

裁判所法 Court Act

(昭和二十二年四月十六日法律第五十九号)
(Act No. 59 of April 16, 1947)

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第一編 総則
Part I General Provisions

(この法律の趣旨)
(Gist of the Act)

第一条 日本国憲法に定める最高裁判所及び下級裁判所については、この法律の定めるところによる。

Article 1 Regarding the Supreme Court and the lower courts prescribed in the Constitution of Japan, this Act shall apply.

(下級裁判所)
(Lower Instance Courts)

第二条 下級裁判所は、高等裁判所、地方裁判所、家庭裁判所及び簡易裁判所とする。

Article 2 (1) Lower courts shall mean High Courts, District Courts, Family Courts, and Summary Courts.

2 下級裁判所の設立、廃止及び管轄区域は、別に法律でこれを定める。

(2) The details of establishment, abolition and jurisdictional district of lower instance courts shall be provided for by law separately.

(裁判所の権限)
(Jurisdiction of Courts)

第三条 裁判所は、日本国憲法に特別の定めのある場合を除いて一切の法律上の争訟を裁判し、その他法律において特に定める権限を有する。

Article 3 (1) Courts shall, except as specifically provided for in the Constitution of Japan, decide all legal disputes, and have such other powers as are specifically provided for by law.

2 前項の規定は、行政機関が前審として審判することを妨げない。

(2) The provisions of the preceding paragraph shall not prevent preliminary trial by administrative organs.

3 この法律の規定は、刑事について、別に法律で陪審の制度を設けることを妨げない。

(3) The provisions of this Act shall not prevent the establishment of a jury system for criminal cases separately by law.

(上級審の裁判の拘束力)
(Binding Power of Superior Judicial Decision)

第四条 上級審の裁判所の裁判における判断は、その事件について下級審の裁判所を拘束する。

Article 4 A conclusion in a judgment of a higher instance court shall bind the

lower instance courts with respect to the case concerned.

(裁判官)

(Judges)

第五条 最高裁判所の裁判官は、その長たる裁判官を最高裁判所長官とし、その他の裁判官を最高裁判所判事とする。

Article 5 (1) The justices of the Supreme Court shall comprise the chief justice, who is called the Chief Justice of the Supreme Court, and other justices, who are called Justices of the Supreme Court.

2 下級裁判所の裁判官は、高等裁判所の長たる裁判官を高等裁判所長官とし、その他の裁判官を判事、判事補及び簡易裁判所判事とする。

(2) The judges of lower courts shall be chief judge of High Court, who is called the President of High Court, and other judges, who are called judges, assistant judges, and judges of the Summary Court.

3 最高裁判所判事の員数は、十四人とし、下級裁判所の裁判官の員数は、別に法律でこれを定める。

(3) The number of Justices of the Supreme Court shall be fourteen and the number of judges of lower courts shall be determined by law separately.

第二編 最高裁判所

Part II Supreme Court

(所在地)

(Location)

第六条 最高裁判所は、これを東京都に置く。

Article 6 The Supreme Court shall be located in the Metropolis of Tokyo.

(裁判権)

(Jurisdiction)

第七条 最高裁判所は、左の事項について裁判権を有する。

Article 7 The Supreme Court shall have jurisdiction over the following matters

一 上告

(i) Final appeals

二 訴訟法において特に定める抗告

(ii) Appeals against rulings specially provided for in codes of procedures.

(その他の権限)

(Other Powers)

第八条 最高裁判所は、この法律に定めるものの外、他の法律において特に定める権限を有する。

Article 8 The Supreme Court shall have powers specially provided for by other

laws in addition to those provided for in this Act.

(大法廷・小法廷)

(Full Bench and Petty Bench)

第九条 最高裁判所は、大法廷又は小法廷で審理及び裁判をする。

Article 9 (1) The Supreme Court shall conduct proceedings and give judgments through a full bench or a petty bench.

2 大法廷は、全員の裁判官の、小法廷は、最高裁判所の定める員数の裁判官の合議体とする。但し、小法廷の裁判官の員数は、三人以上でなければならない。

(2) The full bench shall be a panel comprised of all justices, and a petty bench shall be a panel of justices whose number shall be specified by the Supreme Court; provided, however, that a petty bench shall be composed of three or more Judges.

3 各合議体の裁判官のうち一人を裁判長とする。

(3) One of the Justices of each panel shall be the presiding justice.

4 各合議体では、最高裁判所の定める員数の裁判官が出席すれば、審理及び裁判をすることができる。

(4) Each panel may conduct proceedings and give a judicial decision if there are present the number of Justices determined by the Supreme Court.

(大法廷及び小法廷の審判)

(Examination of the Full Bench and Petty Bench)

第十条 事件を大法廷又は小法廷のいずれで取り扱うかについては、最高裁判所の定めるところによる。但し、左の場合においては、小法廷では裁判をすることができない。

Article 10 Regulations of the Supreme Court shall determine which cases are to be handled by full bench and which by petty bench; provided, however, that in the following instances, a petty bench may not give a judicial decision

一 当事者の主張に基いて、法律、命令、規則又は処分が憲法に適合するかしないかを判断するとき。(意見が前に大法廷でした、その法律、命令、規則又は処分が憲法に適合するとの裁判と同じであるときを除く。)

(i) Cases in which a determination is to be made on the constitutionality of law, order, rule, or disposition, based on the argument by a party (except the cases where the opinion is the same as that of the judicial decision previously rendered through the full bench in which the constitutionality of act, order, rule, or disposition is recognized).

二 前号の場合を除いて、法律、命令、規則又は処分が憲法に適合しないと認めるとき。

(ii) Cases other than those referred to in the preceding item when any law, order, rule, or disposition is to be decided as unconstitutional.

三 憲法その他の法令の解釈適用について、意見が前に最高裁判所のした裁判に反するとき。

(iii) Cases where an opinion concerning interpretation and application of the Constitution or of any other laws and regulations is contrary to that of a judicial decision previously rendered by the Supreme Court.

(裁判官の意見の表示)

(Expression of Opinions of Judges)

第十一条 裁判書には、各裁判官の意見を表示しなければならない。

Article 11 The opinion of each Justice shall be expressed in written judgment.

(司法行政事務)

(Judicial Administration Affairs)

第十二条 最高裁判所が司法行政事務を行うのは、裁判官会議の議によるものとし、最高裁判所長官が、これを総括する。

Article 12 (1) The Supreme Court shall execute judicial administration affairs through deliberations of the Judicial Assembly and under the general supervision of the Chief Justice of the Supreme Court,.

2 裁判官会議は、全員の裁判官でこれを組織し、最高裁判所長官が、その議長となる。

(2) The Judicial Assembly shall consist of all Justices, and the Chief Justice of the Supreme Court shall be the chairperson.

(事務総局)

(General Secretariat)

第十三条 最高裁判所の庶務を掌らせるため、最高裁判所に事務総局を置く。

Article 13 The Supreme Court shall have a General Secretariat, which shall handle administrative affairs of the Supreme Court

(司法研修所)

(Legal Training and Research Institute)

第十四条 裁判官の研究及び修養並びに司法修習生の修習に関する事務を取り扱わせるため、最高裁判所に司法研修所を置く。

Article 14 Legal Training and Research Institute shall be established in the Supreme Court to manage and administer affairs relating to research and training of judges and to training of legal apprentices.

(裁判所職員総合研修所)

(Training and Research Institute for Court Officials)

第十四条の二 裁判所書記官、家庭裁判所調査官その他の裁判官以外の裁判所の職員の研究及び修養に関する事務を取り扱わせるため、最高裁判所に裁判所職員総合研修所を置く。

Article 14-2 A Training and Research Institute for Court Officials shall be established in the Supreme Court to manage affairs relating to research and

training of court clerks, Family Court Research Law Clerks, and other court officials other than judges.

(最高裁判所図書館)

(Supreme Court Library)

第十四条の三 最高裁判所に国立国会図書館の支部図書館として、最高裁判所図書館を置く。

Article 14-3 In the Supreme Court, the Supreme Court Library shall be established as a branch library of the National Diet Library.

第三編 下級裁判所

Part III Lower Courts

第一章 高等裁判所

Chapter I High Court

(構成)

(Organization)

第十五条 各高等裁判所は、高等裁判所長官及び相応な員数の判事でこれを構成する。

Article 15 A High Court shall consist of a President and a necessary number of judges.

(裁判権)

(Jurisdiction)

第十六条 高等裁判所は、左の事項について裁判権を有する。

Article 16 A High Court shall have jurisdiction over the following matters

一 地方裁判所の第一審判決、家庭裁判所の判決及び簡易裁判所の刑事に関する判決に対する控訴

(i) Appeals from judgments in the first instance rendered by District Courts, from judgments rendered by Family Courts and from judgments concerning criminal cases rendered by Summary Courts.

二 第七条第二号の抗告を除いて、地方裁判所及び家庭裁判所の決定及び命令並びに簡易裁判所の刑事に関する決定及び命令に対する抗告

(ii) Appeals against rulings and orders rendered by District Courts and Family Courts and against rulings and orders concerning criminal cases rendered by Summary Courts, other than those set forth in Article 7 item 2.

三 刑事に関するものを除いて、地方裁判所の第二審判決及び簡易裁判所の判決に対する上告

(iii) Final appeals from judgments in the second instance rendered by District Courts and from judgments rendered by Summary Courts, other than those concerning criminal cases.

四 刑法第七十七条乃至第七十九条の罪に係る訴訟の第一審

(iv) Litigation in the first instance pertaining to any of the crimes set forth in Articles 77 to 79 of the Criminal Code.

(その他の権限)

(Other Powers)

第十七条 高等裁判所は、この法律に定めるものの外、他の法律において特に定める権限を有する。

Article 17 A High Court shall have, in addition to those prescribed in this Act, such powers as are specially provided for by other laws.

(合議制)

(Panel Court System)

第十八条 高等裁判所は、裁判官の合議体でその事件を取り扱う。但し、法廷ですべき審理及び裁判を除いて、その他の事項につき他の法律に特別の定があるときは、その定に従う。

Article 18 (1) A High Court shall handle cases through a panel of judges; provided, however, that special provisions, if such provisions are provided for in other laws, shall apply, with respect to the matters other than proceedings and judgments to be made by the court.

2 前項の合議体の裁判官の員数は、三人とし、そのうち一人を裁判長とする。但し、第十六条第四号の訴訟については、裁判官の員数は、五人とする。

(2) The number of judges of a panel referred to in the preceding paragraph shall be three , one of whom shall be the presiding judge; provided, however, that the number of judges shall be five in the cases referred to in Article 16, item 4.

(裁判官の職務の代行)

(Substitution of Judges)

第十九条 高等裁判所は、裁判事務の取扱上さし迫つた必要があるときは、その管轄区域内の地方裁判所又は家庭裁判所の判事にその高等裁判所の判事の職務を行わせることができる。

Article 19 (1) A High Court may have a judge of a District Court or a Family Court within its jurisdictional district over which the said High Court has jurisdiction, serve as a judge of the High Court, when there is urgent necessity for the conduct of judicial proceedings.

2 前項の規定により当該高等裁判所のさし迫つた必要をみたすことができない特別の事情があるときは、最高裁判所は、他の高等裁判所又はその管轄区域内の地方裁判所若しくは家庭裁判所の判事に当該高等裁判所の判事の職務を行わせることができる。

(2) In case there exist special circumstances that make it impossible to meet the urgent necessity of the High Court by way of the measures set forth in the preceding paragraph, the Supreme Court may have a judge of another High Court or a judge of a District Court or a Family Court within the district over

which the same High Court has jurisdiction to serve as a judge of said High Court.

(司法行政事務)

(Judicial Administration Affairs)

第二十条 各高等裁判所が司法行政事務を行うのは、裁判官会議の議によるものとし、各高等裁判所長官が、これを総括する。

Article 20 (1) Every High Court shall conduct their judicial administration affairs, through deliberations of the Judicial Assembly, under the general supervision of the President of the High Court.

2 各高等裁判所の裁判官会議は、その全員の裁判官でこれを組織し、各高等裁判所長官が、その議長となる。

(2) The Judicial Assembly of every High Court shall consist of all judges belonging to the High Court, and the President of the High Court shall be the chairperson thereof.

(事務局)

(Secretariat)

第二十一条 各高等裁判所の庶務を掌らせるため、各高等裁判所に事務局を置く。

Article 21 Every High Court shall have a Secretariat, which shall handle administrative affairs of the Court.

(支部)

(Branches)

第二十二条 最高裁判所は、高等裁判所の事務の一部を取り扱わせるため、その高等裁判所の管轄区域内に、高等裁判所の支部を設けることができる。

Article 22 (1) The Supreme Court may establish branches of a High Court within the jurisdictional districts of the said High Court, to have them perform a part of the functions of the High Court.

2 最高裁判所は、高等裁判所の支部に勤務する裁判官を定める。

(2) The Supreme Court shall designate judges who shall serve at branches of a High Court.

第二章 地方裁判所

Chapter II District Court

(構成)

(Organization)

第二十三条 各地方裁判所は、相応な員数の判事及び判事補でこれを構成する。

Article 23 Every District Court shall consist of a necessary number of judges and assistant judges.

