

Sui Zhong Fa [2020] No. 32

**Notice of Guangzhou Intermediate People's Court on  
Issuing the *Provisions on Judicial Entrustment (for Trial  
Implementation)***

To all grass-roots courts and all departments of this court,

The *Provisions on Judicial Entrustment (for Trial Implementation)* of the intermediate court of this city have been discussed and adopted at the 2nd meeting of the Judicial Committee of our court in 2020, and are hereby issued to you. Please implement it in light of the real situation.

Guangzhou Intermediate People's Court  
February 25, 2020

## **Provisions on Judicial Entrustment(for Trial Implementation)**

### **1. General Provisions**

1.1. In order to standardize the judicial entrustment of this court, protect the legitimate rights and interests of the parties, and maintain judicial justice, in accordance with the *Criminal Procedure Law of the People's Republic of China*, the *Civil Procedure Law of the People's Republic of China*, the *Interim Provisions of the Guangdong Higher People's Court on the Administration of Judicial Entrustment* and other relevant regulations, combined with the trial enforcement and the actual practice of judicial entrustment of this court, these Provisions are hereby formulated.

1.2. The judicial entrustment in these Provisions refers to the judicial activities that the court entrusts special institutions or persons with expertise in this regard to appraise, inspect, evaluate, audit and randomly select the administrators of bankruptcy cases in the trial enforcement, and also supervises and coordinates them.

1.3. The judicial entrustment shall abide by laws, regulations and relevant judicial interpretations, and follow the principles of fairness, justice, openness, integrity and efficiency.

1.4. The judicial entrustment administration department of this court is specifically responsible for the daily work of judicial entrustment administration.

1.5. During the trial of a case, where the trial department needs to make entrustment for appraisal, inspection, evaluation, audit, etc. when it meets special problems, it shall transfer it to the judicial entrustment administration department for unified handling, and the trial department shall not directly entrust external parties.

1.6. In the process of enforcement, where the enforcement department needs to determine the reference prices for disposal of property by means of the entrustment of evaluation, it shall handle it in accordance with the *Provisions of the Supreme People's Court on Several Issues Concerning the Determination of the Reference Prices for Disposal of Property by the People's Court*, the *Provisions on the Entrustment of Evaluation by the People's Court* and the *Working Rules for the Professional Technical Review of the Entrustment of Evaluation by People's Court*; in case of special problems, the entrustment of appraisal, inspection, evaluation or audit is required, it may be transferred to the judicial entrustment administration department for handling after it is reported to the leader of the court in charge of such work for approval.

1.7. Where Guangzhou Bankruptcy Court needs to select the administrators of bankruptcy cases through non-random methods such as competition, negotiation, and recommendation in the trial of bankruptcy cases, the bankruptcy court shall handle it in accordance with the *Several Opinions of Higher Guangdong People's Court on Regulating the Selection and Supervision of the Administrators of Bankruptcy Cases* and the special provisions of this court on the selection of bankruptcy administrators; where an administrator needs to be selected in a random manner, the judicial entrustment administration department shall assist

Guangzhou Bankruptcy Court in selecting through shaking beads.

## **2. Division of Work**

2.1. In judicial entrustment, the trial enforcement department shall be responsible for such work as follows:

- 2.1.1. Confirm and change the entrusted matters;
- 2.1.2. Organize the parties to negotiate and select professional institutions;
- 2.1.3. Determine the withdrawal of the selected professional institutions or related professionals;
- 2.1.4. Pay the entrustment fees in advance;
- 2.1.5. Cross-examine, accept and supplement the entrusted materials;
- 2.1.6. Transfer the entrusted materials (original) to the professional institutions;
- 2.1.7. Cooperate with professionals to meet the parties, conduct on-site investigations, and extract samples;
- 2.1.8. Other work of judicial entrusted management and the work that requires coordination with other specialized institutions.

