

行政不服審査法 Administrative Complaint Review Act

(平成二十六年六月十三日法律第六十八号)
(Act No. 68 of June 13, 2014)

行政不服審査法（昭和三十七年法律第百六十号）の全部を改正する。

The Administrative Complaint Review Act (Act No. 160 of 1962) is amended in full.

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第一章 総則

Chapter I General Provisions

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(Purpose)

第一条 この法律は、行政庁の違法又は不当な処分その他公権力の行使に当たる行為に関し、国民が簡易迅速かつ公正な手続の下で広く行政庁に対する不服申立てをすることができるための制度を定めることにより、国民の権利利益の救済を図るとともに、行政の適正な運営を確保することを目的とする。

Article 1 (1) The purpose of this Act is to establish a system for allowing citizens to file complaints against administrative agencies broadly under simple, prompt and fair procedures with regard to illegal or unjust administrative dispositions of administrative agencies or acts involving the exercise of public authority, with the aim to relieve the rights and interests of the citizens, and to ensure proper operations of the administration

2 行政庁の処分その他公権力の行使に当たる行為（以下単に「処分」という。）に関する不服申立てについては、他の法律に特別の定めがある場合を除くほか、この法律の定めるところによる。

(2) Any complaints regarding administrative dispositions or other acts constituting the exercise of public authority by administrative agencies (hereinafter simply referred to as "dispositions") should be filed as provided for in this Act, except as otherwise provided for in any other Act.

(処分についての審査請求)

(Request for Review with Regard to Dispositions)

第二条 行政庁の処分に不服がある者は、第四条及び第五条第二項の定めるところにより、審査請求をすることができる。

Article 2 A person who is dissatisfied with a disposition reached by an administrative agency may file a request for review pursuant to the provisions of Article 4 and Article 5, paragraph (2).

(不作為についての審査請求)

(Request for Review with Regard to Inaction)

第三条 法令に基づき行政庁に対して処分についての申請をした者は、当該申請から相当の期間が経過したにもかかわらず、行政庁の不作為（法令に基づく申請に対して何らの処分をもしないことをいう。以下同じ。）がある場合には、次条の定めるところにより、当該不作為についての審査請求をすることができる。

Article 3 When a person has applied for a disposition with an administrative agency based on laws and regulations but the administrative agency takes no action for the application based on laws and regulations (hereinafter referred to as "inaction"; the same applies hereinafter) although a certain period of time has elapsed after the relevant application, the person may file a request for review with regard to the relevant inaction pursuant to the provisions of the following Article.

(審査請求をすべき行政庁)

(Administrative Agencies with Which a Request for Review is to Be Filed)

第四条 審査請求は、法律（条例に基づく処分については、条例）に特別の定めがある場合を除くほか、次の各号に掲げる場合の区分に応じ、当該各号に定める行政庁に対してするものとする。

Article 4 A request for review should be filed with the administrative agency specified in the following items in accordance with the categories set forth respectively therein, except as otherwise provided for in Acts (in the case of a disposition based on Prefectural or Municipal Ordinance, in the relevant Ordinance):

- 一 処分庁等（処分をした行政庁（以下「処分庁」という。）又は不作為に係る行政庁（以下「不作為庁」という。）をいう。以下同じ。）に上級行政庁がない場合又は処分庁等が主任の大臣若しくは宮内庁長官若しくは内閣府設置法（平成十一年法律第八十九号）第四十九条第一項若しくは第二項若しくは国家行政組織法（昭和二十三年法律第二百十号）第三条第二項に規定する庁の長である場合 当該処分庁等
(i) when the administrative agency, etc. reaching the disposition (meaning the administrative agency that has reached the disposition (hereinafter referred to as the "administrative agency reaching the disposition") or the administrative agency that has taken no action (hereinafter referred to as the "administrative agency having taken no action"); the same applies hereinafter) does not have any higher administrative agency or falls under any of the competent minister, the Grand Steward, or the head of any of the agencies prescribed in Article 49, paragraph (1) or (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) or Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948): the relevant administrative agency reaching the disposition, etc.;
- 二 宮内庁長官又は内閣府設置法第四十九条第一項若しくは第二項若しくは国家行政

組織法第三条第二項に規定する庁の長が処分庁等の上級行政庁である場合 宮内庁長官又は当該庁の長

(ii) when the Grand Steward or the head of any of the agencies prescribed in Article 49, paragraph (1) or (2) of the Act for Establishment of the Cabinet Office or Article 3, paragraph (2) of the National Government Organization Act falls under the higher administrative agency of the administrative agency reaching the disposition, etc.: the Grand Steward or the head of the relevant agency;

三 主任の大臣が処分庁等の上級行政庁である場合（前二号に掲げる場合を除く。）当該主任の大臣

(iii) when the competent minister falls under the higher administrative agency of the administrative agency, etc. reaching the disposition (excluding the cases set forth in the preceding two items): the relevant competent minister; or

四 前三号に掲げる場合以外の場合 当該処分庁等の最上級行政庁

(iv) cases other than those set forth in the preceding three items: the highest administrative agency of the relevant administrative agency, etc. reaching the disposition

（再調査の請求）

(Request for Re-investigation)

第五条 行政庁の処分につき処分庁以外の行政庁に対して審査請求をすることができる場合において、法律に再調査の請求をすることができる旨の定めがあるときは、当該処分に不服がある者は、処分庁に対して再調査の請求をすることができる。ただし、当該処分について第二条の規定により審査請求をしたときは、この限りでない。

Article 5 (1) When a request for review with regard to a disposition reached by an administrative agency may be filed with an administrative agency other than the administrative agency reaching the disposition, and any Act contains the provisions to the effect that a request for re-investigation may be filed, a person who is dissatisfied with the relevant disposition may file a request for re-investigation with the administrative agency reaching the disposition; provided, however, that this does not apply when the person has filed a request for review pursuant to the provisions of Article 2.

2 前項本文の規定により再調査の請求をしたときは、当該再調査の請求についての決定を経た後でなければ、審査請求をすることができない。ただし、次の各号のいずれかに該当する場合は、この限りでない。

(2) When a person has filed a request for re-investigation pursuant to the provisions of the main clause of the preceding paragraph, the person may not file a request for review until the decision has been made for the relevant request for re-investigation; provided, however, that this does not apply when falling under either of the following items:

一 当該処分につき再調査の請求をした日（第六十一条において読み替えて準用する第二十三条の規定により不備を補正すべきことを命じられた場合にあっては、当該不備を補正した日）の翌日から起算して三月を経過しても、処分庁が当該再調査の請求につき決定をしない場合

(i) when the administrative agency reaching the disposition does not make a decision for the request for re-investigation even after three months passed from the day following the day on which the person filed the relevant request for re-investigation with regard to the disposition (when the person was ordered to correct a defect pursuant to the provisions of Article 23 as applied mutatis mutandis by replacing the terms in Article 61, the day on which the person corrected the defect); or

二 その他再調査の請求についての決定を経ないことにつき正当な理由がある場合
(ii) when there are otherwise justifiable grounds for not waiting for a decision to be made in a request for a re-investigation.

(再審査請求)

(Request for a Re-examination)

第六条 行政庁の処分につき法律に再審査請求をすることができる旨の定めがある場合には、当該処分についての審査請求の裁決に不服がある者は、再審査請求をすることができる。

Article 6 (1) When any Act contains the provisions to the effect that a request for a re-examination may be filed with regard to a disposition reached by an administrative agency, a person who is dissatisfied with the determination concerning a request for review with regard to the relevant disposition may file a request for a re-examination.

2 再審査請求は、原裁決（再審査請求をすることができる処分についての審査請求の裁決をいう。以下同じ。）又は当該処分（以下「原裁決等」という。）を対象として、前項の法律に定める行政庁に対してするものとする。

(2) A request for re-examination is to be filed with regard to the original determination (meaning a determination concerning a request for review with regard to a disposition for which a request for re-examination may be filed; the same applies hereinafter) or the relevant disposition (hereinafter referred to as the "original determination, etc.") with the administrative agency prescribed in the Act set forth in the preceding paragraph.

(適用除外)

(Exclusion from Application)

第七条 次に掲げる処分及びその不作為については、第二条及び第三条の規定は、適用しない。

Article 7 (1) The provisions of Articles 2 and 3 do not apply to the following dispositions and inaction pertaining thereto:

- 一 国会の両院若しくは一院又は議会の議決によってされる処分
(i) dispositions rendered in the nature of any resolution of both or either houses of the Diet, or by assemblies of local public entities;
- 二 裁判所若しくは裁判官の裁判により、又は裁判の執行としてされる処分
(ii) dispositions rendered by the judgment of any court or judge, or made in the nature of the execution of any such judgment;
- 三 国会の両院若しくは一院若しくは議会の議決を経て、又はこれらの同意若しくは承認を得た上でされるべきものとされている処分
(iii) dispositions directed in the nature of an express instruction by a resolution of both or either houses of the Diet, or assemblies, of local public entities, or dispositions rendered based upon the consent or approval of the relevant houses or assemblies, where such consent or approval is necessary;
- 四 検査官会議で決すべきものとされている処分
(iv) dispositions to be decided by the Audit Commission;
- 五 当事者間の法律関係を確認し、又は形成する処分で、法令の規定により当該処分に関する訴えにおいてその法律関係の当事者の一方を被告とすべきものと定められているもの
(v) dispositions to confirm or create a legal relationship between parties, wherein either party to the legal relationship is to stand as a defendant as prescribed in the provisions of laws and regulations;
- 六 刑事事件に関する法令に基づいて検察官、検察事務官又は司法警察職員がする処分
(vi) dispositions rendered by a public prosecutor, public prosecutor's assistant officer, or judicial police official pursuant to laws and regulations relating to criminal cases;
- 七 国税又は地方税の犯則事件に関する法令（他の法令において準用する場合を含む。）に基づいて国税庁長官、国税局長、税務署長、収税官吏、税関長、税関職員又は徴税吏員（他の法令の規定に基づいてこれらの職員の職務を行う者を含む。）がする処分及び金融商品取引の犯則事件に関する法令（他の法令において準用する場合を含む。）に基づいて証券取引等監視委員会、その職員（当該法令においてその職員とみなされる者を含む。）、財務局長又は財務支局長がする処分
(vii) dispositions rendered by the Commissioner of the National Tax Agency, directors of a Regional Taxation Bureau, chiefs of a tax office, tax collectors, superintendents of custom houses, customs officers, or local tax officials (including those who perform the duties of these officials pursuant to the provisions of other laws and regulations), pursuant to laws and regulations relating to national or local tax law violations (including cases where the relevant laws and regulations are applied mutatis mutandis pursuant to other laws and regulations), and dispositions rendered by the Securities and Exchange Surveillance Commission, personnel of that Commission (including persons deemed as its personnel pursuant to the provisions of the relevant

laws and regulations), directors-general of a Local Finance Bureau, or directors-general of a Local Finance Branch Bureau pursuant to laws and regulations relating to violations of financial instruments transactions regulations (including cases where such laws and regulations are applied mutatis mutandis pursuant to other laws and regulations);

八 学校、講習所、訓練所又は研修所において、教育、講習、訓練又は研修の目的を達成するために、学生、生徒、児童若しくは幼児若しくはこれらの保護者、講習生、訓練生又は研修生に対してされる処分

(viii) dispositions rendered, towards the achievement of educational or training-oriented goals, to students, pupils, elementary school children or pre-school children or to their custodians, or to trainees in schools, short-course training schools, training schools, and professional training institutes;

九 刑務所、少年刑務所、拘置所、留置施設、海上保安留置施設、少年院、少年鑑別所又は婦人補導院において、収容の目的を達成するためにされる処分

(ix) dispositions rendered to effectuate accommodation in prisons, juvenile prisons, jails, detention facilities, detention facilities of the Japan Coast Guard, juvenile training schools, juvenile classification homes, and women's guidance homes;

十 外国人の出入国又は帰化に関する処分

(x) dispositions concerning departure and immigration or naturalization of foreign nationals;

十一 専ら人の学識技能に関する試験又は検定の結果についての処分

(xi) dispositions exclusively based upon results of examinations or tests for certifications regarding a person's expertise; and

十二 この法律に基づく処分（第五章第一節第一款の規定に基づく処分を除く。）

(xii) dispositions based on this Act (excluding dispositions based on the provisions of Chapter V, Section 1, Subsection 1).

2 国の機関又は地方公共団体その他の公共団体若しくはその機関に対する処分で、これらの機関又は団体がその固有の資格において当該処分の相手方となるもの及びその不作為については、この法律の規定は、適用しない。

(2) The provisions of this Act do not apply to dispositions rendered to national government organs, local public entities, other public entities, or their organs, for which these organs or entities are the parties subject to the dispositions with their distinct status as governmental entities, and to inaction pertaining thereto.

(特別の不服申立ての制度)

(System for Filing Special Complaints)

第八条 前条の規定は、同条の規定により審査請求をすることができない処分又は不作為につき、別に法令で当該処分又は不作為の性質に応じた不服申立ての制度を設けることを妨げない。

Article 8 The provisions of the preceding Article do not preclude the establishment of a system for filing administrative complaints regarding dispositions or inaction for which requests for review are not allowed under the provisions of the relevant Article, separately under laws and regulations, in accordance with the nature or the relevant dispositions or inaction.

第二章 審査請求

Chapter II Request for Review

第一節 審査庁及び審理関係人

Section 1 Reviewing Agencies and Persons Concerned with Proceedings

(審理員)

(Review Officers)

第九条 第四条又は他の法律若しくは条例の規定により審査請求がされた行政庁（第十四条の規定により引継ぎを受けた行政庁を含む。以下「審査庁」という。）は、審査庁に所属する職員（第十七条に規定する名簿を作成した場合にあっては、当該名簿に記載されている者）のうちから第三節に規定する審理手続（この節に規定する手続を含む。）を行う者を指名するとともに、その旨を審査請求人及び処分庁等（審査庁以外の処分庁等に限る。）に通知しなければならない。ただし、次の各号のいずれかに掲げる機関が審査庁である場合若しくは条例に基づく処分について条例に特別の定めがある場合又は第二十四条の規定により当該審査請求を却下する場合は、この限りでない。

Article 9 (1) An administrative agency with which a request for review has been filed pursuant to the provisions of Article 4 or the provisions of any other Act or Prefectural or Municipal Ordinance (including an administrative agency that has taken over the relevant documents and articles pursuant to the provisions of Article 14; hereinafter referred to as a "reviewing agency") must appoint a person who undertakes the procedures for proceedings prescribed in Section 3 (including procedures prescribed in this section) from among the officials belonging to the reviewing agency (when having prepared a name list prescribed in Article 17, those included in the relevant list), and give a notice to that effect to the requestor for review and the administrative agency, etc. reaching the disposition (limited to the administrative agency, etc. reaching the disposition other than the reviewing agency); provided, however, that this does not apply when any of the agencies set forth in the following items falls under the reviewing agency, when a Prefectural or Municipal Ordinance has specific provisions applicable to dispositions based thereon, or when the request for review is dismissed without prejudice pursuant to the provisions of Article 24:

一 内閣府設置法第四十九条第一項若しくは第二項又は国家行政組織法第三条第二項に規定する委員会

- (i) committees prescribed in Article 49, paragraph (1) or (2) of the Act for Establishment of the Cabinet Office or Article 3, paragraph (2) of the National Government Organization Act;
 - 二 内閣府設置法第三十七条若しくは第五十四条又は国家行政組織法第八条に規定する機関
 - (ii) organs prescribed in Article 37 or 54 of the Act for Establishment of the Cabinet Office or Article 8 of the National Government Organization Act;
 - 三 地方自治法（昭和二十二年法律第六十七号）第百三十八条の四第一項に規定する委員会若しくは委員又は同条第三項に規定する機関
 - (iii) committees or members prescribed in Article 138-4, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) or organs prescribed in paragraph (3) of the relevant Article.
- 2 審査庁が前項の規定により指名する者は、次に掲げる者以外の者でなければならない。
- (2) A person to be appointed by the reviewing agency pursuant to the provisions of the preceding paragraph must be a person other than those set forth in the following items:
- 一 審査請求に係る処分若しくは当該処分に係る再調査の請求についての決定に関与した者又は審査請求に係る不作為に係る処分に関与し、若しくは関与することとなる者
 - (i) a person who has been involved in the disposition, for which a request for review is filed, or in the decision for a request for re-investigation with regard to the relevant disposition, or a person who has been involved or is to be involved in the disposition causing inaction, for which a request for review is filed;
 - 二 審査請求人
 - (ii) the requestors for review;
 - 三 審査請求人の配偶者、四親等内の親族又は同居の親族
 - (iii) the requestor for review's spouse, relatives within the fourth degree of kinship or relatives living together;
 - 四 審査請求人の代理人
 - (iv) the requestor for review's agents;
 - 五 前二号に掲げる者であった者
 - (v) a person who was a person prescribed by any of the preceding two items;
 - 六 審査請求人の後見人、後見監督人、保佐人、保佐監督人、補助人又は補助監督人
 - (vi) the requestor for review's guardians, supervisors of guardians, curators, supervisors of curators, assistants, or supervisors of assistants; and
 - 七 第十三条第一項に規定する利害関係人
 - (vii) the interested persons prescribed in Article 13, paragraph (1).
- 3 審査庁が第一項各号に掲げる機関である場合又は同項ただし書の特別の定めがある場合においては、別表第一の上欄に掲げる規定の適用については、これらの規定中同

表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとし、第十七条、第四十条、第四十二条及び第五十条第二項の規定は、適用しない。

(3) When the reviewing agency falls under the agencies set forth in the items of paragraph (1) or when there are specific provisions as set forth in the proviso to the relevant paragraph, with regard to the application of the provisions set forth in the left-hand column of Appended Table 1, the terms in these provisions as set forth in the middle column of the relevant Table should be replaced with the terms set forth respectively in the right-hand column of the relevant Table, and the provisions of Article 17, Article 40, Article 42, and Article 50, paragraph (2) do not apply.

4 前項に規定する場合において、審査庁は、必要があると認めるときは、その職員（第二項各号（第一項各号に掲げる機関の構成員にあつては、第一号を除く。）に掲げる者以外の者に限る。）に、前項において読み替えて適用する第三十一条第一項の規定による審査請求人若しくは第十三条第四項に規定する参加人の意見の陳述を聴かせ、前項において読み替えて適用する第三十四条の規定による参考人の陳述を聴かせ、同項において読み替えて適用する第三十五条第一項の規定による検証をさせ、前項において読み替えて適用する第三十六条の規定による第二十八条に規定する審理関係人に対する質問をさせ、又は同項において読み替えて適用する第三十七条第一項若しくは第二項の規定による意見の聴取を行わせることができる。

(4) In the case prescribed in the preceding paragraph, if it is found necessary, the reviewing agency may have its officials (limited to persons other than those set forth in the items of paragraph (2) (for members of the organs set forth in the items of paragraph (1), excluding item (i))) hear opinions stated by the requestor for review under Article 31, paragraph (1) as applied by replacing the terms in the preceding paragraph or the intervenors prescribed in Article 13, paragraph (4), hear opinions stated by the witnesses under Article 34 as applied by replacing the terms in the preceding paragraph, conduct observation under Article 35, paragraph (1) as applied by replacing the terms in the preceding paragraph, ask questions to the persons concerned with proceedings prescribed in Article 28 under Article 36 as applied by replacing the terms in the preceding paragraph, or hold a hearing of opinions under Article 37, paragraph (1) or (2) as applied by replacing the terms in the preceding paragraph.

（法人でない社団又は財団の審査請求）

(Request for Review by an Unincorporated Association or Foundation)

第十条 法人でない社団又は財団で代表者又は管理人の定めがあるものは、その名で審査請求をすることができる。

Article 10 An unincorporated association or foundation that has designated a representative or administrator may file a request for review in the name of the representative or administrator.

(総代)

(Representative Members)

第十一条 多数人が共同して審査請求をしようとするときは、三人を超えない総代を互選することができる。

Article 11 (1) When a large number of persons intend to jointly file a request for review, up to three representative members may be selected from among themselves.

2 共同審査請求人が総代を互選しない場合において、必要があると認めるときは、第九条第一項の規定により指名された者（以下「審理員」という。）は、総代の互選を命ずることができる。

(2) When joint requestors for review do not select any representative members from among themselves and when it is found necessary, a person who has been designated pursuant to the provisions of Article 9, paragraph (1) (hereinafter referred to as a "review officer") may order the joint requestors for review to select representative members from among themselves.

3 総代は、各自、他の共同審査請求人のために、審査請求の取下げを除き、当該審査請求に関する一切の行為をすることができる。

(3) Each of the representative members may undertake all acts for filing the request for review, except for the withdrawal of the request, on behalf of other joint requestors for review.

4 総代が選任されたときは、共同審査請求人は、総代を通じてのみ、前項の行為をすることができる。

(4) When representative members have been selected, joint requestors for review may carry out the acts set forth in the preceding paragraph only through the representative members.

5 共同審査請求人に対する行政庁の通知その他の行為は、二人以上の総代が選任されている場合においても、一人の総代に対してすれば足りる。

(5) Even if two or more representative members have been selected, it is sufficient for an administrative agency to give a notice or take other actions to only one of the representative members.

6 共同審査請求人は、必要があると認める場合には、総代を解任することができる。

(6) Joint requestors for review may dismiss a representative member if they find it necessary.

(代理人による審査請求)

(Request for Review by Agents)

第十二条 審査請求は、代理人によってすることができる。

Article 12 (1) An agent for a requestor for review may file a request for review.