(裁判権)

(Jurisdiction)

第二十四条 地方裁判所は、次の事項について裁判権を有する。

Article 24 A District Court shall have jurisdiction over the following matters

一 第三十三条第一項第一号の請求以外の請求に係る訴訟（第三十一条の三第一項第二号の人事訴訟を除く。）及び第三十三条第一項第一号の請求に係る訴訟のうち不動産に関する訴訟の第一審

(i) Litigation in the first instance for claims other than those referred to in Article 33, paragraph 1, item 1 (except for personal status under Article 31-3, paragraph 1, item 2) and litigation involving real properties in the first instance for claims referred to in Article 33, paragraph 1, item 1.

二 第十六条第四号の罪及び罰金以下の刑に当たる罪以外の罪に係る訴訟の第一審

(ii) Litigation in the first instance for crimes other than those referred to in Article 16, item 4 and those liable to fines or lesser punishment.

三 第十六条第一号の控訴を除いて、簡易裁判所の判決に対する控訴

(iii) Appeals to the court of second instance from judgment rendered by Summary Courts, except for those referred to in Article 16, item 1.

四 第七条第二号及び第十六条第二号の抗告を除いて、簡易裁判所の決定及び命令に対する抗告

(iv) Appeals against rulings and orders rendered by Summary Courts, except for those referred to in Article 7, item 2 and Article 16, item 2.

(その他の権限)

(Other Powers)

第二十五条 地方裁判所は、この法律に定めるものの外、他の法律において特に定める権限及び他の法律において裁判所の権限に属するものと定められた事項の中で地方裁判所以外の裁判所の権限に属させていない事項についての権限を有する。

Article 25 A District Court shall, in addition to those powers prescribed in this Act, have such powers as are specially provided for by other laws, and also powers over such matters that are provided for by law as coming under the jurisdiction of the Court, but not coming under courts other than District Courts.

(一人制・合議制)

(Single Judge and Collegiate Court System)

第二十六条 地方裁判所は、第二項に規定する場合を除いて、一人の裁判官でその事件を取り扱う。

Article 26 (1) A District Court shall, except for the cases provided in paragraph 2, handle cases through a single judge.

2 左の事件は、裁判官の合議体でこれを取り扱う。但し、法廷ですべき審理及び裁判

を除いて、その他の事項につき他の法律に特別の定があるときは、その定に従う。

(2) The following cases shall be handled by a panel of judges; provided, however, that it is subject to special provisions in other laws, for matters other than for proceedings in a court room and for giving judgments..

一 合議体で審理及び裁判をする旨の決定を合議体とした事件

(i) Cases in which a panel has made a ruling to the effect that it will conduct proceedings and give judgments.

二 死刑又は無期若しくは短期一年以上の懲役若しくは禁錮にあたる罪（刑法第二百三十六条、第二百三十八条又は第二百三十九条の罪及びその未遂罪、暴力行為等処罰に関する法律（大正十五年法律第六十号）第一条ノ二第一項若しくは第二項又は第一条ノ三の罪並びに盗犯等の防止及び処分に関する法律（昭和五年法律第九号）第二条又は第三条の罪を除く。）に係る事件

(ii) Cases involving crimes punishable with death penalty, life imprisonment with work, imprisonment with or without work for a minimum period not less than one (1) year (except crimes provided for in Articles, 236, 238, or 239 of the Criminal Code and attempts thereof, and crimes referred to in Article 1-2, paragraph 1 or 2 or Article 1-3 of the Act pertaining to Punishment of Violent and Other Acts (Act No. 60, 1926), as well as crimes provided for in Article 2 or Article 3 of the Act for Prevention and Punishment of Robbery and Theft Act (Act No. 9, 1930).

三 簡易裁判所の判決に対する控訴事件並びに簡易裁判所の決定及び命令に対する抗告事件

(iii) Appeal cases against judgments rendered by Summary Courts or appeal against rulings and orders of Summary Courts.

四 その他他の法律において合議体で審理及び裁判をすべきものと定められた事件

(iv) Other cases which are to be heard and judged by a panel by the provisions set forth in other laws.

3 前項の合議体の裁判官の員数は、三人とし、そのうち一人を裁判長とする。

(3) The number of judges of a panel referred to in the preceding paragraph shall be three, one of whom shall be the presiding judge..

(判事補の職権の制限)

(Limitations on the Authority of Assistant Judges)

第二十七条 判事補は、他の法律に特別の定のある場合を除いて、一人で裁判をすることができない。

Article 27 (1) Any assistant judge may not give judgments alone unless otherwise specially provided for by law.

2 判事補は、同時に二人以上合議体に加わり、又は裁判長となることができない。

(2) Two or more assistant judges may not participate in a single panel at a same time, nor may any assistant judge be a presiding judge.

(裁判官の職務の代行)

(Substitution of Judges)

第二十八条 地方裁判所において裁判事務の取扱上さし迫つた必要があるときは、その所在地を管轄する高等裁判所は、その管轄区域内の他の地方裁判所、家庭裁判所又はその高等裁判所の裁判官に当該地方裁判所の裁判官の職務を行わせることができる。

Article 28 (1) If there is an urgent necessity in performing judicial proceedings in a District Court within the district over which a High Court has jurisdiction, said High Court may have a judge of another District Court or a Family Court within the said district or of the said High Court perform duties of a judge of the said District Court.

2 前項の規定により当該地方裁判所のさし迫つた必要をみたすことができない特別の事情があるときは、最高裁判所は、その地方裁判所の所在地を管轄する高等裁判所以外の高等裁判所の管轄区域内の地方裁判所、家庭裁判所又はその高等裁判所の裁判官に当該地方裁判所の裁判官の職務を行わせることができる。

(2) In cases due to special circumstances the urgent necessity of the District Court may not be satisfied in accordance by way of the measures set forth in the preceding paragraph, the Supreme Court may have a judge of a District Court or a Family Court within the district over which the High Court other than that the High Court with jurisdiction over the place of said District Court or a judge of the former High Court, perform duties of a judge of said District Court.

(司法行政事務)

(Judicial Administration Affairs)

第二十九条 最高裁判所は、各地方裁判所の判事のうち一人に各地方裁判所長を命ずる。

Article 29 (1) The Supreme Court shall appoint one of the judges of each District Court as the President of the District Court.

2 各地方裁判所が司法行政事務を行うのは、裁判官会議の議によるものとし、各地方裁判所長が、これを総括する。

(2) District Courts shall conduct their judicial administration, through deliberations of the Judicial Assembly, under the general supervision of the President of the District Court.

3 各地方裁判所の裁判官会議は、その全員の判事でこれを組織し、各地方裁判所長が、その議長となる。

(3) The Judicial Assembly of a District Court shall consist of all judges of the District Court, and the President of the District Court shall preside over it.

(事務局)

(Secretariat)

第三十条 各地方裁判所の庶務を掌らせるため、各地方裁判所に事務局を置く。

Article 30 Every District Court shall have a Secretariat, which shall handle

administrative affairs of the Court.

(支部・出張所)

(Branches and Local Offices)

第三十一条 最高裁判所は、地方裁判所の事務の一部を取り扱わせるため、その地方裁判所の管轄区域内に、地方裁判所の支部又は出張所を設けることができる。

Article 31 (1) The Supreme Court may establish branches and local offices of a District Court within the district over which the said District Court has jurisdiction, and have them perform part of functions of the District Court.

2 最高裁判所は、地方裁判所の支部に勤務する裁判官を定める。

(2) The Supreme Court shall designate judges who shall serve at branches of a District Court.

第三章 家庭裁判所

Chapter III Family Court

(構成)

(Organization)

第三十一条の二 各家庭裁判所は、相応な員数の判事及び判事補でこれを構成する。

Article 31-2 Each Family Court shall consist of a necessary number of judges and assistant judges.

(裁判権その他の権限)

(Jurisdiction and Other Powers)

第三十一条の三 家庭裁判所は、次の権限を有する。

Article 31-3 (1) A Family Court shall have power over the following matters

一 家事審判法（昭和二十二年法律第百五十二号）で定める家庭に関する事件の審判及び調停

(i) Trial and decision, and conciliation for cases relating to families as provided for by the Domestic Relations Trial Act (Act No. 152, 1947)

二 人事訴訟法（平成十五年法律第百九号）で定める人事訴訟の第一審の裁判

(ii) Judicial decision of the first instance relating to personal status provided for by the Personal Status Litigation Act (Act No. 109, 2003).

三 少年法（昭和二十三年法律第百六十八号）で定める少年の保護事件の審判

(iii) Trial and decision for matters for protecting juveniles as provided for by the Juvenile Act (Act No. 168, 1948).

四 少年法第三十七条第一項に掲げる罪に係る訴訟の第一審の裁判

(iv) Judicial decisions of the first instance pertaining to any of the offenses referred to in Article 37, paragraph 1 of the Juvenile Act.

2 家庭裁判所は、この法律に定めるものの外、他の法律において特に定める権限を有する。

(2) A Family Court shall have such powers as are specially provided for by other laws , in addition to those powers prescribed in this Act.

(一人制・合議制)

(Single Judge System, Panel System)

第三十一条の四 家庭裁判所は、審判又は裁判を行うときは、次項に規定する場合を除いて、一人の裁判官でその事件を取り扱う。

Article 31-4 (1) In cases of conducting trial and decisions or giving judicial decisions, a Family Court shall, except for the cases provided in the next paragraph, hear cases through a single judge.

2 次に掲げる事件は、裁判官の合議体でこれを取り扱う。ただし、審判を終局させる決定並びに法廷ですべき審理及び裁判を除いて、その他の事項につき他の法律に特別の定めがあるときは、その定めに従う。

(2) The cases set forth in the following items shall be heard by a panel of judges; provided, however, that it is subject to special provisions in other laws, except with respect to rulings to close trial and decisions as well as hearing or giving judicial decisions at court room.

一 合議体で審判又は審理及び裁判をする旨の決定を合議体でした事件

(i) Cases in which a panel has made a ruling to the effect that it will do a trial and decisions or hear and render judicial decisions by a panel.

二 他の法律において合議体で審判又は審理及び裁判をすべきものと定められた事件

(ii) Cases which are to be tried and decided or to be heard and judicially decided, through a panel by other law.

3 前項の合議体の裁判官の員数は、三人とし、そのうち一人を裁判長とする。

(3) The number of judges of a panel referred to in the preceding paragraph shall be three (3), one of whom shall be the presiding judge.

(地方裁判所の規定の準用)

(Application mutatis mutandis of the Provisions concerning District Court)

第三十一条の五 第二十七条乃至第三十一条の規定は、家庭裁判所にこれを準用する。

Article 31-5 The provisions of Articles 27 to 31 inclusive shall apply mutatis mutandis to a Family Court.

第四章 簡易裁判所

Chapter IV Summary Court

(裁判官)

(Judges)

第三十二条 各簡易裁判所に相応な員数の簡易裁判所判事を置く。

Article 32 A Summary Court shall have a necessary number of judges.

(裁判権)

(Jurisdiction)

第三十三条 簡易裁判所は、次の事項について第一審の裁判権を有する。

Article 33 (1) A Summary Court shall have jurisdiction of the first instance over the following matters:

一 訴訟の目的の価額が百四十万円を超えない請求（行政事件訴訟に係る請求を除く。）

(i) Claims where the value of the subject matter of litigation does not exceed 1,400,000 yen (except for claims pertaining to administrative case litigation).

二 罰金以下の刑に当たる罪、選択刑として罰金が定められている罪又は刑法第八十六条、第二百五十二条若しくは第二百五十六条の罪に係る訴訟（第三十一条の三第一項第四号の訴訟を除く。）

(ii) Litigation that relates to crimes punishable with fine or lighter penalties, crimes punishable with a fine as an optional penalty, crimes referred to in Article 186 of the Criminal Code, or crimes referred to in Article 252 or 256 of the same Code (except for litigation referred to in Article 31-3, paragraph 1, item 4)

2 簡易裁判所は、禁錮以上の刑を科することができない。ただし、刑法第三百十条の罪若しくはその未遂罪、同法第八十六条の罪、同法第二百三十五条の罪若しくはその未遂罪、同法第二百五十二条、第二百五十四条若しくは第二百五十六条の罪、古物営業法（昭和二十四年法律第八号）第三十一条から第三十三条までの罪若しくは質屋営業法（昭和二十五年法律第五十八号）第三十条から第三十二条までの罪に係る事件又はこれらの罪と他の罪とにつき刑法第五十四条第一項の規定によりこれらの罪の刑をもつて処断すべき事件においては、三年以下の懲役を科することができる。

(2) A Summary Court may not impose imprisonment without work or heavier penalty; provided, however, that a Summary Court may impose imprisonment with work for period not more than three years with respect to cases for crimes set forth in Article 130 of the Criminal Code or attempts thereof, crimes set forth in Article 186 of the same Code, crimes set forth in Article 235 of the same Code or attempts thereof, crimes set forth in Articles 252, 254, or 256 of the same Code, crimes set forth in Articles 31 through 33 of the Secondhand Articles Dealer Act (Act No. 108, 1949), or crimes set forth in Articles 30 through 32 of the Pawnbroker Business Act (Act No. 158, 1950), or with respect to cases in which the aforementioned crimes and other crimes should be punished with penalties for the aforementioned crimes, in accordance with the provisions of Article 54, paragraph 1 of the Criminal Code.

3 簡易裁判所は、前項の制限を超える刑を科するのを相当と認めるときは、訴訟法の定めるところにより事件を地方裁判所に移さなければならない。

(3) When a Summary Court finds it appropriate to impose a penalty heavier than the limits prescribed in the preceding paragraph, the Summary Court shall transfer the case to a District Court in accordance with the provisions of

procedural laws.

