establishment, sending to compulsory detoxification establishment.

Chapter IV

EXECUTION OF DECISION ON APPLICATION OF ADMINISTRATIVE HANDLING MEASURES

Article 107. Sending decision on application of measure sending to reformatories, sending to compulsory education establishments and sending to compulsory detoxification establishments for execution

Within 03 days, since the decision on application of administrative handling measure takes effect, People's Court having issued decision must send to the applied person, the district-level police head and head of district-level Labour, War Invalids and Social Affairs division where sending dossier proposing for application of administrative handling measure, the commune-level People's Committee where such person resideand relevant agencies for implementation as prescribed by law; decision on application of measure sending to reformatories is sent to his/her parents or legal representatives.

Article 108. The statute of limitations for execution of decision on application of administrative handling measures

1. Decision on application of measure of education at communes, wards, district towns and decision on application of measure sending to reformatories are expired after 06 months, since decisions take effect.

2. Decisions on application of measure sending to compulsory eductational establishments and decisions on application of measure sending to compulsory detoxification establishments are expired after 01 year, since decisions take effect.

3. In case person having to execute decision deliberately evade execution, statute of limitations specified in clause 1 and clause 2 of this Article shall be calculated since act of evasion is terminated.

Article 109. Execution of decision on application of measure of education at communes, wards, district towns

1. After receiving decision on application of measure of education at communes, wards, district towns, agencies, organizations being handed education, management shall:

a) To organize implementation of measure of education at communes, wards, district towns with respect to the educted person;

b) To assign a person to directly help the persons subject to education ;

c) To fill in monitoring boor and periodically report to the President of commune-level People's Committee on implementation of decision on education at communes, wards, district towns;

d) To help, encourage the persons subject to education , and propose to the commune-level People's Committee for facilitating for them to find employments.

2. The person assigned to help must have plans on management, education and assistance for educted perdon and be enjoyed supportive budget for management, education and assistance as prescribed by law.

3. The persons subject to education must commit in writing on servicing decision on education at communes, wards, district towns;

4. Families of persons subject to education are responsible for strict coordination with person assigned to help in managing and educating the persons subject to education.

Article 110. Execution of decisions on sending to reformatories, decisions on sending to compulsory education establishments, decisions on sending to compulsory detoxification establishments

1. Within 05 days, after receiving decisions on sending to reformatories, decisions on sending to compulsory education establishments or decisions on sending to compulsory detoxification establishments, agencies having sent dossier shall organize implementation as follows:

a) The district-level police handing person must service decision on sending to reformatories, compulsory education establishments;

b) The Labour, War Invalids and Social Affairs division coordinate with district Police handing person to serve decision on sending to compulsory detoxification establishments.

2. The time limit of execution of decisions is calculated as from the day of the person who must obey decision is impounded for sending to reformatories, compulsory educational establishments, or compulsory detoxification establishments.

3. The Government shall prescribe in details implementation of decisions on sending to reformatories, decisions on sending to compulsory educational establishments, decisions on sending to compulsory detoxification establishments.

Article 111. Delaying or exemption of execution of decision on sending to reformatories, compulsory education establishments, compulsory detoxification establishments

1. The persons who must execute decision but have not sent to reformatories, compulsory educational establishments, compulsory detoxification establishments, may be delayed execution of decisions in the following cases:

a) Being seriously sick with certificate of hospital;

b) The family is meeting special difficulties and certified by president of commune-level People's Committee where such person reside.

When condition for delaying execution of decision no longer exist, the decisions shall continue to be executed.

2. The persons who must execute decision but have not sent to reformatories, compulsory educational establishments, compulsory detoxification establishments, may be exempted for execution of decisions in the following cases:

a) Getting dangerous sick with certificate of hospital;

b) In period of delaying execution of decision specified in clause 1 of this Article, that person has marked progress in execution of law or record merits or no longer addicted drug;

c) Being pregnant with certificate of hospital;

3. The district-level People's Courts having issued decision on application of measure sending to reformatories, sending to compulsory education establishments, sending to compulsory detoxification establishments shall consider, decide on delaying or exemption of execution on the basis of application of the person who must execute decision or his/her legal representatives; in necessary case, shall request agency having sent proposing dossier for opinion before deciding.

Decision on exemption or delaying execution must be sent to the agency implementing decision, the person who must execute decision; in case minors being delayed, exempted execution of decision on sending to reformatories, the decision must be sent to his/her parents or legal representatives.

Article 112. Reduction of time limit for, temporary suspension of, or exemption from, serving the remaining duration in reformatories, compulsory educational establishments, compulsory detoxification establishments

1. Persons who are serving decisions at reformatories, compulsory educational establishments, compulsory detoxification establishments 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, compulsory educational establishments, compulsory detoxification establishments 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 three months or more, such persons must continue to serve the decisions at the establishments; if in time of temporary suspension, such person has marked progress or record merits, shall be considered for exemption from serving the remaining duration. Persons getting dangerous diseases and pregnant women are exempt from serving the remaining duration.