2 前項の代理人は、各自、審査請求人のために、当該審査請求に関する一切の行為をすることができる。ただし、審査請求の取下げは、特別の委任を受けた場合に限り、

することができる。

- (2) The agent set forth in the preceding paragraph may undertake all acts for filing a request for review on behalf of the relevant requestor for review; provided, however, that the agent may undertake procedures for the withdrawal of the request for review only when having been specially entrusted.

(参加人)

(Intervenors)

第十三条 利害関係人（審査請求人以外の者であつて審査請求に係る処分又は不作為に係る処分の根拠となる法令に照らし当該処分につき利害関係を有するものと認められる者をいう。以下同じ。）は、審理員の許可を得て、当該審査請求に参加することができる。

Article 13 (1) An interested person (meaning a person other than a requestor for review who found to have an interest in the disposition, for which the request for review is filed, or the disposition causing inaction in light of the laws and regulations that serve as the grounds for the relevant disposition; the same applies hereinafter) may participate in the relevant request for review by obtaining permission from the review officer.

2 審理員は、必要があると認める場合には、利害関係人に対し、当該審査請求に参加することを求めることができる。

(2) The review officer may request any interested persons to participate in the request for review when found necessary.

3 審査請求への参加は、代理人によってすることができる。

(3) The participation in the request for review may be entrusted to an agent.

4 前項の代理人は、各自、第一項又は第二項の規定により当該審査請求に参加する者（以下「参加人」という。）のために、当該審査請求への参加に関する一切の行為をすることができる。ただし、審査請求への参加の取下げは、特別の委任を受けた場合に限り、することができる。

(4) The agent set forth in the preceding paragraph may undertake all acts for participating in the request for review on behalf of the relevant person who participates in the request for review pursuant to the provisions of paragraph (1) or (2) (hereinafter referred to as an "intervenor"); provided, however, that the agent may undertake procedures for the withdrawal of the participation in the request for review only when having been specially entrusted.

(行政庁が裁決をする権限を有しなくなった場合の措置)

(Measures When Administrative Agency Ceases to Have the Authority to Make Determination)

第十四条 行政庁が審査請求がされた後法令の改廃により当該審査請求につき裁決をする権限を有しなくなったときは、当該行政庁は、第十九条に規定する審査請求書又は

第二十一条第二項に規定する審査請求録取書及び関係書類その他の物件を新たに当該審査請求につき裁決をする権限を有することとなった行政庁に引き継がなければならない。この場合において、その引継ぎを受けた行政庁は、速やかに、その旨を審査請求人及び参加人に通知しなければならない。

Article 14 When an administrative agency that has received a request for review ceases to have the authority to make a determination on the relevant request due to the amendment or abolition of laws and regulations, the relevant administrative agency must turn over the written request for review prescribed in Article 19 or the written statement concerning the request for review prescribed in Article 21, paragraph (2), relevant documents, and other articles to the administrative agency that is newly vested with the authority to make a determination on the relevant request for review. In this case, the administrative agency that has taken over those documents and articles must promptly give a notice to that effect to the relevant requestor for review and intervenors.

(審理手続の承継)

(Succession of Procedures for Proceedings)

第十五条 審査請求人が死亡したときは、相続人その他法令により審査請求の目的である処分に係る権利を承継した者は、審査請求人の地位を承継する。

Article 15 (1) When a requestor for review dies, an heir or other person who has succeeded to the right pertaining to the disposition for which the request for review has been filed pursuant to laws and regulations is to succeed to the status of the requestor for review.

2 審査請求人について合併又は分割（審査請求の目的である処分に係る権利を承継させるものに限る。）があつたときは、合併後存続する法人その他の社団若しくは財団若しくは合併により設立された法人その他の社団若しくは財団又は分割により当該権利を承継した法人は、審査請求人の地位を承継する。

(2) When a requestor for review has gone through a merger or split (limited to a merger or split involving the succession of the right pertaining to the disposition for which the request for review has been filed), the corporation, or other association or foundation surviving the merger, the corporation, or other association or foundation established through the merger, or the corporation that has succeeded to the relevant right through the split is to succeed to the status of the requestor for review.

3 前二項の場合には、審査請求人の地位を承継した相続人その他の者又は法人その他の社団若しくは財団は、書面でその旨を審査庁に届け出なければならない。この場合には、届出書には、死亡若しくは分割による権利の承継又は合併の事実を証する書面を添付しなければならない。

(3) In the cases referred to in the preceding two paragraphs, the heir or other person, the corporation or other association or foundation that has succeeded to

the status of the requestor for review must notify the reviewing agency of that fact in writing. In this case, a document proving the fact of the succession of the right through the death or split or the fact of the merger must be attached to the written notification.

- 4 第一項又は第二項の場合において、前項の規定による届出がされるまでの間において、死亡者又は合併前の法人その他の社団若しくは財団若しくは分割をした法人に宛ててされた通知が審査請求人の地位を承継した相続人その他の者又は合併後の法人その他の社団若しくは財団若しくは分割により審査請求人の地位を承継した法人に到達したときは、当該通知は、これらの者に対する通知としての効力を有する。
- (4) In the cases referred to in paragraph (1) or (2), when a notice addressed to the deceased, the corporation or other association or foundation before the merger, or the split corporation arrives, before the notification is filed under the preceding paragraph, to the heir or other person that has succeeded to the status of the requestor for review, the corporation or other association or foundation after the merger, or the corporation that has succeeded to the status of the requestor for review through the split, the relevant notice is effective as a notice addressed to these persons.
- 5 第一項の場合において、審査請求人の地位を承継した相続人その他の者が二人以上あるときは、その一人に対する通知その他の行為は、全員に対してされたものとみなす。
- (5) In the case referred to in paragraph (1), when there are two or more heirs or other persons that have succeeded to the status of the requestor for review, a notice addressed to, or other acts taken against that person is deemed to have been given to all of them.
- 6 審査請求の目的である処分に係る権利を譲り受けた者は、審査庁の許可を得て、審査請求人の地位を承継することができる。
- (6) A person who has received the transfer of the right pertaining to the disposition, for which the request for review has been filed, may succeed to the status of the requestor for review by obtaining permission from the reviewing agency.

(標準審理期間)

(Standard Period for Proceedings)

第十六条 第四条又は他の法律若しくは条例の規定により審査庁となるべき行政庁（以下「審査庁となるべき行政庁」という。）は、審査請求がその事務所に到達してから当該審査請求に対する裁決をするまでに通常要すべき標準的な期間を定めるよう努めるとともに、これを定めたときは、当該審査庁となるべき行政庁及び関係処分庁（当該審査請求の対象となるべき処分の権限を有する行政庁であって当該審査庁となるべき行政庁以外のものをいう。次条において同じ。）の事務所における備付けその他の適当な方法により公にしておかななければならない。

Article 16 The administrative agency that is to be the reviewing agency

pursuant to the provisions of Article 4 or the provisions of any other Act or Prefectural or Municipal Ordinance (hereinafter referred to as the "administrative agency to be the reviewing agency") must endeavor to establish standard periods of time typically needed for making a determination from the time when a request for review arrives at their offices; and upon establishing the standard periods of time, and make them available to the public by posting them at the offices of the administrative agency to be the reviewing agency and the relevant administrative agencies reaching the disposition (meaning administrative agencies vested with the authority to render a disposition subject to the request for review other than the administrative agency to be the reviewing agency; the same applies in the following Article) or by some other appropriate method.

(審理員となるべき者の名簿)

(The List of Names of Persons to be Review Officers)

第十七条 審査庁となるべき行政庁は、審理員となるべき者の名簿を作成するよう努めるとともに、これを作成したときは、当該審査庁となるべき行政庁及び関係処分庁の事務所における備付けその他の適当な方法により公にしておかなければならない。

Article 17 The administrative agency to be the reviewing agency should endeavor to prepare a list of names of persons to be review officers; and upon preparing the name list, it must be made available to the public by posting it at the offices of the administrative agency to be the reviewing agency and the relevant administrative agencies reaching the disposition or by some other appropriate method.

第二節 審査請求の手續

Section 2 Procedures for Filing Request for Review

(審査請求期間)

(Period for Filing Request for Review)

第十八条 処分についての審査請求は、処分があったことを知った日の翌日から起算して三月（当該処分について再調査の請求をしたときは、当該再調査の請求についての決定があったことを知った日の翌日から起算して一月）を経過したときは、することができない。ただし、正当な理由があるときは、この限りでない。

Article 18 (1) A request for review with regard to a disposition may not be filed after three months passed from the day following the day on which the relevant person comes to know that the disposition was reached (when a request for re-investigation has been filed with regard to the relevant disposition, after one month has passed from the day following the day on which the relevant person comes to know that the decision was made for the relevant request for re-investigation); provided, however, that this does not apply when there are any

justifiable grounds.

2 処分についての審査請求は、処分（当該処分について再調査の請求をしたときは、当該再調査の請求についての決定）があった日の翌日から起算して一年を経過したときは、することができない。ただし、正当な理由があるときは、この限りでない。

(2) A request for review with regard to a disposition may not be filed after one year has passed from the day following the day on which the disposition was reached (when a request for re-investigation has been filed with regard to the relevant disposition, from the day following the day on which the decision was made for the relevant request for re-investigation); provided, however, that this does not apply when there are any justifiable grounds.

3 次条に規定する審査請求書を郵便又は民間事業者による信書の送達に関する法律（平成十四年法律第九十九号）第二条第六項に規定する一般信書便事業者若しくは同条第九項に規定する特定信書便事業者による同条第二項に規定する信書便で提出した場合における前二項に規定する期間（以下「審査請求期間」という。）の計算については、送付に要した日数は、算入しない。

(3) When a written request for review prescribed in the following Article has been submitted by post or by corresponding delivery prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) conducted by a general correspondence delivery operator prescribed in paragraph (6) of the relevant Article or a specified letter delivery operator prescribed in paragraph (9) of the relevant Article, the number of days required for the delivery is not included in the calculation of the period of time prescribed in the preceding two paragraphs (hereinafter referred to as the "period for filing request for review").

（審査請求書の提出）

(Submission of Written Request for Review)

第十九条 審査請求は、他の法律（条例に基づく処分については、条例）に口頭であることができる旨の定めがある場合を除き、政令で定めるところにより、審査請求書を提出してしなければならない。

Article 19 (1) A request for review, unless any other Act (or Prefectural or Municipal Ordinance in the case of a disposition under Prefectural or Municipal Ordinance) provides that a request may be filed orally, must be filed through the submission of a written request for review as provided for by Cabinet Order.

2 処分についての審査請求書には、次に掲げる事項を記載しなければならない。

(2) A written request for review with regard to a disposition must contain the following matters:

一 審査請求人の氏名又は名称及び住所又は居所

(i) the name and domicile or residence of the requestor for a review;

二 審査請求に係る処分の内容

(ii) the details of the disposition, for which the request for review is filed;
三 審査請求に係る処分（当該処分について再調査の請求についての決定を経たときは、当該決定）があったことを知った年月日

(iii) the date on which the requestor for review came to know that the disposition, for which the request for review is filed, was reached (when a decision was made for a request for re-investigation with regard to the relevant disposition, came to know that the relevant decision was made);

四 審査請求の趣旨及び理由

(iv) the purpose and grounds for filing the request for review;

五 処分庁の教示の有無及びその内容

(v) whether any instruction has been given by the administrative agencies reaching the disposition and the details of the instruction if any; and

六 審査請求の年月日

(vi) the date of filing the request for review.

3 不作為についての審査請求書には、次に掲げる事項を記載しなければならない。

(3) A written request for review with regard to inaction must contain the following matters:

一 審査請求人の氏名又は名称及び住所又は居所

(i) the name and domicile or residence of the requestor for review;

二 当該不作為に係る処分についての申請の内容及び年月日

(ii) the details of the application for the disposition causing the relevant inaction and the date of filing the application; and

三 審査請求の年月日

(iii) the date of filing the request for review.

4 審査請求人が、法人その他の社団若しくは財団である場合、総代を互選した場合又は代理人によって審査請求をする場合には、審査請求書には、第二項各号又は前項各号に掲げる事項のほか、その代表者若しくは管理人、総代又は代理人の氏名及び住所又は居所を記載しなければならない。

(4) When a requestor for review is a corporation, or other association or foundation, when representative members have been selected from among requestors for review, or when a request for review is filed by an agent, the written request for review must contain the name and domicile or residence of the representative or administrator, the representative members, or the agent, beyond the matters set forth in the items of paragraph (2) or the items of the preceding paragraph.

5 処分についての審査請求書には、第二項及び前項に規定する事項のほか、次の各号に掲げる場合においては、当該各号に定める事項を記載しなければならない。

(5) In the cases set forth in the following items, a written request for review with regard to a disposition must contain the matters specified respectively therein, beyond the matters prescribed in paragraph (2) and the preceding paragraph:

一 第五条第二項第一号の規定により再調査の請求についての決定を経ないで審査請

求をする場合 再調査の請求をした年月日

(i) when filing a request for review without waiting for a decision to be made for a request for re-investigation pursuant to the provisions of Article 5, paragraph (2), item (i): the date of filing the request for re-investigation;

二 第五条第二項第二号の規定により再調査の請求についての決定を経ないで審査請求をする場合 その決定を経ないことについての正当な理由

(ii) when filing a request for review without waiting for a decision to be made for a request for re-investigation pursuant to the provisions of Article 5, paragraph (2), item (ii): justifiable grounds for not waiting for the decision to be made; and

三 審査請求期間の経過後において審査請求をする場合 前条第一項ただし書又は第二項ただし書に規定する正当な理由

(iii) when filing a request for review after the elapse of the Period for Filing Request for Review: justifiable grounds prescribed in the proviso to paragraph (1) or (2) of the preceding Article.

(口頭による審査請求)

(Request for Review Filed Orally)

第二十条 口頭で審査請求をする場合には、前条第二項から第五項までに規定する事項を陳述しなければならない。この場合において、陳述を受けた行政庁は、その陳述の内容を録取し、これを陳述人に読み聞かせて誤りのないことを確認し、陳述人に押印させなければならない。

Article 20 When orally filing a request for review, the person must orally state the matters prescribed in paragraphs (2) through (5) of the preceding Article. In this case, the administrative agency that has received the oral statement must record the details thereof, read them out to the person who made the oral statement to confirm that there is no error, and have the relevant person affix the seal on the record.

(処分庁等を経由する審査請求)

(Request for Review via the Administrative Agency Reaching the Disposition)

第二十一条 審査請求をすべき行政庁が処分庁等と異なる場合における審査請求は、処分庁等を経由してすることができる。この場合において、審査請求人は、処分庁等に審査請求書を提出し、又は処分庁等に対し第十九条第二項から第五項までに規定する事項を陳述するものとする。

Article 21 (1) When an administrative agency with which a request for review is to be filed is different from the administrative agency, etc. reaching the disposition, the request may be filed via the administrative agency, etc. reaching the disposition. In this case, the requestor for review should submit a written request for review to the administrative agency, etc. reaching the disposition or orally state the matters prescribed in Article 19, paragraphs (2)

through (5) to the administrative agency, etc. reaching the disposition

2 前項の場合には、処分庁等は、直ちに、審査請求書又は審査請求録取書（前条後段の規定により陳述の内容を録取した書面をいう。第二十九条第一項及び第五十五条において同じ。）を審査庁となるべき行政庁に送付しなければならない。

(2) In the case referred to in the preceding paragraph, the administrative agency, etc. reaching the disposition must immediately send the written request for review or written statement concerning the request for review (meaning a document recording the details of the oral statement pursuant to the provisions of the second sentence of the preceding Article; the same applies in Article 29, paragraph (1) and Article 55) to the Administrative Agency to be the reviewing agency.

3 第一項の場合における審査請求期間の計算については、処分庁に審査請求書を提出し、又は処分庁に対し当該事項を陳述した時に、処分についての審査請求があったものとみなす。

(3) With regard to the calculation of the Period for Filing Request for Review in the case referred to in paragraph (1), the request for review with regard to the disposition is deemed to have been filed as of the time of submitting the written request for review or orally stating the relevant matters to the Administrative Agency Reaching the disposition.

（誤った教示をした場合の救済）

(Relief for when an Erroneous Instruction was Given)

第二十二条 審査請求をすることができる処分につき、処分庁が誤って審査請求をすべき行政庁でない行政庁を審査請求をすべき行政庁として教示した場合において、その教示された行政庁に書面で審査請求がされたときは、当該行政庁は、速やかに、審査請求書を処分庁又は審査庁となるべき行政庁に送付し、かつ、その旨を審査請求人に通知しなければならない。

Article 22 (1) With regard to a disposition for which a request for review may be filed, when the Administrative Agency Reaching the disposition has erroneously told the relevant person a wrong administrative agency as the administrative agency with which a request for review should be filed, and the person has filed a request for review in writing with the administrative agency thus instructed, the relevant administrative agency must promptly send the written request for review to the Administrative Agency Reaching the disposition or the Administrative Agency to be the reviewing agency and give a notice to that effect to the requestor for review.

2 前項の規定により処分庁に審査請求書が送付されたときは、処分庁は、速やかに、これを審査庁となるべき行政庁に送付し、かつ、その旨を審査請求人に通知しなければならない。

(2) When the written request for review has been sent to the Administrative Agency Reaching the disposition pursuant to the provisions of the preceding

paragraph, the Administrative Agency Reaching the disposition must promptly send it to the Administrative Agency to be the reviewing agency and give a notice to that effect to the requestor for review.

- 3 第一項の処分のうち、再調査の請求をすることができない処分につき、処分庁が誤って再調査の請求をすることができる旨を教示した場合において、当該処分庁に再調査の請求がされたときは、処分庁は、速やかに、再調査の請求書（第六十一条において読み替えて準用する第十九条に規定する再調査の請求書をいう。以下この条において同じ。）又は再調査の請求録取書（第六十一条において準用する第二十条後段の規定により陳述の内容を録取した書面をいう。以下この条において同じ。）を審査庁となるべき行政庁に送付し、かつ、その旨を再調査の請求人に通知しなければならない。

(3) With regard to the disposition set forth in paragraph (1) for which a request for re-investigation may not be filed, when the administrative agency reaching the disposition has erroneously instructed the relevant person that a request for re-investigation may be filed, and the person has filed a request for re-investigation with the relevant administrative agency reaching the disposition, the administrative agency reaching the disposition must promptly send the written request for re-investigation (meaning the written request for re-investigation prescribed in Article 19 as applied mutatis mutandis by replacing the terms in Article 61; hereinafter, the same applies in this Article) or written statement concerning the request for re-investigation (meaning a document recording the details of the oral statement pursuant to the provisions of the second sentence of Article 20 as applied mutatis mutandis in Article 61; hereinafter, the same applies in this Article) to the administrative agency to be the reviewing agency and give a notice to that effect to the requestor for re-investigation .

- 4 再調査の請求をすることができる処分につき、処分庁が誤って審査請求をすることができる旨を教示しなかった場合において、当該処分庁に再調査の請求がされた場合であって、再調査の請求人から申立てがあったときは、処分庁は、速やかに、再調査の請求書又は再調査の請求録取書及び関係書類その他の物件を審査庁となるべき行政庁に送付しなければならない。この場合において、その送付を受けた行政庁は、速やかに、その旨を再調査の請求人及び第六十一条において読み替えて準用する第十三条第一項又は第二項の規定により当該再調査の請求に参加する者に通知しなければならない。

(4) With regard to a disposition for which a request for re-investigation may be filed, when the administrative agency reaching the disposition has erroneously failed to instruct the relevant person that a request for review may be filed, and the person has filed a request for re-investigation with the relevant administrative agency reaching the disposition and has filed a petition, the administrative agency reaching the disposition must promptly send the written request for re-investigation or written statement concerning the request for re-investigation, and the relevant documents and other articles to the

administrative agency to be the reviewing agency. In this case, the administrative agency that has received these documents and articles must promptly give a notice to that effect to the requestor for re-investigation and persons who participate in the relevant request for re-investigation pursuant to the provisions of Article 13, paragraph (1) or (2) as applied mutatis mutandis by replacing the terms in Article 61.

5 前各項の規定により審査請求書又は再調査の請求書若しくは再調査の請求録取書が審査庁となるべき行政庁に送付されたときは、初めから審査庁となるべき行政庁に審査請求がされたものとみなす。

(5) When the written request for review, written request for re-investigation or written statement concerning the request for re-investigation has been sent to the administrative agency to be the reviewing agency pursuant to the provisions of the preceding each paragraph, the request for review is deemed to have been filed with the administrative agency to be the reviewing agency from the beginning.

(審査請求書の補正)

(Correction of Written Request for Review)

第二十三条 審査請求書が第十九条の規定に違反する場合には、審査庁は、相当の期間を定め、その期間内に不備を補正すべきことを命じなければならない。

Article 23 When a written request for review violates the provisions of Article 19, the reviewing agency must specify an appropriate period of time and order the correction of any defect within the relevant period of time.

(審理手続を経ないでする却下裁決)

(Dismissing a Request without Prejudice, without Going through Proceedings)

第二十四条 前条の場合において、審査請求人が同条の期間内に不備を補正しないときは、審査庁は、次節に規定する審理手続を経ないで、第四十五条第一項又は第四十九条第一項の規定に基づき、裁決で、当該審査請求を却下することができる。

Article 24 (1) In the case referred to in the preceding Article, when a requestor for review does not correct the defect within the period of time set forth in the relevant Article, the reviewing agency may dismiss the relevant request for review without prejudice by its determination based on the provisions of Article 45, paragraph (1) or Article 49, paragraph (1) without going through the procedures for proceedings prescribed in the following section.

2 審査請求が不適法であって補正することができないことが明らかなきも、前項と同様とする。

(2) The preceding paragraph also applies when it is clear that a request for review is unlawful and cannot be corrected.

(執行停止)

(Stay of Execution)

第二十五条 審査請求は、処分の効力、処分の執行又は手続の続行を妨げない。

Article 25 (1) A request for review does not preclude the effect of the disposition, execution of the disposition, or continuation of procedures.

2 処分庁の上級行政庁又は処分庁である審査庁は、必要があると認める場合には、審査請求人の申立てにより又は職権で、処分の効力、処分の執行又は手続の続行の全部又は一部の停止その他の措置（以下「執行停止」という。）をとることができる。

(2) The reviewing agency that falls under the higher administrative agency of the Administrative Agency Reaching the disposition or the administrative agency reaching the disposition itself may suspend the effect of the disposition, execution of the disposition, or continuation of procedures in full or in part or take other measures (hereinafter referred to as a "stay of execution"), when finding it necessary, upon a petition filed by the requestor for review or by its authority.

3 処分庁の上級行政庁又は処分庁のいずれでもない審査庁は、必要があると認める場合には、審査請求人の申立てにより、処分庁の意見を聴取した上、執行停止をすることができる。ただし、処分の効力、処分の執行又は手続の続行の全部又は一部の停止以外の措置をとることはできない。

(3) The reviewing agency that does not fall under the higher administrative agency of the administrative agency reaching the disposition nor the administrative agency reaching the disposition itself may order a Stay of Execution, when finding it necessary, upon a petition filed by the requestor for review and after hearing opinions of the administrative agency reaching the disposition; provided, however, that the relevant reviewing agency may not take any measures other than suspending the effect of the disposition, execution of the disposition, or continuation of procedures in full or in part.

4 前二項の規定による審査請求人の申立てがあつた場合において、処分、処分の執行又は手続の続行により生ずる重大な損害を避けるために緊急の必要があると認めるときは、審査庁は、執行停止をしなければならない。ただし、公共の福祉に重大な影響を及ぼすおそれがあるとき、又は本案について理由がないとみえるときは、この限りでない。

(4) When a petition has been filed by the requestor for review pursuant to the provisions of the preceding two paragraphs, and the reviewing agency finds it urgently necessary for avoiding serious damage to be caused by the disposition or through the execution of the disposition or the continuation of procedures, the reviewing agency must order a stay of execution; provided, however, that this does not apply when the stay of execution is likely to seriously affect public welfare or when the action on the merits seems groundless.

5 審査庁は、前項に規定する重大な損害を生ずるか否かを判断するに当たっては、損害の回復の困難の程度を考慮するものとし、損害の性質及び程度並びに処分内容及び性質をも勘案するものとする。

(5) When determining whether the serious damage prescribed in the preceding paragraph would be caused or not, the reviewing agency should consider the level of difficulty in recovering the damage and should also take into account the nature and extent of the damage and the details and nature of the disposition.

6 第二項から第四項までの場合において、処分の効力の停止は、処分の効力の停止以外の措置によって目的を達することができるときは、することができない。

(6) In the cases referred to in paragraphs (2) through (4), the suspension of the effect of the disposition may not be ordered when the intended purpose can be achieved through any measures other than the suspension of the effect of the disposition.

7 執行停止の申立てがあつたとき、又は審理員から第四十条に規定する執行停止をすべき旨の意見書が提出されたときは、審査庁は、速やかに、執行停止をするかどうかを決定しなければならない。

(7) When a petition for a stay of execution has been filed or a written opinion to suggest the necessity to order a stay of execution as prescribed in Article 40 has been submitted by a review officer, the reviewing agency must promptly decide whether or not to order a stay of execution.

(執行停止の取消し)

(Revocation of Stay of Execution)

第二十六条 執行停止をした後において、執行停止が公共の福祉に重大な影響を及ぼすことが明らかとなったとき、その他事情が変更したときは、審査庁は、その執行停止を取り消すことができる。

Article 26 After ordering a stay of execution, if it has become clear that the Stay of Execution would seriously affect public welfare or when there have otherwise been any changes to the circumstances, the reviewing agency may revoke the stay of execution.

(審査請求の取下げ)

(Withdrawal of Request for Review)

第二十七条 審査請求人は、裁決があるまでは、いつでも審査請求を取り下げることができる。

Article 27 (1) A requestor for review may withdraw the request anytime until a determination therefor is made.

2 審査請求の取下げは、書面でしなければならない。

(2) The withdrawal of a request for review must be filed in writing.

第三節 審理手続

Section 3 Procedures for Proceedings

(審理手続の計画的進行)

(Well-Organized Progress of Procedures for Proceedings)

第二十八条 審査請求人、参加人及び処分庁等（以下「審理関係人」という。）並びに審理員は、簡易迅速かつ公正な審理の実現のため、審理において、相互に協力するとともに、審理手続の計画的な進行を図らなければならない。

Article 28 A requestor for review, an intervenor, and the administrative agency, etc. reaching the disposition (hereinafter referred to as the "persons concerned with proceedings"), as well as a review officer must cooperate with one another in the proceedings and strive to facilitate well-organized progress of the procedures for proceedings for the purpose of achieving simple, fast and fair proceedings.

(弁明書の提出)

(Submission of a Written Explanation)

第二十九条 審理員は、審査庁から指名されたときは、直ちに、審査請求書又は審査請求録取書の写しを処分庁等に送付しなければならない。ただし、処分庁等が審査庁である場合には、この限りでない。

Article 29 (1) When having been appointed by the reviewing agency, a review officer must immediately send a copy of the written request for review or written statement concerning the request for review to the administrative agency, etc. reaching the disposition; provided, however, that this does not apply when the administrative agency, etc. reaching the disposition falls under the reviewing agency.

2 審理員は、相当の期間を定めて、処分庁等に対し、弁明書の提出を求めるものとする。

(2) A review officer is to specify an appropriate period of time and demand the administrative agency, etc. reaching the disposition to submit a written explanation.

3 処分庁等は、前項の弁明書に、次の各号の区分に応じ、当該各号に定める事項を記載しなければならない。

(3) The administrative agency, etc. reaching the disposition must enter the matters specified in the following items in accordance with the categories set forth respectively therein in the written explanation set forth in the preceding paragraph:

一 処分についての審査請求に対する弁明書 処分の内容及び理由

(i) a written explanation on a request for review with regard to a disposition: the details of and the grounds for the disposition; and

二 不作為についての審査請求に対する弁明書 処分をしていない理由並びに予定される処分の時期、内容及び理由

(ii) a written explanation on a request for review with regard to inaction: the grounds for having not reached a disposition, the time when a disposition is

scheduled to be reached, and the details of, and the grounds for the disposition.

4 処分庁が次に掲げる書面を保有する場合には、前項第一号に掲げる弁明書にこれを添付するものとする。

(4) When the administrative agency reaching the disposition has any of the following documents, they should be attached to the written explanation set forth in item (i) of the preceding paragraph:

一 行政手続法（平成五年法律第八十八号）第二十四条第一項の調書及び同条第三項の報告書

(i) the record set forth in Article 24, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993) and the written report set forth in paragraph (3) of the relevant Article; and

二 行政手続法第二十九条第一項に規定する弁明書

(ii) the written explanation prescribed in Article 29, paragraph (1) of the Administrative Procedure Act.

5 審理員は、処分庁等から弁明書の提出があったときは、これを審査請求人及び参加人に送付しなければならない。

(5) When a written explanation has been submitted from the administrative agency, etc. reaching the disposition, a review officer must send it to the relevant requestor for review and intervenors.

(反論書等の提出)

(Submission of a Written Counterargument)

第三十条 審査請求人は、前条第五項の規定により送付された弁明書に記載された事項に対する反論を記載した書面（以下「反論書」という。）を提出することができる。この場合において、審理員が、反論書を提出すべき相当の期間を定めたときは、その期間内にこれを提出しなければならない。

Article 30 (1) A requestor for review may submit a document containing a counterargument against the matters stated in the written explanation sent thereto pursuant to the provisions of paragraph (5) of the preceding Article (hereinafter referred to as a "written counterargument"). In this case, when a review officer has specified an appropriate period of time during which a written counterargument should be submitted, the requestor for review must submit a written counterargument within the relevant period of time.

2 参加人は、審査請求に係る事件に関する意見を記載した書面（第四十条及び第四十二条第一項を除き、以下「意見書」という。）を提出することができる。この場合において、審理員が、意見書を提出すべき相当の期間を定めたときは、その期間内にこれを提出しなければならない。

(2) An intervenor may submit a document containing opinions on the case wherein a request for review has been filed (hereinafter referred to as a "written opinion" except in Article 40 and Article 42, paragraph (1)). In this

case, when a review officer has specified an appropriate period of time during which a written opinion should be submitted, the intervenor must submit a written opinion within the relevant period of time.

3 審理員は、審査請求人から反論書の提出があったときはこれを参加人及び処分庁等に、参加人から意見書の提出があったときはこれを審査請求人及び処分庁等に、それぞれ送付しなければならない。

(3) When a written counterargument has been submitted by a requestor for review, a review officer must send it to the intervenors and the administrative agency, etc. reaching the disposition., and when a written opinion has been submitted by an intervenor, a review officer must send it to the relevant requestor for review and the administrative agency, etc. .reaching the disposition.

(口頭意見陳述)

(Stating an Opinion Orally)

第三十一条 審査請求人又は参加人の申立てがあった場合には、審理員は、当該申立てをした者（以下この条及び第四十一条第二項第二号において「申立人」という。）に口頭で審査請求に係る事件に関する意見を述べる機会を与えなければならない。ただし、当該申立人の所在その他の事情により当該意見を述べる機会を与えることが困難であると認められる場合には、この限りでない。

Article 31 (1) When a petition has been filed by a requestor for review or an intervenor, a review officer must give the person who has filed the relevant petition (hereinafter referred to as a "petitioner" in this Article and Article 41, paragraph (2), item (ii)) an opportunity to orally state opinions on the case wherein the request for review has been filed; provided, however, that this does not apply when it is found difficult to give the petitioner an opportunity to orally state opinions in light of the whereabouts of the petitioner or other circumstances.

2 前項本文の規定による意見の陳述（以下「口頭意見陳述」という。）は、審理員が期日及び場所を指定し、全ての審理関係人を招集してさせるものとする。

(2) Procedures for stating opinions orally pursuant to the provisions of the main clause of the preceding paragraph (hereinafter referred to as "stating an opinion orally") are to be undertaken on the date and at the venue designated by the review officer in participation of all of the persons concerned with proceedings.

3 口頭意見陳述において、申立人は、審理員の許可を得て、補佐人とともに出頭することができる。

(3) On the occasion of stating an opinion orally, the petitioner may, with the permission of the review officer, appear together with assistants.

4 口頭意見陳述において、審理員は、申立人のする陳述が事件に関係のない事項にわたる場合その他相当でない場合には、これを制限することができる。

(4) On the occasion of stating an opinion orally, if the statement being made by the petitioner extends to matters irrelevant to the case or is otherwise inappropriate, the review officer may limit the statement.

5 口頭意見陳述に際し、申立人は、審理員の許可を得て、審査請求に係る事件に関し、処分庁等に対して、質問を発することができる。

(5) On the occasion of stating an opinion orally, the petitioner may, with the permission of the review officer, address questions concerning the case wherein the request for review has been filed to the administrative agency, etc. reaching the disposition.

(証拠書類等の提出)

(Submission of Documentary Evidence)

第三十二条 審査請求人又は参加人は、証拠書類又は証拠物を提出することができる。

Article 32 (1) A requestor for review or an intervenor may submit documentary evidence or articles of evidence.

2 処分庁等は、当該処分の理由となる事実を証する書類その他の物件を提出することができる。

(2) The administrative agency, etc. reaching the disposition may submit documents or other articles that prove the fact serving as the grounds for the disposition.

3 前二項の場合において、審理員が、証拠書類若しくは証拠物又は書類その他の物件を提出すべき相当の期間を定めたときは、その期間内にこれを提出しなければならない。

(3) In the cases referred to in the preceding two paragraphs, when a review officer has specified an appropriate period of time during which documentary evidence or articles of evidence, or documents or other articles should be submitted, such evidence, documents or articles must be submitted within the relevant period of time.

(物件の提出要求)

(Demand for Submission of Articles)

第三十三条 審理員は、審査請求人若しくは参加人の申立てにより又は職権で、書類その他の物件の所持人に対し、相当の期間を定めて、その物件の提出を求めることができる。この場合において、審理員は、その提出された物件を留め置くことができる。

Article 33 A review officer may specify an appropriate period of time and demand that the owner of the relevant documents or other articles submit them within the relevant period of time, upon a petition filed by a requestor for review or an intervenor or by its authority. In this case, the review officer may keep the articles thus submitted.

(参考人の陳述及び鑑定 の 要求)

(Demand for Witnesses' Statements and Expert Opinions)

第三十四条 審理員は、審査請求人若しくは参加人の申立てにより又は職権で、適当と認める者に、参考人としてその知っている事実の陳述を求め、又は鑑定を求めることができる。

Article 34 A review officer may demand a person found appropriate to state the facts that the person knows as a witness or seek expert opinions, upon a petition filed by a requestor for review or an intervenor or by its authority.

(検証)

(Observation)

第三十五条 審理員は、審査請求人若しくは参加人の申立てにより又は職権で、必要な場所につき、検証をすることができる。

Article 35 (1) A review officer may conduct an observation at places as necessary, upon a petition filed by a requestor for review or intervenor or by its authority.

2 審理員は、審査請求人又は参加人の申立てにより前項の検証をしようとするときは、あらかじめ、その日時及び場所を当該申立てをした者に通知し、これに立ち会う機会を与えなければならない。

(2) When a review officer intends to conduct an observation as set forth in the preceding paragraph upon a petition filed by a requestor for review or an intervenor, the review officer must give a notice in advance to inform the person who has filed the petition of the date and places of the observation and give the relevant person an opportunity to attend the observation.

(審理関係人への質問)

(Questions to Persons Concerned with Proceedings)

第三十六条 審理員は、審査請求人若しくは参加人の申立てにより又は職権で、審査請求に係る事件に関し、審理関係人に質問することができる。

Article 36 A review officer may ask questions concerning the case wherein the request for review has been filed to the persons concerned with proceedings, upon a petition filed by a requestor for review or an intervenor or by its authority.

(審理手続の計画的遂行)

(Well-Organized Pursuit of Procedures for Proceedings)

第三十七条 審理員は、審査請求に係る事件について、審理すべき事項が多数であり又は錯綜しているなど事件が複雑であることその他の事情により、迅速かつ公正な審理を行うため、第三十一条から前条までに定める審理手続を計画的に遂行する必要があると認める場合には、期日及び場所を指定して、審理関係人を招集し、あらかじめ、これらの審理手続の申立てに関する意見の聴取を行うことができる。

Article 37 (1) With regard to the case wherein the request for review has been filed, if a review officer finds it necessary to pursue the procedures for

proceedings specified in Article 31 to the preceding Article in a well-organized manner in order to ensure prompt and fair proceedings, in light of the complexity of the case due to the large number of matters to be examined being confusingly tangled or any other circumstances, the review officer may specify the date and venue to gather the persons concerned with proceedings and hear their opinions on the petition for the procedures for proceedings in advance.

2 審理員は、審理関係人が遠隔の地に居住している場合その他相当と認める場合には、政令で定めるところにより、審理員及び審理関係人が音声の送受信により通話を行うことができる方法によって、前項に規定する意見の聴取を行うことができる。

(2) When a person concerned with proceedings resides in a remote area or when otherwise considered appropriate, a review officer may hear the opinions of the relevant person, as provided for by Cabinet Order, by a method that enables the review officer and the person concerned with proceedings to communicate with each other by audio transmissions.

3 審理員は、前二項の規定による意見の聴取を行ったときは、遅滞なく、第三十一条から前条までに定める審理手続の期日及び場所並びに第四十一条第一項の規定による審理手続の終結の予定時期を決定し、これらを審理関係人に通知するものとする。当該予定時期を変更したときも、同様とする。

(3) When having heard opinions pursuant to the provisions of the preceding two paragraphs, the review officer must decide the date and venue for the procedures for proceedings specified in Article 31 to the preceding Article, and the time when the procedures for proceedings are scheduled to be concluded pursuant to the provisions of Article 41, paragraph (1), and give a notice of these matters to the Persons Concerned with Proceedings without delay. The same applies when the scheduled time of concluding the procedures are altered.

(審査請求人等による提出書類等の閲覧等)

(Inspection of Submitted Documents by Requestors for Review)

第三十八条 審査請求人又は参加人は、第四十一条第一項又は第二項の規定により審理手続が終結するまでの間、審理員に対し、提出書類等（第二十九条第四項各号に掲げる書面又は第三十二条第一項若しくは第二項若しくは第三十三条の規定により提出された書類その他の物件をいう。次項において同じ。）の閲覧（電磁的記録（電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。以下同じ。）にあっては、記録された事項を審査庁が定める方法により表示したものの閲覧）又は当該書面若しくは当該書類の写し若しくは当該電磁的記録に記録された事項を記載した書面の交付を求めることができる。この場合において、審理員は、第三者の利益を害するおそれがあると認めるとき、その他正当な理由があるときでなければ、その閲覧又は交付を拒むことができない。

Article 38 (1) Until the procedures for proceedings are concluded pursuant to the provisions of Article 41, paragraph (1) or (2), the relevant requestor for review

or intervenor may request the review officer to permit the inspection of submitted documents, etc. (meaning the documents set forth in the items of Article 29, paragraph (4), or the documents or other articles submitted pursuant to the provisions of Article 32, paragraph (1) or (2), or Article 33; the same applies in the following paragraph) (in the case of an electronic or magnetic record (a record made by an electronic method, magnetic method, or any other method not recognizable through the human senses, which is used in information processing by computers; the same applies hereinafter), the inspection of anything that indicates the matters recorded therein in the method specified by the reviewing agency), or to deliver copies of these documents or a document containing the matters recorded in the electronic or magnetic record. In this case, the review officer cannot refuse the inspection or delivery unless it is found that the inspection or delivery is likely to damage the interest of a third party or there are otherwise justifiable grounds for refusal.

2 審理員は、前項の規定による閲覧をさせ、又は同項の規定による交付をしようとするときは、当該閲覧又は交付に係る提出書類等の提出人の意見を聴かなければならない。ただし、審理員が、その必要がないと認めるときは、この限りでない。

(2) When intending to permit the inspection pursuant to the provisions of the preceding paragraph or deliver the relevant documents pursuant to the provisions of the relevant paragraph, the review officer must hear the opinions of the persons who have submitted the relevant documents, etc. to be inspected or delivered; provided, however, that this does not apply when the review officer finds it unnecessary.

3 審理員は、第一項の規定による閲覧について、日時及び場所を指定することができる。

(3) With regard to the inspection pursuant to the provisions of paragraph (1), the review officer may specify the date and venue therefor.

4 第一項の規定による交付を受ける審査請求人又は参加人は、政令で定めるところにより、実費の範囲内において政令で定める額の手数料を納めなければならない。

(4) A requestor for review or an intervenor who receives the delivery pursuant to the provisions of paragraph (1) must pay the fees specified by Cabinet Order within an amount not exceeding the actual cost, as provided for by Cabinet Order.

5 審理員は、経済的困難その他特別の理由があると認めるときは、政令で定めるところにより、前項の手数料を減額し、又は免除することができる。

(5) When financial difficulties or other special grounds are found, the review officer may reduce the amount of the fees set forth in the preceding paragraph or exempt the relevant person from paying the relevant fees, as provided for by Cabinet Order.

6 地方公共団体（都道府県、市町村及び特別区並びに地方公共団体の組合に限る。以

下同じ。)に所属する行政庁が審査庁である場合における前二項の規定の適用については、これらの規定中「政令」とあるのは、「条例」とし、国又は地方公共団体に所属しない行政庁が審査庁である場合におけるこれらの規定の適用については、これらの規定中「政令で」とあるのは、「審査庁が」とする。

(6) When an administrative agency that belongs to a local public entity (limited to any of the prefectures, municipalities, and special wards, and associations of local public entities; the same applies hereinafter) falls under the reviewing agency, with regard to the application of the provisions of the preceding two paragraphs, the term "Cabinet Order" in these provisions are deemed to be replaced with "Prefectural or Municipal Ordinance," and when an administrative agency that does not belong to the national government or a local public entity falls under the reviewing agency, with regard to the application of these provisions, the term "by Cabinet Order" in these provisions are deemed to be replaced with "by the reviewing agency."

(審理手続の併合又は分離)

(Consolidation or Separation of Procedures for Proceedings)

第三十九条 審理員は、必要があると認める場合には、数個の審査請求に係る審理手続を併合し、又は併合された数個の審査請求に係る審理手続を分離することができる。

Article 39 When finding it necessary, a review officer may consolidate procedures for proceedings for multiple requests for review or separate procedures for proceedings for consolidated multiple requests for review.

(審理員による執行停止の意見書の提出)

(Submission of Written Opinions by Review Officers to Suggest the Necessity to Order Stay of Execution)

第四十条 審理員は、必要があると認める場合には、審査庁に対し、執行停止をすべき旨の意見書を提出することができる。

Article 40 When finding it necessary, a review officer may submit a written opinion to suggest the necessity to order a Stay of Execution to the reviewing agency.

(審理手続の終結)

(Conclusion of Procedures for Proceedings)

第四十一条 審理員は、必要な審理を終えたと認めるときは、審理手続を終結するものとする。

Article 41 (1) When a review officer finds that necessary proceedings have been completed, the review officer is to conclude the procedures for proceedings.