(その他の権限)

(Other Powers)

第三十四条 簡易裁判所は、この法律に定めるものの外、他の法律において特に定める権限を有する。

Article 34 A Summary Court shall have such powers as are specially provided for by other laws, in addition to those powers prescribed in this Act.

(一人制)

(Single Judge System)

第三十五条 簡易裁判所は、一人の裁判官でその事件を取り扱う。

Article 35 A Summary Court shall handle cases through a single judge.

(裁判官の職務の代行)

(Substitution of Judges)

第三十六条 簡易裁判所において裁判事務の取扱上さし迫つた必要があるときは、その所在地を管轄する地方裁判所は、その管轄区域内の他の簡易裁判所の裁判官又はその地方裁判所の判事に当該簡易裁判所の裁判官の職務を行わせることができる。

Article 36 (1) When there is an urgent necessity to conduct judicial proceedings in a Summary Court, the District Court with jurisdiction over the territory of said Summary Court may have a judge of another Summary Court within the same territory or of the said District Court serve as a judge of the former Summary Court.

2 前項の規定により当該簡易裁判所のさし迫つた必要をみたすことができない特別の事情があるときは、その簡易裁判所の所在地を管轄する高等裁判所は、同項に定める裁判官以外のその管轄区域内の簡易裁判所の裁判官又は地方裁判所の判事に当該簡易裁判所の裁判官の職務を行わせることができる。

(2) In cases due to special circumstances the urgent necessity of the Summary Court may not be satisfied by way of the measures set forth in the preceding paragraph, the High Court with jurisdiction over the place of the said Summary Court may have a judge other than the judges prescribed in the same paragraph, of a Summary Court or a District Court within the district over which the said High Court has jurisdiction, perform duties of a judge of said Summary Court concerned.

(司法行政事務)

(Judicial Administration Affairs)

第三十七条 各簡易裁判所の司法行政事務は、簡易裁判所の裁判官が、一人のときは、その裁判官が、二人以上のときは、最高裁判所の指名する一人の裁判官がこれを掌理する。

Article 37 The judicial administration affairs of a Summary Court shall, when the Summary Court consists of one judge, be administered by the said judge, and when there are two or more judges, by one of them designated by the Supreme Court.

(事務の移転)

(Transfer of Affairs)

第三十八条 簡易裁判所において特別の事情によりその事務を取り扱うことができないときは、その所在地を管轄する地方裁判所は、その管轄区域内の他の簡易裁判所に当該簡易裁判所の事務の全部又は一部を取り扱わせることができる。

Article 38 A District Court may, if special circumstances make it impossible to perform of affairs at a Summary Court situated within the district over which the District Court has jurisdiction, have another Summary Court within the said territory to perform all or part of such affairs.

第四編 裁判所の職員及び司法修習生

Part IV Court Officials and Legal Apprentices

第一章 裁判官

Chapter I Judges

(最高裁判所の裁判官の任免)

(Appointment and Removal of Judges of the Supreme Court)

第三十九条 最高裁判所長官は、内閣の指名に基いて、天皇がこれを任命する。

Article 39 (1) The Emperor shall appoint the Chief Justice of the Supreme Court as designated by the Cabinet.

2 最高裁判所判事は、内閣でこれを任命する。

(2) Justices of the Supreme Court shall be appointed by the Cabinet.

3 最高裁判所判事の任免は、天皇がこれを認証する。

(3) The Emperor shall attest the appointment and removal of Justices of the Supreme Court.

4 最高裁判所長官及び最高裁判所判事の任命は、国民の審査に関する法律の定めるところにより国民の審査に付される。

(4) The appointment of the Chief Justice of the Supreme Court and of Justices of the Supreme Court shall be reviewed by the people in accordance with the law relating to national referendum.

(下級裁判所の裁判官の任免)

(Appointment and Removal of Judges of Lower Courts)

第四十条 高等裁判所長官、判事、判事補及び簡易裁判所判事は、最高裁判所の指名した者の名簿によつて、内閣でこれを任命する。

Article 40 (1) The Cabinet shall appoint presidents of High Courts, judges,

assistant judges, and judges of Summary Courts from a list of persons nominated by the Supreme Court.

2 高等裁判所長官の任免は、天皇がこれを認証する。

(2) The Emperor shall attest the appointment and removal of presidents of High Courts.

3 第一項の裁判官は、その官に任命された日から十年を経過したときは、その任期を終えるものとし、再任されることができる。

(3) Judges referred to in paragraph 1 shall be regarded as having completed their terms of office when ten years after their appointment to office have elapsed, and may be reappointed.

(最高裁判所の裁判官の任命資格)

(Qualifications for Appointment of Judges of the Supreme Court)

第四十一条 最高裁判所の裁判官は、識見の高い、法律の素養のある年齢四十年以上の者の中からこれを任命し、そのうち少くとも十人は、十年以上第一号及び第二号に掲げる職の一若しくは二に在った者又は左の各号に掲げる職の一若しくは二以上に在つてその年数を通算して二十年以上になる者でなければならない。

Article 41 (1) Justices of the Supreme Court shall be appointed from leaned persons with extensive knowledge of law, who are not less than forty years old. At least ten of them shall be persons who have held one or two of the positions set forth in item 1 or 2 for not less than ten years, or one or more of the positions set forth in the following items for the total period of twenty years or more.

一 高等裁判所長官

(i) President of the High Court

二 判事

(ii) Judges

三 簡易裁判所判事

(iii) Judges of the Summary Court

四 検察官

(iv) Public Prosecutors

五 弁護士

(v) Attorneys

六 別に法律で定める大学の法律学の教授又は准教授

(vi) Professors or associate professors of law of universities that shall be determined by law.

2 五年以上前項第一号及び第二号に掲げる職の一若しくは二に在った者又は十年以上同項第一号から第六号までに掲げる職の一若しくは二以上に在った者が判事補、裁判所調査官、最高裁判所事務総長、裁判所事務官、司法研修所教官、裁判所職員総合研修所教官、法務省の事務次官、法務事務官又は法務教官の職に在ったときは、その在職は、同項の規定の適用については、これを同項第三号から第六号までに掲げる職の

在職とみなす。

(2) For the purpose of the application of the provisions of the preceding paragraph, if persons who have held the positions referred to in items 1 and 2 of the preceding paragraph for at least five years, or one or more of the positions referred to in items 3 through 6 of the preceding paragraph for not less than ten years, also have held positions of assistant judge, research law clerk, secretary general of the Supreme Court, court administrative official, professor of the Legal Training and Research Institute, professor of the Training and Research Institute for Court Officials, Administrative Vice-Minister of the Ministry of Justice, law official of the Ministry of Justice, or law instructor of the Ministry of Justice, then, such position shall be deemed to be those referred to in items 3 through 6 of the said paragraph.

3 前二項の規定の適用については、第一項第三号乃至第五号及び前項に掲げる職に在った年数は、司法修習生の修習を終えた後の年数に限り、これを当該職に在った年数とする。

(3) For the purpose of the application of the provisions of the preceding two paragraphs, the period of service in the positions set forth in items (3) to (5) of paragraph 1 and in the preceding paragraph shall be counted only from the completion of training as legal apprentice.

4 三年以上第一項第六号の大学の法律学の教授又は准教授の職に在った者が簡易裁判所判事、検察官又は弁護士に就いた場合においては、その簡易裁判所判事、検察官（副検事を除く。）又は弁護士の職に在った年数については、前項の規定は、これを適用しない。

(4) In cases where a person has held a position as a professor of law or associate professor of law of a university referred to in item 6 of paragraph 1 for three years or more, and also has held a position as a judge of Summary Court, public prosecutor (excluding an assistant prosecutor) or attorney, the provisions of the preceding paragraph shall not apply with respect to the period of service in latter positions.

（高等裁判所長官及び判事の任命資格）

(Qualifications for Appointment of Presidents and Judges of High Courts)

第四十二条 高等裁判所長官及び判事は、次の各号に掲げる職の一又は二以上に在つてその年数を通算して十年以上になる者の中からこれを任命する。

Article 42 (1) President and judges of High Courts shall be appointed from those who have held one or more of the following positions for ten years or longer:

一 判事補

(i) Assistant Judges

二 簡易裁判所判事

(ii) Judges of Summary Court

三 検察官

(iii) Public Prosecutors

四 弁護士

(iv) Attorneys

五 裁判所調査官、司法研修所教官又は裁判所職員総合研修所教官

(v) Research law clerks, professors of the Legal Training and Research Institute, professors of the Training and Research Institute for Court Officials

六 前条第一項第六号の大学の法律学の教授又は准教授

(vi) Professors of law or associate professors of law of universities referred to in paragraph 1, item 6 of the preceding Article.

2 前項の規定の適用については、三年以上同項各号に掲げる職の一又は二以上に在った者が裁判所事務官、法務事務官又は法務教官の職に在ったときは、その在職は、これを同項各号に掲げる職の在職とみなす。

(2) For the purpose of the application of the provisions of the preceding paragraph, persons who have for more than three (3) years held one or more of the positions referred to in each item of the said paragraph, and who also have held positions as court administrative official, court administrative official or law instructor shall be deemed as having held the office set forth in each item of the said paragraph.

3 前二項の規定の適用については、第一項第二号乃至第五号及び前項に掲げる職に在った年数は、司法修習生の修習を終えた後の年数に限り、これを当該職に在った年数とする。

(3) For the purpose of the application of the provisions of the preceding two paragraphs, the period of service in the positions set forth in items (2) to (5) of paragraph 1, and in the preceding paragraph shall be counted only from the completion of training as legal apprentice.

4 三年以上前条第一項第六号の大学の法律学の教授又は准教授の職に在った者が簡易裁判所判事、検察官又は弁護士の職に就いた場合においては、その簡易裁判所判事、検察官（副検事を除く。）又は弁護士の職に在った年数については、前項の規定は、これを適用しない。司法修習生の修習を終えないで簡易裁判所判事又は検察官に任命された者の第六十六条の試験に合格した後の簡易裁判所判事、検察官（副検事を除く。）又は弁護士の職に在った年数についても、同様とする。

(4) In cases where a person has held a position as professor of law or associate professor of law of universities referred to in item 6 of paragraph 1 of the preceding Article for three years or more, and afterward served as judge of Summary Court, public prosecutor (excluding an assistant prosecutor) or attorney, the provisions of the preceding paragraph shall not apply to the period of the service. In cases where a person has been appointed judge of Summary Court, or public prosecutor without having completed the training of a legal apprentice, the same shall apply to the period of his or her service as the judge of Summary Court, public prosecutor (excluding an assistant

prosecutor), or attorney after he or she passed the examination prescribed in Article 66.

(判事補の任命資格)

(Qualification for Appointment of Assistant Judges)

第四十三条 判事補は、司法修習生の修習を終えた者の中からこれを任命する。

Article 43 Assistant judges shall be appointed from those who have completed the training as legal apprentices.

(簡易裁判所判事の任命資格)

(Qualification for Appointment of Judges of the Summary Court)

第四十四条 簡易裁判所判事は、高等裁判所長官若しくは判事の職に在った者又は次の各号に掲げる職の一若しくは二以上に在ってその年数を通算して三年以上になる者の中からこれを任命する。

Article 44 (1) Judges of the Summary Court shall be appointed from those who have been the President of High Court or judges of a High Court, or who have held one or more of the positions referred to in the following items for three years or more.

一 判事補

(i) Assistant Judges.

二 検察官

(ii) Public Prosecutors.

三 弁護士

(iii) Attorneys.

四 裁判所調査官、裁判所事務官、司法研修所教官、裁判所職員総合研修所教官、法務事務官又は法務教官

(iv) A research law clerk, court administrative official, professors of the Legal Training and Research Institute, professor of the Training and Research Institute for Court Officials, or law official or law instructor of the Ministry of Justice.

五 第四十一条第一項第六号の大学の法律学の教授又は准教授

(v) Professors of law or associate professors of law of universities referred to in Article 41 paragraph 1, item 6.

2 前項の規定の適用については、同項第二号乃至第四号に掲げる職に在った年数は、司法修習生の修習を終えた後の年数に限り、これを当該職に在った年数とする。

(2) For the purpose of the application of the provisions of the preceding paragraph, the period of service in the positions set forth in items 2 to 4 of the said paragraph shall be counted only from the completion of the training as legal apprentice.

3 司法修習生の修習を終えないで検察官に任命された者の第六十六条の試験に合格した後の検察官（副検事を除く。）又は弁護士の職に在った年数については、前項の規

定は、これを適用しない。

- (3) In cases where a person has been appointed as a public prosecutor without having completed the training as a legal apprentice, the provisions of the preceding paragraph shall not apply to the period of his or her service as a public prosecutor (excluding an assistant prosecutor) or attorney after he/she passed the examination referred to in Article 66.

(簡易裁判所判事の選考任命)

(Appointment of Judges of the Summary Court)

第四十五条 多年司法事務にたずさわりの、その他簡易裁判所判事の職務に必要な学識経験のある者は、前条第一項に掲げる者に該当しないときでも、簡易裁判所判事選考委員会の選考を経て、簡易裁判所判事に任命されることができる。

Article 45 (1) Persons who have been engaged in judicial affairs for many years, or who possesses the knowledge and experience necessary for performing the duties of a judge of Summary Court may be appointed as judges of Summary Court by the Selection Committee of the Summary Court through the selection process even if they do not fall within the categories of persons prescribed in paragraph 1 of the preceding Article.