3. The district-level People's Court where having reformatories, compulsory educational establishments, compulsory detoxification establishments decide reduction of time limit of, temporary suspension of, or exemption from serving specified in clause 1 and clause 2 of this Article on the basis of proposal of principals of the reformatories, directors of compulsory educational establishments, directors of compulsory detoxification establishments.

Decision on temporary suspension of or exemption from serving decision on application of measure sending to reformatories, sending to compulsory education establishments, sending to compulsory detoxification establishments shall be sent to People's Court where issuing decision, agency having sent the proposing dossier, commune-level People's Committee where such person reside, reformatories, compulsory education establishments, compulsory detoxification establishments, person who being temporarily suspended or exempted and his/her family.

4. Subjects being serious sick, getting dangerous sick and fail to define his/her residence in case being temporarily suspended execution of decision or exempted from execution of remaining duration specified in clause 2 of this Article, shall be send back local medical establishments where reformatories, compulsory education establishments, compulsory detoxification establishments placing headquarters.

Article 113. Managing persons who are delayed or temporarily suspended execution of decision on application of measure sending to reformatories, sending to compulsory education establishment or sending to compulsory detoxification establishment

1. Persons who are delayed or temporarily suspended execution of decision on application of measure sending to reformatories, sending to compulsory education establishments or sending to compulsory detoxification establishments have responsibitity for presenting to the commune-level People's Committee where they reside.

2. In time being delayed or temporarily suspended execution of decision on sending to reformatories, sending to compulsory education establishments, if such person continue committing acts of law violation which have been handled or there are grounds for presuming that such person flee, the district-level People's Court having issued decision on delaying or temporarily suspended shall cancel such decision and issue decision on compulsory execution of the decision on sending to reformatories, decision on sending to compulsory education establishments.

In time being delayed or temporarily suspended execution of decision on sending to compulsory detoxification establishments, if such person continue using drug or there are grounds for presuming that such person flee, the district-level People's Court having issued decision on delaying or temporarily suspended shall cancel such decision and issue decision on compulsory execution of decision on sending to compulsory detoxification establishments.

3. Decisions on compulsorily executing decision on sending to reformatories, sending to compulsory education establishments or sending to compulsory detoxification establishments

and sending to compulsory detoxification establishments shall be sent to police agency at same level in local where the People's Court has been issued decision. Rightly after receiving decision, the police agency must organize excorting subjects.

Article 114. Expiring time limit for execution of decision on application of administrative handling measures

1. When an violator have executed decision on education at communes, wards, district towns, the commune-level president People's Committee shall issue a certificate for such person and send a copy to his/her family.

2. When an violator have executed decision on sending to reformatories, sending to compulsory education establishments, sending to compulsory detoxification establishments, the principal of reformatory, director of compulsory education establishments, director of compulsory detoxification establishments shall issue a certificate for such person and send a copy to his/her family, the district-level People's Court where having issued decision, agency managing reformatories, compulsory education establishments, compulsory detoxification establishments, commune-level People's Committee where such person resides.

3. If the subject who fails to define residence is minor or ill without labor ability, after expiring time limit for execution of measure on sending to reformatories, sending to compulsory education establishments, sending to compulsory detoxification establishments shall be sent to social relief establishments in localities where reformatories, compulsory education establishments, compulsory detoxification establishments set headquater.

Chapter V

OTHER PROVISIONS RELATING TO APPLICATION OF ADMINISTRATIVE HANDLING MEASURES

Article 115. Temporarily taking person who is executing measure sending to reformatories, sending to compulsory education establishment or sending to compulsory detoxification establishment out of the execution place of administrative handling measures at the request of criminal proceedings agencies

1. At the request of competent criminal proceedings agencies, principal of reformatory, director of compulsory education establishment, director of compulsory detoxification establishment decide on temporarily taking person who is executing administrative handling measures out of the execution place of such measures in order to take part in legal proceedings in lawsuits related to such person.

2. The temporary duration of taking out of the place executing administrative handling measures shall be counted in the time limit of executing such measure.

Article 116. Transfering dossiers of subjects be subject to the application of other administrative handling measures with criminal signs for criminal prosecution

1. When considering dossier of subjects to decide application of administrative handling measures, if deem acts of violations committed by such person with criminal signs, the competent persons must immediately transfer dossier to the competent criminal proceedings agencies.

2. For cases having issued decision on application of administrative handling measures, if after that, detecting acts of violations committed by the persons subject to application with criminal signs, and statute of limitations of criminal prosecution is not expired, the President of the People's Committee or People's Court having issued decision on application of administrative handling measures must cancel such decision and within 03 days, as from the day of canceling decision, dossier of subject must be transfer to the competent criminal proceedings agencies.