2 前項に定めるもののほか、審理員は、次の各号のいずれかに該当するときは、審理手続を終結することができる。

(2) Beyond what is provided for in the preceding paragraph, a review officer may

conclude the procedures for proceedings in any of the following cases:

一 次のイからホまでに掲げる規定の相当の期間内に、当該イからホまでに定める物件が提出されない場合において、更に一定の期間を示して、当該物件の提出を求めたにもかかわらず、当該提出期間内に当該物件が提出されなかったとき。

(i) when any of the articles prescribed in (a) through (e) below has not been submitted within the appropriate period of time as specified in the provisions set forth respectively therein, and even after specifying an appropriate period of time anew and demanding the submission of the relevant articles, the review officer has not received the submission of the relevant articles:

イ 第二十九条第二項 弁明書

(a) Article 29, paragraph (2): a written explanation;

ロ 第三十条第一項後段 反論書

(b) the second sentence of Article 30, paragraph (1): a written counterargument;

ハ 第三十条第二項後段 意見書

(c) the second sentence of Article 30, paragraph (2): a written opinion;

ニ 第三十二条第三項 証拠書類若しくは証拠物又は書類その他の物件

(d) Article 32, paragraph (3): documentary evidence or articles of evidence, or documents or other articles;

ホ 第三十三条前段 書類その他の物件

(e) the first sentence of Article 33: documents or other articles; or

二 申立人が、正当な理由なく、口頭意見陳述に出頭しないとき。

(ii) when a petitioner does not appear for stating an opinion orally without justifiable grounds.

3 審理員が前二項の規定により審理手続を終結したときは、速やかに、審理関係人に対し、審理手続を終結した旨並びに次条第一項に規定する審理員意見書及び事件記録（審査請求書、弁明書その他審査請求に係る事件に関する書類その他の物件のうち政令で定めるものをいう。同条第二項及び第四十三条第二項において同じ。）を審査庁に提出する予定時期を通知するものとする。当該予定時期を変更したときも、同様とする。

(3) When a review officer has concluded the procedures for proceedings pursuant to the provisions of the preceding two paragraphs, the review officer should promptly give a notice to the Persons Concerned with Proceedings to inform them of the conclusion of the procedures for proceedings and the time when the review officer's written opinion prescribed in paragraph (1) of the following Article and the case record (meaning the written request for review, written explanation, and other documents and articles pertaining to the case wherein the request for review has been filed, which are specified by Cabinet Order; the same applies in paragraph (2) of the following Article and Article 43, paragraph (2)) are scheduled to be submitted to the reviewing agency. The same applies when the scheduled time of submission is altered.

(審理員意見書)

(Review Officer's Written Opinions)

第四十二条 審理員は、審理手続を終結したときは、遅滞なく、審査庁がすべき裁決に関する意見書（以下「審理員意見書」という。）を作成しなければならない。

Article 42 (1) When having concluded the procedures for proceedings, a review officer must prepare a written opinion concerning the determination to be made by the reviewing agency (hereinafter referred to as a "review officer's written opinion") without delay.

2 審理員は、審理員意見書を作成したときは、速やかに、これを事件記録とともに、審査庁に提出しなければならない。

(2) When having prepared a review officer's written opinion, the review officer must promptly submit it to the reviewing agency, together with the case record.

第四節 行政不服審査会等への諮問

Section 4 Consultation with the Administrative Complaint Review Board

第四十三条 審査庁は、審理員意見書の提出を受けたときは、次の各号のいずれかに該当する場合を除き、審査庁が主任の大臣又は宮内庁長官若しくは内閣府設置法第四十九条第一項若しくは第二項若しくは国家行政組織法第三条第二項に規定する庁の長である場合にあつては行政不服審査会に、審査庁が地方公共団体の長（地方公共団体の組合にあつては、長、管理者又は理事会）である場合にあつては第八十一条第一項又は第二項の機関に、それぞれ諮問しなければならない。

Article 43 (1) When having received the submission of a review officer's written opinion, the reviewing agency that falls under any of the competent minister, the Grand Steward, or the head of any of the agencies prescribed in Article 49, paragraph (1) or (2) of the Act for Establishment of the Cabinet Office or Article 3, paragraph (2) of the National Government Organization Act must consult with the Administrative Complaint Review Board, and the reviewing agency that falls under the head of a local public entity (in the case of an association of a local public entity, the head, manager, or council thereof) must consult with the organ set forth in Article 81, paragraph (1) or (2), except in any of the following cases:

一 審査請求に係る処分をしようとするときに他の法律又は政令（条例に基づく処分については、条例）に第九条第一項各号に掲げる機関若しくは地方公共団体の議会又はこれらの機関に類するものとして政令で定めるもの（以下「審議会等」という。）の議を経るべき旨又は経ることができる旨の定めがあり、かつ、当該議を経て当該処分がされた場合

(i) when any other Act or Cabinet Order (or Prefectural or Municipal Ordinance in the case of a disposition under Prefectural or Municipal Ordinance) provides that a disposition, for which a request for review is filed, should or

- may be reached through deliberations at any of the organs set forth in the items of Article 9, paragraph (1), the assemblies of local public entities, or others specified by Cabinet Order as equivalents to these organs (hereinafter referred to as the "Council, etc."), and the administrative agency reaching the disposition has reached the disposition through such deliberations;
- 二 裁決をしようとするときに他の法律又は政令（条例に基づく処分については、条例）に第九条第一項各号に掲げる機関若しくは地方公共団体の議会又はこれらの機関に類するものとして政令で定めるものの議を経るべき旨又は経ることができる旨の定めがあり、かつ、当該議を経て裁決をしようとする場合
- (ii) when any other Act or Cabinet Order (or Prefectural or Municipal Ordinance in the case of a disposition under Prefectural or Municipal Ordinance) provides that a determination should or may be made through deliberations at any of the organs set forth in the items of Article 9, paragraph (1), the assemblies of local public entities, or others specified by Cabinet Order as equivalents to these organs, and the reviewing agency intends to make a determination through such deliberations;
- 三 第四十六条第三項又は第四十九条第四項の規定により審議会等の議を経て裁決をしようとする場合
- (iii) when the reviewing agency intends to make a determination through deliberations at the Council, etc. pursuant to the provisions of Article 46, paragraph (3) or Article 49, paragraph (4);
- 四 審査請求人から、行政不服審査会又は第八十一条第一項若しくは第二項の機関（以下「行政不服審査会等」という。）への諮問を希望しない旨の申出がされている場合（参加人から、行政不服審査会等に諮問しないことについて反対する旨の申出がされている場合を除く。）
- (iv) when the requestor for review has presented the intention not to wish to have the request subject to consultation with the Administrative Complaint Review Board or the organ set forth in Article 81, paragraphs (1) or (2) (hereinafter referred to as the "Administrative Complaint Review Board, etc.") (excluding the cases where an intervenor has raised an objection to the omission of consultation with the Administrative Complaint Review Board, etc.);
- 五 審査請求が、行政不服審査会等によって、国民の権利利益及び行政の運営に対する影響の程度その他当該事件の性質を勘案して、諮問を要しないものと認められたものである場合
- (v) when the Administrative Complaint Review Board, etc. finds that consultation is not necessary for the request for review in light of the level of possible influence on the rights and interests of citizens and administrative operations, as well as any other nature of the relevant case;
- 六 審査請求が不適法であり、却下する場合
- (vi) when the request for review is unlawful and the reviewing agency intends

to dismiss it without prejudice;

七 第四十六条第一項の規定により審査請求に係る処分（法令に基づく申請を却下し、又は棄却する処分及び事実上の行為を除く。）の全部を取り消し、又は第四十七条第一号若しくは第二号の規定により審査請求に係る事実上の行為の全部を撤廃すべき旨を命じ、若しくは撤廃することとする場合（当該処分の全部を取り消すこと又は当該事実上の行為の全部を撤廃すべき旨を命じ、若しくは撤廃することについて反対する旨の意見書が提出されている場合及び口頭意見陳述においてその旨の意見が述べられている場合を除く。）

(vii) when the reviewing agency intends to revoke the disposition, for which the request for review is filed, (excluding a disposition to dismiss with or without prejudice an application based on laws and regulations, and de facto acts) in full pursuant to the provisions of Article 46, paragraph (1), or order the elimination or decide to eliminate de facto acts, for which the request for review is filed, in full pursuant to the provisions of Article 47, item (i) or (ii) (excluding the cases where a written opinion to oppose the revocation of the relevant disposition in full or the order or decision to eliminate the relevant de facto acts in full has been submitted and where an opinion to that effect has been stated on the occasion of stating an opinion orally); or

八 第四十六条第二項各号又は第四十九条第三項各号に定める措置（法令に基づく申請の全部を認容すべき旨を命じ、又は認容するものに限る。）をとることとする場合（当該申請の全部を認容することについて反対する旨の意見書が提出されている場合及び口頭意見陳述においてその旨の意見が述べられている場合を除く。）

(viii) when the reviewing agency intends to take the measures specified in the items of Article 46, paragraph (2) or the items of Article 49, paragraph (3) (limited to ordering to uphold or deciding to uphold an application based on laws and regulations in full) (excluding the cases where a written opinion to oppose the upholding of the relevant application in full has been submitted and where an opinion to that effect has been stated on the occasion of stating an opinion orally).

2 前項の規定による諮問は、審理員意見書及び事件記録の写しを添えてしなければならない。

(2) The consultation pursuant to the provisions of the preceding paragraph must be sought by attaching copies of the review officer's written opinion and case record.

3 第一項の規定により諮問をした審査庁は、審理関係人（処分庁等が審査庁である場合にあつては、審査請求人及び参加人）に対し、当該諮問をした旨を通知するとともに、審理員意見書の写し送付しなければならない。

(3) The reviewing agency that has consulted with the Administrative Complaint Review Board, etc. pursuant to the provisions of paragraph (1) must give a notice to the Persons Concerned with Proceedings (when the administrative agency, etc. reaching the disposition falls under the reviewing agency, to the

relevant requestor for review and intervenors) to inform them of the fact of going through the consultation and send them a copy of the review officer's written opinion.

第五節 裁決

Section 5 Determination

(裁決の時期)

(Timing of Making Determination)

第四十四条 審査庁は、行政不服審査会等から諮問に対する答申を受けたとき（前条第一項の規定による諮問を要しない場合（同項第二号又は第三号に該当する場合を除く。）にあっては審理員意見書が提出されたとき、同項第二号又は第三号に該当する場合にあっては同項第二号又は第三号に規定する議を経たとき）は、遅滞なく、裁決をしなければならない。

Article 44 When the reviewing agency has received a report to its consultation from the Administrative Complaint Review Board, etc. (or when a review officer's written opinion has been submitted in the case where the consultation pursuant to the provisions of paragraph (1) of the preceding Article is not necessary (excluding the cases falling under item (ii) or (iii) of the relevant paragraph), or when deliberations prescribed in item (ii) or (iii) of the relevant paragraph have been held in the cases falling under item (ii) or (iii) of the relevant paragraph), the reviewing agency must make a determination without delay.

(処分についての審査請求の却下又は棄却)

(Dismissal with or without Prejudice of Request for Review with Regard to Disposition)

第四十五条 処分についての審査請求が法定の期間経過後にされたものである場合その他不適法である場合には、審査庁は、裁決で、当該審査請求を却下する。

Article 45 (1) When a request for review with regard to a disposition has been filed after the elapse of the statutory period, or is otherwise unlawful, the reviewing agency is to dismiss the relevant request for review without prejudice by its determination.

2 処分についての審査請求が理由がない場合には、審査庁は、裁決で、当該審査請求を棄却する。

(2) When there are no grounds for a request for review with regard to a disposition, the reviewing agency is to dismiss the relevant request for review with prejudice on the merits by its determination.

3 審査請求に係る処分が違法又は不当ではあるが、これを取り消し、又は撤廃することにより公の利益に著しい障害を生ずる場合において、審査請求人の受ける損害の程度、その損害の賠償又は防止の程度及び方法その他一切の事情を考慮した上、処分を

取り消し、又は撤廃することが公共の福祉に適合しないと認めるときは、審査庁は、裁決で、当該審査請求を棄却することができる。この場合には、審査庁は、裁決の本文で、当該処分が違法又は不当であることを宣言しなければならない。

- (3) When a disposition, for which a request for review is filed, is illegal or unjust but the revocation or elimination thereof would significantly harm public interest and the reviewing agency finds that the revocation or elimination of the disposition is not in line with public welfare in consideration of the level of damage to be sustained by the relevant requestor for review, the level and method of compensation for or prevention of the relevant damage, and other circumstances as a whole, the reviewing agency may dismiss the relevant request for review with prejudice on the merits by its determination. In this case, the reviewing agency must declare that the relevant disposition is illegal or unjust in the main text of the determination.

(処分についての審査請求の認容)

(Upholding of Request for Review with Regard to Disposition)

第四十六条 処分（事実上の行為を除く。以下この条及び第四十八条において同じ。）についての審査請求が理由がある場合（前条第三項の規定の適用がある場合を除く。）には、審査庁は、裁決で、当該処分の全部若しくは一部を取り消し、又はこれを変更する。ただし、審査庁が処分庁の上級行政庁又は処分庁のいずれでもない場合には、当該処分を変更することはできない。

Article 46 (1) When there are grounds for a request for review with regard to a disposition (excluding de facto acts; hereinafter, the same applies in this Article and Article 48) (excluding the cases to which the provisions of paragraph (3) of the preceding Article apply), the reviewing agency is to revoke the relevant disposition in full or in part or alter it by its determination; provided, however, that when the reviewing agency does not fall under the higher administrative agency of the administrative agency reaching the disposition nor the administrative agency reaching the disposition itself, the reviewing agency may not alter the relevant disposition.

2 前項の規定により法令に基づく申請を却下し、又は棄却する処分の全部又は一部を取り消す場合において、次の各号に掲げる審査庁は、当該申請に対して一定の処分をすべきものと認めるときは、当該各号に定める措置をとる。

- (2) When revoking the disposition to dismiss with or without prejudice an application based on laws and regulations in full or in part, pursuant to the provisions of the preceding paragraph, the reviewing agency set forth in the following items is to take the measures specified respectively therein when it finds the necessity to render a certain disposition for the relevant application:
- 一 処分庁の上級行政庁である審査庁 当該処分庁に対し、当該処分をすべき旨を命ずること。

(i) the reviewing agency that falls under the higher administrative agency of

the administrative agency reaching the disposition: to order the relevant administrative agency reaching the disposition to render the relevant disposition; and

二 処分庁である審査庁 当該処分をすること。

(ii) the reviewing agency that falls under the administrative agency reaching the disposition: to render the relevant disposition.

3 前項に規定する一定の処分に関し、第四十三条第一項第一号に規定する議を経るべき旨の定めがある場合において、審査庁が前項各号に定める措置をとるために必要があると認めるときは、審査庁は、当該定めに係る審議会等の議を経ることができる。

(3) When there are any provisions to the effect that a certain disposition as prescribed in the preceding paragraph should be put under deliberations as prescribed in Article 43, paragraph (1), item (i), and the reviewing agency finds it necessary for the purpose of taking the measures specified in the items of the preceding paragraph, the reviewing agency may go through deliberations at the Council, etc. under such provisions.

4 前項に規定する定めがある場合のほか、第二項に規定する一定の処分に関し、他の法令に係る行政機関との協議の実施その他の手続をとるべき旨の定めがある場合において、審査庁が同項各号に定める措置をとるために必要があると認めるときは、審査庁は、当該手続をとることができる。

(4) Beyond the cases where there are the relevant provisions as prescribed in the preceding paragraph, when any other laws and regulations provide that consultation with the relevant administrative agencies or other procedures should be undertaken with regard to a certain disposition as prescribed in paragraph (2), and the reviewing agency finds it necessary for the purpose of taking the measures specified in the items of the relevant paragraph, the reviewing agency may undertake the relevant procedures.

第四十七条 事実上の行為についての審査請求が理由がある場合（第四十五条第三項の規定の適用がある場合を除く。）には、審査庁は、裁決で、当該事実上の行為が違法又は不当である旨を宣言するとともに、次の各号に掲げる審査庁の区分に応じ、当該各号に定める措置をとる。ただし、審査庁が処分庁の上級行政庁以外の審査庁である場合には、当該事実上の行為を変更すべき旨を命ずることはできない。

Article 47 When there are grounds for a request for review with regard to de facto acts (excluding the cases to which the provisions of Article 45, paragraph (3) apply), the reviewing agency is to, by its determination, declare that the relevant de facto acts are illegal or unjust and take the measures specified in the following items in accordance with the categories of reviewing agencies set forth respectively therein; provided, however, that when the reviewing agency falls under anything other than the higher administrative agency of the administrative agency reaching the disposition, the reviewing agency may not order to alter the relevant de facto acts:

一 処分庁以外の審査庁 当該処分庁に対し、当該事実上の行為の全部若しくは一部を撤廃し、又はこれを変更すべき旨を命ずること。

(i) the Reviewing Agency other than the Administrative Agency Reaching the disposition: to order the relevant administrative agency reaching the disposition to eliminate the relevant de facto acts in full or in part or alter them; and

二 処分庁である審査庁 当該事実上の行為の全部若しくは一部を撤廃し、又はこれを変更すること。

(ii) the reviewing agency that falls under the administrative agency reaching the disposition: to eliminate the relevant de facto acts in full or in part or alter them.

(不利益変更の禁止)

(Prohibition of Adverse Alteration)

第四十八条 第四十六条第一項本文又は前条の場合において、審査庁は、審査請求人の不利益に当該処分を変更し、又は当該事実上の行為を変更すべき旨を命じ、若しくはこれを変更することはできない。

Article 48 In the cases referred to in the main clause of Article 46, paragraph (1) or the preceding Article, the reviewing agency may not alter the relevant disposition, order to alter the relevant de facto acts, or alter them in a manner disadvantageous to the requestor for review.

(不作為についての審査請求の裁決)

(Determination for Request for Review with Regard to Inaction)

第四十九条 不作為についての審査請求が当該不作為に係る処分についての申請から相当の期間が経過しないでされたものである場合その他不適法である場合には、審査庁は、裁決で、当該審査請求を却下する。

Article 49 (1) When a request for review with regard to Inaction has been filed before the elapse of the appropriate period of time after an application for the disposition causing the relevant Inaction, or is otherwise unlawful, the reviewing agency is to dismiss the relevant request for review without prejudice by its determination.

2 不作為についての審査請求が理由がない場合には、審査庁は、裁決で、当該審査請求を棄却する。

(2) When there are no grounds for a request for review with regard to Inaction, the reviewing agency is to dismiss the relevant request for review with prejudice on the merits by its determination.

3 不作為についての審査請求が理由がある場合には、審査庁は、裁決で、当該不作為が違法又は不当である旨を宣言する。この場合において、次の各号に掲げる審査庁は、当該申請に対して一定の処分をすべきものと認めるときは、当該各号に定める措置をとる。

(3) When there are grounds for a request for review with regard to inaction, the reviewing agency is to declare that the relevant inaction is illegal or unjust by its determination. In this case, when the reviewing agency set forth in the following items finds the necessity to render a certain disposition for the relevant application, the reviewing agency is to take the measures specified respectively therein:

一 不作為庁の上級行政庁である審査庁 当該不作為庁に対し、当該処分をすべき旨を命ずること。

(i) the reviewing agency that falls under the higher administrative agency of the administrative agency having taken no action: to order the relevant administrative agency having taken no action to render the relevant disposition; and

二 不作為庁である審査庁 当該処分をすること。

(ii) the reviewing agency that falls under the administrative agency having taken no action: to render the relevant disposition.

4 審査請求に係る不作為に係る処分に関し、第四十三条第一項第一号に規定する議を経るべき旨の定めがある場合において、審査庁が前項各号に定める措置をとるために必要があると認めるときは、審査庁は、当該定めに係る審議会等の議を経ることができる。

(4) When there are any provisions to the effect that the disposition causing Inaction, for which a request for review is filed, should be put under deliberations as prescribed in Article 43, paragraph (1), item (i), and the reviewing agency finds it necessary for the purpose of taking the measures specified in the items of the preceding paragraph, the reviewing agency may go through deliberations at the Council, etc. under the provisions.

5 前項に規定する定めがある場合のほか、審査請求に係る不作為に係る処分に関し、他の法令に係る行政機関との協議の実施その他の手続をとるべき旨の定めがある場合において、審査庁が第三項各号に定める措置をとるために必要があると認めるときは、審査庁は、当該手続をとることができる。

(5) Beyond the cases where there are the relevant provisions as prescribed in the preceding paragraph, when any other laws and regulations provide that consultation with the relevant administrative agencies or other procedures should be undertaken with regard to the disposition causing inaction, for which a request for review is filed, and the reviewing agency finds it necessary for the purpose of taking the measures specified in the items of paragraph (3), the reviewing agency may undertake the relevant procedures.

(裁決の方式)

(Method of Making Determination)

第五十条 裁決は、次に掲げる事項を記載し、審査庁が記名押印した裁決書によりしなければならない。

Article 50 (1) A determination must be made with a written determination containing the following matters on which the reviewing agency has affixed its name and seal:

一 主文

(i) the main text;

二 事案の概要

(ii) the outline of the case;

三 審理関係人の主張の要旨

(iii) summaries of the allegations by the Persons Concerned with Proceedings;
and

四 理由（第一号の主文が審理員意見書又は行政不服審査会等若しくは審議会等の答申書と異なる内容である場合には、異なることとなった理由を含む。）

(iv) grounds (when the main text set forth in item (i) differs from the details of the review officer's written opinion or the written report from the Administrative Complaint Review Board, etc. or the Council, etc., including the grounds for the relevant difference).