2.2. In judicial entrustment, the judicial entrustment administration department shall be responsible for such work as follows:

- 2.2.1. Establish the register of professional institutions for judicial entrustment and conduct daily management of it;
- 2.2.2. Select an entrusted professional institution according to law if the negotiation between the parties fails;
- 2.2.3. Uniformly handle the procedures of external entrustment;
- 2.2.4. Assist the trial enforcement department in handling the transfer of the original entrusted materials;
- 2.2.5. Coordinate and urge the parties to pay the entrustment fees in advance, supplement materials, extract inspection materials and samples, etc;
- 2.2.6. Supervise the work of entrusted professional institutions;
- 2.2.7. Bind and file relevant materials for judicial entrustment at the requirements of one file for one case;
- 2.2.8. Other administration work of judicial entrustment and matters requiring coordination with specialized institutions.

## **3. Transfer and Acceptance of Judicial Entrustment**

3.1. Where in the process of handling a case, the trial enforcement department needs to arrange external entrustment for appraisal, inspection, evaluation and audit, it shall prepare the *Judicial Entrustment Transfer Form*, listed the transferred materials, and transfer them to the judicial entrustment administration department. The transferred materials shall include:

- 3.1.1. Case materials related to judicial entrustment, such as the complaint, appeal, application, and transcripts for the parties' negotiation on the entrusted professional institutions;
- 3.1.2. Evidence materials related to external entrustment confirmed by court cross-examination;
- 3.1.3. Reporting documents such as previous appraisal, inspection, evaluation, and audit;
- 3.1.4. Other materials related to judicial entrustment.

Where Guangzhou Bankruptcy Court needs to randomly select an

administrator or select auction, audit, appraisal, evaluation and other professional institutions in the process of handling bankruptcy cases, it shall prepare the *Judicial Entrustment Transfer Form* and transfer them to the judicial entrustment administration department.

3.2. After receiving the *Judicial Entrustment Transfer Form* and related materials, the judicial entrustment administration department shall review the following items within 3 working days and decide whether to accept or not:

3.2.1. Whether the procedures are complete;

3.2.2. Whether the entrusted content is clear;

3.2.3. Whether the materials submitted meet the requirements.

If the entrusted content is unclear or the entrusted materials are deficient, the judicial entrustment administration department shall promptly notify the trial enforcement department to clarify the entrusted matters or make up or supplement the entrusted materials. If the trial enforcement department fails to specify the entrusted items or complete the entrusted materials within the specified time limit, the judicial entrustment administration department may return the entrusted items.

3.3. From the date of the entrusted matters are accepted by the judicial entrustment administration department, the trial period of the case shall not be calculated.

3.4. After accepting the entrusted items, the judicial entrustment administration department shall designate a responsible person to handle the matters.

#### **4. Selection of Professional Institutions**

4.1. Where judicial entrustment is required during the trial or enforcement of a case, the trial enforcement department shall first organize the parties to negotiate and select a professional institution with corresponding qualifications. The professional institution shall generally be selected from the register of professional institutions for judicial entrustment of this court. Where such professional institution cannot be selected from the register of professional institutions, it shall be reported level by level to the leader of the court in charge of such matter for approval.

4.2. Where the negotiation between parties fail, it needs to be appointed by this court, the judicial entrustment administration department shall, in principle, select the professional institution in a random manner; if, for objective circumstances, it cannot be selected randomly, other methods such as direct or public announcement selection are required. It shall be reported to the leader of the court in charge of such matter in the judicial entrustment administration department for approval.

4.3. When there are more than two professional institutions that meet the requirements in the register of professional institutions for judicial entrustment, it shall be selected in a random manner that meets the specifications, such as physical bead shaking machine or computer bead shaking.

After the selection time is determined, the judicial entrustment administration department shall announce the entrusted matters on [www.gzcourt.gov.cn](http://www.gzcourt.gov.cn) 3 working days in advance and notify the trial enforcement department, who shall notify the parties.