Where the imprisonment sentence was imposed by courts, the duration of serving the measures of sending to reformatories, compulsory education establishments or compulsory detoxification establishments shall be counted into the duration of serving the imprisonment penalty. 1.5 days of serving the measure of sending to reformatories, compulsory education establishments or compulsory detoxification establishments are calculated as equal to 01 day of serving the imprisonment sentence

Article 117. Prosecution 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 commune-level president of People's commitee where executing measures of education at communes, wards, district towns or principals of reformatories, directors of compulsory education establishments, directors of compulsory detoxification 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 118. Handling cases where a person is subject to both the sending into an compulsory education establishment and the sending into a compulsory detoxification establishment

1. In cases where a person has committed law violation acts, being subject to the sending into compulsory education establishment and also to compulsory detoxification establishment, the competent body shall only apply the measure of sending him/her into a compulsory detoxification establishment.

2. A drug addict who is classified as a dangerous gangster shall be confined to a compulsory educational establishment. The compulsory education establishment shall also help detoxify drug addicts.

3. In the period of detoxification and rehabilitation, lf persons who are staying in a compulsory detoxification establishment commit acts in violation of provisions in Article 94 of this Law, they shall be confined to an educational establishment.

Directors of compulsory detoxification establishments shall compile dossiers of proposal to confine to a compulsory educational establishment for persons who commit acts specified in paragraph 1 of this clause on the basis of their existing dossiers and records of new acts of violations and send them to district-level Police head where has compulsory educational

establishment. The district-level Police head shall take opinion of head of Justice Division about legality of dossier before considering and sending dossier proposing People's Court where having the compulsory detoxification establishment for decision on application of measure sendng to compulsory detoxification establishment

The procedures for consideration and application of measure sending to the compulsory educational establishment for this subject shall comply with regulation of law.

The forth part

THE MEASURES TO PREVENT ADMINISTRATIVE VIOLATIONS AND ENSURE THE HANDLING THEREOF

Chapter I

GENERAL PROVISION ON THE MEASURES TO PREVENT ADMINISTRATIVE VIOLATIONS AND ENSURE THE HANDLING THEREOF

Article 119. The measures to prevent administrative violations and ensure the handling thereof

In case need timely prevent administrative violations or in order to ensure the handling of administrative violations, the competent persons may apply the following measures according to administrative procedures:

1. Custody of involved persons;

2. Escorting the violator;

3. Custody of material evidences and/or means of the administrative violations, permits, or professional practice certificates;

4. Body search;

5. Inspection of transport means and objects;

6. Search of places where material evidences and/or means of administrative violations are hidden;

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

8. Assigning family, organization to manage the person who is proposed to apply the administrative handling measures while the procedures for application of administrative handling measures are carried out;

9. Hunting for subjects who have to serve decisions on sending to reformatories, compulsory education establishments or compulsory detoxification establishments if they escape.

Article 120. The application principles of measures to prevent administrative violations and ensure the handling thereof

1. When applying measures to prevent administrative violations and ensure the handling thereof, the competent persons must strictly obey by provisions on artices from 120 to 132 of this Law, if violating, they shall be handled as prescribed by law.

2. Just applying measures to prevent administrative violations and ensure the handling thereof in necessary cases as prescribed in Chapter II of this part.

3. The person who issuring decision on applying measures to prevent administrative violations and ensure the handling thereof, must be responsible for his/her decision.

4. Using weapon, supporting tools in application of measures to prevent administrative violations and ensure the handling thereof, must be comply with provisions of law.

Article 121. The cancellation or replacement of measures to prevent administrative violations and ensure the handling thereof

1. In case application of measures to prevent administrative violations and ensure the handling thereof is not conformable to purpose and application condition as prescribed by this Law, the decision on application of such measure must be cancelled.

2. The persons who have authority to decide application of measures to prevent administrative violations and ensure the handling thereof shall decide cancellation of measures to prevent administrative violations when such measures are not neccesary or replace them by other an other measures to prevent administrative violations.

Chapter II

THE AUTHORITIES OF AND PROCEDURES FOR APPLICATION OF MEASURES TO PREVENT ADMINISTRATIVE VIOLATIONS AND ENSURE THE HANDLING THEREOF

Article 122. Custody of involved persons according to administrative procedures

1. Custody of involved persons according to administrative procedures is just applied in cases need prevent, stop immediately acts causing public disturbance, causing injury to other persons.

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, each with one copy thereof.

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

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 starting time of custody of the violators;

For the person who be kept on airplane or ship must transfer immediately to competent agencies when the airplane landed airport or ship arrived port.

4. At the request of person in custody, the person issuing decision on custody must notify to his/her family, organization where working or studying there of. In case custody of minors committed administrative violations atnoght or custody over 06 hours, the person issuing decision on custody must notify immediately to their parents or guardian thereof.