2 簡易裁判所判事選考委員会に関する規程は、最高裁判所がこれを定める。

- (2) Rules and regulations relating to the Selection Committee for Judges of Summary Courts shall be provided for by the Supreme Court.

(任命の欠格事由)

(Grounds for Incompetence for Appointment)

第四十六条 他の法律の定めるところにより一般の官吏に任命されることができない者の外、左の各号の一に該当する者は、これを裁判官に任命することができない。

Article 46 In addition to those persons who are incompetent to be appointed ordinary government officials according to other laws, no person falling under any of the following categories shall be appointed as a judge:

一 禁錮以上の刑に処せられた者

(i) A person who has been punished with imprisonment without work or a heavier penalty

二 弾劾裁判所の罷免の裁判を受けた者

(ii) A person whose removal from office has been decreed by an impeachment court

(補職)

(Assignment to Position)

第四十七条 下級裁判所の裁判官の職は、最高裁判所がこれを補する。

Article 47 Judges of lower courts shall be assigned to positions by the Supreme Court.

(身分の保障)

(Guarantee of Status)

第四十八条 裁判官は、公の弾劾又は国民の審査に関する法律による場合及び別に法律で定めるところにより心身の故障のために職務を執ることができないと裁判された場合を除いては、その意思に反して、免官、転官、転所、職務の停止又は報酬の減額をされることはない。

Article 48 A judge shall not be removed or be transferred, or be suspended from performing his job ,or have his salary reduced, against his will, except in accordance with the provisions of law concerning public impeachment or national referendum, or unless, , the judge is declared mentally or physically incompetent to perform his/her duties in accordance with provisions of applicable law.

(懲戒)

(Disciplinary Actions)

第四十九条 裁判官は、職務上の義務に違反し、若しくは職務を怠り、又は品位を辱める行状があつたときは、別に法律で定めるところにより裁判によつて懲戒される。

Article 49 If a judge has violated his/her official duties, neglected his/her jobs or degraded himself/herself, that judge shall be subjected to disciplinary action by judicial decisions as provided for by applicable law.

(定年)

(Age of Retirement)

第五十条 最高裁判所の裁判官は、年齢七十年、高等裁判所、地方裁判所又は家庭裁判所の裁判官は、年齢六十五年、簡易裁判所の裁判官は、年齢七十年に達した時に退官する。

Article 50 Justices of the Supreme Court shall retire upon the attainment of seventy years of age. Judges of High Courts, District Courts, or Family Courts shall retire upon the attainment of sixty five years of age. Judges of Summary Courts shall retire upon the attainment of seventy years of age.

(報酬)

(Compensation)

第五十一条 裁判官の受ける報酬については、別に法律でこれを定める。

Article 51 The compensation received by judges shall separately be determined by law.

(政治運動等の禁止)

(Prohibition of Political Activities, etc.)

第五十二条 裁判官は、在任中、左の行為をすることができない。

Article 52 Judges may not engage in any of the following acts while in office:

一 国会若しくは地方公共団体の議会の議員となり、又は積極的に政治運動をすること。

(i) To become members of the Diet or of assemblies of local public entities or actively engage in political movements.

二 最高裁判所の許可のある場合を除いて、報酬のある他の職務に従事すること。

(ii) To hold another position with remuneration without obtaining the permission of the Supreme Court.

三 商業を営み、その他金銭上の利益を目的とする業務を行うこと。

(iii) To carry on any commercial business or a business for monetary profit.

第二章 裁判官以外の裁判所の職員

Chapter II Court Officials Other Than Judges

(最高裁判所事務総長)

(Secretary General of the Supreme Court)

第五十三条 最高裁判所に最高裁判所事務総長一人を置く。

Article 53 (1) In the Supreme Court, there shall be one Secretary General of the Supreme Court.

2 最高裁判所事務総長は、最高裁判所長官の監督を受けて、最高裁判所の事務総局の事務を掌理し、事務総局の職員を指揮監督する。

(2) Secretary General of the Supreme Court shall, under the supervision of the Chief Justice of the Supreme Court, administer the affairs of the General Secretariat of the Supreme Court and control and supervise officials of the Secretariat.

(最高裁判所の裁判官の秘書官)

(Secretaries to Judges of the Supreme Court)

第五十四条 最高裁判所に最高裁判所長官秘書官一人及び最高裁判所判事秘書官十四人を置く。

Article 54 (1) In the Supreme Court, there shall be one secretary to the Chief Justice of the Supreme Court and fourteen secretaries to Justices of the Supreme Court.

2 最高裁判所長官秘書官は、最高裁判所長官の、最高裁判所判事秘書官は、最高裁判所判事の命を受けて、機密に関する事務を掌る。

(2) The secretary to the Chief Justice of the Supreme Court shall, as ordered by the Chief Justice of the Supreme Court, and secretaries to Justices of the Supreme Court shall, as ordered by the Justices of the Supreme Court, administer confidential affairs.

(司法研修所教官)

(Professors of Legal Training and Research Institute)

第五十五条 最高裁判所に司法研修所教官を置く。

Article 55 (1) In the Supreme Court, there shall be professors of Legal Training and Research Institute.

2 司法研修所教官は、上司の指揮を受けて、司法研修所における裁判官の研究及び修養並びに司法修習生の修習の指導をつかさどる。

(2) Professors of Legal Training and Research Institute shall, under the direction of their supervisors, take charge of guiding research and training for judges in the Legal Training and Research Institute and education for legal apprentices.

(司法研修所長)

(President of the Legal Training and Research Institute)

第五十六条 最高裁判所に司法研修所長を置き、司法研修所教官の中から、最高裁判所が、これを補する。

Article 56 (1) In the Supreme Court, there shall be President of the Legal Training and Research Institute, who shall be assigned to the position by the Supreme Court from among professors of the Legal Training and Research Institute.

2 司法研修所長は、最高裁判所長官の監督を受けて、司法研修所の事務を掌理し、司法研修所の職員を指揮監督する。

(2) The Chief of the Legal Training and Research Institute shall, under the supervision of the Chief Justice of the Supreme Court, administer the affairs of the Institute, and control and supervise officials of the Institute.

(裁判所職員総合研修所教官)

(Professors of the Training and Research Institute for Court Officials)

第五十六条の二 最高裁判所に裁判所職員総合研修所教官を置く。

Article 56-2 (1) In the Supreme Court, there shall be professors of the Training and Research Institute for Court Officials.

2 裁判所職員総合研修所教官は、上司の指揮を受けて、裁判所職員総合研修所における裁判所書記官、家庭裁判所調査官その他の裁判官以外の裁判所の職員の研究及び修養の指導をつかさどる。

(2) Professors of the Training and Research Institute for Court Officials shall, under the direction of their supervisors, take charge of guiding research and training in the Training and Research Institute for Court Officials for court clerks, family court research law clerks, and other court officials except for judges.

(裁判所職員総合研修所長)

(Chief of the Training and Research Institute for Court Officials)

第五十六条の三 最高裁判所に裁判所職員総合研修所長を置き、裁判所職員総合研修所

教官の中から、最高裁判所が、これを補する。

Article 56-3 (1) In the Supreme Court, there shall be Chief of the Training and Research Institute for Court Officials, who shall be assigned to the position by the Supreme Court from among professors of the Training and Research Institute for Court Officials.

2 裁判所職員総合研修所長は、最高裁判所長官の監督を受けて、裁判所職員総合研修所の事務を掌理し、裁判所職員総合研修所の職員を指揮監督する。

(2) The Chief of the Training and Research Institute for Court Officials shall, under the supervision of the Chief Justice of the Supreme Court, administer the affairs of the Training and Research Institute for Court Officials, and control and supervise officials thereof.

(最高裁判所図書館長)

(Director of the Supreme Court Library)

第五十六条の四 最高裁判所に最高裁判所図書館長一人を置き、裁判所の職員の中からこれを命ずる。

Article 56-4 (1) In the Supreme Court, there shall be a Director of the Supreme Court Library, who shall be appointed from among court officials.

2 最高裁判所図書館長は、最高裁判所長官の監督を受けて最高裁判所図書館の事務を掌理し、最高裁判所図書館の職員を指揮監督する。

(2) The Director of the Supreme Court Library shall, under the supervision of the Chief Justice of the Supreme Court, administer the affairs of the Supreme Court Library, and control and supervise the officials thereof.

3 前二項の規定は、国立国会図書館法の規定の適用を妨げない。

(3) The provisions referred to in the preceding two paragraphs shall not prejudice the application of the provisions of the National Diet Library Act.

(高等裁判所長官秘書官)

(Secretaries to Presidents of High Courts)

第五十六条の五 各高等裁判所に高等裁判所長官秘書官各一人を置く。

Article 56-5 (1) In every High Court, there shall be one secretary to the President of High Court.

2 高等裁判所長官秘書官は、高等裁判所長官の命を受けて、機密に関する事務をつかさどる。

(2) Secretaries to Presidents of High Courts shall administer confidential affairs, as ordered by Presidents of High Courts,.

(裁判所調査官)

(Research law clerks)

第五十七条 最高裁判所、各高等裁判所及び各地方裁判所に裁判所調査官を置く。

Article 57 (1) In the Supreme Court, each High Court and each District Court,

there shall be research law clerks.

2 裁判所調査官は、裁判官の命を受けて、事件（地方裁判所においては、知的財産又は租税に関する事件に限る。）の審理及び裁判に関して必要な調査その他の法律において定める事務をつかさどる。

(2) Research law clerks shall conduct the research necessary for proceedings and deciding cases (limited to cases concerning intellectual property or tax in a District Court) and other duties provided in other laws, as ordered by judges,.

（裁判所事務官）

(Court Administrative Officials)

第五十八条 各裁判所に裁判所事務官を置く。

Article 58 (1) In all courts, there shall be court administrative officials.

2 裁判所事務官は、上司の命を受けて、裁判所の事務を掌る。

(2) Court administrative officials shall administer the affairs of courts, as ordered by their superiors.

（事務局長）

(Chief of Secretariat)

第五十九条 各高等裁判所、各地方裁判所及び各家庭裁判所に事務局長を置き、裁判所事務官の中から、最高裁判所が、これを補する。

Article 59 (1) In each High Court, District Court and Family Court, there shall be a Chief of Secretariat, who shall be assigned to the position by the Supreme Court from among court administrative officials.

2 各高等裁判所の事務局長は、各高等裁判所長官の、各地方裁判所の事務局長は、各地方裁判所長の、各家庭裁判所の事務局長は、各家庭裁判所長の監督を受けて、事務局の事務を掌理し、事務局の職員を指揮監督する。

(2) The Chief of Secretariat of each High Court, the Chief of Secretariat of each District Court and the Chief of Secretariat of each Family Court shall administer the affairs of the Secretariat, and supervise staff thereof, under the supervision of the President of the High Court, the President of each District Court and the President of each Family Court respectively..

（裁判所書記官）

(Court Clerks)

第六十条 各裁判所に裁判所書記官を置く。

Article 60 (1) In all courts, there shall be court clerks.

2 裁判所書記官は、裁判所の事件に関する記録その他の書類の作成及び保管その他の法律において定める事務を掌る。

(2) The court clerk shall prepare and have in custody records and other documents concerning cases of the court, and conduct such other affairs as are provided for by law.

3 裁判所書記官は、前項の事務を掌る外、裁判所の事件に関し、裁判官の命を受けて、裁判官の行なう法令及び判例の調査その他必要な事項の調査を補助する。

(3) Court clerks shall, in addition to conducting the affairs under the preceding paragraph, assist the judges in research of laws, orders and judicial precedents, as well as other necessary matters, as ordered by the judges, in relation to the cases of the court.

4 裁判所書記官は、その職務を行うについては、裁判官の命令に従う。

(4) Court clerks shall, in performing his or her duties, comply with the order of judges.

5 裁判所書記官は、口述の書取その他書類の作成又は変更に関して裁判官の命令を受けた場合において、その作成又は変更を正当でないと認めるときは、自己の意見を書き添えることができる。

(5) If, in cases where a court clerk has received an order from a judge with respect to the preparation or alteration of a transcript of an oral statement or of other documents, the court clerk recognizes such preparation or alteration is not justifiable, the clerk may attach his own opinion in writing.

(裁判所速記官)

(Court stenographers)

第六十条の二 各裁判所に裁判所速記官を置く。

Article 60-2 (1) In all courts, there shall be Court stenographers.

2 裁判所速記官は、裁判所の事件に関する速記及びこれに関する事務を掌る。

(2) Court stenographers shall take shorthand concerning the cases of the court, and conduct such affairs as related thereto.

3 裁判所速記官は、その職務を行うについては、裁判官の命令に従う。

(3) Court stenographers shall comply with the orders of judges in performing their duties.

(裁判所技官)

(Technical Officials of Courts)

第六十一条 各裁判所に裁判所技官を置く。

Article 61 (1) In each court, there shall be technical officials.

2 裁判所技官は、上司の命を受けて、技術を掌る。

(2) Technical officials of courts shall conduct technical affairs, as ordered by their superiors.

(家庭裁判所調査官)

(Family Court Research Law Clerks)

第六十一条の二 各家庭裁判所及び各高等裁判所に家庭裁判所調査官を置く。

Article 61-2 (1) In each Family Court and each High Court, there shall be family court research law clerks.