When the physical bead shaking machine is to be used for shaking beads, the

judicial entrustment administration department shall organize an on-site meeting for selecting the judicial entrusted institution through bead shaking and invite the representatives of more than three professional institutions to be present for supervision. According to the needs of the work, the on-site meeting for selecting the judicial entrusted institution through bead shaking may also be convened in the form of a webcast, which shall be supervised by the integrity supervisor of the court on site, and it shall invite the representatives of more than three professional institutions to supervise online, while the representatives of other professional institutions, the parties and the public may watch it on site or online

In case computer bead shaking is used, it shall ensure that the bead shaking system shall meet the relevant technical specifications, and make the entire process public through the network, and subject to the supervision of all sectors of life.

4.4. Where there is only one professional institution in the register of professional institutions for judicial entrustment meeting the requirements, it may be directly selected as the entrusted professional institution, provided it does not violate the withdrawal regulations.

4.5. In case there is no corresponding category in the register of professional institutions for judicial entrustment of this court, but there is one in the register of superior courts, it may be selected from the register of superior courts.

4.6. If there are no corresponding categories in the register of this court and the superior courts, it may be selected from social professional institutions, which have corresponding qualifications and voluntarily accept the entrustment of the people's court. The specific operation process is as follows:

4.6.1. The judicial entrustment administration department shall draw up a tender announcement and issue it on [www.gzcourt.gov.cn](http://www.gzcourt.gov.cn). The announcement period is 10 days;

4.6.2. After the announcement is issued, the judicial entrustment administration department shall search online for professional institutions with corresponding qualifications, and notify at least two institutions that intend to accept the entrustment of the court, which shall log in the website to view the announcement content and make the application;

4.6.3. After the expiration of the announcement period, the judicial entrustment administration department shall examine the qualifications of the institutions applying for entrustment. If two or more institutions have made the applications and all have the corresponding qualifications, the entrusted professional institution shall be determined by shaking beads;

4.6.4. If no institutions make the application upon the expiration of the announcement period, the judicial entrustment administration department may contact the institutions with corresponding qualifications and willing to accept the entrustment of the court by other means, to provide the photocopies of business license copies, photocopies of business license and other relevant materials, and examine such documents;

4.6.5. If it may be entrusted after examination, the result of the selected institution shall be notified to the trial enforcement department, and the trial enforcement department shall notify the parties to the case.

## **5. Handling of Judicial Entrustment**

5.1. After the professional institution is selected, the judicial entrustment administration department shall serve the power of attorney and related materials to the professional institution within 3 working days. The power of attorney shall specify the matters of entrustment, the scope of entrustment, the purpose of entrustment and the time limit for entrustment.

5.2. The professional institution shall make a decision on whether to accept the entrustment within 5 working days after the date of receipt of such entrustment. For the entrustment of complicated, difficult or special matters, the professional institution may apply to the judicial entrustment administration department of this court to extend the time for decision acceptance, and the extended time shall not exceed one month after the date of receipt of the entrustment. If the professional institution fails to make a decision on whether to accept the entrustment within the time limit, it shall be deemed not having accepted it.

If supplementary materials are needed, the time for supplementing materials shall not be counted in the decision acceptance period.

5.3. If the professional institution decides not to accept the entrustment, it shall explain the reasons in writing to the judicial entrustment administration department and return all the entrusted materials together.

The judicial entrustment administration department shall transfer it to the trial enforcement department within 3 days after receiving the written explanation. If the trial enforcement department considers that it is necessary to re-select the professional institution, the judicial entrustment administration department shall restart the procedure for selecting an entrusted professional institution within 3 working days. If there is no professional institution to select from, the judicial entrustment administration department may notify the trial enforcement department in writing and return the entrusted matters to the trial enforcement department for handling.

5.4. If the professional institution accepts the entrustment, it shall reply to this court in writing regarding the designated appraisal, inspection, evaluation, auditing professionals, entrustment fees and other matters.

5.5. After having received the reply from the professional institution, the judicial entrustment administration department shall, within 3 working days, send the material about the designated professional staff and the *Notice of Advance Payment of the Entrustment Fees* to the trial enforcement department, and the trial enforcement department shall notify the parties and interested parties, and shall serve the *Notice of Advance Payment of the Entrustment Fees* to the party with the obligation of prepayment.