5. The places used for custody person according to administrative procedures are administrative custody house or room which is arranged in headoffice of agencies, units where working of person having authority for issuance of decision on custody of administrative violation persons.

If there is no administrative custody house or room, custody places may be watchkeeping rooms or other rooms in working place, but must ensure general provisions.

Agencies with function of preventing law violations which must regularly keep persons committed administrative violations in custody need arrange, design and build the administrative custody houses or private rooms, which need have separate custody places for minors, woman or foreigners and must have specialized officers to manage and protect.

For airplanes, ships, trains which have left out airports, harbors, stations, depending on specific condition and subjects committed violations, the commanders of airplanes, captains, heads of train shall decide the custody places and assign person to be in charge of custody.

6. To strictly prohibite custody of persons committed administrative violations in criminal custody rooms, detaining rooms or places not ensure hygien, safety for the person subject to custody.

7. The Government shall prescribe custody of involved persons according to administrative procedures.

Article 123. Authorities of custody of involved persons according to administrative procedures

1. In cases a person has acts causing public disturbance, causing injury to other persons specified in clause 1 Article 122 of this Law, the following persons have right to decide custody of involved persons according to administrative procedures.

a) Presidents of commune-level People's Committee, ward police heads;

b) District Police Heads;

c) The heads of the Police Bureaus for Administrative Management of Social Order, heads of the Police Bureaus for order, heads of the Police Bureaus for traffic in roadway, railway, heads of the Police Bureaus for waterway, heads of the Police Bureaus for Investigating Drug-related Crimes, heads of Exit and Entry Management Bureaus under provincial-level Police Department; heads of the Police Bureaus for Criminal-Judgment Execution and Justice Support, heads of the Police Bureaus for Prevention and Combat of Environmental Crimes;

d) Heads of Mobile Police units of the company or higher level, heads of the Police Stations at border gates;

dd) The heads of the Ranger units, leaders of the Mobile Ranger teams;

e) 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 port border-gate, 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, regional commnaders of coast guard;

k) Airplane or ship captains or heads of trains when airplanes or ships leave airports or sea ports, stations;

l) The judges chairing the court sessions.

2. The persons competent to custody of involved persons specified from a to i clause 1 of this Article may delegate for their deputies. The delegating is just performed when the leaders being absent and must be presented in writing, in which clearly defining the delegated scope, content, time limit. The deputies being delegated must be responsible for their decisions before the leaders and before the law. The delegated persons are not allowed to further delegate or authorize for any other individual.

Article 124. Escorting the violators

1. If the violators not voluntarily observe the request of competent persons, they shall be escorted in the following cases:

a) Being subject to custody of involved persons according to administrative procedures;

b) Sending back to reformatories, compulsory education establishments, compulsory detoxification establishments as prescribed in clause 2, Article 132 of this Law.

2. The competent persons on duty implement escorting the violators.

3. The Government provides in details escorting the violators.

Article 125. Custody of material evidences and/or means of the administrative violations, permits, professional practice certificates according to administrative procedures

1. The custody of material evidences and/or means of the administrative violations, permits, and professional practice certificates according to administrative procedures are applied just in the following realy necessary cases:

a) In order to certify facts which if not custody, there shall be not base to issue sanctioning decision. In case custody for evaluate material evidences of the administrative violations serve as basic to define the fine bracket, the authority to impose sanctions, provisions of clause 3, article 60 of this Law shall be applied;

b) In order to prevent immediately acts of administrative violations which if not custody, may cause serious consequences for society;

c) In order to ensure execution of decisions sanctioning administrative violation as prescribed in clause 6 of this Article.

2. The custody of material evidences and/or means of the administrative violations specified in clause 1 of this Article must be terminated right after verifying facts as the basis for deciding sanction, the violation acts no longer cause danger for society or the sanctioning decision is executed.

In case being allow to pay fines for many times as prescribed in Article 79 of this Law, after paying fines for first time, the violator may be receive material evidences and/or means of the administrative violations subject to custody.

3. The persons competent to apply sanctions forms of custody of material evidences and/or means of administrative violations as prescribed in Chapter II, the second Part of this Law shall have authority to custody of material evidences and/or means used for administrative violations.

4. In cases there are grounds to assume that if not custody immediately, material evidences and/or means of administrative violations may be dispersed, destroyed, the direct heads of people's police officers, police members of the Coast Guard, the Border guard combatants, ranger officers, customer officials, market controllers who are on official duty must perform immediately custody of material evidences and/or means of administrative violations. Within 24 hours, after making records, the record makers must report to their heads who are persons competent to custody of material evidences and/or means of administrative violations specified in clause 1 of this Article, in order to consider and issue decision on custody; for cases material evidences are perishable goods, the persons who are temporarily keeping goods must report immediately to their heads for settlement, if let goods be spoiled or lost, they must pay compensation as prescribed by law. If not issuing decision on custody, material evidences and/or means of administrative violations subject to custody must be repay back immediately.