2 家庭裁判所調査官は、各家庭裁判所においては、第三十一条の三第一項第一号の審判及び調停、同項第二号の裁判（人事訴訟法第三十二条第一項の附帯処分についての裁判及び同条第三項の親権者の指定についての裁判（以下この項において「附帯処分等の裁判」という。）に限る。）並びに第三十一条の三第一項第三号の審判に必要な調査その他他の法律において定める事務を掌り、各高等裁判所においては、同項第一号の審判に係る抗告審の審理及び附帯処分等の裁判に係る控訴審の審理に必要な調査を掌る。

(2) Family court research law clerks shall, in each Family Court, conduct necessary research for the trial and decision and conciliation referred to in Article 31-3, paragraph 1, item 1, for judicial decision referred to in item 2 of the same paragraph (limited to the judicial decision related to incidental disposition referred to in Article 32, paragraph 1 of Act for Personal Status and judicial decisions of designation of the person who has parental authority under paragraph 3 of the same article (hereinafter referred to as the "Judicial Decision for Incidental Disposition") in this paragraph)), as well as for the trial and decision referred to in Article 31-3, paragraph 1, item 3, and any other affairs prescribed by other laws; and in each High Court, conduct the necessary research for proceeding of appeal from decisions referred to in item 1 of the same paragraph, and for proceeding of appeal trial at the court of second instance pertaining to Judicial Decision for Incidental Disposition.

3 最高裁判所は、家庭裁判所調査官の中から、首席家庭裁判所調査官を命じ、調査事務の監督、関係行政機関その他の機関との連絡調整等の事務を掌らせることができる。

(3) The Supreme Court may appoint from family court research law clerks a Chief Family Court Research Law Clerk, who shall be assigned the duty of supervising the research affairs and conducting liaison and other functions with relevant governmental agencies and other agencies.

4 家庭裁判所調査官は、その職務を行うについては、裁判官の命令に従う。

(4) Family court research law clerks shall, in executing their duties, comply with the orders of judges.

（家庭裁判所調査官補）

(Assistant Family Court Research Law Clerks)

第六十一条の三 各家庭裁判所に家庭裁判所調査官補を置く。

Article 61-3 (1) In each Family Court, there shall be assistant family research law clerks..

2 家庭裁判所調査官補は、上司の命を受けて、家庭裁判所調査官の事務を補助する。

(2) Assistant family court research law clerks shall help family court investigators perform their affairs, as ordered by their superiors.

（執行官）

(Court Enforcement Officers)

第六十二条 各地方裁判所に執行官を置く。

Article 62 (1) In each District Court, there shall be court enforcement officers.

2 執行官に任命されるのに必要な資格に関する事項は、最高裁判所がこれを定める。

(2) Qualifications necessary for being appointed a court enforcement officer shall be prescribed by the Supreme Court.

3 執行官は、他の法律の定めるところにより裁判の執行、裁判所の発する文書の送達その他の事務を行う。

(3) Court enforcement officer shall manage the execution of judicial decisions, the service of documents issued by the court, and such other affairs as are provided for by law.

4 執行官は、手数料を受けるものとし、その手数料が一定の額に達しないときは、国庫から補助金を受ける。

(4) Court enforcement officers shall receive commissions. If the commissions do not amount to a certain sum, they shall receive a subsidy from the national treasury.

(廷吏)

(Bailiffs)

第六十三条 各裁判所に廷吏を置く。

Article 63 (1) In each court, there shall be bailiffs.

2 廷吏は、法廷において裁判官の命ずる事務その他最高裁判所の定める事務を取り扱う。

(2) A bailiff shall conduct court duties as ordered by judges and other affairs as are determined by the Supreme Court.

3 各裁判所は、執行官を用いることができないときは、その裁判所の所在地で書類を送達するために、廷吏を用いることができる。

(3) When a court is unable to use court enforcement officer, it may use a bailiff for the service of documents in the district of the court.

(任免)

(Appointment and Dismissal)

第六十四条 裁判官以外の裁判所の職員の任免は、最高裁判所の定めるところにより最高裁判所、各高等裁判所、各地方裁判所又は各家庭裁判所がこれを行う。

Article 64 The appointment and dismissal of court officials other than judges shall be made by the Supreme Court, a High Court, a District Court or a Family Court as determined by the Supreme Court.

(勤務裁判所の指定)

(Designation of Courts of Service)

第六十五条 裁判所調査官、裁判所事務官（事務局長たるものを除く。）、裁判所書記官、裁判所速記官、家庭裁判所調査官、家庭裁判所調査官補、執行官及び裁判所技官

の勤務する裁判所は、最高裁判所の定めるところにより最高裁判所、各高等裁判所、各地方裁判所又は各家庭裁判所がこれを定める。

Article 65 The Court where research law clerks, court administrative officials (except Chief of Secretariat), court clerks, court stenographers, family court research clerks, assistant family court research law clerks, court enforcement officers, and technical officials of the court are to work, shall be designated by the Supreme Court, a High Court, a District Court, or a Family Court as determined by the Supreme Court.

(裁判官以外の裁判所の職員に関する事項)

(Matters concerning Court Staff other than Judges)

第六十五条の二 裁判官以外の裁判所の職員に関する事項については、この法律に定めるものの外、別に法律でこれを定める。

Article 65-2 Matters concerning court staff other than judges shall be provided for separately by law, except for those provided for by this Act.

第三章 司法修習生

Chapter III Legal apprentices

(採用)

(Adoption)

第六十六条 司法修習生は、司法試験に合格した者の中から、最高裁判所がこれを命ずる。

Article 66 (1) A legal apprentice shall be appointed by the Supreme Court from those who have passed the bar examination.

2 前項の試験に関する事項は、別に法律でこれを定める。

(2) Matters concerning the examination referred to in the preceding paragraph shall be provided for separately by law.

(修習・試験)

(Training and Examination)

第六十七条 司法修習生は、少なくとも一年間修習をした後試験に合格したときは、司法修習生の修習を終える。

Article 67 (1) Legal apprentices complete their courses upon passing an examination at the end of at least one year of training.

2 司法修習生は、その修習期間中、国庫から一定額の給与を受ける。ただし、修習のため通常必要な期間として最高裁判所が定める期間を超える部分については、この限りでない。

(2) Legal apprentices shall receive a fixed allowance from the national treasury during their term of training; provided, however, that this shall not apply to the portion exceeding the period prescribed by the Supreme Court as the period

normally required for training.

3 第一項の修習及び試験に関する事項は、最高裁判所がこれを定める。

(3) Matters concerning training and examination referred to in paragraph 1 shall be determined by the Supreme Court.

(罷免)

(Dismissal)

第六十八条 最高裁判所は、司法修習生の行状がその品位を辱めるものと認めるときその他司法修習生について最高裁判所の定める事由があると認めるときは、その司法修習生を罷免することができる。

Article 68 The Supreme Court may dismiss a legal apprentice if it considers that his/her behavior degrades its dignity, or if it considers that there exists cause(s) specified by the Supreme Court.

第五編 裁判事務の取扱

Part V Conduct of Judicial Proceedings

第一章 法廷

Chapter I Court

(開廷の場所)

(Place of Session)

第六十九条 法廷は、裁判所又は支部でこれを開く。

Article 69 (1) Court sessions shall be held at courts or branches.

2 最高裁判所は、必要と認めるときは、前項の規定にかかわらず、他の場所で法廷を開き、又はその指定する他の場所で下級裁判所に法廷を開かせることができる。

(2) The Supreme Court may, when it finds necessary, hold sessions of court at different places or cause a lower court to hold sessions at other places it designates, notwithstanding the provisions of the preceding paragraph.

(公開停止の手續)

(Procedures for Suspension of Public Trial)

第七十条 裁判所は、日本国憲法第八十二条第二項の規定により対審を公開しないで行うには、公衆を退廷させる前に、その旨を理由とともに言い渡さなければならない。判決を言い渡すときは、再び公衆を入廷させなければならない。

Article 70 In order to conduct a trial in camera in accordance with the provisions of Article 82, paragraph 2 of the Constitution of Japan, a court shall make a statement to that effect giving the reason therefore, before ordering spectators to leave the court. In delivering a judgment, a court shall cause the public to be admitted to the court again.

(法廷の秩序維持)

(Maintenance of Order in Court)

第七十一条 法廷における秩序の維持は、裁判長又は開廷をした一人の裁判官がこれを行う。

Article 71 (1) The presiding judge or a single judge who has opened the session shall maintain order in the court.

2 裁判長又は開廷をした一人の裁判官は、法廷における裁判所の職務の執行を妨げ、又は不当な行状をする者に対し、退廷を命じ、その他法廷における秩序を維持するのに必要な事項を命じ、又は処置を執ることができる。

(2) The presiding judge or a judge who has opened the session may order any person who interferes with the exercising of the duties of the court or who behaves improperly, to leave the court, and may issue such other orders or take such measures as are necessary for the maintenance of order in the court.

(警察官の派出要求)

(Request for Dispatch of Police Officials)

第七十一条の二 裁判長又は開廷をした一人の裁判官は、法廷における秩序を維持するため必要があると認めるときは、警視総監又は道府県警察本部長に警察官の派出を要求することができる。法廷における秩序を維持するため特に必要があると認めるときは、開廷前においてもその要求をすることができる。

Article 71-2 (1) The presiding judge or a single judge who has opened the session may, when the judge finds it necessary for maintaining order in the court, request the Tokyo Metropolitan Police Commissioner or the Chief of the Prefectural Police to dispatch police officers. The request may, if deemed specifically necessary for maintaining order in the court, be made prior to the opening of the session.

2 前項の要求により派出された警察官は、法廷における秩序の維持につき、裁判長又は一人の裁判官の指揮を受ける。

(2) The police officers who have been dispatched at the request under the preceding paragraph shall be directed by the presiding judge or a single judge in order to maintain order during the judicial procedure.

(法廷外における処分)

(Dispositions Outside Court)

第七十二条 裁判所が他の法律の定めるところにより法廷外の場所で職務を行う場合において、裁判長又は一人の裁判官は、裁判所の職務の執行を妨げる者に対し、退去を命じ、その他必要な事項を命じ、又は処置を執ることができる。

Article 72 (1) At times when the court exercises its duties outside court room in accordance with the provisions of other laws, the presiding judge or a single judge may order any person who interferes with the operations of the court to leave the place where the court exercises its duties and may issue other necessary orders or take other necessary measures.

2 前条の規定は、前項の場合にこれを準用する。

(2) The provisions of the preceding Article shall apply mutatis mutandis to the case under the preceding paragraph.

3 前二項に規定する裁判長の権限は、裁判官が他の法律の定めるところにより法廷外の場所で職務を行う場合において、その裁判官もこれを有する。

(3) The authority of the presiding judge set forth in the preceding two paragraphs shall be conferred upon a judge when the judge exercises duties outside the court room as provided for elsewhere by act.

(審判妨害罪)

(Crime of Interference with a Trial)

第七十三条 第七十一条又は前条の規定による命令に違反して裁判所又は裁判官の職務の執行を妨げた者は、これを一年以下の懲役若しくは禁錮又は千円以下の罰金に処する。

Article 73 Any person who, contrary to an order referred to in Article 71 or the preceding Article, interferes with the exercising of the functions of a court or of a judge shall be liable to imprisonment with or without work for a term not more than one (1) year or to a fine not more than one (1) thousand yen.

第二章 裁判所の用語

Chapter II Language of Courts

(裁判所の用語)

(Language of Courts)

第七十四条 裁判所では、日本語を用いる。

Article 74 In the court, the Japanese language shall be used.

第三章 裁判の評議

Chapter III Deliberation of Decisions

(評議の秘密)

(Secrecy of Deliberation)

第七十五条 合議体とする裁判の評議は、これを公行しない。但し、司法修習生の傍聴を許すことができる。

Article 75 (1) Deliberations of decisions in a panel shall not be disclosed; provided, however, that the presence of legal apprentices may be permitted.

2 評議は、裁判長が、これを開き、且つこれを整理する。その評議の経過並びに各裁判官の意見及びその多少の数については、この法律に特別の定がない限り、秘密を守らなければならない。

(2) Deliberation shall be commenced and regulated by the presiding judge.

Except as otherwise provided for in this act, strict secrecy must be observed

with respect to the proceedings of deliberations, the opinions of each judge and the number of opinions constituting majority and minority.

(意見を述べる義務)

(Duty to State one's opinions)

第七十六条 裁判官は、評議において、その意見を述べなければならない。

Article 76 Judges must express their opinions in deliberations.

(評決)

(Decision)

第七十七条 裁判は、最高裁判所の裁判について最高裁判所が特別の定をした場合を除いて、過半数の意見による。

Article 77 (1) Except for cases where the Supreme Court has decided otherwise concerning Supreme Court decisions, decisions shall be rendered by a majority of opinions.

2 過半数の意見によつて裁判をする場合において、左の事項について意見が三説以上に分れ、その説が各々過半数にならないときは、裁判は、左の意見による。

(2) If, in cases where decisions are to be rendered by a majority opinion, there are three or more different opinions with respect to the following matters, and none of them obtains the majority, a decision shall be rendered in accordance with the opinion set forth below.

一 数額については、過半数になるまで最も多額の意見の数を順次少額の意見の数に加え、その中で最も少額の意見

(i) With respect to the amount, the number of opinions in favor of the largest amount shall be added to the number of opinions in favor of the next largest amount, and so on until a majority is attained. The amount of the majority opinion shall be that of the opinion in favor of the smallest amount which is held within the majority group.