If the parties have evidence to prove that the determined professional institution or professional needs to withdraw, such parties shall submit it to the trial enforcement department in writing within 3 working days. The trial enforcement department shall examine whether the grounds are established. After examination, if the trial enforcement department believes that the grounds for application for withdrawal are established, it shall submit a written opinion, and the judicial entrusted administration department shall select a professional institution again.

5.6. If the parties do not apply for withdrawal, the party with the obligation of payment in advance shall the entrustment fees to the professional institution

within 5 working days after receiving the *Notice of Advance Payment of the Entrustment Fees*.

If the party fails to pay the fees in advance within the specified period, the trial enforcement department shall urge it to pay or notify the judicial entrustment administration department to withdraw the application for entrustment.

5.7. The items and amount of the pre-paid fees shall be determined by the professional institution in accordance with relevant national, provincial, and city standards; in absence of standards, the professional institution shall propose the calculation and payment standards according to the actual situation. The judicial entrustment administration department shall review and report it to the leaders of the division and office for approval before confirmation.

For difficult and complicated entrusted matters, the judicial entrustment administration department may negotiate with the professional institution to pay the entrustment fees in installments.

5.8. After the entrusted professional institution receives the entrustment fees, the judicial entrustment administration department shall coordinate the trial enforcement department or the parties to submit the original entrustment materials to the professional institution.

5.9. The period of judicial entrustment shall be calculated from the date when the professional institution receives the entrustment fees prepaid by the party. For advance payment in installments, the calculation shall begin from the date when the professional institution receives the first installment of the entrustment fees.

The entrusted professional institution shall complete the entrusted work within 30 working days. Where the entrusted matters involve complicated, difficult, special technical problems or the inspection process takes a long time, the entrusted professional institution may apply to the judicial entrustment administration department to extend the entrustment period. After reviewing and reporting to the leader of the court in charge of such work for approval, the judicial entrustment administration department may decide to extend the entrustment period, and the extension time shall generally not exceed 30 working days.

5.10. Where the entrusted professional institution fails to complete the entrusted work on time without justifiable reasons, the parties may apply to select another professional institution. If the trial enforcement department permits the application after examination, it shall notify the judicial entrustment administration department to re-select the professional institution, and the entrustment fees already paid by the original professional institution shall be refunded.

5.11. Where on-site investigation is required, the judicial entrustment administration department shall notify the trial enforcement department 3 working days in advance, and the trial enforcement department shall send personnel on scene. During on-site investigation or sampling, the trial enforcement department shall notify the parties or their agents to be present, and their absence after the notice shall not affect the on-site investigation and sampling. For investigation of the scene of a crime, a site investigation transcript shall be made, and the site investigation personnel and parties shall sign or seal the investigation transcript for confirmation.

5.12. The entrusted materials shall be submitted to the entrusted professional institution at one time. If the entrusted professional institution deems that it needs supplementary materials, it shall notify the judicial entrustment administration department in writing. The judicial entrusted administration department shall promptly notify the trial enforcement department.

The trial enforcement department shall transfer the supplementary materials cross-examined to the professional institution within 10 working days from the date of receiving letter of supplementary materials. If the materials cannot be supplemented in time for objective reasons, the trial enforcement department shall apply to the judicial entrustment administration department to extend the time limit for supplementary materials. The judicial entrustment administration department may decide to extend the time limit after approval of the leaders of the division and office, but the extension time shall not exceed 10 working days each time; for the second application for extension, it shall be reported to the leader of the court in charge of such matter in the judicial entrustment administration department for approval.

If the trial enforcement department cannot submit the supplementary materials within the specified time limit, the judicial entrustment administration department may return the entrusted matters to the trial enforcement department.

The time for supplementing materials is not counted in the entrustment period. The supplementary materials must be cross-examined by the court before they can be used as the basis for appraisal, inspection, evaluation, and audit.

## **6. Termination of Judicial Entrustment**

6.1. When the entrusted professional institution completes the judicial entrustment matters, it shall issue a written report or opinion to the judicial entrustment administration department and return the original entrusted materials to the trial enforcement department. The judicial entrustment administration department shall promptly send the report or opinion to the trial enforcement department, and use the signing record of the trial enforcement department as the basis for closing the case.