5. The persons who issuing decision on custody of material evidences and means of administrative violations, shall preserve such material evidences and means of administrative violations. In case material evidences and means of administrative violations are lost, sold, swapped or faulted, their components are lost, replaced, the person who issuing decision on custody of material evidences and means of administrative violations, must have responsibility for paying compensation and handled as prescribed by law.

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 administrations' representatives and the witnesses.

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.

6. Where the sanctioning form of fine is applied only to violating individuals or organizations, the persons with sanctioning competence may temporarily seize one of papers of kinds under order as follows: the driving licenses or permits for circulation of means or other necessary relevant papers related to material evidences and/or means of violations 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, except for case specified in clause 10 of this Article.

7. The individuals, organizations violating administrative violations in cases subject to application of forms of sanctions of depriving the right to use permits, professional practice certificates may be temporarily seized permits, professional practice certificates in order to ensure execution of sanctioning decision. The temporarily seizing permits, professional practice certificates while issuing decision not influence the use right of permits, professional practice certificates of such individuals, organizations.

8. The time limit of temporarily seizing material evidences and/or means of violations, permits, or professional practice certificates is 07 days, after day of temporarily seizing. The time limit of temporarily seizing may be prolonged for cases with complex facts, need verify but not exceeding 30 days, as from the days of temporarily seizing material evidences, permits, professional practice certificates.

For cases specified in paragraph 2, clause 1, Article 66 of this Law, which need have more time to certify, the competent persons solving cases must report to their direct heads in writing in order to request for extension of temporary seize; the extension must presented in writing, time limit of extension not exceeding 30 days.

The time limit of temporarily seizing material evidences and/or means of violations, permits, professional practice certificates is calculated from time point when material evidences and/or means of violations, permits, professional practice certificates are temporarily seized in reality.

The time limit of temporarily seizing material evidences and/or means of violations, permits, professional practice certificates not exceeding time limit of issuing decision on sanctioning administrative violations specified in Article 66 of this Law, except from case specified in point c, clause 1 of this Article.

9. All cases of temporarily seizing material evidences and/or means of violations, permits, or professional practice certificates must be make records. In records must indicate name, quantity, kinds, condition of temporarily-seized material evidences and/or means and must have signatures of the person issuing decision on custody, of violators; if it fails to define violators, the violators are absent or do not sign, there must be signatures of 02 witnesses. The record must be made into 02 copies, the person competent to custody keeps 01 copy, the violator keeps 01 copy.

10. For means of transport which have caused administrative violations in cases being seixed in order to ensure execution of decision on sanctioning administrative violations, if the violating organizations, individuals have clear address, have condition of yard-storage for preserving means or financial ability to pay guarantee amounts, they may allow to keep the means of violations under management of the competent state agencies.

The Government shall prescribe in details this clause.

Article 126. The handling of temporarily seized material evidences and/or means, permits, professional practice certificates according to administrative procedures

1. The person issuing decision on temporarily custody must handle the seaized material evidences and/or means, permits, professional practice certificates under record indicated in the sactioning decision or repay for individuals, organizations if the sanctioning form of confiscating the custody material evidences and/or means, the sanctioning form of stripping off the right to use permits, professional practice certificates are not applied.

For material evidences and/or means being seized are appropriated, illegally used for administrative violations in cases being confiscated, they shall be returned for their owners, managers or legal users. In this case, the violating individuals, organizations must pay an amount equivalent to value of violation material evidences and/or means into the State budget.

If the owners, managers, or legal users have intentional fault in using material evidences and/or means of the violators as prescribed in Article 26 of this Law, such material evidences and/or means shall be confiscated in order to remit to the State budget.

2. For temporarily seized material evidences and/or means, permits, professional practice certificates in order to ensure execution of sanctioning decision according to clause 6 Article 125 of this Law, they must be retured for the sanctioned person after finished execution of sanctioning decision.

3. For material evidences of administrative violations are perishable goods, products, the person issung decision on temporarily seizing must immediately sell under market price and the sale must be made in record. The collected amounts must be sent to a temporarily-deposit account at State Treasuries. If after that, under decision of competent persons, such material evidences are confiscated, the collected amounts must be remitted into the State budget, if such material evidences are not confiscated, the collected amounts must be returned to the owners, managers, or legal users.

4. For material evidences, means of administrative violations which have been over time limit of temporarily seizing, if the violator does not come to receive them and has no ligetimated reason or case of failing to define the violator, the person issuing decision on temporarily seizing must notify on means of mass media and list public at headquater of agency of the person competent to seizing; within 30 days, after notifying, and public listing, if the violators does not come to receive, the competent person must issue decision on confiscating material evidences, means of administrative violations for handling as prescribed in Article 82 of this Law.