二 刑事については、過半数になるまで被告人に最も不利な意見の数を順次利益な意見の数に加え、その中で最も利益な意見

(ii) In criminal cases, the number of opinions most unfavorable to the accused shall be added to the number of opinions next most unfavorable, and so on until a majority is attained. The majority opinion shall be that of the opinion most favorable to the accused, which is held within the majority group.

(補充裁判官)

(Supplementary Judges)

第七十八条 合議体の審理が長時日にわたることの予見される場合においては、補充の裁判官が審理に立ち会い、その審理中に合議体の裁判官が審理に関与することができなくなつた場合において、あらかじめ定める順序に従い、これに代つて、その合議体に加わり審理及び裁判をすることができる。但し、補充の裁判官の員数は、合議体の

裁判官の員数を越えることができない。

Article 78 When the trial of a panel is expected to continue for a long time, one or more supplementary judges may attend the proceedings, and should one or more judge of a panel become unable to take part in the proceeding, the supplementary judge or judges may, in the order determined in advance, join the panel to conduct proceedings and give judicial decisions in the place of the absent judge or judges; provided, however, that the number of supplementary judges shall not exceed that of the judges of the panel.

第四章 裁判所の共助

Chapter IV Assistance of Courts

(裁判所の共助)

(Assistance of Courts)

第七十九条 裁判所は、裁判事務について、互に必要な補助をする。

Article 79 The courts shall provide the necessary mutual assistance in the conduct of judicial proceedings.

第六編 司法行政

Part VI Judicial Administration

(司法行政の監督)

(Supervision of Judicial Administration)

第八十条 司法行政の監督権は、左の各号の定めるところによりこれを行う。

Article 80 The power of supervision over judicial administration shall be exercised as follows:

一 最高裁判所は、最高裁判所の職員並びに下級裁判所及びその職員を監督する。

(i) The Supreme Court shall supervise its officials, lower courts and officials thereof.

二 各高等裁判所は、その高等裁判所の職員並びに管轄区域内の下級裁判所及びその職員を監督する。

(ii) Each High Court shall supervise its officials, lower courts within the district over which it has jurisdiction and officials thereof.

三 各地方裁判所は、その地方裁判所の職員並びに管轄区域内の簡易裁判所及びその職員を監督する。

(iii) Each District Court shall supervise its officials and Summary Courts within the district over which it has jurisdiction, and officials thereof.

四 各家庭裁判所は、その家庭裁判所の職員を監督する。

(iv) Each Family Court shall supervise its officials.

五 第三十七条に規定する簡易裁判所の裁判官は、その簡易裁判所の裁判官以外の職員を監督する。

(v) Judges of the Summary Court prescribed in Article 37 shall supervise officials of Summary Courts other than judges of the said Summary Court.

(監督権と裁判権との関係)

(Relation between Power of Supervision and Power of Judicial Decision)

第八十一条 前条の監督権は、裁判官の裁判権に影響を及ぼし、又はこれを制限することはない。

Article 81 The power of supervision set forth in the preceding Article shall not affect or restrict the power of judicial decision of judges.

(事務の取扱方法に対する不服)

(Complaint against Way of Dealing with Affairs)

第八十二条 裁判所の事務の取扱方法に対して申し立てられた不服は、第八十条の監督権によりこれを処分する。

Article 82 Complaints against way of disposing affairs of courts shall be dealt with by means of the power of supervision set forth in Article 80.

第七編 裁判所の経費

Part VII Expense of Courts

(裁判所の経費)

(Expense of Courts)

第八十三条 裁判所の経費は、独立して、国の予算にこれを計上しなければならない。

Article 83 (1) Expenses of courts shall be independently appropriated in the national budget.

2 前項の経費中には、予備金を設けることを要する。

(2) A reserve fund shall be provided among the expenses referred to in the preceding paragraph.

附 則 [抄]

Supplementary Provisions [Extract]

1 この法律は、日本国憲法施行の日から、これを施行する。

(1) This Act shall come into force as of the date of effectuation of the Constitution of Japan (effective as of May 3, 1947).

2 裁判所構成法、裁判所構成法施行条例、判事懲戒法及び行政裁判法は、これを廃止する。

(2) The Act of the Constitution of Courts, Regulations for the Effectuation of the Act of the Constitution of Courts, the Act of Disciplinary Action of Judges, and the Act of Administrative Court shall hereby be abrogated.

3 最高裁判所は、当分の間、特に必要があるときは、裁判官又は検察官をもつて司法

研修所教官又は裁判所職員総合研修所教官に、裁判官をもつて裁判所調査官にそれぞれ充てることができる。

- (3) The Supreme Court may, for the time being, assign judges and public prosecutors as professors of the Legal Training and Research Institute and professors of the Training and Research Institute for Court Officials, and judges as research law clerks respectively, when there is special necessity.

附 則 [昭和二十二年十月二十九日法律第百二十六号]
Supplementary Provisions [Act No. 126 of October 29, 1947]

この法律は、公布の日から、これを施行する。

The present Act shall become effective as of the day of its promulgation.

附 則 [昭和二十二年十二月十七日法律第百九十五号]
Supplementary Provisions [Act No. 195 of December 17, 1947]

第十七条 この法律は、公布の後六十日を経過した日から、これを施行する。

Article 17 The present Act shall become effective as of the day when sixty days have elapsed from the day of its promulgation.

第十八条 この法律施行前における司法次官、司法事務官及び司法教官の在職は、裁判所法第四十一条、第四十二条及び第四十四条並びに検察庁法第十九条の規定の適用については、夫々法務庁の各長官、法務庁事務官及び法務庁教官の在職とみなす。

Article 18 The tenure of office of Vice-Minister of Justice, judicial officials of the Ministry of Justice, and educational officials of the Ministry of Justice prior to enforcement of this Act shall, respectively, be regarded as the tenure of holding office as Chief in the Attorney-General's Office, officials of the Attorney General's Office, and educational officials of the Attorney General's Office, in the application of the provisions of Articles 41, 42, and 44 of the Court Act and Article 19 of the Public Prosecutor's Office Act.

附 則 [昭和二十三年一月一日法律第一号]
Supplementary Provisions [Act No. 1 of January 1, 1948]

この法律は、公布の日から、これを施行する。

The present Act shall come into force as of the day of its promulgation.

附 則 [昭和二十三年七月十二日法律第百四十六号] [抄]
Supplementary Provisions [Act No. 146 of July 12, 1948] [Extract]

第四条 この法律は、公布の日から、これを施行する。

Article 4 The present Act shall come into force as of the day of its promulgation.

附 則 [昭和二十三年十二月二十一日法律第二百六十号]

Supplementary Provisions [Act No. 260 of December 21, 1948]

第十条 この法律は、昭和二十四年一月一日から施行する。但し、裁判所法第十四条の二、第五十六条の二、判事補の職権の特例等に関する法律第二条の二及び裁判所職員の定員に関する法律第六条の規定並びに裁判所法第十条、第六十三条第一項及び裁判所職員の定員に関する法律第四条を改正する規定は、この法律公布の日から施行する。

Article 10 This Act shall become effective as of January 1, 1949; provided, however, that the provisions of Articles 14-2 and 56-2 of the Court Act, Article 2-2 of the Act concerning the Exceptions to the Authority of Assistant Judges, etc., Article 6 of the Act concerning the Limit of Number of Court Officials, and the provisions amending Article 10 and Article 63, paragraph 1 of the Court Act and Article 4 of the Act concerning the Limit of Number of Court Officials shall become effective as of the day of promulgation of this Act.

第十一条 第一条中裁判所法第十六条、第二十四条及び第三十三条を改正する規定は、この法律施行前に公訴の提起があつた事件については適用しない。

Article 11 (1) The provisions amending Articles 16, 24, and 33 of the Court Act referred to in Article 1 shall not apply to cases wherein prosecution was instituted before effectuation of this Act.

2 前項の事件については、改正前の規定は、この法律施行後も、なおその効力を有する。

(2) With respect to the cases referred to in the preceding paragraph, the provisions before amendments shall remain in effect after effectuation of this Act.

第十二条 この法律施行前における少年審判官の在職は、この法律による改正後の裁判所法第四十一条、第四十二条及び第四十四条の規定の適用については、裁判所調査官の在職とみなす。

Article 12 The tenure of the office of Juvenile Court judge before effectuation of this Act shall be deemed to be the tenure of research law clerks of the court for the purpose of the application of the provisions of Articles 41, 42, and 44 of the Court Act amended by this Act.

第十三条 少年法（昭和二十三年法律第百六十八号）第六十三条第二項の家庭裁判所は、同法施行の際事件が係属する少年審判所の所在地を管轄する家庭裁判所とする。

Article 13 The Family Court referred to in Article 63, paragraph 2 of the Juvenile Act (Act No. 168, 1948) shall be the Family Court, having jurisdiction over the district within which the Juvenile Protection Office in which the case

is pending at the time of enforcement of the said Act, is located.

第十四条 この法律施行の際現に家事審判所に係属している事件及びこの法律による改正前の家事審判法（以下旧家事審判法という。）第四条の規定によつて地方裁判所に係属している事件は、この法律施行の日に、その家事審判所又は地方裁判所の所在地を管轄する家庭裁判所に係属したものとみなす。

Article 14 (1) The cases that are pending in the Court of Domestic Relations and cases that are pending in the District Court in accordance with the provisions of Article 4 of the Act for Domestic Relations Trial Act before amended by this Act (hereinafter referred to as the "old Domestic Relations Trial Act"), at the time of effectuation of this Act shall be deemed to have been pending in the Family Court having jurisdiction over the district within which the said Court of Domestic Relations or District Court is located, as of the day of the effectuation of this Act.

2 家事審判所の審判に関する抗告事件及び旧家事審判法第四条の規定による抗告事件でこの法律施行の際現に抗告裁判所に係属しているものは、家庭裁判所の審判に関する抗告事件とみなす。

(2) Cases of appeal from decisions of the Court of Domestic Relations and cases of appeal made in accordance with the provisions of Article 4 of the old of Domestic Relations Trial Act that are pending in the court of the appeal at the time of effectuation of this Act shall be deemed to be appeal cases against decisions of the Family Court.

3 前二項の事件において、この法律施行前に旧家事審判法によつてした家事審判所その他の者の行為は、別段の定のある場合を除いては、改正後の家事審判法（以下新家事審判法という。）の適用については、同法によつてした行為とみなす。

(3) Except as otherwise provided for, acts done before effectuation of this Act by the Court of Domestic Relations or other persons in accordance with the provisions of the old Domestic Relations Trial Act, in cases referred to in the preceding two paragraphs, shall be deemed to have been done in accordance with the provisions of the said Act, in the application of the amended Domestic Relations Trial Act (hereinafter referred to as the "new Domestic Relations Trial Act"),.

第十五条 この法律施行前に確定した家事審判所の審判又は同日以前に家事審判所において成立した調停は、その家事審判所の所在地を管轄する家庭裁判所の審判又は同裁判所において成立した調停とみなす。

Article 15 A decision rendered by the Court of Domestic Relations that has become final and binding before effectuation of this Act, or an agreement reached in conciliation conducted by the said Court before the said effectuation date shall be deemed to be a decision given by the Family Court having jurisdiction over the district within which the said Court of Domestic Relations

is located or an agreement reached in conciliation conducted by said Family Court.

第十六条 この法律施行前にした行為に対する過料に関する規定の適用については、旧家事審判法は、この法律施行後も、なおその効力を有する。この場合において、過料の審判は、旧家事審判法によれば権限を有すべき家事審判所の所在地を管轄する家庭裁判所が行う。

Article 16 (1) The old Domestic Relations Trial Act shall remain in effect even after effectuation of this Act for the purpose of the application of provisions concerning non-penal fine against acts done before effectuation of this Act. In this case, decision of a non-penal fine shall be rendered by the Family Court having jurisdiction over the district where the Court of Domestic Relations which should have jurisdiction under the old Domestic Relations Trial Act is located.

2 この法律施行前に参与員又は調停員の職にあつた者の行為に対する罰則の適用については、旧家事審判法は、この法律施行後も、なおその効力を有する。

(2) For the purpose of the application of the penal provisions against acts done by any person who has been counselor or conciliator before enforcement of this Act, the old Domestic Relations Trial Act shall remain in effect even after effectuation of this Act.

第十七条 家事審判法施行法（昭和二十二年法律第百五十三号）によつて家事審判所の審判とみなされる裁判は、この法律施行後は、家庭裁判所の審判とみなす。

Article 17 Judicial decisions that are deemed to be decisions rendered by the Court of Domestic Relations in accordance with the provisions of the Act for Enforcement of the Domestic Relations Trial Act (Act No. 153, 1947) shall be deemed to be the decisions rendered by the Family Court after effectuation of this Act.

第十八条 家事審判法施行法第二十四条第二項の規定によつて管轄家事審判所に差し戻すべき事件は、この法律施行後は、管轄家庭裁判所に差し戻さなければならない。

Article 18 (1) A matter that shall be remanded to the Court of Domestic Relations having jurisdiction, in accordance with the provisions of Article 24, paragraph 2 of the Act for Enforcement of the Domestic Relations Trial Act, shall be remanded to the Family Court with jurisdiction thereon, after effectuation of the present Act.

2 前項の規定によつて差し戻した場合には、その事件において家事審判法施行法による改正前の非訟事件手続法によつてした裁判所その他の者の行為は、新家事審判法の適用については、同法によつてした行為とみなす。

(2) In cases where a case has been remanded in accordance with the provisions of the preceding paragraph, acts done by the Court or other persons in said case

in accordance with the provisions of the Act of Procedures for Non-contentious Matters prior to the amendment by the Act for Enforcement of the Domestic Relations Trial Act shall be deemed to be acts done in accordance with the provisions of the new Domestic Relations Trial Act the said Act, for the purpose of the application of said new Act.

第十九条 民法の一部を改正する法律（昭和二十二年法律第二百二十号）附則第十四条第二項又は第二十七条第三項（同法附則第二十五条第二項但書、第二十六条第二項及び第二十八条において準用する場合を含む。）の規定によつて家事審判所が行うべき審判は、この法律施行後は、家庭裁判所が行う。

Article 19 Decisions which shall be rendered by the Court of Domestic Relations in accordance with the provisions of Article 14, paragraph 2 or Article 27, paragraph 3 of the Supplementary Provisions of the Act for Partial Amendments to the Civil Code (Act No. 222, 1947) (including cases wherein the provisions of Article 27, paragraph 3 are applicable mutatis mutandis under the proviso to Article 25, paragraph 2, and Article 26, paragraph 2 and Article 28 of the Supplementary Provisions of the said Act), shall be rendered by the Family Court after effectuation of the present Act.

附 則 〔昭和二十四年五月三十一日法律第百三十六号〕 〔抄〕

Supplementary Provisions [Act No. 136 of May 31, 1949] [Extract]

1 この法律のうち、法務府設置法第十三条の七の規定は犯罪者予防更生法が施行される日から、その他の規定は昭和二十四年六月一日から施行する。

(1) The provisions of Article 13-7 of the Act establishing the Attorney-General's Office shall come into force as of the day of enforcement of the Act for Prevention and Re-generation of Criminals, and other provisions within this Act shall come into force as of June 1, 1949.

4 この法律施行前における法務庁の各長官、法務庁事務官及び法務庁教官の在職は、裁判所法第四十一条、第四十二条（判事補の職権の特例等に関する法律第一条第二項において準用する場合を含む。）及び第四十四条の規定の適用については、それぞれ法務府の各長官、法務府事務官及び法務府教官の在職とみなす。

(4) Tenure of office of each of Chiefs of the Attorney-General's Bureau, officials of the Attorney-General's Bureau and educational officials of the Attorney-General's Bureau before effectuation of this Act shall respectively be regarded as the tenure of office of each of Chiefs of the Attorney-General of the Attorney-General's Office, officials of the Attorney-General's Office, and educational officials of the Attorney-General's Office for the purpose of the application of the provisions of Article 41, Article 42 (including the case where the same Article applies mutatis mutandis under Article 1, paragraph 2 of the Act concerning the Exceptions to the Authority of Assistant Judges, etc.) and

Article 44 of the Court Act.

附 則〔昭和二十四年六月一日法律第百七十七号〕

Supplementary Provisions [Act No. 177 of June 1, 1949]

- 1 この法律のうち、裁判所法第六十条、第六十条の二、及び第六十五条の改正規定は公布の日から起算して三十日を経過した日から、その他の規定は公布の日から施行する。
- (1) This Act shall come into force as of the day of its promulgation; provided, however, that the provisions amending Articles 60, 60-2, and 65 of the Court Act shall become effective after the elapse of thirty (30) days starting from the day of promulgation of this Act.
- 2 この法律の公布の日から起算して三十日を経過した際現に裁判所書記に補せられている裁判所事務官で、裁判所書記官に任命されないものは、別に辞令を発せられないときは、兼ねて裁判所書記官補に任命され、且つ、現にその者の勤務する裁判所に勤務することを命ぜられたものとみなす。
- (2) A court official who is performing duty as court clerk but not appointed as a court clerk at the time the period of thirty (30) days has elapsed counting from the day of promulgation of this Act shall be deemed to have been concurrently appointed as an assistant court clerk, and to have been ordered to serve the court in which he holds an office on the effective date of this Act, unless otherwise a writ of appointment is issued.
- 3 他の法令中「裁判所書記」とあるのは、「裁判所書記官」と読み替えるものとする。
- (3) The word "court clerical" in any other laws and regulations, shall read "court clerk."

附 則〔昭和二十五年四月十四日法律第九十六号〕

Supplementary Provisions [Act No. 96 of April 14, 1950]

- 1 この法律のうち、裁判所法第六十一条の二、第六十一条の三及び第六十五条の改正規定、検察審査会法第六条第六号の改正規定中少年調査官及び少年調査官補に関するもの並びに少年法の改正規定は公布の日から起算して三十日を経過した日から、その他の部分は公布の日から施行する。
- (1) The amended provisions of Articles 61-2, 61-3, and 65 of the Court Act, the amended provisions concerning juvenile investigators and assistant juvenile investigators of Article 6, item (6) of the Act on Committee for Inquest of Prosecution and the amended provisions of the Juvenile Act shall come into force after thirty (30) days have elapsed computing from the day of the promulgation, and the other provisions shall come into force as of the day of the promulgation.
- 2 この法律の公布の日から起算して三十日を経過した際現に少年保護司に補せられて

いる裁判所事務官で、少年調査官に任命されないものは、別に辞令を発せられないときは、裁判所事務官を兼ねて少年調査官補に任命され、且つ、現にその者の勤務する裁判所に勤務することを命ぜられたものとみなす。

- (2) An official of Court who is performing duty as the juvenile investigator at the time the period of thirty (30) days has elapsed computing from the day of promulgation of this Act, but has not yet been appointed to the juvenile investigator shall, if a writ of appointment is not specifically issued, be deemed to have been appointed to the assistant juvenile investigator concurrently with the court official, and be deemed to have been ordered to be in the service of the court where the person is now in service.

附 則 〔昭和二十五年十二月二十日法律第二百八十七号〕

Supplementary Provisions [Act No. 287 of December 20, 1950]

1 この法律のうち、第三十三条の改正規定は公布の日から起算して三十日を経過した日から、その他の規定は公布の日から施行する。

- (1) The amended provisions of Article 33 of this Act shall come into force as of the day when the period of thirty (30) days has elapsed computing from the day of promulgation of this Act, and other provisions of this Act shall become effective as of the day of its promulgation.

2 第三十三条の改正規定の施行前に地方裁判所に訴又は公訴の提起があつた事件については、同条の改正規定にかかわらず、なお従前の例による。

- (2) In cases where prosecution has been instituted with a District Court before enforcement of the amended provisions of Article 33, the provisions then in force shall remain applicable notwithstanding the amended provisions of the same Article.

附 則 〔昭和二十六年三月三十日法律第五十九号〕

Supplementary Provisions [Act No. 59 of March 30, 1951]

1 この法律のうち、裁判所法第六十五条の二及び国家公務員法第二条の改正規定は昭和二十七年一月一日から、その他の規定は昭和二十六年四月一日から施行する。

- (1) The amending provisions within this Act of Article 65-2 of the Court Act and of Article 2 of the National Public Officer Act shall come into force as of January 1, 1952, and other provisions within this Act, as of April 1, 1951.

2 裁判所法第三十一条の三第二項の改正規定施行前に家庭裁判所に公訴の提起があつた事件については、同項の改正規定にかかわらず、なお従前の例による。

- (2) With respect to the cases in which prosecution has been instituted in Family Courts before effectuation of the provisions amending Article 31-3, paragraph 2 of the Court Act, the provisions then in force shall remain applicable notwithstanding the amended provisions of the same paragraph.

附 則 〔昭和二十六年十二月六日法律第二百九十八号〕〔抄〕
Supplementary Provisions [Act No. 298 of December 6, 1951] [Extract]

- 1 この法律は、昭和二十七年一月一日から施行する。
(1) This Act shall come into force as from January 1, 1952.

附 則 〔昭和二十七年七月三十一日法律第二百六十八号〕〔抄〕
Supplementary Provisions [Act No. 268 of July 31, 1952] [Extract]

- 1 この法律は、昭和二十七年八月一日から施行する。
(1) This Act shall come into force as from August 1, 1952.
- 3 従前の機関及び職員は、この法律に基く相当の機関及び職員となり、同一性をもつて存続するものとする。
(3) Former organs and personnel shall become organs and personnel corresponding to the one prescribed by this Act and shall continue with the same identification.
- 4 この法律の施行前における法務府の各長官、法務総裁官房長、法務府事務官及び法務府教官の在職は、裁判所法第四十一条、第四十二条（判事補の職権の特例等に関する法律第一条第二項において準用する場合を含む。）及び第四十四条、検察庁法第十九条、弁護士法第五条並びに司法書士法第二条の規定の適用については、それぞれ法務省の事務次官、法務事務官及び法務教官の在職とみなす。
(4) Tenure of office as each Chief in the Attorney-General's Office, Secretary General of the Attorney-General's Office, officials of the Attorney-General's Office, and educational officials of the Attorney-General's Office before effectuation of this Act shall respectively be regarded as the tenure of office as Vice-Minister of the Ministry of Justice, officials of the Ministry of Justice, and education officials of the Ministry of Justice for the purpose of the application of the provisions of Article 41, Article 42 (including the case where the same Article is applied mutatis mutandis under Article 1, paragraph 2 of the Act concerning the Exceptions to the Authority of Assistant Judges, etc.) and Article 44 of the Court Act, and Article 19 of the Public Prosecutor's Office Act, Article 5 of the Attorneys Act and Article 2 of the Judicial Scrivener Act.

附 則 〔昭和二十九年五月二十七日法律第百二十六号〕〔抄〕
Supplementary Provisions [Act No. 126 of May 27, 1954] [Extract]

- 1 この法律は、昭和二十九年六月一日から施行する。
(1) This Act shall come into force as from June 1, 1954.
- 2 この法律の施行前に地方裁判所に訴の提起があつた事件については、第三十三条の改正規定にかかわらず、なお従前の例による。

- (2) As regards cases for which lawsuit had been filed in a District Court before effectuation of this Act, the provisions then in force shall remain applicable notwithstanding the amended provisions of Article 33.
- 3 当分の間、最高裁判所の規則で指定する簡易裁判所の民事訴訟に関する事務は、その所在地を管轄する地方裁判所又はその支部の所在地に設立された簡易裁判所で最高裁判所の規則で指定するものが取り扱う。
- (3) The affairs concerning civil cases of the Summary Court designated by the Rules of the Supreme Court shall, for the time being, be conducted by the District Court having jurisdiction over the territory of the location of the Summary Court, or by a Summary Court established in the territory of branch of District Court and designated by the Rules of the Supreme Court.
- 4 前項の規定により簡易裁判所が指定されたときは、その指定前に管轄簡易裁判所で受理した事件は、同項の規定にかかわらず、なおその簡易裁判所で完結する。前項の規定による指定が解除されたときも、これに準ずる。
- (4) When a Summary Court is designated in accordance with the provisions of the preceding paragraph, the cases received by the competent Summary Court before the designation shall, notwithstanding the provisions of the same paragraph, be completed by the same Summary Court. The same shall apply mutatis mutandis when the designation under the provisions of the preceding paragraph is revoked.
- 5 各家庭裁判所は、当分の間、最高裁判所の定めるところにより、家庭裁判所調査官補に家庭裁判所調査官の職務を行わせることができる。
- (5) Each Family Court may, for the time being, have assistant family court research law clerks perform the duties of family court research law clerks, as prescribed by the Supreme Court.
- 6 この法律の施行の際現に家事調査官、家事調査官補、少年調査官又は少年調査官補の職にある者は、別に辞令を発せられないときは、それぞれ、家事調査官及び少年調査官は家庭裁判所調査官に、家事調査官補及び少年調査官補は家庭裁判所調査官補に任命され、且つ、現にその者の勤務する裁判所に勤務することを命ぜられたものとみなす。
- (6) A domestic matter examiners, an assistant domestic matter examiner, a juvenile examiner, or an assistant juvenile examiner who has actually been assigned as such at the time of effectuation of this Act shall, if a writ of appointment is not specifically issued, be deemed to have been appointed as a family court research law clerk in case of a domestic matter examiner or a juvenile examiner appointed, and as an assistant family court research law clerk in case of an assistant domestic matter examiner and assistant juvenile examiner, and be deemed to have been ordered to be in the service of the court where the examiner is now in service.

附 則 〔昭和二十九年六月八日法律第百六十三号〕 〔抄〕

Supplementary Provisions [Act No. 163 of June 8, 1954] [Extract]

(施行期日)

(Effectuation Date)

- 1 この法律中、第五十三条の規定は交通事件即決裁判手続法の施行の日から、その他の部分は、警察法（昭和二十九年法律第百六十二号。同法附則第一項但書に係る部分を除く。）の施行の日から施行する。

- (1) The provisions of Article 53 of this Act shall come into force as of the effectuation date of the Act pertaining to Procedure for Summary Trial of Traffic Violations, and the other part of this Act shall come into force as of the effectuation date of the Police Act (Act No. 162, 1954; except for the part of the proviso to paragraph 1 of the Supplementary Provisions).

附 則 〔昭和三十二年五月一日法律第九十一号〕〔抄〕

Supplementary Provisions [Act No. 91 of May 1, 1957] [Extract]

この法律は、公布の日から施行する。

This Act shall come into force as from the day of its promulgation.