2 第四十三条第一項の規定による行政不服審査会等への諮問を要しない場合には、前項の裁決書には、審理員意見書を添付しなければならない。

(2) When consultation with the Administrative Complaint Review Board, etc. pursuant to the provisions of Article 43, paragraph (1) is not necessary, the review officer's written opinion must be attached to the written determination set forth in the preceding paragraph.

3 審査庁は、再審査請求をすることができる裁決をする場合には、裁決書に再審査請求をすることができる旨並びに再審査請求をすべき行政庁及び再審査請求期間（第六十二条に規定する期間をいう。）を記載して、これらを教示しなければならない。

(3) When making a determination for which a request for re-examination may be filed, the reviewing agency must enter the fact that a request for re-examination may be filed, administrative agencies with which a request for re-examination should be filed, and the period for filing a request for re-examination (meaning the period of time prescribed in Article 62) in a written determination to instruct the relevant persons on these matters.

（裁決の効力発生）

(Occurrence of Effects of Determination)

第五十一条 裁決は、審査請求人（当該審査請求が処分の相手方以外の者のしたものである場合における第四十六条第一項及び第四十七条の規定による裁決にあっては、審査請求人及び処分の相手方）に送達された時に、その効力を生ずる。

Article 51 (1) A determination comes into effect when it is served to the requestor for review (in the case of a determination made pursuant to the provisions of Article 46, paragraph (1) and Article 47 when the request for review has been filed by a person other than the parties subject to the

disposition, when it is served to the relevant requestor for review and the parties subject to the disposition).

2 裁決の送達は、送達を受けるべき者に裁決書の謄本を送付することによってする。ただし、送達を受けるべき者の所在が知れない場合その他裁決書の謄本を送付することができない場合には、公示の方法によってすることができる。

(2) A determination is to be served by sending a transcript of the written determination to the person to whom the determination is to be served; provided, however, that when the whereabouts of the person to whom the determination is to be served are unknown or otherwise it is impossible to send a transcript of the written determination to the relevant person, the service of the determination may be made by means of public notice.

3 公示の方法による送達は、審査庁が裁決書の謄本を保管し、いつでもその送達を受けるべき者に交付する旨を当該審査庁の掲示場に掲示し、かつ、その旨を官報その他の公報又は新聞紙に少なくとも一回掲載してするものとする。この場合において、その掲示を始めた日の翌日から起算して二週間を経過した時に裁決書の謄本の送付があったものとみなす。

(3) In the case of making the service of the determination by means of public notice, the reviewing agency should keep a transcript of the written determination, post a notice, on the notice board of the reviewing agency, to the effect that the reviewing agency will deliver the transcript to the person who is to receive the service thereof at any time, and also post the article of the same effect in the Official Gazette other bulletin or in a newspaper at least once. In this case, the transcript of the written determination is deemed to be served as of the time when two weeks passed from the day following the day on which the posting is commenced.

4 審査庁は、裁決書の謄本を参加人及び処分庁等（審査庁以外の処分庁等に限る。）に送付しなければならない。

(4) The reviewing agency must send a transcript of the written determination to the intervenors and the administrative agency, etc. reaching the disposition (limited to the administrative agency, etc. reaching the disposition other than the reviewing agency).

（裁決の拘束力）

(Binding Effect of Determination)

第五十二条 裁決は、関係行政庁を拘束する。

Article 52 (1) A determination binds the relevant administrative agencies.

2 申請に基づいてした処分が手続の違法若しくは不当を理由として裁決で取り消され、又は申請を却下し、若しくは棄却した処分が裁決で取り消された場合には、処分庁は、裁決の趣旨に従い、改めて申請に対する処分をしなければならない。

(2) When a disposition reached based on an application has been revoked by a determination on the grounds of procedural illegality or unjustness, or a

disposition to dismiss an application with or without prejudice has been revoked by a determination, the administrative agency reaching the disposition must render a disposition for the application anew in line with the purport of the determination.

- 3 法令の規定により公示された処分が裁決で取り消され、又は変更された場合には、処分庁は、当該処分が取り消され、又は変更された旨を公示しなければならない。
- (3) When a disposition publicly noticed pursuant to the provisions of laws and regulations has been revoked or altered by a determination, the administrative agency reaching the disposition must publicize the fact that the relevant disposition has been revoked or altered.
- 4 法令の規定により処分の相手方以外の利害関係人に通知された処分が裁決で取り消され、又は変更された場合には、処分庁は、その通知を受けた者（審査請求人及び参加人を除く。）に、当該処分が取り消され、又は変更された旨を通知しなければならない。
- (4) When a disposition, a notice of which has been given to an interested person other than the parties subject to the disposition pursuant to the provisions of laws and regulations, has been revoked or altered by a determination, the administrative agency reaching the disposition must give a notice to the person who has received the notice (excluding the relevant requestor for review and intervenors) to inform of the fact that the relevant disposition has been revoked or altered.

（証拠書類等の返還）

(Return of Documentary Evidence)

第五十三条 審査庁は、裁決をしたときは、速やかに、第三十二条第一項又は第二項の規定により提出された証拠書類若しくは証拠物又は書類その他の物件及び第三十三条の規定による提出要求に応じて提出された書類その他の物件をその提出人に返還しなければならない。

Article 53 When having made a determination, the reviewing agency must promptly return the documentary evidence or articles of evidence, or documents or other articles submitted pursuant to the provisions of Article 32, paragraph (1) or (2), and the documents or other articles submitted in response to a demand for submission under Article 33 to the persons who have submitted them.

第三章 再調査の請求

Chapter III Request for Re-investigation

（再調査の請求期間）

(Period for Filing Request for Re-investigation)

第五十四条 再調査の請求は、処分があったことを知った日の翌日から起算して三月を

経過したときは、することができない。ただし、正当な理由があるときは、この限りでない。

Article 54 (1) A request for re-investigation may not be filed after three months passed from the day following the day on which the relevant person comes to know that the disposition was reached; provided, however, that this does not apply when there are any justifiable grounds.

2 再調査の請求は、処分があった日の翌日から起算して一年を経過したときは、することができない。ただし、正当な理由があるときは、この限りでない。

(2) A request for re-investigation may not be filed after one year passed from the day following the day on which the disposition was reached; provided, however, that this does not apply when there are any justifiable grounds.

(誤った教示をした場合の救済)

(Relief when an Erroneous Instruction was Given)

第五十五条 再調査の請求をすることができる処分につき、処分庁が誤って再調査の請求をすることができる旨を教示しなかった場合において、審査請求がされた場合であって、審査請求人から申立てがあったときは、審査庁は、速やかに、審査請求書又は審査請求録取書を処分庁に送付しなければならない。ただし、審査請求人に対し弁明書が送付された後においては、この限りでない。

Article 55 (1) With regard to a disposition for which a request for re-investigation may be filed, when the Administrative Agency Reaching the disposition has erroneously failed to instruct a person that a request for re-investigation may be filed, and the person has filed a request for review and has filed a petition, the reviewing agency must promptly send the written request for review or written statement concerning the request for review to the administrative agency reaching the disposition; provided, however, that this does not apply after a written explanation has been sent to the requestor for review.

2 前項本文の規定により審査請求書又は審査請求録取書の送付を受けた処分庁は、速やかに、その旨を審査請求人及び参加人に通知しなければならない。

(2) The administrative agency reaching the disposition that has received the written request for review or written statement concerning the request for review pursuant to the provisions of the main clause of the preceding paragraph must promptly give a notice to that effect to the relevant requestor for review and intervenors.

3 第一項本文の規定により審査請求書又は審査請求録取書が処分庁に送付されたときは、初めから処分庁に再調査の請求がされたものとみなす。

(3) When the written request for review or written statement concerning the request for review has been sent to the administrative agency reaching the disposition pursuant to the provisions of the main clause of paragraph (1), the request for re-investigation is deemed to have been filed with the

administrative agency reaching the disposition from the beginning.

(再調査の請求についての決定を経ずに審査請求がされた場合)

(When Request for Review was Filed without Waiting for a Decision to be Made for Request for Re-investigation)

第五十六条 第五条第二項ただし書の規定により審査請求がされたときは、同項の再調査の請求は、取り下げられたものとみなす。ただし、処分庁において当該審査請求がされた日以前に再調査の請求に係る処分（事実上の行為を除く。）を取り消す旨の第六十条第一項の決定書の謄本を発している場合又は再調査の請求に係る事実上の行為を撤廃している場合は、当該審査請求（処分（事実上の行為を除く。）の一部を取り消す旨の第五十九条第一項の決定がされている場合又は事実上の行為の一部が撤廃されている場合）にあっては、その部分に限る。）が取り下げられたものとみなす。

Article 56 When a request for review has been filed pursuant to the provisions of the proviso to Article 5, paragraph (2), the request for re-investigation set forth in the relevant paragraph is deemed to have been withdrawn; provided, however, that when the administrative agency reaching the disposition has sent a transcript of the written decision set forth in Article 60, paragraph (1) to the effect that the disposition (excluding de facto acts), for which the request for re-investigation is filed, is to be revoked, or when de facto acts, for which the request for re-investigation is filed, have been eliminated, prior to the day on which the relevant request for review was filed, the relevant request for review (when a decision set forth in Article 59, paragraph (1) to revoke the disposition (excluding de facto acts) in part has been made or de facto acts have been eliminated in part, limited to the relevant part) is deemed to have been withdrawn.

(三月後の教示)

(Instructions after Three Months)

第五十七条 処分庁は、再調査の請求がされた日（第六十一条において読み替えて準用する第二十三条の規定により不備を補正すべきことを命じた場合）にあっては、当該不備が補正された日の翌日から起算して三月を経過しても当該再調査の請求に係属しているときは、遅滞なく、当該処分について直ちに審査請求をすることができる旨を書面でその再調査の請求人に教示しなければならない。

Article 57 When a request for re-investigation is still pending even after three months passed from the day following the day on which the relevant request for re-investigation was filed (when the administrative agency reaching the disposition ordered to correct a defect pursuant to the provisions of Article 23 as applied mutatis mutandis by replacing the terms in Article 61, the day following the day on which the defect was corrected), the administrative agency reaching the disposition must instruct the requestor for re-investigation in writing that a request for review may be immediately filed with regard to the

relevant disposition.

(再調査の請求の却下又は棄却の決定)

(Decision on Dismissal with or without Prejudice of Request for Re-investigation)

第五十八条 再調査の請求が法定の期間経過後にされたものである場合その他不適法である場合には、処分庁は、決定で、当該再調査の請求を却下する。

Article 58 (1) When a request for re-investigation has been filed after the statutory period passed, or is otherwise unlawful, the administrative agency reaching the disposition is to dismiss the relevant request for re-investigation without prejudice by its decision.

2 再調査の請求が理由がない場合には、処分庁は、決定で、当該再調査の請求を棄却する。

(2) When there are no grounds for a request for re-investigation, the administrative agency reaching the disposition is to dismiss the relevant request for re-investigation with prejudice on the merits by its decision.

(再調査の請求の認容の決定)

(Decision on Upholding of Request for Re-investigation)

第五十九条 処分（事実上の行為を除く。）についての再調査の請求が理由がある場合には、処分庁は、決定で、当該処分の全部若しくは一部を取り消し、又はこれを変更する。

Article 59 (1) When there are grounds for a request for re-investigation with regard to a disposition (excluding de facto acts), the administrative agency reaching the disposition is to revoke the relevant disposition in full or in part or alter it by its decision.

2 事実上の行為についての再調査の請求が理由がある場合には、処分庁は、決定で、当該事実上の行為が違法又は不当である旨を宣言するとともに、当該事実上の行為の全部若しくは一部を撤廃し、又はこれを変更する。

(2) When there are grounds for a request for re-investigation with regard to de facto acts, the administrative agency reaching the disposition is to, by its decision, declare that the relevant de facto acts are illegal or unjust and eliminate the relevant de facto acts in full or in part or alter them.

3 処分庁は、前二項の場合において、再調査の請求人の不利益に当該処分又は当該事実上の行為を変更することはできない。

(3) In the cases referred to in the preceding two paragraphs, the administrative agency reaching the disposition may not alter the relevant disposition or de facto acts in a manner disadvantageous to the requestor for re-investigation.

(決定の方式)

(Method of Making Decisions)

第六十条 前二条の決定は、主文及び理由を記載し、処分庁が記名押印した決定書によりしなければならない。

Article 60 (1) A decision set forth in the preceding two Articles must be made with a written decision containing the main text and grounds on which the administrative agency reaching the disposition has affixed its name and seal.

2 処分庁は、前項の決定書（再調査の請求に係る処分の全部を取り消し、又は撤廃する決定に係るものを除く。）に、再調査の請求に係る処分につき審査請求をすることができる旨（却下の決定である場合にあっては、当該却下の決定が違法な場合に限り審査請求をすることができる旨）並びに審査請求をすべき行政庁及び審査請求期間を記載して、これらを教示しなければならない。

(2) In the written decision set forth in the preceding paragraph (excluding written decisions on revocation or elimination of the disposition, for which the request for re-investigation is filed, in full), the administrative agency reaching the disposition must enter the fact that a request for review may be filed with regard to the disposition, for which the request for re-investigation is filed, (in the case of a decision to dismiss the request without prejudice, the fact that a request for review may be filed only when the relevant decision of dismissal without prejudice is illegal), administrative agencies with which a request for review should be filed, and the period for filing a request for review to instruct the relevant persons on these matters.

（審査請求に関する規定の準用）

(Mutatis Mutandis Application of the Provisions Concerning Request for Review)

第六十一条 第九条第四項、第十条から第十六条まで、第十八条第三項、第十九条（第三項並びに第五項第一号及び第二号を除く。）、第二十条、第二十三条、第二十四条、第二十五条（第三項を除く。）、第二十六条、第二十七条、第三十一条（第五項を除く。）、第三十二条（第二項を除く。）、第三十九条、第五十一条及び第五十三条の規定は、再調査の請求について準用する。この場合において、別表第二の上欄に掲げる規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

Article 61 The provisions of Article 9, paragraph (4), Articles 10 through 16, Article 18, paragraph (3), Article 19 (excluding paragraph (3) and paragraph (5), items (i) and (ii)), Article 20, Article 23, Article 24, Article 25 (excluding paragraph (3)), Article 26, Article 27, Article 31 (excluding paragraph (5)), Article 32 (excluding paragraph (2)), Article 39, Article 51, and Article 53 apply mutatis mutandis to requests for re-investigation. In this case, in the provisions set forth in the left-hand column of Appended Table 2, the terms set forth in the middle column of the relevant table are deemed to be replaced with the terms set forth respectively in the right-hand column of the relevant table.

第四章 再審査請求

Chapter IV Request for Re-examination

(再審査請求期間)

(Period for Filing Request for Re-examination)

第六十二条 再審査請求は、原裁決があったことを知った日の翌日から起算して一月を経過したときは、することができない。ただし、正当な理由があるときは、この限りでない。

Article 62 (1) A request for re-examination may not be filed after one month passed from the day following the day on which the relevant person comes to know that the original determination was made; provided, however, that this does not apply when there are any justifiable grounds.

2 再審査請求は、原裁決があった日の翌日から起算して一年を経過したときは、することができない。ただし、正当な理由があるときは、この限りでない。

(2) A request for re-examination may not be filed after one year passed from the day following the day on which the original determination was made; provided, however, that this does not apply when there are any justifiable grounds.

(裁決書の送付)

(Sending of a Written Determination)

第六十三条 第六十六条第一項において読み替えて準用する第十一条第二項に規定する審理員又は第六十六条第一項において準用する第九条第一項各号に掲げる機関である再審査庁（他の法律の規定により再審査請求がされた行政庁（第六十六条第一項において読み替えて準用する第十四条の規定により引継ぎを受けた行政庁を含む。）をいう。以下同じ。）は、原裁決をした行政庁に対し、原裁決に係る裁決書の送付を求めるものとする。

Article 63 The Review Officer prescribed in Article 11, paragraph (2) as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) or the re-examining agency (meaning an administrative agency with which a request for re-examination has been filed pursuant to the provisions of any other Act (including an administrative agency that has taken over the relevant documents and articles pursuant to the provisions of Article 14 as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1)); the same applies hereinafter) that falls under any of the organs set forth in the items of Article 9, paragraph (1) as applied mutatis mutandis in Article 66, paragraph (1) is to request the administrative agency that has made the original determination to send thereto a written determination for the original determination.

(再審査請求の却下又は棄却の裁決)

(Determination on Dismissal with or without Prejudice of Request for Re-

examination)

第六十四条 再審査請求が法定の期間経過後にされたものである場合その他不適法である場合には、再審査庁は、裁決で、当該再審査請求を却下する。

Article 64 (1) When a request for re-examination has been filed after the statutory period passed, or is otherwise unlawful, the re-examining agency is to dismiss the relevant request for re-examination without prejudice by its determination.

2 再審査請求が理由がない場合には、再審査庁は、裁決で、当該再審査請求を棄却する。

(2) When there are no grounds for a request for re-examination, the re-examining agency is to dismiss the relevant request for re-examination with prejudice on the merits by its determination.

3 再審査請求に係る原裁決（審査請求を却下し、又は棄却したものに限る。）が違法又は不当である場合において、当該審査請求に係る処分が違法又は不当のいずれでもないときは、再審査庁は、裁決で、当該再審査請求を棄却する。

(3) When the original determination, for which a request for re-examination is filed, (limited to original determinations to dismiss a request for review with or without prejudice) is illegal or unjust but when the disposition, for which the relevant request for review is filed, is neither illegal nor unjust, the re-examining agency is to dismiss the relevant request for re-examination with prejudice on the merits by its determination.

4 前項に規定する場合のほか、再審査請求に係る原裁決等が違法又は不当ではあるが、これを取り消し、又は撤廃することにより公の利益に著しい障害を生ずる場合において、再審査請求人の受ける損害の程度、その損害の賠償又は防止の程度及び方法その他一切の事情を考慮した上、原裁決等を取り消し、又は撤廃することが公共の福祉に適合しないと認めるときは、再審査庁は、裁決で、当該再審査請求を棄却することができる。この場合には、再審査庁は、裁決の主文で、当該原裁決等が違法又は不当であることを宣言しなければならない。

(4) Beyond the case prescribed in the preceding paragraph, when the original determination, etc., for which a request for re-examination is filed, is illegal or unjust but the revocation or elimination thereof would significantly harm public interest and the re-examining agency finds that the revocation or elimination of the original determination, etc. is not in line with public welfare in consideration of the level of damage to be sustained by the relevant requestor for re-examination, the level and method of compensation for or prevention of the relevant damage, and other circumstances as a whole, the re-examining agency may dismiss the relevant request for re-examination with prejudice on the merits by its determination. In this case, the re-examining agency must declare that the relevant original determination, etc. is illegal or unjust in the main text of the determination.

(再審査請求の認容の裁決)

(Determination on Upholding of Request for Re-examination)

第六十五条 原裁決等（事実上の行為を除く。）についての再審査請求が理由がある場合（前条第三項に規定する場合及び同条第四項の規定の適用がある場合を除く。）には、再審査庁は、裁決で、当該原裁決等の全部又は一部を取り消す。

Article 65 (1) When there are grounds for a request for re-examination with regard to the original determination, etc. (excluding de facto acts) (excluding the cases prescribed in paragraph (3) of the preceding Article and the cases to which the provisions of paragraph (4) of the relevant Article apply), the re-examining agency is to revoke the relevant original determination, etc. in full or in part by its determination.

2 事実上の行為についての再審査請求が理由がある場合（前条第四項の規定の適用がある場合を除く。）には、裁決で、当該事実上の行為が違法又は不当である旨を宣言するとともに、処分庁に対し、当該事実上の行為の全部又は一部を撤廃すべき旨を命ずる。

(2) When there are grounds for a request for re-examination with regard to de facto acts (excluding the cases to which the provisions of paragraph (4) of the preceding Article apply), the re-examining agency is to declare that the relevant de facto acts are illegal or unjust in its determination and order the administrative agency reaching the disposition to eliminate the relevant de facto acts in full or in part.

(審査請求に関する規定の準用)

(Mutatis Mutandis Application of the Provisions Concerning Request for Review)

第六十六条 第二章（第九条第三項、第十八条（第三項を除く。）、第十九条第三項並びに第五項第一号及び第二号、第二十二条、第二十五条第二項、第二十九条（第一項を除く。）、第三十条第一項、第四十一条第二項第一号イ及びロ、第四節、第四十五条から第四十九条まで並びに第五十条第三項を除く。）の規定は、再審査請求について準用する。この場合において、別表第三の上欄に掲げる規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

Article 66 (1) The provisions of Chapter II (excluding Article 9, paragraph (3), Articles 18 (excluding paragraph (3)), Article 19, paragraph (3) and paragraph (5), items (i) and (ii), Article 22, Article 25, paragraph (2), Article 29 (excluding paragraph (1)), Article 30, paragraph (1), Article 41, paragraph (2), item (i), (a) and (b), Section 4, Articles 45 to 49, and Article 50, paragraph (3)) apply mutatis mutandis to requests for re-examination. In this case, in the provisions set forth in the left-hand column of Appended Table 3, the terms set forth in the middle column of the relevant table are deemed to be replaced with the terms set forth respectively in the right-hand column of the relevant table.