5. For material evidences, means of administrative violations which are goods, products causing harmful for human health, domestic animals, plants and environment, or are harmful cultural products, they must be destroyed as prescribed in Article 33 of this Law.

6. For narcotics and objects of types banned from circulation, they shall be confiscated or destroyed as prescribed in Article 33 and Article 82 of this Law.

7. The person having impulsorily-seized material evidences, means of administrative violations must pay onle expenses for warehousing, yard-storage and preservation of material evidences and means of administrative violations and other expenses in duration of temporaily seizing material evidences, means of administrative violations as prescribed in clause 8, Article 125 of this Law.

Not collecting charges of warehousing, yard-storage and preservation expenses in duration of temporaily seizing material evidences, means of administrative violations if the owners of material evidences, means have no fault in administrative violations or when applying measure of confiscating material evidences, means.

The Government prescribed in details about charge levels of impulsorily-seizing material evidences, means specified in Article 125 of this Law.

Article 127. The body search according to administrative procedures

1. The body search according to administrative procedures may be implemented only when having grounds for presuming that the person hiding objects, documents, means used in order to commit acts of administrative violation in his/her body.

2. The persons specified in clause 1, Article 123 of this Law have right to decide the body search according to administrative procedures.

In case there are grounds in order to assume that if not immediately perform search, objects, documents, means used in order to commit administrative violations shall be dispersed, destroyed, beside of persons specified in clause 1, Article 123 of this Law, people’s police officers, members of the CoastGuard operation teams, Border Guard combatants, ranger officers, customs officials, market controllers, who are on official duty, may implement the body search according to administrative procedures and immediately report in writing to their heads who are

one of persons specified in clause 1, Article 123 of this Law and must take responsibilities before law for the body search.

3. The body search must be decided in writing, unless it needs to immidiately search as prescribed ai paragraph 2, clause 2 of this Article.

4. Before implement the body search, the searching persons must notify of decision to the searched person. When implement the 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 128. 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 clause 1 Article 123 of this Law have rights to carry out the search of transport means and objects according to administrative procedures.

3. In case there are grounds in order to believe that if not immediately perform search, material evidences of administrative violations shall be dispersed, destroyed, beside of persons specified in clause 2 of this Article, people's police officers, members of the CoastGuard operation teams, Border Guard combatants, ranger officers, tax officials, market controllers, or inspectors, who are on official duty, may search transport means and objects according to administrative procedures and immediately report to their heads and must take responsibilities for the search.

4. The search of transport means and objects must be decided in writing, unless cases specified in clause 3 of this Article.

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 a witness; where the transport means and/or object owners or the transport means operators are absent, there must be two witnesses.

5. All cases of search of transport means and/or objects must be recorded in writing. The search decision and record must be handed to transport means and/or objects owners or the transport means operators, one copy each.

Article 129. 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 are hidden shall be carried out only when there are grounds to believe that hidden material evidences and/or means of administrative violations.

2. The persons specified in clause 1, Article 123 of this Law have right to decide search of places where material evidences and/or means of administrative violations are hidden; where such places are dwelling places, proposing the district-level People's Committee presidents for consideration and decision.

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 major members of their families and the witnesses. Where the place owners or major 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, or the search is being conducted and having not yet finished 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 affected under written decisions and must be recorded in writing. Such decisions and records on the search of places where material evidences and/or means of administrative violations are hidden must be handed to the place owners, one copy each.

Article 130. Management of foreigners who have violated Vietnamese laws during the time of carrying out the procedures for their expulsion

1. Management of foreigners who have violated Vietnamese laws during the time of carrying out the procedures for their expulsion shall be applied when there are grounds to believe that in not applying this measure, such persons may evade or obstruct the execution of decision on expulsion sanctioning or to prevent such persons continuing to commit acts of law violation.

2. The heads of Exit and Entry management agencies or the directors of principle-level Police departments where compiling dossier proposing expulsion shall issue decision on management of foreigners who have violated Vietnamese laws during the time of carrying out the procedures for their expulsion by the following measures:

a) To limit traveling of the persons subject to management;

b) To appoint dwelling places of the persons subject to management;

c) To temporarily seize passports or other personal papers replacing for passports.

3. The Government shall prescribe in details this clause.

Article 131. To assign family, organization to manage the person who is proposed for application of measure on administrative sanctioning during carrying out procedures for application of administrative handling measures

1. During carrying out procedures for consideration, decision on application of measures sending to the reformatories, sending to compulsory educational establishment, sending to compulsory detoxification establishments, the Presidents of the commune-level People's Committee where compiling dossier shall decide on assigning family or social organization to manage persons who committed acts of law violation being subjects of application of these measures.

2. The violating subjects with stable residence shall be assigned to their family for management; if there is no stable residence, subjects shall be assigned to social organizations for management.