附 則 〔昭和三十五年六月二十五日法律第百四号〕

Supplementary Provisions [Act No. 104 of June 25, 1960]

この法律は、公布の日から施行する。

This Act shall come into force as from the day of its promulgation.

附 則 〔昭和三十七年五月十六日法律第百四十号〕〔抄〕

Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]

- 1 この法律は、昭和三十七年十月一日から施行する。

- (1) This Act shall come into force as from October 1, 1962.

附 則 〔昭和三十九年六月二十四日法律第百十四号〕〔抄〕

Supplementary Provisions [Act No. 114 of June 24, 1964] [Extract]

(施行期日)

(Enforcement Date)

- 1 この法律は、公布の日から起算して二十日を経過した日から施行する。

- (1) This Act shall come into force as from the day on which twenty days have elapsed from the day of its promulgation.

附 則 〔昭和四十年三月三十一日法律第二十七号〕〔抄〕

Supplementary Provisions [Act No. 27 of March 31, 1965] [Extract]

(施行期日)

(Enforcement Date)

1 この法律は、昭和四十年四月一日から施行する。ただし、裁判所法附則の改正規定は、同年九月一日から施行する。

(1) This Act shall come into force as from April 1, 1965; provided, however, that the amending provisions to the Supplementary Provisions of the Court Act shall come into force as of September 1, 1965.

附 則 [昭和四十一年三月三十一日法律第二十三号]

Supplementary Provisions [Act No. 23 of March 31, 1966]

この法律は、昭和四十一年四月一日から施行する。

This Act shall come into force as from April 1, 1966.

附 則 [昭和四十一年七月一日法律第百十一号] [抄]

Supplementary Provisions [Act No. 111 of July 1, 1966] [Extract]

(施行期日)

(Enforcement Date)

第一条 この法律は、公布の日から起算して六月をこえない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into force as from the day prescribed by the Cabinet Order within the period not exceeding six (6) months counting from the day of its promulgation (enforced as of December 31, 1966 by Cabinet Order No. 380 of 1966).

(執行吏の身分についての経過措置)

(Transitional Measures for the Status of Bailiff)

第六条 この法律の施行の際現に執行吏に任命されている者は、別に辞令を発せられないときは、執行官に任命され、かつ、現にその者の属する裁判所に勤務することを命ぜられたものとみなす。

Article 6 A person, who has been appointed as an execution officer at the time of enforcement of this Act and if a writ of appointment is not specifically issued, shall be deemed to have been appointed as court enforcement officer and to have been ordered to serve the court to which the person is currently assigned.

附 則 [昭和四十五年五月十八日法律第六十七号] [抄]

Supplementary Provisions [Act No. 67 of May 18, 1970] [Extract]

(施行期日)

(Enforcement Date)

1 この法律は、昭和四十五年七月一日から施行する。

(1) This Act shall come into force as from July 1, 1970.

(経過措置)

(Transitional Measures)

2 この法律の施行前に地方裁判所に訴えの提起があつた事件については、この法律による改正後の裁判所法第三十三条第一項第一号の規定にかかわらず、なお従前の例による。

(2) To cases brought before a District Court before enforcement of this Act, notwithstanding the provisions of Article 33, paragraph 1, item 1 of the Court Act amended by this Act, the provisions then in force shall remain applicable.

附 則 〔昭和五十七年八月二十四日法律第八十二号〕〔抄〕

Supplementary Provisions [Act No. 82 of August 24, 1982] [Extract]

(施行期日)

(Enforcement Date)

1 この法律は、昭和五十七年九月一日から施行する。

(1) This Act shall come into force as from September 1, 1982.

(経過措置)

(Transitional Measures)

2 この法律の施行前に地方裁判所に訴えの提起があつた事件については、なお従前の例による。

(2) To cases brought before a District Court before effectuation of this Act, the former provisions shall apply as heretofore.

附 則 〔平成七年四月十九日法律第六十六号〕〔抄〕

Supplementary Provisions [Act No. 66 of April 19, 1995] [Extract]

(施行期日)

(Enforcement Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into force as from the day prescribed by the Cabinet Order within the period not exceeding six (6) months counting from the day of its promulgation (enforced as of Oct. 18, 1995 by the Cabinet Order No. 286 of 1995).

附 則 〔平成十年五月六日法律第五十号〕
Supplementary Provisions [Act No. 50 of May 6, 1998]

(施行期日)

(Enforcement Date)

- 1 この法律は、平成十一年四月一日から施行する。
(1) This Act shall come into force as from April 1, 1999.

(経過措置)

(Transitional Measures)

- 2 この法律の施行前に採用され、この法律の施行後も引き続き修習をする司法修習生の修習期間及び国庫から給与を受ける期間については、なお従前の例による。
(2) Regarding the term of apprenticeship and period for receiving salaries from the national treasury of legal apprentices, who were appointed before enforcement of this act and continue their apprenticeship, the provisions then in force shall remain applicable.

附 則 〔平成十二年十二月六日法律第百四十二号〕 〔抄〕
Supplementary Provisions [Act No. 142 of December 6, 2000] [Extract]

(施行期日)

(Enforcement Date)

- 第一条 この法律は、平成十三年四月一日から施行する。
Article 1 This Act shall come into force as from April 1, 2001.

(検討等)

(Review, etc.)

- 第三条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の施行の状況について国会に報告するとともに、その状況について検討を加え、必要があると認めるときは、その検討の結果に基づいて法制の整備その他の所要の措置を講ずるものとする。

Article 3 The government shall report to the Diet on the status of application after amendment by this Act when five (5) years have elapsed from enforcement of this Act as well as the result of the review of the status, and if it finds necessary, it shall take necessary measures including improvements of a legal system based on the results of the review.

附 則 〔平成十四年十二月六日法律第百三十八号〕 〔抄〕
Supplementary Provisions [Act No. 138 of December 6, 2002] [Extract]

(施行期日)

(Effectuation Date)

第一条 この法律は、平成十六年一月一日から施行する。ただし、次の各号に掲げる規定は、それぞれ当該各号に定める日から施行する。

Article 1 This Act shall come into force as from January 1, 2004; provided, however, that the provisions set forth in each item below shall become effective as of the date prescribed in each item.

二 第三条及び附則第十一条の規定 平成十八年四月一日

(ii) Provisions of Article 3 and Supplementary Provisions, Article 11: April 1, 2006

(司法修習生の修習期間等に関する経過措置)

(Transitional Measures for Period of Apprenticeship of Legal apprentices, etc.)

第十一条 第三条の規定の施行前に採用され、その施行後も引き続き修習をする司法修習生の修習期間については、なお従前の例による。

Article 11 (1) Regarding the period of training of legal apprentices, who were appointed before effectuation of Article 3 and are continuing apprenticeship, the provisions then in force shall remain applicable.

2 新法附則第二項又は前条の規定により新司法試験に合格した者とみなされた者であつて、第三条の規定の施行後に採用された司法修習生については、最高裁判所の定めるところにより、同条の規定による改正後の裁判所法第六十七条第一項の修習において裁判官、検察官又は弁護士としての実務に必要な能力を十全に修得させるため、必要な修習期間の伸長その他の措置を講ずることができる。

(2) Regarding legal apprentices who are regarded as having passed the new bar examination under paragraph 2 of Supplementary Provisions of New Act or the provisions of the preceding Article and appointed after enforcement of the provisions of Article 3, the extension of the necessary period of apprenticeship and other measures may be taken in order to have the legal apprentices obtain sufficient abilities to practice as judge, prosecutor, or attorney in the apprenticeship set forth in the Court Act, Article 67, paragraph 1 after amendment by the same Article.

附 則 〔平成十五年七月十六日法律第百九号〕 〔抄〕

Supplementary Provisions [Act No. 109 of July 16, 2003] [Extract]

(施行期日)

(Effectuation Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into force as from the date prescribed by the Cabinet Order within the period not exceeding one 1 year counting from the date of its promulgation (enforce by the Cabinet Order No. 512 of 2003 as of

April 1, 2004).

(裁判所法の一部改正に伴う家庭裁判所調査官の事務等に関する経過措置)

(Transitional Measures for Affairs of Family Court Research Law Clerks, etc.
in connection with Partial Amendment of the Court Act)

第十五条 前条の規定の施行の際現に係属している婚姻の取消し及び離婚の訴えに係る訴訟については、同条の規定による改正後の裁判所法第六十一条の二第一項及び第二項の規定にかかわらず、なお従前の例による。

Article 15 Regarding litigations for rescission of marriage and for divorce pending at the time of effectuation of the provisions of the preceding Article, notwithstanding the provisions of Article 61-2, paragraphs 1 and 2 of the Court Act after amendment by the same Article, the former provisions shall still apply.

附 則 [平成十五年七月二十五日法律第百二十八号] [抄]

Supplementary Provisions [Act No. 128 of July 25, 2003] [Extract]

(施行期日)

(Enforcement Date)

第一条 この法律は、平成十六年四月一日から施行する。

Article 1 This Act shall come into force as from April 1, 2004.

(簡易裁判所の管轄の拡大に伴う経過措置)

(Transitional Measures for Expansion of Jurisdiction of Summary Court)

第二条 この法律の施行の日（以下「施行日」という。）前に地方裁判所に訴えの提起があった事件については、第一条の規定による改正後の裁判所法第三十三条第一項第一号の規定にかかわらず、なお従前の例による。

Article 2 (1) To cases brought before a District Court before the effectuation date of this Act (hereinafter referred to as "Effectuation Date"), notwithstanding the provisions of Article 33, paragraph 1, item 1 of the Court Act after amendment by the provisions of Article 1, the provisions then in force shall remain applicable..

2 施行日前に司法書士又は司法書士法人がした司法書士法（昭和二十五年法律第百九十七号）第三条第二項に規定する簡裁訴訟代理関係業務の範囲を超える行為に対する罰則の適用については、なお従前の例による。

(2) Regarding application of penal provision for acts done before Effectuation Date by a judicial scrivener or a judicial scrivener judicial person exceeding the scope of the Summary Court legal representation business provided for in Article 3, paragraph 2 of the Judicial Scrivener Act (Act No. 197, 1950), the provisions then in force shall remain applicable.

附 則 〔平成十六年三月三十一日法律第八号〕 〔抄〕

Supplementary Provisions [Act No. 8 of March 31, 2004] [Extract]

(施行期日)

(Effectuation Date)

第一条 この法律は、平成十六年四月一日から施行する。

Article 1 This Act shall come into force as from April 1, 2004.

(裁判所法等に係る資格要件に関する経過措置)

(Transitional Measures for Qualifications pertaining to the Court Act, etc.)

第二条 この法律の施行前における裁判所書記官研修所教官の在職は、裁判所法第四十一条、第四十二条（判事補の職権の特例等に関する法律（昭和二十三年法律第四百四十六号）第一条第二項において準用する場合を含む。）及び第四十四条、検察庁法（昭和二十二年法律第六十一号）第十九条並びに弁護士法（昭和二十四年法律第二百五号）第五条の規定の適用については、裁判所職員総合研修所教官の在職とみなす。

Article 2 Tenure of offices as Professors of the Court Clerk Research and Training Institute shall be deemed as the tenure of office as professors of the Training and Research Institute for Court Officials with respect to the application of the provisions of Articles 41, 42 of the Court Act (including application mutatis mutandis under Article 1, paragraph 2 of the Act concerning the Exceptions to the Authority of Assistant Judge (Act No. 146, 1948)) and Article 44 of the same, Article 19 of the Public Prosecutor's Act (Act No. 61, 1947) and Article 5 of the Attorneys Act (Act No. 205, 1949).

附 則 〔平成十六年六月十八日法律第百二十号〕 〔抄〕

Supplementary Provisions [Act No. 120 of June 18, 2004] [Extract]

(施行期日)

(Effectuation Date)

第一条 この法律は、平成十七年四月一日から施行する。

Article 1 This Act shall come into force as from April 1, 2005.

(経過措置の原則)

(Principles of Transitional Measures)

第二条 この法律による改正後の裁判所法、民事訴訟法、民事訴訟費用等に関する法律、特許法、実用新案法、意匠法、商標法、不正競争防止法及び著作権法の規定（罰則を除く。）は、この附則に特別の定めがある場合を除き、この法律の施行前に生じた事項にも適用する。ただし、この法律による改正前のこれらの法律の規定により生じた効力を妨げない。

Article 2 The provisions of the Court Act, Code of Civil Procedure, Act concerning Expenses for Civil Procedure, the Patent Act, the New Utility

Model Act, the Design Act, the Trademark Act, and the Act for Prevention of Unfair Competition and the Copyright Act (except for the penal provision) after amendment by this Act shall, unless specially provided for in these Supplementary Provisions, apply to the matters arising before effectuation of this Act; provided, however, that effects created by these acts before amendment by this Act shall not be prevented.

附 則 〔平成十七年七月十五日法律第八十三号〕〔抄〕

Supplementary Provisions [Act No. 83 of July 15, 2005] [Extract]

(施行期日)

(Enforcement Date)

第一条 この法律は、平成十九年四月一日から施行する。

Article 1 This Act shall come into force as from April 1, 2007.

附 則 〔平成十八年五月八日法律第三十六号〕〔抄〕

Supplementary Provisions [Act No. 36 of May 8, 2006] [Extract]

(施行期日)

(Enforcement Date)

第一条 この法律は、公布の日から起算して二十日を経過した日から施行する。

Article 1 This Act shall come into force as from twenty days having elapsed counting from the date of promulgation.