2 再審査庁が前項において準用する第九条第一項各号に掲げる機関である場合には、

前項において準用する第十七条、第四十条、第四十二条及び第五十条第二項の規定は、適用しない。

- (2) When the re-examining agency falls under any of the organs set forth in the items of Article 9, paragraph (1) as applied mutatis mutandis in the preceding paragraph, the provisions of Article 17, Article 40, Article 42, and Article 50, paragraph (2) as applied mutatis mutandis in the preceding paragraph do not apply.

第五章 行政不服審査会等

Chapter V Administrative Complaint Review Board

第一節 行政不服審査会

Section 1 Administrative Complaint Review Board

第一款 設置及び組織

Subsection 1 Establishment and Organization

(設置)

(Establishment)

第六十七条 総務省に、行政不服審査会（以下「審査会」という。）を置く。

Article 67 (1) The Administrative Complaint Review Board (hereinafter referred to as the "board") is established in the Ministry of Internal Affairs and Communications.

2 審査会は、この法律の規定によりその権限に属させられた事項を処理する。

(2) The board is to administer matters that have been brought under its jurisdiction pursuant to the provisions of this Act.

(組織)

(Organization)

第六十八条 審査会は、委員九人をもって組織する。

Article 68 (1) The board consists of nine board members.

2 委員は、非常勤とする。ただし、そのうち三人以内は、常勤とすることができる。

(2) Board members serve on a part-time basis; provided, however, that up to three of them may serve on a full-time basis.

(委員)

(Board Members)

第六十九条 委員は、審査会の権限に属する事項に関し公正な判断をすることができ、かつ、法律又は行政に関して優れた識見を有する者のうちから、両議院の同意を得て、総務大臣が任命する。

Article 69 (1) Board members are to be appointed by the Minister of Internal Affairs and Communications, with the consent of both Houses of the Diet, from among persons who can make a fair judgment on the matters under

- jurisdiction of the board and have excellent insight into law or administration.
- 2 委員の任期が満了し、又は欠員を生じた場合において、国会の閉会又は衆議院の解散のために両議院の同意を得ることができないときは、総務大臣は、前項の規定にかかわらず、同項に定める資格を有する者のうちから、委員を任命することができる。
- (2) When the term of office of a board member expires or a vacancy occurs and the consent of both Houses of the Diet cannot be obtained because the Diet is closed or the House of Representatives is dissolved, the Minister of Internal Affairs and Communications may appoint a board member from among persons who are qualified as prescribed in the preceding paragraph, notwithstanding the provisions of the relevant paragraph.
- 3 前項の場合においては、任命後最初の国会で両議院の事後の承認を得なければならない。この場合において、両議院の事後の承認が得られないときは、総務大臣は、直ちにその委員を罷免しなければならない。
- (3) In the case referred to in the preceding paragraph, the ex post facto approval of both Houses of the Diet must be obtained in the first session of the Diet after the appointment. In this case, when the ex post facto approval of both Houses of the Diet cannot be obtained, the Minister of Internal Affairs and Communications must dismiss the relevant board member.
- 4 委員の任期は、三年とする。ただし、補欠の委員の任期は、前任者の残任期間とする。
- (4) The term of office of a board member is to be three years; provided, however, that the term of office of a board member appointed to fill a vacancy is to be the remaining term of office of the predecessor.
- 5 委員は、再任されることができる。
- (5) Board members may be reappointed.
- 6 委員の任期が満了したときは、当該委員は、後任者が任命されるまで引き続きその職務を行うものとする。
- (6) When the term of office has expired, the relevant board member is to continue performing duties until a successor is appointed.
- 7 総務大臣は、委員が心身の故障のために職務の執行ができないと認める場合又は委員に職務上の義務違反その他委員たるに適しない非行があると認める場合には、両議院の同意を得て、その委員を罷免することができる。
- (7) When the Minister of Internal Affairs and Communications finds that any board member cannot properly perform duties due to mental or physical disorder or if any board member has committed a violation of obligation in the course of duties or other misconduct unbecoming to a board member, the Minister may dismiss the relevant board member, with the consent of both Houses of the Cabinet.
- 8 委員は、職務上知ることができた秘密を漏らしてはならない。その職を退いた後も同様とする。
- (8) Board members must not disclose any confidential information that they have

learned in the course of duties. The same applies even after they have left office.

9 委員は、在任中、政党その他の政治的団体の役員となり、又は積極的に政治運動をしてはならない。

(9) During the term of office, board members must not serve as an officer of a political party or other political bodies, nor actively engage in political activities.

10 常勤の委員は、在任中、総務大臣の許可がある場合を除き、報酬を得て他の職務に従事し、又は営利事業を営み、その他金銭上の利益を目的とする業務を行ってはならない。

(10) During the term of office, board members on a full-time basis must not engage in other jobs with remuneration, run business for profit purposes or operate other businesses seeking for monetary interest unless permitted by the Minister of Internal Affairs and Communications.

11 委員の給与は、別に法律で定める。

(11) The remuneration of the board members is prescribed separately by law.

(会長)

(Chairperson)

第七十条 審査会に、会長を置き、委員の互選により選任する。

Article 70 (1) The board has a chairperson, who is to be elected from among the board members.

2 会長は、会務を総理し、審査会を代表する。

(2) The chairperson presides over affairs of the board and represents the board.

3 会長に事故があるときは、あらかじめその指名する委員が、その職務を代理する。

(3) In the event of any accident to the chairperson, a board member appointed thereby in advance performs the chairperson's duties.

(専門委員)

(Expert Board Members)

第七十一条 審査会に、専門の事項を調査させるため、専門委員を置くことができる。

Article 71 (1) The board may have expert board members to have them examine specialized matters.

2 専門委員は、学識経験のある者のうちから、総務大臣が任命する。

(2) Expert board members are to be appointed by the Minister of Internal Affairs and Communications from among persons with relevant knowledge and experience.

3 専門委員は、その者の任命に係る当該専門の事項に関する調査が終了したときは、解任されるものとする。

(3) When an examination on the relevant specialized matters, for which an expert board member was appointed to is completed, the expert board member

is to be dismissed from the post.

4 専門委員は、非常勤とする。

(4) Expert board members serve on a part-time basis.

(合議体)

(Panel)

第七十二条 審査会は、委員のうちから、審査会が指名する者三人をもって構成する合議体で、審査請求に係る事件について調査審議する。

Article 72 (1) A panel consists of three persons designated by the board from among the board members studies and deliberates a case wherein a request for review is filed.

2 前項の規定にかかわらず、審査会が定める場合においては、委員の全員をもって構成する合議体で、審査請求に係る事件について調査審議する。

(2) Notwithstanding the provisions of the preceding paragraph, on occasions as specified by the board, a panel consisting of all board members studies and deliberates a case wherein a request for review is filed.

(事務局)

(Secretariat)

第七十三条 審査会の事務を処理させるため、審査会に事務局を置く。

Article 73 (1) The board is to establish a secretariat for the purpose of having the secretariat deal with the affairs of the board.

2 事務局に、事務局長のほか、所要の職員を置く。

(2) The secretariat has a secretary general and other necessary officials.

3 事務局長は、会長の命を受けて、局務を掌理する。

(3) The secretary general takes control of the affairs of the secretariat in accordance with orders of the chairperson.

第二款 審査会の調査審議の手続

Subsection 2 Study and Deliberation Procedures at the Board

(審査会の調査権限)

(Board's Authority to Conduct Examination)

第七十四条 審査会は、必要があると認める場合には、審査請求に係る事件に関し、審査請求人、参加人又は第四十三条第一項の規定により審査会に諮問をした審査庁（以下この款において「審査関係人」という。）にその主張を記載した書面（以下この款において「主張書面」という。）又は資料の提出を求めること、適当と認める者にその知っている事実の陳述又は鑑定を求めることその他必要な調査をすることができる。

Article 74 With regard to a case wherein a request for review is filed, when finding it necessary, the board may demand that the relevant requestor for review, intervenors, or the reviewing agency that has consulted with the board

pursuant to the provisions of Article 43, paragraph (1) (hereinafter referred to as the "persons concerned with the review" in this subsection) submit a document stating their allegation (hereinafter referred to as a "written allegation" in this subsection) or other materials, request a person found appropriate to state the facts that the person knows or give an expert opinion, or otherwise conduct necessary examination.

(意見の陳述)

(Statement of Opinions)

第七十五条 審査会は、審査関係人の申立てがあった場合には、当該審査関係人に口頭で意見を述べる機会を与えなければならない。ただし、審査会が、その必要がないと認める場合には、この限りでない。

Article 75 (1) When any person concerned with the review has filed a petition, the board must give the relevant person concerned with the review an opportunity to orally state opinions; provided, however, that this does not apply when the board finds it unnecessary.

2 前項本文の場合において、審査請求人又は参加人は、審査会の許可を得て、補佐人とともに出頭することができる。

(2) In the case referred to in the main clause of the preceding paragraph, a requestor for review or an intervenor may appear together with an assistant in court by obtaining permission from the board.

(主張書面等の提出)

(Submission of a Written Allegation)

第七十六条 審査関係人は、審査会に対し、主張書面又は資料を提出することができる。この場合において、審査会が、主張書面又は資料を提出すべき相当の期間を定めるときは、その期間内にこれを提出しなければならない。

Article 76 A person concerned with the review may submit a written allegation or other materials to the board. In this case, when the board has specified an appropriate period of time during which a written allegation or other materials should be submitted, the person must submit the documents within the relevant period of time.

(委員による調査手続)

(Procedures for Examination by Board Members)

第七十七条 審査会は、必要があると認める場合には、その指名する委員に、第七十四条の規定による調査をさせ、又は第七十五条第一項本文の規定による審査関係人の意見の陳述を聴かせることができる。

Article 77 The board, when finding it necessary, may designate certain board members to have them conduct examination pursuant to the provisions of Article 74 or hear the statement of opinions of the persons concerned with the

review pursuant to the provisions of the main clause of Article 75, paragraph (1).

(提出資料の閲覧等)

(Inspection of Submitted Materials)

第七十八条 審査関係人は、審査会に対し、審査会に提出された主張書面若しくは資料の閲覧（電磁的記録にあつては、記録された事項を審査会が定める方法により表示したものの閲覧）又は当該主張書面若しくは当該資料の写し若しくは当該電磁的記録に記録された事項を記載した書面の交付を求めることができる。この場合において、審査会は、第三者の利益を害するおそれがあると認めるとき、その他正当な理由があるときでなければ、その閲覧又は交付を拒むことができない。

Article 78 (1) The persons concerned with the review may request the board to permit the inspection of a written allegation or other materials submitted to the board (in the case of an electronic or magnetic record, the inspection of anything that indicates the matters recorded therein in the method specified by the board), or to deliver copies of the written allegation or other materials, or a document containing the matters recorded in the electronic or magnetic record. In this case, the board cannot refuse the inspection or delivery unless it is found that the inspection or delivery is likely to damage the interest of a third party or there are otherwise justifiable grounds for refusal.

2 審査会は、前項の規定による閲覧をさせ、又は同項の規定による交付をしようとするときは、当該閲覧又は交付に係る主張書面又は資料の提出人の意見を聴かなければならない。ただし、審査会が、その必要がないと認めるときは、この限りでない。

(2) When intending to permit the inspection pursuant to the provisions of the preceding paragraph or deliver the relevant documents pursuant to the provisions of the relevant paragraph, the board must hear the opinions of the persons who have submitted the written allegation or other materials to be inspected or delivered; provided, however, that this does not apply when the board finds it unnecessary.

3 審査会は、第一項の規定による閲覧について、日時及び場所を指定することができる。

(3) With regard to the inspection pursuant to the provisions of paragraph (1), the board may specify the date and venue therefor.

4 第一項の規定による交付を受ける審査請求人又は参加人は、政令で定めるところにより、実費の範囲内において政令で定める額の手数料を納めなければならない。

(4) A requestor for review or an intervenor who receives the delivery pursuant to the provisions of paragraph (1) must pay the fees specified by Cabinet Order within an amount not exceeding the actual cost, as provided for by Cabinet Order.

5 審査会は、経済的困難その他特別の理由があると認めるときは、政令で定めるところにより、前項の手数料を減額し、又は免除することができる。

(5) When financial difficulties or other specific reasons are found, the board may reduce the amount of the fees set forth in the preceding paragraph or exempt the relevant person from paying the relevant fees, as provided for by Cabinet Order.

(答申書の送付等)

(Sending of Written Reply)

第七十九条 審査会は、諮問に対する答申をしたときは、答申書の写しを審査請求人及び参加人に送付するとともに、答申の内容を公表するものとする。

Article 79 When the board has given a report for consultation, the Board is to send a copy of the written report to the relevant requestor for review and intervenors and make the details of the report public.

第三款 雑則

Subsection 3 Miscellaneous Provisions

(政令への委任)

(Delegation to Cabinet Order)

第八十条 この法律に定めるもののほか、審査会に関し必要な事項は、政令で定める。

Article 80 Beyond what are provided for in this Act, other necessary matters concerning the board are provided for by Cabinet Order.

第二節 地方公共団体に置かれる機関

Section 2 Organs Established in Local Public Entities

第八十一条 地方公共団体に、執行機関の附属機関として、この法律の規定によりその権限に属させられた事項を処理するための機関を置く。

Article 81 (1) A local public entity establishes an organ for administering matters that have been brought under its jurisdiction pursuant to the provisions of this Act as an organ affiliated to its executive organ.

2 前項の規定にかかわらず、地方公共団体は、当該地方公共団体における不服申立ての状況等に鑑み同項の機関を置くことが不適當又は困難であるときは、条例で定めるところにより、事件ごとに、執行機関の附属機関として、この法律の規定によりその権限に属させられた事項を処理するための機関を置くこととすることができる。

(2) Notwithstanding the provisions of the preceding paragraph, when it is inappropriate or difficult to establish an organ as set forth in the relevant paragraph in light of the situation of complaints having been filed, a local public entity may establish, for each case, an organ for administering matters that have been brought under its jurisdiction pursuant to the provisions of this Act as an organ affiliated to its executive organ as provided for by Prefectural or Municipal Ordinance.

- 3 前節第二款の規定は、前二項の機関について準用する。この場合において、第七十八条第四項及び第五項中「政令」とあるのは、「条例」と読み替えるものとする。
- (3) The provisions of Subsection 2 of the preceding section apply mutatis mutandis to organs set forth in the preceding two paragraphs. In this case, the term "Cabinet Order" in Article 78, paragraphs (4) and (5) is deemed to be replaced with "Prefectural or Municipal Ordinance."
- 4 前三項に定めるもののほか、第一項又は第二項の機関の組織及び運営に関し必要な事項は、当該機関を置く地方公共団体の条例（地方自治法第二百五十二条の七第一項の規定により共同設置する機関にあつては、同項の規約）で定める。
- (4) Beyond what are provided for in the preceding three paragraphs, necessary matters concerning the organization and operation of the organs set forth in paragraphs (1) or (2) are provided for by Prefectural or Municipal Ordinance of the relevant local public entity wherein the relevant organ is established (in the case of an organ jointly established pursuant to the provisions of Article 252-7, paragraph (1) of the Local Autonomy Act, by the constitution set forth in the relevant paragraph).

第六章 補則

Chapter VI Auxiliary Provisions

(不服申立てをすべき行政庁等の教示)

(Instruction on Administrative Agencies with Which Complaint should be Filed)

第八十二条 行政庁は、審査請求若しくは再調査の請求又は他の法令に基づく不服申立て（以下この条において「不服申立て」と総称する。）をすることができる処分をする場合には、処分の相手方に対し、当該処分につき不服申立てをすることができる旨並びに不服申立てをすべき行政庁及び不服申立てをすることができる期間を書面で教示しなければならない。ただし、当該処分を口頭とする場合は、この限りでない。

Article 82 (1) When an administrative agency renders a disposition for which a request for review, request for re-investigation, or administrative complaints based on other laws and regulations (hereinafter collectively referred to as a "complaint" in this Article) may be filed, the administrative agency must instruct the party subject to the disposition, in writing, that a complaint may be filed with regard to the relevant disposition, the administrative agency with which a complaint should be filed, and the period of time during which a complaint may be filed; provided, however, that this does not apply when the relevant disposition is rendered orally.

2 行政庁は、利害関係人から、当該処分が不服申立てをすることができる処分であるかどうか並びに当該処分が不服申立てをすることができるものである場合における不服申立てをすべき行政庁及び不服申立てをすることができる期間につき教示を求められたときは、当該事項を教示しなければならない。

(2) When any interested person has sought an instruction on whether a complaint may be filed with regard to the relevant disposition, and if a complaint may be filed, an instruction on the administrative agency with which a complaint should be filed and the period of time during which a complaint may be filed, an administrative agency must give the relevant instruction as sought.

3 前項の場合において、教示を求めた者が書面による教示を求めたときは、当該教示は、書面でしなければならない。

(3) In the case referred to in the preceding paragraph, when a person has sought the instruction in writing, the administrative agency must give the relevant instruction in writing.

(教示をしなかった場合の不服申立て)

(Filing of Complaint when an Instruction was not Given)

第八十三条 行政庁が前条の規定による教示をしなかった場合には、当該処分について不服がある者は、当該処分庁に不服申立書を提出することができる。

Article 83 (1) When an administrative agency has failed to give an instruction as prescribed in the preceding Article, a person who is dissatisfied with the relevant disposition may submit a written complaint to the relevant administrative agency.

2 第十九条（第五項第一号及び第二号を除く。）の規定は、前項の不服申立書について準用する。

(2) The provisions of Article 19 (excluding paragraph (5), items (i) and (ii)) apply mutatis mutandis to a written complaint set forth in the preceding paragraph.

3 第一項の規定により不服申立書の提出があった場合において、当該処分が処分庁以外の行政庁に対し審査請求をすることができる処分であるときは、処分庁は、速やかに、当該不服申立書を当該行政庁に送付しなければならない。当該処分が他の法令に基づき、処分庁以外の行政庁に不服申立てをすることができる処分であるときも、同様とする。

(3) When a written complaint has been submitted pursuant to the provisions of paragraph (1) and the relevant disposition is the type for which a request for review may be filed with an administrative agency other than the administrative agency reaching the disposition, the administrative agency reaching the disposition must promptly send the written complaint to the relevant administrative agency. The same applies when the relevant disposition is the type for which a request for review may be filed with an administrative agency other than the administrative agency reaching the disposition based on other laws and regulations.

4 前項の規定により不服申立書が送付されたときは、初めから当該行政庁に審査請求又は当該法令に基づく不服申立てがされたものとみなす。

(4) When a written complaint has been sent pursuant to the provisions of the

preceding paragraph, the request for review or the complaint based on the relevant laws and regulations are deemed to have been filed with the relevant administrative agency from the beginning.

- 5 第三項の場合を除くほか、第一項の規定により不服申立書が提出されたときは、初めから当該処分庁に審査請求又は当該法令に基づく不服申立てがされたものとみなす。
- (5) Except for the case referred to in paragraph (3), when a written complaint has been submitted pursuant to the provisions of paragraph (1), the request for review or the complaint based on the relevant laws and regulations are deemed to have been filed with the relevant administrative agency from the beginning.

(情報の提供)

(Information Provision)

第八十四条 審査請求、再調査の請求若しくは再審査請求又は他の法令に基づく不服申立て（以下この条及び次条において「不服申立て」と総称する。）につき裁決、決定その他の処分（同条において「裁決等」という。）をする権限を有する行政庁は、不服申立てをしようとする者又は不服申立てをした者の求めに応じ、不服申立書の記載に関する事項その他の不服申立てに必要な情報の提供に努めなければならない。

Article 84 An administrative agency vested with the authority to make a determination or decision, or otherwise render a disposition (referred to as a "determination, etc." in the following Article) for a request for review, request for re-investigation, request for re-examination, or administrative complaint based on other laws and regulations (hereinafter collectively referred to as a "complaint" in this Article and the following Article) must endeavor to provide the matters concerning the statement in a written complaint and other information necessary for filing a complaint upon a request from a person who intends to file or has filed a complaint.

(公表)

(Publication)

第八十五条 不服申立てにつき裁決等をする権限を有する行政庁は、当該行政庁がした裁決等の内容その他当該行政庁における不服申立ての処理状況について公表するよう努めなければならない。

Article 85 An administrative agency vested with the authority to make a determination, etc. for a filed complaint must endeavor to make the details of the determination, etc. public, and other status of dealing with the complaint at the administrative agency.

(政令への委任)

(Delegation to Cabinet Order)

第八十六条 この法律に定めるもののほか、この法律の実施のために必要な事項は、政令で定める。

Article 86 Beyond what are provided for in this Act, other necessary matters for the implementation of this Act are provided for by Cabinet Order.

(罰則)

(Penal Provisions)

第八十七条 第六十九条第八項の規定に違反して秘密を漏らした者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 87 A person who has disclosed any confidential information in violation of the provisions of Article 69, paragraph (8) is to be punished by imprisonment with required labor of not more than one year or a fine of not more than 500,000 yen.

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して二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。ただし、次条の規定は、公布の日から施行する。

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions of the following Article come into effect as of the date of promulgation.

(準備行為)

(Preparatory Actions)

第二条 第六十九条第一項の規定による審査会の委員の任命に関し必要な行為は、この法律の施行の前においても、同項の規定の例によりすることができる。

Article 2 Actions necessary for the appointment of members of the board pursuant to the provisions of Article 69, paragraph (1) may be taken even prior to the effective date of this Act, in accordance with the provisions of the relevant paragraph.

(経過措置)

(Transitional Measures)

第三条 行政庁の処分又は不作為についての不服申立てであって、この法律の施行前にされた行政庁の処分又はこの法律の施行前にされた申請に係る行政庁の不作為に係るものについては、なお従前の例による。

Article 3 Prior laws continue to govern the applicability regarding a complaint filed with regard to a disposition reached by an administrative agency prior to the enforcement of this Act or with regard to inaction by an administrative

agency for an application filed prior to the enforcement of this Act.

第四条 この法律の施行後最初に任命される審査会の委員の任期は、第六十九条第四項本文の規定にかかわらず、九人のうち、三人は二年、六人は三年とする。

Article 4 (1) The terms of office of members of the board who are appointed for the first time after the enforcement of this Act are to be two years for three members and three years for the remaining six out of the nine board members, notwithstanding the provisions of the main clause of Article 69, paragraph (4).

2 前項に規定する各委員の任期は、総務大臣が定める。

(2) The term of office of each of the board members prescribed in the preceding paragraph is to be specified by the Minister of Internal Affairs and Communications.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第五条 前二条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 5 Beyond what are provided for in the preceding two Articles, necessary transitional measures concerning the enforcement of this Act are specified by Cabinet Order.

(検討)

(Review)

第六条 政府は、この法律の施行後五年を経過した場合において、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 6 When five years have passed since this Act comes into effect, the government should review the status of the enforcement of this Act and, when finding it necessary, take appropriate measures based on the results thereof.

別表第一（第九条関係）

Appended Table 1 (Re. Article 9)

第十一条第二項 Article 11, paragraph (2)	第九条第一項の規定により指名された者（以下「審理員」という。） a person who has been designated pursuant to the provisions of Article 9, paragraph (1) (hereinafter referred to as a "review officer")	審査庁 the reviewing agency
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第十三条第一項及び第二項 Article 13, paragraphs (1) and (2)	審理員 review officer	審査庁 reviewing agency
第二十五条第七項 Article 25, paragraph (7)	執行停止の申立てがあつたとき、又は審理員から第四十条に規定する執行停止をすべき旨の意見書が提出されたとき When a petition for a stay of execution has been filed or a written opinion to suggest the necessity to order a stay of execution as prescribed in Article 40 has been submitted by a review officer	執行停止の申立てがあつたとき When a petition for a stay of execution has been filed
第二十八条 Article 28	審理員 review officer	審査庁 the reviewing agency
第二十九条第一項 Article 29, paragraph (1)	審理員は、審査庁から指名されたときは、直ちに When having been appointed by the reviewing agency, a review officer must immediately	審査庁は、審査請求がされたときは、第二十四条の規定により当該審査請求を却下する場合を除き、速やかに When a request for review has been filed, except for the case of dismissing the request for review without prejudice pursuant to the provisions of Article 24, the reviewing agency must promptly
第二十九条第二項 Article 29, paragraph (2)	審理員は A review officer	審査庁は、審査庁が処分庁等以外である場合にあっては The reviewing agency that falls under any category other than the administrative agency, etc. reaching the disposition

	提出を求める administrative agency, etc. reaching the disposition to submit a written explanation	提出を求め、審査庁が処 分庁等である場合にあつ ては、相当の期間内に、 弁明書を作成する submission of a written explanation, and the reviewing agency that falls under the administrative agency, etc. reaching the disposition is to prepare a written explanation within an appropriate period of time
第二十九条第五項 Article 29, paragraph (5)	審理員は a review officer	審査庁は、第二項の規定 により the reviewing agency
	提出があったとき from the administrative agency, etc. reaching the disposition	提出があったとき、又は 弁明書を作成したとき from the administrative agency , etc.reaching the disposition or the reviewing agency has prepared a written explanation pursuant to the provisions of paragraph (2)
第三十条第一項及び第二 項 Article 30, paragraphs (1) and (2)	審理員 a review officer	審査庁 the reviewing agency
第三十条第三項 Article 30, paragraph (3)	審理員 a review officer	審査庁 the reviewing agency
	参加人及び処分庁等 intervenor and the administrative agency, etc. reaching the disposition	参加人及び処分庁等（処 分庁等が審査庁である場 合にあっては、参加人） intervenor and the administrative agency, etc. reaching the disposition (when the administrative agency reaching the disposition falls under the reviewing agency, intervenor)

	<p>審査請求人及び処分庁等 relevant requestor for review and the administrative agency, etc. reaching the disposition</p>	<p>審査請求人及び処分庁等 (処分庁等が審査庁であ る場合にあつては、審査 請求人) relevant requestor for review and the administrative agency, etc. reaching the disposition (when the administrative agency reaching the disposition falls under the reviewing agency, the relevant requestor for review)</p>
<p>第三十一条第一項 Article 31, paragraph (1)</p>	<p>審理員 a review officer</p>	<p>審査庁 the reviewing agency</p>
<p>第三十一条第二項 Article 31, paragraph (2)</p>	<p>審理員 a review officer</p>	<p>審査庁 the reviewing agency</p>
	<p>審理関係人 all of the persons concerned with proceedings</p>	<p>審理関係人 (処分庁等が 審査庁である場合にあつ ては、審査請求人及び参 加人。以下この節及び第 五十条第一項第三号にお いて同じ。) all of the persons concerned with proceedings (when the administrative agency, etc. reaching the disposition falls under the reviewing agency, the relevant requestor for review and intervenors; hereinafter, the same applies in this Section and Article 50, paragraph (1), item (iii))</p>

<p>第三十一条第三項から第五項まで、第三十二条第三項、第三十三条から第三十七条まで、第三十八条第一項から第三項まで及び第五項、第三十九条並びに第四十一条第一項及び第二項</p> <p>Article 31, paragraphs (3) through (5), Article 32, paragraph (3), Articles 33 through 37, Article 38, paragraphs (1) through (3) and paragraph (5), Article 39, and Article 41, paragraphs (1) and (2)</p>	<p>審理員 the/a/A review officer</p>	<p>審査庁 the/The reviewing agency</p>
<p>第四十一条第三項 Article 41, paragraph (3)</p>	<p>審理員が a review officer</p>	<p>審査庁が the reviewing agency</p>

<p> 終結した旨並びに次条第一項に規定する審理員意見書及び事件記録（審査請求書、弁明書その他審査請求に係る事件に関する書類その他の物件のうち政令で定めるものをいう。同条第二項及び第四十三条第二項において同じ。）を審査庁に提出する予定時期を通知するものとする。当該予定時期を変更したときも、同様とする </p> <p> the review officer should promptly give a notice to the persons concerned with proceedings to inform them of the conclusion of the procedures for proceedings and the time when the written opinion of the review officer prescribed in paragraph (1) of the following Article and the case record (meaning the written request for review, written explanation, and other documents and articles pertaining to the case wherein the request for review has been filed, which are specified by Cabinet Order; the same applies in paragraph (2) of the following Article and Article 43, paragraph (2)) are scheduled to be submitted to the Reviewing Agency. The same applies when the scheduled time of submission is altered </p>	<p> 終結した旨を通知するものとする </p> <p> the reviewing agency should promptly give a notice to the persons concerned with proceedings to inform them of the conclusion of the procedures for proceedings </p>
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<p>第四十四条 Article 44</p>	<p>行政不服審査会等から諮問に対する答申を受けたとき（前条第一項の規定による諮問を要しない場合（同項第二号又は第三号に該当する場合を除く。）にあつては審理員意見書が提出されたとき、同項第二号又は第三号に該当する場合にあつては同項第二号又は第三号に規定する議を経たとき）</p> <p>When the reviewing agency has received a reply to its consultation from the Administrative Complaint Review Board, etc. (or when a review officer's written opinion has been submitted in the case where the consultation pursuant to the provisions of paragraph (1) of the preceding Article is not necessary (excluding the cases falling under item (ii) or (iii) of the relevant paragraph), or when deliberations prescribed in item (ii) or (iii) of the relevant paragraph have been held in the cases falling under item (ii) or (iii) of the relevant paragraph)</p>	<p>審理手続を終結したとき</p> <p>When the reviewing agency has concluded the procedures for proceedings</p>
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<p>第五十条第一項第四号 Article 50, paragraph (1), item (iv)</p>	<p>理由（第一号の主文が審理員意見書又は行政不服審査会等若しくは審議会等の答申書と異なる内容である場合には、異なることとなった理由を含む。） grounds (when the main text set forth in item (i) differs from the details of the review officer's written opinion or the written reply from the Administrative Complaint Review Board, etc. or the council, etc., including the grounds for the relevant difference)</p>	<p>理由 grounds</p>
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別表第二（第六十一条関係）

Appended Table 2 (Re. Article 61)

<p>第九条第四項 Article 9, paragraph (4)</p>	<p>前項に規定する場合において、審査庁 In the case prescribed in the preceding paragraph, the reviewing agency may</p>	<p>処分庁 The administrative agency reaching the disposition is to</p>
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<p>(第二項各号(第一項各号に掲げる機関の構成員にあっては、第一号を除く。)に掲げる者以外の者に限る。)に、前項において読み替えて適用する (limited to persons other than those set forth in the items of paragraph (2) (for members of the organs set forth in the items of paragraph (1), excluding item (i))) hear opinions stated by the requestor for review under Article 31, paragraph (1) as applied by replacing the terms in the preceding paragraph</p>	<p>に、第六十一条において読み替えて準用する hear opinions stated by the requestor for review under Article 31, paragraph (1) as applied mutatis mutandis by replacing the terms in Article 61</p>
<p>若しくは第十三条第四項 in Article 13, paragraph (4)</p>	<p>又は第六十一条において準用する第十三条第四項 in Article 13, paragraph (4) as applied mutatis mutandis in Article 61</p>

<p>聴かせ、前項において読み替えて適用する第三十四条の規定による参考人の陳述を聴かせ、同項において読み替えて適用する第三十五条第一項の規定による検証をさせ、前項において読み替えて適用する第三十六条の規定による第二十八条に規定する審理関係人に対する質問をさせ、又は同項において読み替えて適用する第三十七条第一項若しくは第二項の規定による意見の聴取を行わせる</p> <p>, hear opinions stated by the witnesses under Article 34 as applied by replacing the terms in the preceding paragraph, conduct observation under Article 35, paragraph (1) as applied by replacing the terms in the preceding paragraph, ask questions to the persons concerned with proceedings prescribed in Article 28 under Article 36 as applied by replacing the terms in the preceding paragraph, or hold a hearing of opinions under Article 37, paragraph (1) or (2) as applied by replacing the terms in the preceding paragraph</p>	<p>聴かせる [Deleted]</p>
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<p>第十一条第二項 Article 11, paragraph (2)</p>	<p>第九条第一項の規定により指名された者（以下「審理員」という。） a person who has been designated pursuant to the provisions of Article 9, paragraph (1) (hereinafter referred to as a "review officer")</p>	<p>処分庁 the administrative agency reaching the disposition</p>
<p>第十三条第一項 Article 13, paragraph (1)</p>	<p>処分又は不作為に係る処分 or the disposition causing inaction</p>	<p>処分 [Deleted]</p>
	<p>審理員 review officer</p>	<p>処分庁 administrative agency reaching the disposition</p>
<p>第十三条第二項 Article 13, paragraph (2)</p>	<p>審理員 review officer</p>	<p>処分庁 administrative agency reaching the disposition</p>
<p>第十四条 Article 14</p>	<p>第十九条に規定する審査請求書 the written request for review prescribed in Article 19</p>	<p>第六十一条において読み替えて準用する第十九条に規定する再調査の請求書 the written request for re-investigation prescribed in Article 19 as applied mutatis mutandis by replacing the terms in Article 61</p>
	<p>第二十一条第二項に規定する審査請求録取書 written statement concerning the request for review prescribed in Article 21, paragraph (2)</p>	<p>第二十二条第三項に規定する再調査の請求録取書 written statement concerning the request for re-investigation prescribed in Article 22, paragraph (3)</p>

<p>第十六条 Article 16</p>	<p>第四条又は他の法律若しくは条例の規定により審査庁となるべき行政庁（以下「審査庁となるべき行政庁」という。） The administrative agency that is to be the reviewing agency pursuant to the provisions of Article 4 or the provisions of any other Act or prefectural or municipal ordinance (hereinafter referred to as the "administrative agency to be the reviewing agency")</p>	<p>再調査の請求の対象となるべき処分の権限を有する行政庁 The administrative agency vested with the authority to render a disposition subject to a request for re-investigation</p>
	<p>当該審査庁となるべき行政庁及び関係処分庁（当該審査請求の対象となるべき処分の権限を有する行政庁であって当該審査庁となるべき行政庁以外のものをいう。次条において同じ。） offices of the administrative agency to be the reviewing agency and the relevant administrative agencies reaching the disposition (meaning administrative agencies vested with the authority to render a disposition subject to the request for review other than the administrative agency to be the reviewing agency; the same applies in the following Article)</p>	<p>当該行政庁 offices of the relevant administrative agency</p>

<p>第十八条第三項 Article 18, paragraph (3)</p>	<p>次条に規定する審査請求書 a written request for review prescribed in the following Article</p>	<p>第六十一条において読み替えて準用する次条に規定する再調査の請求書 a written request for re-investigation prescribed in the following Article as applied mutatis mutandis by replacing the terms in Article 61</p>
	<p>前二項に規定する期間（以下「審査請求期間」という。） the period of time prescribed in the preceding two paragraphs (hereinafter referred to as the "period for filing request for review")</p>	<p>第五十四条に規定する期間 the period of time prescribed in Article 54</p>
<p>第十九条の見出し及び同条第一項 Title of Article 19, and paragraph (1) of the relevant Article</p>	<p>審査請求書 Written Request for Review/written request for review</p>	<p>再調査の請求書 Written Request for Re-investigation/written request for re-investigation</p>
<p>第十九条第二項 Article 19, paragraph (2)</p>	<p>処分についての審査請求書 A written request for review with regard to a disposition</p>	<p>再調査の請求書 A written request for re-investigation</p>
	<p>処分（当該処分について再調査の請求についての決定を経たときは、当該決定） (when a decision was made for a request for re-investigation with regard to the relevant disposition, came to know that the relevant decision was made)</p>	<p>処分 [Deleted]</p>
<p>第十九条第四項 Article 19, paragraph (4)</p>	<p>審査請求書 written request for review</p>	<p>再調査の請求書 written request for re-investigation</p>
	<p>第二項各号又は前項各号 or the items of the preceding paragraph</p>	<p>第二項各号 [Deleted]</p>

第十九条第五項 Article 19, paragraph (5)	処分についての審査請求書 a written request for review with regard to a disposition	再調査の請求書 a written request for re-investigation
	審査請求期間 period for filing request for review	第五十四条に規定する期間 period prescribed in Article 54
	前条第一項ただし書又は第二項ただし書 the proviso to paragraph (1) or paragraph (2) of the preceding Article	同条第一項ただし書又は第二項ただし書 the proviso to paragraph (1) or paragraph (2) of the relevant Article
第二十条 Article 20	前条第二項から第五項まで paragraphs (2) through (5) of the preceding Article	第六十一条において読み替えて準用する前条第二項、第四項及び第五項 paragraphs (2), (4), and (5) of the preceding Article as applied mutatis mutandis by replacing the terms in Article 61
第二十三条（見出しを含む。） Article 23 (including the Title)	審査請求書 Written Request for Review/written request for review	再調査の請求書 Written Request for Re-investigation/written request for re-investigation
第二十四条第一項 Article 24, paragraph (1)	次節に規定する審理手続を経ないで、第四十五条第一項又は第四十九条第一項 based on the provisions of Article 45, paragraph (1) or Article 49, paragraph (1) without going through the procedures for proceedings prescribed in the following section	審理手続を経ないで、第五十八条第一項 based on the provisions of Article 58, paragraph (1) without going through the procedures for proceedings

第二十五条第二項 Article 25, paragraph (2)	処分庁の上級行政庁又は処分庁である審査庁 The reviewing agency that falls under the higher administrative agency of the administrative agency reaching the disposition or the administrative agency reaching the disposition itself	処分庁 The administrative agency reaching the disposition
第二十五条第四項 Article 25, paragraph (4)	前二項 the preceding two paragraphs	第二項 paragraph (2)
第二十五条第六項 Article 25, paragraph (6)	第二項から第四項まで paragraphs (2) through (4)	第二項及び第四項 paragraphs (2) and (4)
第二十五条第七項 Article 25, paragraph (7)	執行停止の申立てがあつたとき、又は審理員から第四十条に規定する執行停止をすべき旨の意見書が提出されたとき or a written opinion to suggest the necessity to order a stay of execution as prescribed in Article 40 has been submitted by a review officer	執行停止の申立てがあつたとき [Deleted]
第三十一条第一項 Article 31, paragraph (1)	審理員 a review officer	処分庁 the administrative agency reaching the disposition
	この条及び第四十一条第二項第二号 and Article 41, paragraph (2), item (ii)	この条 [Deleted]
第三十一条第二項 Article 31, paragraph (2)	審理員 review officer	処分庁 administrative agency reaching the disposition
	全ての審理関係人 all of the persons concerned with proceedings	再調査の請求人及び参加人 the relevant requestor for re-investigation and intervenors
第三十一条第三項及び第四項 Article 31, paragraphs (3) and (4)	審理員 review officer	処分庁 administrative agency reaching the disposition

第三十二条第三項 Article 32, paragraph (3)	前二項 the preceding two paragraphs	第一項 paragraph (1)
	審理員 a review officer	処分庁 the administrative agency reaching the disposition
第三十九条 Article 39	審理員 a review officer	処分庁 the administrative agency reaching the disposition
第五十一条第一項 Article 51, paragraph (1)	第四十六条第一項及び第 四十七条 Article 46, paragraph (1) and Article 47	第五十九条第一項及び第 二項 Article 59, paragraphs (1) and (2)
第五十一条第四項 Article 51, paragraph (4)	参加人及び処分庁等（審 査庁以外の処分庁等に 限る。） the intervenors and the administrative agency, etc. reaching the disposition (limited to the administrative agency, etc. reaching the disposition other than the reviewing agency)	参加人 the intervenors
第五十三条 Article 53	第三十二条第一項又は第 二項の規定により提出さ れた証拠書類若しくは証 拠物又は書類その他の物 件及び第三十三条の規定 による提出要求に応じて 提出された書類その他の 物件 documentary evidence or articles of evidence, or documents or other articles submitted pursuant to the provisions of Article 32, paragraph (1) or (2), and the documents or other articles submitted in response to a demand for submission under Article 33	第六十一条において準用 する第三十二条第一項の 規定により提出された証 拠書類又は証拠物 documentary evidence or articles of evidence submitted pursuant to the provisions of Article 32, paragraph (1) as applied mutatis mutandis in Article 61

別表第三（第六十六条関係）

Appended Table 3 (Re. Article 66)

<p>第九条第一項 Article 9, paragraph (1)</p>	<p>第四条又は他の法律若しくは条例の規定により審査請求がされた行政庁（第十四条の規定により引継ぎを受けた行政庁を含む。以下「審査庁」という。） An administrative agency with which a request for review has been filed pursuant to the provisions of Article 4 or the provisions of any other Act or Prefectural or Municipal Ordinance (including an administrative agency that has taken over the relevant documents and articles pursuant to the provisions of Article 14; hereinafter referred to as a "reviewing agency")</p>	<p>第六十三条に規定する再審査庁（以下この章において「再審査庁」という。） The re-examining agency prescribed in Article 63 (hereinafter referred to as the "re-examining agency" in this chapter)</p>
	<p>この節 this section</p>	<p>この節及び第六十三条 this section and Article 63</p>
	<p>処分庁等（審査庁以外の処分庁等に限る。） administrative agency, etc. reaching the disposition, etc. (limited to the administrative agency, etc. reaching the disposition, etc. other than the reviewing agency)</p>	<p>裁決庁等（原裁決をした行政庁（以下この章において「裁決庁」という。）又は処分庁をいう。以下この章において同じ。） the administrative agency, etc. making the original determination (meaning the administrative agency that made the original determination (hereinafter referred to as the "administrative agency making the original determination" in this chapter) or the administrative agency reaching the disposition; hereinafter, the same applies in this chapter)</p>

	若しくは条例に基づく処分について条例に特別の定めがある場合又は第二十四条 when a Prefectural or Municipal Ordinance has specific provisions applicable to dispositions based thereon, or when the request for review is dismissed without prejudice pursuant to the provisions of Article 24	又は第六十六条第一項において読み替えて準用する第二十四条 or when the request for review is dismissed without prejudice pursuant to the provisions of Article 24 as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1)
第九条第二項第一号 Article 9, paragraph (2), item (i)	審査請求に係る処分若しくは the disposition, for which a request for review is filed, or in	原裁決に係る審査請求に係る処分、 any part of the disposition for a request for review with regard to the original determination,
	に關与した者又は審査請求に係る不作為に係る処分に關与し、若しくは關与することとなる者 a person who has been involved or is to be involved in the disposition causing inaction, for which a request for review is filed	又は原裁決に關与した者 the original determination
第九条第四項 Article 9, paragraph (4)	前項に規定する場合において、審査庁 In the case prescribed in the preceding paragraph, the reviewing agency	第一項各号に掲げる機関である再審査庁（以下「委員会等である再審査庁」という。） The re-examining agency that falls under any of the organs set forth in the items of paragraph (1) (hereinafter referred to as the "re-examining agency falling under a committee, etc.")
	前項において in the preceding paragraph	第六十六条第一項において in Article 66, paragraph (1)
	適用する as applied	準用する as applied mutatis mutandis
	第十三条第四項 Article 13, paragraph (4)	第六十六条第一項において準用する第十三条第四項 Article 13, paragraph (4) as applied mutatis mutandis in Article 66, paragraph (1)

	第二十八条 Article 28	同項において読み替えて準用する第二十八条 Article 28 as applied mutatis mutandis by replacing the terms in the relevant paragraph
第十一条第二項 Article 11, paragraph (2)	第九条第一項の規定により指名された者（以下「審理員」という。） a person who has been designated pursuant to the provisions of Article 9, paragraph (1) (hereinafter referred to as a "review officer")	第六十六条第一項において読み替えて準用する第九条第一項の規定により指名された者（以下「審理員」という。）又は委員会等である再審査庁 a person who has been designated pursuant to the provisions of Article 9, paragraph (1) as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) (hereinafter referred to as a "review officer") or the re-examining agency falling under a committee, etc.
第十三条第一項 Article 13, paragraph (1)	処分又は不作為に係る処分の根拠となる法令に照らし当該処分 in the disposition, for which the request for review is filed, or the disposition causing inaction in light of the laws and regulations that serve as the grounds for the relevant disposition	原裁決等の根拠となる法令に照らし当該原裁決等 in the original determination, etc., for which the request for review is filed, in light of the laws and regulations that serve as the grounds for the relevant original determination, etc.
	審理員 review officer	審理員又は委員会等である再審査庁 review officer or the re-examining agency falling under a committee, etc.
第十三条第二項 Article 13, paragraph (2)	審理員 review officer	審理員又は委員会等である再審査庁 review officer or the re-examining agency falling under a committee, etc.