3. The time limit of management is counted from making dossier untill the competent persons take subjects to go for application of administrative handling measures according to decision of the Courts.

4. The decision on assigning family or social organizations for management must clearly state: date of issuing decision; full name, title of the deciding person; full name, date of birth and residence of person assigned for management or name and address of social organization assigned for management; full name, date of birth, and residence of person being subject to management; reason, time limit, responsibilities of the person subject to management, responsibilities of the person or organization of management and responsibilities of the commune-level People's Committee where the subject residents; signature of person deciding on management assignment. This decision must be sent immediately to family or social organization where accept management, and the person being subject to management for implementation.

5. During management, the family or social organization which is assigned for management has the following responsibilities:

a) Not let the person being subject to management continuing law violations;

b) To ensure the presentation of the person being subject to management when having decsion on sending to reformatories, sending to compulsory educational establishments, or sending to compulsory detoxification establishments;

c) To timely report to the President of the commune-level People's Committee issuing decision on management assignment in case the person being subject to management flees or commits acts of law violation;

6. During management, the person being subject to management has the following responsibilities:

a) To strictly execute provisions of law on temporary residence, absence-from-residence. When leaving local area of commune, ward, town in order to stay in other local area, must notify to family, social organization assigned for management about address, duration of temporary residence at there;

b) To timely being present at headquarter of commune-level People's Committee as requested by the President of commune-level People's Committee.

7. During management, the President of commune-level People's Committee where managing subjects specified in clause 1 of this Article has the following responsibilities:

a) To notify to family, social organization being assigned for management and the person being subject to management about their rights and obligations during management;

b) To implement the measures to assist for family, social organization assigned for management in management, supervision of the person being subject to management at residence;

c) When being notified that the person being subject to management have fled from residence or have committed acts of law violation, the President of the commune-level People's Committee must immediately notify to the district-level police agency in order to have timely handling measures as prescribed by law.

8. The Government shall prescribe in details this clause.

Article 132. Hunting for subjects who have had decisions on sending to reformatories, compulsory education establishments or compulsory detoxification establishments in case they escape

1. In case persons who have had decisions on sending to reformatories, compulsory education establishments or compulsory detoxification establishments escape before being sent to reformatories or establichments, the dictrict-level police agencies where compiling dossier shall issue decision on hunting subjects.

2. In case persons who have served decisions in reformatories, compulsory education establishments or compulsory detoxification establishments escape, the principals of reformatories, directors of compulsory education establishments or directors of compulsory detoxification establishments shall issue decision on hunting subjects. The police agencies shall coordinate with reformatories, compulsory education establishments or compulsory detoxification establishments in hunting such subjects in order to bring back reformatories or establishments.

3. For persons having decision on sending to reformatories or serving decision at reformatories specified in clause 1 of this Article, if after finding, such persons have been enough 18 years old, the principals of reformatories shall suggest the district-level People's Court where having reformatories to consider, decide on application of measure sending to the compulsory education establishments if they are eligible to send to compulsory education establishments.

4. The period of fleeing shall not be counted in time limit of servicing decision on application of measures sending to reformatories, sending to compulsory education establishments or sending to compulsory detoxification establishments.

The fifth part

PROVISIONS FOR MINORS COMMITTING ACTS OF ADMINISTRATIVE VIOLATIONS

Chapter I

GENERAL PROVISIONS ON HANDLING ADMINISTRATIVE VIOLATIONS FOR MINORS

Article 133. The scope of application

The handling of minors committing acts of administrative violations is implemented under provisions of the fifth part and other related provisions of this Law.

Article 134. The principles of handling

Apart from principles on handlind administrative violations specified in Article 3 of this Law, the handling for minors shal apply additionally the following principles:

1. The handling of minors who have committed acts of administrative violations is implemented only in necessary cases aiming to educate, assist them to repair mistakes, develop healthily and become useful citizens of society.

In course of consideration for handling minors who have committed acts of administrative violations, the persons competent to handle administrative violations must ensure the best benefits for such minors. The measure sending to reformatories may be applied just when considering that there is no other handling measure is more suitable;

2. The handling of minors who have committed acts of administrative violations is also based on the awareness of minors on the dangerous-for-society nature of violating acts, reasons and

circumstances of violations in order to decide handling or application of measure on administrative handling in conformity;

3. The application of forms of sanctions, decision on sanctioning level for minors who have committed acts of administrative violations must be lower than majors committing same acts of violations.

In case of persons aged between full 14 years old and under 16 years old who commit administrative violations, not applying form of fines.

Persons aged between full 16 and under 18 who commit administrative violations are applied of the fine sanctioning form, the fine levels must not exceed half of the fine levels applicable to the majors; where they have no money to pay the fines or have no ability to implement remedial measures, their parents or guardians shall have to pay instead;

4. In course of handling minors who have committed acts of administrative violations, the personal secrets must be respected and protected.