If the professional institution refuses to accept the entrustment, the signing record of the decision to refuse to accept the entrustment received by the trial enforcement department shall be used as the basis for closing the case. If the trial enforcement department withdraws the entrustment, the written explanation of the withdrawal entrustment issued by the trial enforcement department shall be used as the basis for closing the case.

6.2. The written report or opinion issued by the professional institution shall have the contents as follows:

6.2.1. The name of the entrusting court;

6.2.2. The contents and requirements of the entrusted matters;

6.2.3. Case materials related to judicial entrustment matters;

6.2.4. The principles and methods on which the opinions and reports are based;

6.2.5. Explanation of related matters;

6.2.6. Opinions or conclusions;

6.2.7. Other contents that shall be stated in accordance with laws and regulations.

The written report or opinion shall be signed or sealed by the professional, accompanied by the corresponding qualification certificate of the professional, and affixed with the official seal of the professional institution.

6.3. From the date of signing the report or opinion by the trial enforcement department, the trial period of the case shall be resumed.

6.4. After obtaining the basis for closing the case, the responsible person of the judicial entrustment administration department shall fill out the *Approval Form for Completion of the Judicial Entrustment Matters* within 3 working days and bind it together with relevant documents and materials into a volume and file it.

### **7. Special Provisions on Judicial Evaluation**

7.1. In judicial evaluation, the entrusted evaluation institution may submit the first draft of the report to the judicial entrustment administration department before issuing the formal evaluation report. The judicial entrustment administration department shall send the first draft report to the trial enforcement department, and the trial enforcement department shall serve it to the parties.

7.2. If any party raises an objection to the first draft of the evaluation report in writing, the judicial entrustment administration department shall, within 3 working days after receiving the objection, forward the objection to the institution for review.

7.3. After the institution makes a formal evaluation report, the judicial entrustment administration department shall promptly send the evaluation report to the trial enforcement department.

### **8. Special Provisions on Judicial Expertise**

8.1. In judicial expertise, the judicial expertise institution shall submit a letter of commitment to the judicial entrustment administration department of this court. The commitment shall state that the expert witness guarantees the objective, fair and honest expertise, and guarantees to testify in court, and if making false expertise, the expert witness shall bear legal responsibility, as well as other contents.

8.2. If the parties disagree with the contents of the expertise report, they shall submit it in writing within the period specified by the trial enforcement department, and the trial enforcement department shall promptly send it to the judicial entrustment administration department.

For the objections of the parties, the judicial entrustment administration department shall require the expert witness to make interpretations, explanations or supplements. If the trial enforcement department deems it necessary, it may also request the expert witness to interpret, explain or supplement what the parties have not objected to.

8.3. If the parties still have objections after having received the written reply, the trial enforcement department shall notify the objecting party to pay in advance the fees for the expert witness at court, and notify the judicial entrustment administration department in writing 5 working days before the hearing. The judicial entrustment administration department shall notify the authentication institution to send personnel to appear in court within 2 working days and effectively coordinate related work to ensure this.

If the objecting party fails not to pay in advance the fees for the expert

witness at court, it shall be deemed that it has given up the objections. If both parties have objections to the expertise report, the fees for the expert witness at court shall be shared.

8.4. According to the needs of the case trial, the trial enforcement department may require the expert witness to testify in court, answer questions related to the appraisal or authentication, or cross-examine the expertise report through remote video.

If the expert witness refuses to testify in court, the expertise report shall not be used as the basis for determining the facts; the party paying the expertise fees may request the expertise fees to be refunded.

### **9. Related Liabilities**

9.1. The judicial entrustment administration department shall establish a point-deduction mechanism in accordance with *Detailed Rules for the Administration of Integrity of Intermediary Institutions for Judicial Entrustment in Guangdong Province* to supervise and administer the professional institutions' acceptance of judicial entrustment by the people's courts. If a professional institution has negative evasion, unjustified overdue, fraud and other dishonesty in the completion of judicial entrustment, the judicial entrustment administration department shall deduct points, give warnings, suspend entrustment and expunge its name from the list in accordance with the *Dishonest Causes of Intermediary Institutions for Judicial Entrustment in Guangdong Province and Handling Standards*. Among them, if the accumulative deduction of points in the natural year reaches 10 points, the judicial entrustment administration department shall make a "round of empty shaking of beads"; If the accumulative deduction reaches 20 points, the round of such empty shaking shall be made twice.