第十四条 Article 14	第十九条に規定する審査請求書 the written request for review prescribed in Article 19	第六十六条第一項において読み替えて準用する第十九条に規定する再審査請求書 the written request for re-examination prescribed in Article 19 as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1)
	第二十一条第二項に規定する審査請求録取書 written statement concerning the request for review prescribed in Article 21, paragraph (2)	同項において読み替えて準用する第二十一条第二項に規定する再審査請求録取書 written statement concerning the request for re-examination prescribed in Article 21, paragraph (2) as applied mutatis mutandis by replacing the terms in the relevant paragraph
第十五条第一項、第二項及び第六項 Article 15, paragraphs (1), (2), and (6)	審査請求の the request for review	原裁決に係る審査請求の the request for review with regard to the original determination
第十六条 Article 16	第四条又は他の法律若しくは条例 the provisions of Article 4 or the provisions of any other Act or Prefectural or Municipal Ordinance	他の法律 the provisions of any other Act
	関係処分庁（当該審査請求の対象となるべき処分の権限を有する行政庁であって当該審査庁となるべき行政庁以外のものをいう。次条において同じ。） the relevant administrative agencies reaching the disposition (meaning administrative agencies vested with the authority to render a disposition subject to the request for review other than the administrative agency to be the reviewing agency; the same applies in the following Article)	当該再審査請求の対象となるべき裁決又は処分の権限を有する行政庁 the administrative agency vested with the authority to make a determination or render a disposition subject to the relevant request for re-examination

<p>第十七条 Article 17</p>	<p>関係処分庁 the relevant administrative agencies reaching the disposition</p>	<p>当該再審査請求の対象となるべき裁決又は処分の権限を有する行政庁 the administrative agency vested with the authority to make a determination or render a disposition subject to the relevant request for re-examination</p>
<p>第十八条第三項 Article 18, paragraph (3)</p>	<p>次条に規定する審査請求書 a written request for review prescribed in the following Article</p>	<p>第六十六条第一項において読み替えて準用する次条に規定する再審査請求書 a written request for re-examination prescribed in the following Article as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1)</p>
	<p>前二項に規定する期間（以下「審査請求期間」という。） the period of time prescribed in the preceding two paragraphs (hereinafter referred to as the "period for filing request for review")</p>	<p>第五十条第三項に規定する再審査請求期間（以下この章において「再審査請求期間」という。） the period for filing a request for re-examination prescribed in Article 50, paragraph (3) (hereinafter referred to as the "period for filing request for re-examination" in this chapter)</p>
<p>第十九条の見出し及び同条第一項 Title of Article 19, and paragraph (1) of the relevant Article</p>	<p>審査請求書 written request for review/written request for review</p>	<p>再審査請求書 written request for re-examination/written request for re-examination</p>
<p>第十九条第二項 Article 19, paragraph (2)</p>	<p>処分についての審査請求書 A written request for review with regard to a disposition</p>	<p>再審査請求書 A written request for re-examination</p>
	<p>処分の内容 the details of the disposition</p>	<p>原裁決等の内容 the details of the original determination, etc.</p>

	<p>審査請求に係る処分（当該処分について再調査の請求についての決定を経たときは、当該決定）</p> <p>the disposition, for which the request for review is filed, was reached (when a decision was made for a request for re-examination with regard to the relevant disposition, came to know that the relevant decision was made)</p>	<p>原裁決</p> <p>the original determination was made</p>
	<p>処分庁</p> <p>the administrative agencies reaching the disposition</p>	<p>裁決庁</p> <p>the administrative agency making the original determination</p>
<p>第十九条第四項</p> <p>Article 19, paragraph (4)</p>	<p>審査請求書</p> <p>the written request for review</p>	<p>再審査請求書</p> <p>the written request for re-examination</p>
	<p>第二項各号又は前項各号</p> <p>or the items of the preceding paragraph</p>	<p>第二項各号</p> <p>[Deleted]</p>
<p>第十九条第五項</p> <p>Article 19, paragraph (5)</p>	<p>処分についての審査請求書</p> <p>a written request for review with regard to a disposition</p>	<p>再審査請求書</p> <p>the written request for re-examination</p>
	<p>審査請求期間</p> <p>the period for filing request for review</p>	<p>再審査請求期間</p> <p>the period for filing request for re-examination</p>
	<p>前条第一項ただし書又は第二項ただし書</p> <p>the proviso to paragraph (1) or paragraph (2) of the preceding Article</p>	<p>第六十二条第一項ただし書又は第二項ただし書</p> <p>the proviso to paragraph (1) or paragraph (2) of Article 62</p>
<p>第二十条</p> <p>Article 20</p>	<p>前条第二項から第五項まで</p> <p>paragraphs (2) through (5) of the preceding Article</p>	<p>第六十六条第一項において読み替えて準用する前条第二項、第四項及び第五項</p> <p>paragraphs (2), (4), and (5) of the preceding Article as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1)</p>
<p>第二十一条の見出し</p> <p>Title of Article 21</p>	<p>処分庁等</p> <p>the administrative agency, etc. reaching the disposition</p>	<p>処分庁又は裁決庁</p> <p>the administrative agency reaching the disposition or the administrative agency making the original determination</p>

<p>第二十一条第一項 Article 21, paragraph (1)</p>	<p>審査請求をすべき行政庁が処分庁等と異なる場合における審査請求は、処分庁等 When an administrative agency with which a request for review is to be filed is different from the administrative agency, etc. reaching the disposition, the request may be filed via the administrative agency, etc. reaching the disposition</p>	<p>再審査請求は、処分庁又は裁決庁 A request for re-examination may be filed via the administrative agency reaching the disposition or the administrative agency making the original determination.</p>
<p>第二十一条第二項 Article 21, paragraph (2)</p>	<p>処分庁等 the administrative agency, etc. reaching the disposition</p>	<p>処分庁又は裁決庁 the administrative agency reaching the disposition or the administrative agency making the original determination</p>
	<p>審査請求書又は審査請求録取書（前条後段） the written request for review or written statement concerning the request for review (meaning a document recording the details of the oral statement pursuant to the provisions of the second sentence of the preceding Article)</p>	<p>再審査請求書又は再審査請求録取書（第六十六条第一項において準用する前条後段） the written request for re-examination or written statement concerning the request for re-examination (meaning a document recording the details of the oral statement pursuant to the provisions of the second sentence of the preceding Article as applied mutatis mutandis in Article 66, paragraph (1))</p>
	<p>第二十九条第一項及び第五十五条 Article 29, paragraph (1) and Article 55</p>	<p>第六十六条第一項において読み替えて準用する第二十九条第一項 Article 29, paragraph (1) as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1)</p>
<p>第二十一条第三項 Article 21, paragraph (3)</p>	<p>審査請求期間 the period for filing request for review</p>	<p>再審査請求期間 the period for filing request for re-examination</p>

	<p>処分庁に to the administrative agency reaching the disposition</p>	<p>処分庁若しくは裁決庁に to the administrative agency reaching the disposition or the administrative agency making the original determination</p>
	<p>審査請求書 the written request for review</p>	<p>再審査請求書 the written request for re- examination</p>
	<p>処分についての審査請求 the request for review with regard to the disposition is</p>	<p>再審査請求 the request for re- examination is</p>
<p>第二十三条（見出し を含む。） Article 23 (including the Title)</p>	<p>審査請求書 written request for review/written request for review</p>	<p>再審査請求書 written request for re- examination/written request for re-examination</p>
<p>第二十四条第一項 Article 24, paragraph (1)</p>	<p>審理手続を経ないで、第四十五 条第一項又は第四十九条第一 項 based on the provisions of Article 45, paragraph (1) or Article 49, paragraph (1) without going through the procedures for proceedings prescribed in the following Section</p>	<p>審理手続（第六十三条に規定 する手続を含む。）を経ない で、第六十四条第一項 based on the provisions of Article 64, paragraph (1) without going through the procedures for proceedings prescribed in the following section (including the procedures prescribed in Article 63)</p>
<p>第二十五条第一項 Article 25, paragraph (1)</p>	<p>処分 disposition</p>	<p>原裁決等 original determination, etc.</p>
<p>第二十五条第三項 Article 25, paragraph (3)</p>	<p>処分庁の上級行政庁又は処分 庁のいずれでもない審査庁 The reviewing agency that does not fall under the higher administrative agency of the administrative agency reaching the disposition nor the administrative agency reaching the disposition itself</p>	<p>再審査庁 The re-examining agency</p>

	<p>処分庁の意見 opinions of the administrative agency reaching the disposition; provided, however, that the relevant reviewing agency may not take any measures other than suspending the effect of the disposition, execution of the disposition, or continuation of procedures in full or in part.</p>	<p>裁決庁等の意見 opinions of the administrative agency, etc. making the original determination</p>
	<p>執行停止をすることができる。ただし、処分の効力、処分の執行又は手続の続行の全部又は一部の停止以外の措置をとることはできない may order a stay of execution</p>	<p>原裁決等の効力、原裁決等の執行又は手続の続行の全部又は一部の停止（以下「執行停止」という。）をすることができる may suspend the effect of the original determination, etc., execution of the original determination, etc., or continuation of procedures in full or in part (hereinafter referred to as a "stay of execution")</p>
第二十五条第四項 Article 25, paragraph (4)	<p>前二項 the preceding two paragraphs</p>	<p>前項 the preceding paragraph</p>
	<p>処分 Disposition</p>	<p>原裁決等 original determination, etc.</p>
第二十五条第六項 Article 25, paragraph (6)	<p>第二項から第四項まで paragraphs (2)through (4)</p>	<p>第三項及び第四項 paragraphs (3) and (4)</p>
	<p>処分 disposition</p>	<p>原裁決等 original determination, etc.</p>

<p>第二十五条第七項 Article 25, paragraph (7)</p>	<p>第四十条に規定する執行停止をすべき旨の意見書が提出されたとき as prescribed in Article 40 has been submitted by a review officer</p>	<p>第六十六条第一項において準用する第四十条に規定する執行停止をすべき旨の意見書が提出されたとき（再審査庁が委員会等である再審査庁である場合にあっては、執行停止の申立てがあつたとき） as prescribed in Article 40 as applied mutatis mutandis in Article 66, paragraph (1) has been submitted by a review officer (if the re-examining agency is the re-examining agency falling under a committee, etc., when a petition for a stay of execution has been filed)</p>
<p>第二十八条 Article 28</p>	<p>処分庁等 the administrative agency, etc. reaching the disposition</p>	<p>裁決庁等 the administrative agency, etc. making the original determination</p>
	<p>審理員 a review officer</p>	<p>審理員又は委員会等である再審査庁 a review officer or the re-examining agency falling under a committee, etc.</p>
<p>第二十九条第一項 Article 29, paragraph (1)</p>	<p>審理員は When having been appointed by the reviewing agency, a review officer</p>	<p>審理員又は委員会等である再審査庁は、審理員にあっては A review officer that has been appointed by the reviewing agency</p>

	<p>審査請求書又は審査請求録取書の写しを処分庁等に送付しなければならない。ただし、処分庁等が審査庁である場合には、この限りでない</p> <p>send a copy of the written request for review or written statement concerning the request for review to the administrative agency, etc. reaching the disposition; provided, however, that this does not apply when the administrative agency, etc. reaching the disposition falls under the reviewing agency.</p>	<p>委員会等である再審査庁にあつては、再審査請求がされたときは第六十六条第一項において読み替えて準用する第二十四条の規定により当該再審査請求を却下する場合を除き、速やかに、それぞれ、再審査請求書又は再審査請求録取書の写しを裁決庁等に送付しなければならない</p> <p>, and the re-examining agency falling under a committee, etc. must promptly, except for the case of dismissing without prejudice a request for re-examination pursuant to the provisions of Article 24 as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1), send a copy of the written request for re-examination or written statement concerning the request for re-examination to the administrative agency, etc. making the original determination</p>
第三十条の見出し Title of Article 30	反論書等 written counterargument, etc.	意見書 written opinions
第三十条第二項 Article 30, paragraph (2)	審理員 a review officer	審理員又は委員会等である再審査庁 a review officer or the re-examining agency falling under a committee, etc.

第三十条第三項 Article 30, paragraph (3)	審理員は、審査請求人から反論書の提出があったときはこれを参加人及び処分庁等に When a written counterargument has been submitted by a requestor for review, a review officer must send it to an intervenors and the administrative agency, etc. reaching the disposition, and when a written opinion has been submitted by an intervenor, a review officer	審理員又は委員会等である再審査庁は When a written opinion has been submitted by an intervenor, a review officer or the re-examining agency falling under a committee, etc.
	これを審査請求人及び処分庁等に、それぞれ the relevant requestor for review and the administrative agency, etc. reaching the disposition	、これを再審査請求人及び裁決庁等に the relevant requestor for re-examination and the administrative agency, etc. making the original determination
第三十一条第一項から第四項まで Article 31, paragraphs (1) through (4)	審理員 review officer	審理員又は委員会等である再審査庁 review officer or the re-examining agency falling under a committee, etc.
第三十一条第五項 Article 31, paragraph (5)	審理員 review officer	審理員又は委員会等である再審査庁 review officer or the re-examining agency falling under a committee, etc.
	処分庁等 the administrative agency, etc. reaching the disposition	裁決庁等 the administrative agency, etc. making the original determination
第三十二条第二項 Article 32, paragraph (2)	処分庁等は、当該処分 The administrative agency, etc. reaching the disposition may submit documents or other articles that prove the fact serving as the grounds for the disposition.	裁決庁等は、当該原裁決等 The administrative agency, etc. making the original determination may submit documents or other articles that prove the fact serving as the grounds for the original determination, etc.

第三十二条第三項及び第三十三条から第三十七条まで Article 32, paragraph (3), and Articles 33 through 37	審理員 review officer	審理員又は委員会等である再審査庁 review officer or the re-examining agency falling under a committee, etc.
第三十八条第一項 Article 38, paragraph (1)	審理員 review officer	審理員又は委員会等である再審査庁 review officer or the re-examining agency falling under a committee, etc.
	第二十九条第四項各号に掲げる書面又は第三十二条第一項若しくは第二項若しくは the documents set forth in the items of Article 29, paragraph (4), or the documents or other articles submitted pursuant to the provisions of Article 32, paragraph (1) or (2), or Article 33	第六十六条第一項において準用する第三十二条第一項若しくは第二項又は the documents or other articles submitted pursuant to the provisions of Article 32, paragraph(1) or (2), or Article 33 as applied mutatis mutandis in Article 66, paragraph (1)
第三十八条第二項、第三項及び第五項、第三十九条並びに第四十一条第一項 Article 38, paragraphs (2), (3), and (5), Article 39, and Article 41, paragraph (1)	審理員 review officer	審理員又は委員会等である再審査庁 review officer or the re-examining agency falling under a committee, etc.
第四十一条第二項 Article 41, paragraph (2)	審理員 review officer	審理員又は委員会等である再審査庁 review officer or the re-examining agency falling under a committee, etc.
	イからホまで (a) through (e)	ハからホまで (c) through (e)
第四十一条第三項 Article 41, paragraph (3)	審理員が a review officer has	審理員又は委員会等である再審査庁が a review officer or the re-examining agency falling under a committee, etc. has

<p>審理手続を終結した旨並びに 次条第一項 prescribed in paragraph (1) of the following Article</p>	<p>審理員にあつては審理手続を 終結した旨並びに第六十六条 第一項において準用する次条 第一項 prescribed in paragraph (1) of the following Article as applied mutatis mutandis in Article 66, paragraph (1)</p>
<p>審査請求書、弁明書 the written request for review, written explanation</p>	<p>再審査請求書、原裁決に係る 裁決書 the written request for re- examination, written determination for the original determination</p>
<p>同条第二項及び第四十三条第 二項 paragraph (2) of the following Article and Article 43, paragraph (2)</p>	<p>第六十六条第一項において準 用する次条第二項 paragraph (2) of the following Article as applied mutatis mutandis in Article 66, paragraph (1)</p>
<p>を通知する submitted to the reviewing agency</p>	<p>を、委員会等である再審査庁 にあつては審理手続を終結し た旨を、それぞれ通知する submitted to the reviewing agency, and the re- examining agency falling under a committee, etc. should promptly give a notice to the persons concerned with proceedings to inform them of the conclusion of the procedures for proceedings</p>
<p>当該予定時期 the scheduled time of submission is altered</p>	<p>審理員が当該予定時期 the review officer has altered the scheduled time of submission</p>

<p>第四十四条 Article 44</p>	<p>行政不服審査会等から諮問に対する答申を受けたとき（前条第一項の規定による諮問を要しない場合（同項第二号又は第三号に該当する場合を除く。）にあっては審理員意見書が提出されたとき、同項第二号又は第三号に該当する場合にあっては同項第二号又は第三号に規定する議を経たとき）</p> <p>When the reviewing agency has received a reply to its consultation from the Administrative Complaint Review Board, etc. (or when a review officer's written opinion has been submitted in the case where the consultation pursuant to the provisions of paragraph (1) of the preceding Article is not necessary (excluding the cases falling under item (ii) or (iii) of the relevant paragraph), or when deliberations prescribed in item (ii) or (iii) of the relevant paragraph have been held in the cases falling under item (ii) or (iii) of the relevant paragraph)</p>	<p>審理員意見書が提出されたとき（委員会等である再審査庁にあっては、審理手続を終結したとき）</p> <p>When a review officer's written opinion has been submitted (for the re-examining agency falling under a committee, etc., when it has concluded the procedures for proceedings)</p>
<p>第五十条第一項第四号 Article 50, paragraph (1), item (iv)</p>	<p>第一号の主文が審理員意見書又は行政不服審査会等若しくは審議会等の答申書と異なる内容である場合には</p> <p>when the main text set forth in item (i) differs from the details of the review officer's written opinion or the written reply from the Administrative Complaint Review Board, etc. or the council, etc.</p>	<p>再審査庁が委員会等である再審査庁以外の行政庁である場合において、第一号の主文が審理員意見書と異なる内容であるときは</p> <p>if the re-examining agency is an administrative agency other than the re-examining agency falling under a committee, etc., when the main text set forth in item (i) differs from the details of the review officer's written opinion</p>

第五十条第二項 Article 50, paragraph (2)	第四十三条第一項の規定による行政不服審査会等への諮問を要しない場合 When consultation with the Administrative Complaint Review Board, etc. pursuant to the provisions of Article 43, paragraph (1) is not necessary	再審査庁が委員会等である再審査庁以外の行政庁である場合 When the re-examining agency is an administrative agency other than the re-examining agency falling under a committee, etc.
第五十一条第一項 Article 51, paragraph (1)	処分 disposition	原裁決等 original determination, etc.
	第四十六条第一項及び第四十七条 Article 46, paragraph (1) and Article 47	第六十五条 Article 65
第五十一条第四項 Article 51, paragraph (4)	及び処分庁等（審査庁以外の処分庁等に限る。） the intervenors and the administrative agency, etc. reaching the disposition (limited to the administrative agency, etc. reaching the disposition other than the reviewing agency)	並びに処分庁及び裁決庁（処分庁以外の裁決庁に限る。） the intervenors, the administrative agency reaching the disposition, and the administrative agency making the original determination (limited to the administrative agency making the original determination other than the administrative agency reaching the disposition)
第五十二条第二項 Article 52, paragraph (2)	申請を an application	申請若しくは審査請求を an application or request for review
	棄却した処分 a disposition to dismiss	棄却した原裁決等 the original determination, etc. to dismiss
	処分庁 administrative agency reaching the disposition	裁決庁等 administrative agency, etc. making the original determination
	申請に対する処分 disposition for the application	申請に対する処分又は審査請求に対する裁決 disposition for the application or a determination for the request for review
第五十二条第三項 Article 52, paragraph (3)	処分が a/the disposition	原裁決等が the original determination, etc.

	処分庁 administrative agency reaching the disposition	裁決庁等 administrative agency making the original determination, etc.
第五十二条第四項 Article 52, paragraph (4)	処分の the subject parties of the disposition	原裁決等の the subject parties of the original determination, etc.
	処分が a/the relevant disposition	原裁決等が the original determination, etc.
	処分庁 administrative agency reaching the disposition	裁決庁等 administrative agency, etc. making the original determination