5. The measures replacing the handling of administrative violations must be considered for application when having enough conditions specified in Chapter II of this Part. The application of measures replacing the handling of administrative violations shall not be considered as having been handled administrative violations.

Article 135. Application of forms of sanctions and remedial measures

1. The forms of sanctions applied for minors include:

a) Warnings;

b) Fines;

c) Confiscating material evidences and/or means of administrative violations.

2. The remedial measures applied for minors include:

a) Forcible restoration of the initial state;

b) Forcible application of measures to overcome the environmental pollution, epidemic spreads;

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

d) Forcible remittance of illegal revenues which obtaining from acts of violations or forcible remittance of amounts equal to value of material evidences and/or means which be illegally sold, dispersed, destroyed.

Article 136. Aplication of administrative handling measures

1. The measure of education at communes, wards, district towns is applied for minors committing acts of law violation as prescribed in Chapter I, the third part of this Law. The minors who are applied measure of education at communes, wards, district towns must be managed by their parents or guardians, if they have no stable residence, they must stay at social relief establishments or children-assistance establishments, they are entitled to go to school, or participate in learning programs or other vocational programs, participate in programs on consulting and developing life skills at the community.

2. The measure of sending to reformatories is applied for minors committing acts of law violation as prescribed in Chapter II, the third part of this Law.

Article 137. The time limit being considered as not yet handled administrative violations for minors

1. The minors shall be considered as not yet administratively sanctioned in within 06 months, after finishing execution of the sanctioning decision or as from the day of expiry of the statute of limitations of execution of sanctioning decision and they not repeat their violations.

2. The minors who being applied administrative handling measures, if within 01 year, as from the dat of finishing execution of handling decision or from the expiration of statute of limitations of execution of handling decision, they do not repeat their violation, they shall be considered as not yet applied administrative handling measures.

Chapter II

MEASURES REPLACED FOR THE HANDLING OF ADMINISTRATIVE VIOLATIONS FOR MINORS

Article 138. Measures replaced for handling of administrative violations

Measures replaced for the handling administrative violations for minors include:

1. Reminding;

2. Managing at home.

Article 139. Reminding

1. Reminding is a measure replaced for handling administrative violations in order to point out violations committed by minors, it is implemented with respect to minors committing acts of administrative violations which as prescribed by law, they must be sanctioned administrative violations, if there are the following conditions:

a) The administrative violations according to regulation must be sanctioned warnings;

b) The violating minors have voluntarily reported their violations, honestly repenting their violations.

2. Based on provisions on clause 1 of this Article, the persons competent to impose sanctions shall decide application of reminding measure.

The reminding is implemented in speech, on the spot.

Article 140. Management at home

1. The management at home is a measure replaced for handling of administrative violations to apply with minors under subjects specified in clause 3, Article 90 of this Law when having enough the following conditions:

a) The violating minors have voluntarily reported their violations, honestly repenting their violations;

b) With an advantage life environment for implementation of this measure;

c) Parents or guardian is eligible to implement management and voluntarily takes responsibility for management at home.

2. Based on provisions on clause 1 of this Article, the President of the commune-level People's Committee shall decide application of measure of management at home.

3. The time limit of application of measure of management at home is between 03 months and 06 months.

4. Within 03 days, after the decision on application of measure of management at home takes effect, the President of the commune-level People's Committee having issued decision must send it to family and assign organizations, individuals where such person resident to coordinate and supervise implementation.

The minors, who are managed at the family, are entitled to go to school, or participate in learning programs or other vocational programs, participate in programs on consulting and developing life skills at the community.

5. During time of management at home, if minors continue committing acts of law violations, the competent persons specified in clause 2 of this Article shall decide stop application of this measure and handle as prescribed by law.

The sixth part

IMPLEMENTATION PROVISIONS

Article 141. Effect

1. This Law takes effect on July 01, 2013; except for provisions relating to application of administrative handling measures which considered and decided by People's Court shall take effect on January 01, 2014.

2. The Ordinance on Handling administrative violations No.44/2002/PL-UBTVQH10, the Ordinance No.31/2007/PL-UBTVQH11 amending a number of articles of the 2002 Ordinance on Handling administrative violations and the Ordinance No. 04/2008/UBTVQH12 amending and supplementing a number of articles of the Ordinance on Handling administrative violations cease to be effective on the effective date of this Law, except for provisions relating to application of measures sending to reformatories, sending to educational establishments, sending to medical treatment establishments still be effect until the end of December 31, 2013.

Article 142. The detailing provisions and implementation guidance

The Government, the Supreme People's Court shall provide in details and guide implementation of Articles, clauses assigned in the Law.

This Law was passed on June 20, 2012, by the XIIIth National Assembly of the Socialist Republic of Vietnam, at its 3th session.

CHAIRMAN OF THE NATIONAL ASSEMBLY

Nguyen Sinh Hung

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