9.2. The administrator of a bankruptcy case appointed by this court may submit relevant factual basis and make proposal to Guangzhou Bankruptcy Court for dealing with the professional institution that fails to complete auditing, appraisal, evaluation, etc. within the agreed time limit without justifiable reasons. If Guangzhou Bankruptcy Court deems it necessary to deal with such professional institution, it may report to the judicial entrustment administration department, which shall deal with such professional institution according to Article 43 of these Provisions.

9.3. If staff of this court affects the fair and smooth progress of judicial entrustment due to malpractice for personal gain or serious irresponsibility, they shall be held accountable in accordance with relevant regulations.

### **10. Supplementary Provisions**

10.1. The judicial entrustment carried out by the people's courts at grass-roots levels in Guangzhou may be implemented with reference to these Provisions.

10.2. The Provisions shall be interpreted by the Judicial Committee of Guangzhou Intermediate People's Court.

10.3. These Provisions shall come into force as of the date of promulgation, and the *Detailed Rules for External Entrustment of Expertise in Civil, Administrative Trial and Enforcement of Guangzhou Intermediate People's Court (for Trial Implementation)* implemented by the court on November 3, 2014 shall be repealed at the same time.

Annex:

1. Judicial Entrustment Transfer Form of Guangzhou Intermediate People's Court
2. Notice of Advance Payment of the Entrustment Fees

Annex 1

**Guangzhou Intermediate People's Court  
Judicial Entrustment Transfer Form**

|  |                               |                  |                                       |                                   |
|--|-------------------------------|------------------|---------------------------------------|-----------------------------------|
| Cause  |                               |                  | External entrustment number           |                                   |
| Case number  |                               |                  | Expertise category                    |                                   |
| Case name  |                               |                  | Amount of subject matter involved     |                                   |
| Applicant  | Party                         |                  | Address Phone                         |                                   |
|  | Agent                         |                  | Address Phone                         |                                   |
| Respondent   | Party                         |                  | Address Phone                         |                                   |
|  | Agent                         |                  | Address Phone                         |                                   |
| Entrusted matters                                  |                               |                  |                                       |                                   |
| History  | Whether it was ever entrusted |                  | Institution name used to be entrusted |                                   |
|  | Whether it needs to withdraw  |                  |                                       |                                   |
| Whether the two parties have an agreed institution |                               | Institution name |                                       |                                   |
| List of transferred materials                      |                               |                  |                                       |                                   |
| Party to prepay the expertise fees                 |                               |                  |                                       |                                   |
| Business department of transfer                    |                               | Undertaker       | Contact address                       | Presiding judge or chief enforcer |
|  |                               |                  |                                       |                                   |
| Undertaker approval                                |                               |                  |                                       |                                   |

|         |  |         |  |
|---------|--|---------|--|
|         |  | Handler |  |
| Remarks |  |         |  |

Annex 2

## **Notice of Advance Payment of the Entrustment Fees**

(Judicial Entrustment Number)

(Name of the party prepaying the fees):

For the matters (entrusted items) involved in the case (case number) accepted by this court, the professional institution selected by the parties through negotiation (this court through shaking beads) is (name of the entrusted institution). According to the acceptance notice of (name of the entrusted institution), you (your entity) shall prepay the entrustment fees RMB (amount).

Please pay the entrustment fees directly to (name of professional institution), account name:, bank:, account number:(please indicate the entrustment number when remitting the payment) within five working days from the date of receipt of this notice. **After payment, please fax the payment voucher to .**

Where the entrustment fees are not prepaid within the stipulated time limit without any justifiable reason, the entrustment application shall be automatically deemed to have been abandoned.

The above are hereby notified.

MM/DD/YYYY

Contact:

Phone: