行政不服審査法施行規則

Regulation for Enforcement of the Administrative Complaint Review Act

（平成二十八年一月二十九日総務省令第五号）

(Order of the Ministry of Internal Affairs and Communications No. 5 of January 29, 2016)

行政不服審査法施行令（平成二十七年政令第三百九十一号）第八条（同令第十八条、第十九条第一項及び第二十二条において準用する場合を含む。）、第十二条第二項第三号及び第十四条第一項（これらの規定を同令第十九条第一項及び第二十三条において準用する場合を含む。）並びに第十六条（同令第十九条第一項において準用する場合を含む。）の規定に基づき、行政不服審査法施行規則を次のように定める。

Based on the provisions of Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (Cabinet Order No. 391 of 2015) (including the cases as applied mutatis mutandis in Article 18, Article 19, paragraph (1), and Article 22 of the relevant Order), the provisions of Article 12, paragraph (2), item (iii), and Article 14, paragraph (1) of the relevant Order (including the cases where these provisions are applied mutatis mutandis in Article 19, paragraph (1) and Article 23 of the relevant Order), and the provisions of Article 16 of the relevant Order (including the cases as applied mutatis mutandis in Article 19, paragraph (1) of the relevant Order), the Regulation for Enforcement of the Administrative Complaint Review Act is hereby enacted.

（映像等の送受信による通話の方法による口頭意見陳述等）

(Stating an Opinion Orally through Communication by Audio and Visual Transmissions)

第一条　行政不服審査法施行令（以下「令」という。）第八条（令第十八条及び第十九条第一項において読み替えて準用する場合を含む。）に規定する方法によって口頭意見陳述の期日における審理を行う場合には、審理関係人（行政不服審査法（平成二十六年法律第六十八号。以下「法」という。）第九条第三項に規定する場合において処分庁等が審査庁であるときにあっては審査請求人及び参加人、再調査の請求にあっては再調査の請求人及び参加人。以下この条において同じ。）の意見を聴いて、当該審理に必要な装置が設置された場所であって審理員（法第九条第三項に規定する場合にあっては審査庁、再調査の請求にあっては処分庁、再審査庁が法第六十六条第一項において準用する法第九条第一項各号に掲げる機関である場合にあっては再審査庁）が相当と認める場所を、審理関係人ごとに指定して行う。

Article 1 When undertaking proceedings on the date of stating an opinion orally by the method prescribed in Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (hereinafter referred to as the "Order") (including the cases as applied mutatis mutandis by replacing the terms in Article 18 and Article 19, paragraph (1) of the Order), a review officer (or the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014; hereinafter referred to as the "Act"); the agency reaching the disposition in the case of a request for re-investigation; or the re-examining agency when the re-examining agency falls under any of the agencies set forth in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act) should hear the opinions of the persons concerned with proceedings (when the agency, etc. reaching the disposition falls under the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Act, meaning the requestor for review and intervenors, and in the case of a request for re-investigation, meaning the requestor for re-investigation and intervenors; hereinafter, the same applies in this Article) and designate a place where equipment necessary for undertaking proceedings is installed and that the review officer finds appropriate for each of the persons concerned with proceedings.

（手数料の納付）

(Payment of Fees)

第二条　令第十二条第二項第三号（令第十九条第一項において読み替えて準用する場合を含む。以下この条において同じ。）に規定する総務省令で定める方法は、同号に規定する交付の求めにより得られた納付情報により納付する方法とする。ただし、審査庁又は再審査庁は、次に掲げる方法により納付させることが適当と認めるときは、当該納付情報により納付する方法に加え、次に掲げる方法を指定することができる。

Article 2 (1) The method specified by Order of the Ministry of Internal Affairs and Communications set forth in Article 12, paragraph (2), item (iii) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order; hereinafter, the same applies in this Article) is to be the method of making a payment based on the payment information obtained through the request for delivery pursuant to the provisions of the item; provided, however, that when finding it appropriate to have a payment be made by any of the following methods, the reviewing agency or re-examining agency may designate the following methods, beyond the method of making a payment based on the payment information:

一　審査庁又は再審査庁が指定する書面に収入印紙を貼って納付する方法

(i) the method of attaching a revenue stamp to the document specified by the reviewing agency or re-examining agency;

二　令第十二条第二項第一号（令第十九条第一項において準用する場合を含む。）の規定による公示をした審査庁又は再審査庁にあっては、行政機関の保有する情報の公開に関する法律等に基づく手数料の納付手続の特例に関する省令（平成十三年財務省令第十号）別紙書式の納付書により納付する方法

(ii) in the case of the reviewing agency or re-examining agency that has given public notice under Article 12, paragraph (2), item (i) of the Order (including the cases as applied mutatis mutandis in Article 19, paragraph (1) of the Order), the method of paying the fees with a written payment using the Appended Form of the Ministerial Order on Special Measures for the Procedures for Paying Fees Based on the Act on Access to Information Held by Administrative Organs, etc. (Ministry of Finance Order No. 10 of 2001); and

三　令第十二条第二項第二号（令第十九条第一項において準用する場合を含む。）の規定による公示をした審査庁又は再審査庁にあっては、当該審査庁又は再審査庁の事務所（当該公示に係るものに限る。）において現金で納付する方法

(iii) in the case of the reviewing agency or re-examining agency that has given public notice under Article 12, paragraph (2), item (ii) of the Order (including the cases as applied mutatis mutandis in Article 19, paragraph (1) of the Order), the method of paying the fees in cash at the offices of the reviewing agency or re-examining agency (limited to the offices referred to in the public notice).

２　前項の規定にかかわらず、審査庁又は再審査庁は、同項本文に規定する方法によることができないときは、令第十二条第二項第三号に規定する方法として、前項各号に掲げる方法を指定することができる。

(2) Notwithstanding the provisions of the preceding paragraph, when the method prescribed in the main clause of the relevant paragraph cannot be used, the reviewing agency or re-examining agency may designate the methods set forth in the items of the preceding paragraph as the method prescribed in Article 12, paragraph (2), item (iii) of the Order.

（送付に要する費用の納付方法）

(Method of Paying Expenses Required for Sending)

第三条　令第十四条第一項（令第十九条第一項において読み替えて準用する場合を含む。）に規定する総務省令で定める方法は、次に掲げる方法とする。

Article 3 The method specified by Order of the Ministry of Internal Affairs and Communications set forth in Article 14, paragraph (1) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order) is to be either of the following:

一　郵便切手又は総務大臣が定めるこれに類する証票で納付する方法

(i) the method of making a payment with postal stamps or other voucher equivalent thereto as specified by the Minister of Internal Affairs and Communications; and

二　行政手続等における情報通信の技術の利用に関する法律（平成十四年法律第百五十一号）第三条第一項の規定により同項に規定する電子情報処理組織を使用して法第三十八条第一項（法第六十六条第一項において読み替えて準用する場合を含む。）の規定による交付の求めをした場合において、当該求めにより得られた納付情報により納付する方法

(ii) when having requested the delivery pursuant to the provisions of Article 38, paragraph (1) of the Act (including the cases as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act) by the use of an electronic data processing system prescribed in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002) pursuant to the provisions of the relevant paragraph, the method of making a payment based on the payment information obtained through the request.

（審理員意見書の提出）

(Submission of Review Officer's Written Opinions)

第四条　令第十六条（令第十九条第一項において読み替えて準用する場合を含む。）に規定する総務省令で定める書類は、次に掲げるもの（電磁的記録を含み、事件記録に該当するものを除く。）とする。

Article 4 The documents specified by Order of the Ministry of Internal Affairs and Communications prescribed in Article 16 of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order) are to be as follows (including electronic or magnetic records and excluding those falling under the case record):

一　審理関係人その他の関係人から審理員に対して行われた法第十三条第一項（法第六十六条第一項において読み替えて準用する場合を含む。次号において同じ。）の許可の申請その他の通知

(i) an application for permission set forth in Article 13, paragraph (1) of the Act (including the cases as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act; the same applies in the following item), or other notices that has been filed with the review officer by the person concerned with proceedings or other persons concerned;

二　審理員が審理関係人その他の関係人に対して行った法第十三条第一項の許可その他の通知

(ii) permission set forth in Article 13, paragraph (1) of the Act, or other notices that the review officer has granted to the person concerned with proceedings or other persons concerned; and

三　その他審理員が必要と認める書類

(iii) other documents that the review officer finds necessary.

（行政不服審査会の調査審議の手続についての準用）

(Mutatis Mutandis Application to Study and Deliberation Procedures of the Administrative Complaint Review Board)

第五条　第一条の規定は法第七十五条第一項の規定による意見の陳述について、第二条（第一項第二号を除く。）及び第三条の規定は法第七十八条第一項の規定による交付について、それぞれ準用する。この場合において、次の表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 5 The provisions of Article 1 apply mutatis mutandis to the statement of opinions under Article 75, paragraph (1) of the Act, and the provisions of Article 2 (excluding paragraph (1), item (ii)) and Article 3 apply mutatis mutandis to the delivery under Article 78, paragraph (1) of the Act. In this case, in the provisions set forth in the left-hand column of the following Table, 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.

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| 第一条Article 1 | 第八条（令第十八条及び第十九条第一項において読み替えて準用する場合を含む。）Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (hereinafter referred to as the "Order") (including the cases as applied mutatis mutandis by replacing the terms in Article 18 and Article 19, paragraph (1) of the Order) | 第二十二条において読み替えて準用する令第八条Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (hereinafter referred to as the "Order") as applied mutatis mutandis by replacing the terms in Article 22 |
|  | 審理をundertaking proceedings | 調査審議をundertaking study and deliberation procedures |
|  | 審理関係人（行政不服審査法（平成二十六年法律第六十八号。以下「法」という。）第九条第三項に規定する場合において処分庁等が審査庁であるときにあっては審査請求人及び参加人、再調査の請求にあっては再調査の請求人及び参加人。以下この条において同じ。）the persons concerned with proceedings (when the agency reaching the disposition, etc. falls under the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Act, meaning the requestor for review and intervenors, and in the case of a request for re-investigation, meaning the requestor for re-investigation and intervenors; hereinafter, the same applies in this Article) | 審査関係人the persons concerned with the review |
|  | 審理にundertaking proceedings | 調査審議にundertaking study and deliberation procedures |
|  | 審理員（法第九条第三項に規定する場合にあっては審査庁、再調査の請求にあっては処分庁、再審査庁が法第六十六条第一項において準用する法第九条第一項各号に掲げる機関である場合にあっては再審査庁）a review officer (or the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014; hereinafter referred to as the "Act"); the agency reaching the disposition in the case of a request for re-investigation ; or the re-examination agency when the re-examination agency falls under any of the agencies set forth in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act) | 行政不服審査会the administrative complaint review board |
|  | 審理関係人ごとにeach of the persons concerned with proceedings | 審査関係人ごとにeach of the persons concerned with the review |
| 第二条第一項Article 2, paragraph (1) | 第十二条第二項第三号（令第十九条第一項において読み替えて準用する場合を含む。以下この条において同じ。）Article 12, paragraph (2), item (iii) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order; hereinafter, the same applies in this Article) | 第二十三条において準用する令第十二条第二項第三号Article 12, paragraph (2), item (iii) of the Order as applied mutatis mutandis in Article 23 of the Order |
|  | 審査庁又は再審査庁はthe reviewing agency or re-examining agency | 行政不服審査会はthe Administrative Complaint Review Board |
|  | 次にthe following methods | 第一号又は第三号にthe methods set forth in item (i) or (iii) |
|  | 審査庁又は再審査庁がthe reviewing agency or re-examining agency | 行政不服審査会がthe Administrative Complaint Review Board |
|  | 第十二条第二項第二号（令第十九条第一項において準用する場合を含む。）Article 12, paragraph (2), item (ii) of the Order (including the cases as applied mutatis mutandis in Article 19, paragraph (1) of the Order) | 第二十三条において読み替えて準用する令第十二条第二項第二号Article 12, paragraph (2), item (ii) of the Order as applied mutatis mutandis in Article 23 of the Order |
|  | 審査庁又は再審査庁にthe reviewing agency or re-examining agency | 行政不服審査会にthe Administrative Complaint Review Board |
|  | 当該審査庁又は再審査庁the relevant reviewing agency or re-examination agency | 行政不服審査会the Administrative Complaint Review Board |
| 第二条第二項Article 2, paragraph (2) | 審査庁又は再審査庁the reviewing agency or re-examining agency | 行政不服審査会the Administrative Complaint Review Board |
|  | 第十二条第二項第三号Article 12, paragraph (2), item (iii) of the Order | 第二十三条において準用する令第十二条第二項第三号Article 12, paragraph (2), item (iii) of the Order as applied mutatis mutandis in Article 23 of the Order |
|  | 前項各号the items of the preceding paragraph | 前項第一号又は第三号item (i) or (iii) of the preceding paragraph |
| 第三条Article 3 | 第十四条第一項（令第十九条第一項において読み替えて準用する場合を含む。）Article 14, paragraph (1) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order) | 第二十三条において読み替えて準用する令第十四条第一項Article 14, paragraph (1) of the Order as applied mutatis mutandis by replacing the terms in Article 23 of the Order |

附　則

Supplementary Provisions

（施行期日）

(Effective Date)

第一条　この省令は、法の施行の日（平成二十八年四月一日）から施行する。

Article 1 This Ministerial Order comes into effect as of the effective date of the Act (April 1, 2016).

（総務省関係法令に係る行政手続等における情報通信の技術の利用に関する法律施行規則の一部改正）

(Partial Amendment to the Order for Enforcement of the Act on Use of Information and Communications Technology in Administrative Procedure for Laws and Regulations Relating to the Ministry of Internal Affairs and Communications)

第二条　総務省関係法令に係る行政手続等における情報通信の技術の利用に関する法律施行規則（平成十五年総務省令第四十八号）の一部を次のように改正する。

Article 2 The Order for Enforcement of the Act on Use of Information and Communications Technology in Administrative Procedure for Laws and Regulations Relating to the Ministry of Internal Affairs and Communications (Order of the Ministry of Internal Affairs and Communications No. 48 of 2003) is to be partially amended as follows:

別表行政不服審査法（昭和三十七年法律第百六十号）の項を削り、同表行政手続法（平成五年法律第八十八号）の項中「並びに第三十五条第二項」を「、第三十五条第三項、第三十六条の二第二項並びに第三十六条の三第二項」に改め、同表地方法人特別税等に関する暫定措置法（平成二十年法律第二十五号）の項の次に次のように加える。

The row of the Administrative Complaint Review Act (Act No. 160 of 1962) in the Appended Table is to be deleted; and in the row of the Administrative Procedure Act (Act No. 88 of 1993) in the table, the term "and Article 35, paragraph (2)" is to be amended to ", Article 35, paragraph (3), Article 36-2, paragraph (2), and Article 36-3, paragraph (2)"; and after the row of the Act on Temporary Measures Concerning Local Special Corporate Tax (Act No. 25 of 2008), the following addition is to be made:

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| 行政不服審査法（平成二十六年法律第六十八号）Administrative Complaint Review Act (Act No. 68 of 2014) | 第十四条、第十五条第三項、第十九条第一項及び第二十条（これらの規定を第六十一条及び第六十六条第一項において準用する場合を含む。）、第二十一条第二項（第六十六条第一項において準用する場合を含む。）、第二十二条第一項から第四項まで、第二十七条第二項（第六十一条及び第六十六条第一項において準用する場合を含む。）、第二十九条第一項（第六十六条第一項において準用する場合を含む。）、第二十九条第二項、第四項及び第五項並びに第三十条第一項、同条第二項及び第三項（これらの規定を第六十六条第一項において準用する場合を含む。）、第三十二条第一項（第六十一条及び第六十六条第一項において準用する場合を含む。）、第三十二条第二項、第三十三条、第三十八条第一項、第四十条及び第四十二条（これらの規定を第六十六条第一項において準用する場合を含む。）、第四十三条第二項及び第三項、第五十条第一項及び第二項（これらの規定を第六十六条第一項において準用する場合を含む。）、第五十一条第二項及び第四項並びに第五十三条（これらの規定を第六十一条及び第六十六条第一項において準用する場合を含む。）、第五十五条第一項、第五十七条、第六十条第一項及び第六十三条、第七十四条、第七十六条、第七十八条第一項及び第七十九条（これらの規定を第八十一条第三項において準用する場合を含む。）、第八十二条第一項並びに第八十三条第一項及び第三項Article 14, Article 15, paragraph (3), Article 19, paragraph (1), and Article 20 (including the cases where these provisions are applied mutatis mutandis in Article 61 and Article 66, paragraph (1)); Article 21, paragraph (2) (including the cases as applied mutatis mutandis in Article 66, paragraph (1)); Article 22, paragraphs (1) through (4); Article 27, paragraph (2) (including the cases as applied mutatis mutandis in Article 61 and Article 66, paragraph (1)); Article 29, paragraph (1) (including the cases as applied mutatis mutandis in Article 66, paragraph (1)); Article 29, paragraphs (2), (4), and (5), and Article 30, paragraph (1), and paragraphs (2) and (3) of the relevant Article (including the cases where these provisions are applied mutatis mutandis in Article 66, paragraph (1)); Article 32, paragraph (1) (including the cases as applied mutatis mutandis in Article 61 and Article 66, paragraph (1)); Article 32, paragraph (2), Article 33, Article 38, paragraph (1), Article 40, and Article 42 (including the cases where these provisions are applied mutatis mutandis in Article 66, paragraph (1)); Article 43, paragraphs (2) and (3), and Article 50, paragraphs (1) and (2) (including the cases where these provisions are applied mutatis mutandis in Article 66, paragraph (1)); Article 51, paragraphs (2) and (4), and Article 53 (including the cases where these provisions are applied mutatis mutandis in Article 61 and Article 66, paragraph (1)); Article 55, paragraph (1), Article 57, Article 60, paragraph (1), Article 63, Article 74, Article 76, Article 78, paragraph (1), and Article 79 (including the cases where these provisions are applied mutatis mutandis in Article 81, paragraph (3)); Article 82, paragraph (1); and Article 83, paragraphs (1) and (3) |

別表統計法施行令（平成二十年政令第三百三十四号）の項の次に次のように加える。

The following addition is to be made after the row of the Order for Enforcement of the Statistics Act (Cabinet Order No. 334 of 2008) in the Appended Table:

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| 行政不服審査法施行令（平成二十七年政令第三百九十一号）Order for Enforcement of the Administrative Complaint Review Act (Cabinet Order No. 391 of 2015) | 第三条第一項及び第二項（これらの規定を同条第三項（第十八条及び第十九条第一項において準用する場合を含む。）、第十八条及び第十九条第一項において準用する場合を含む。）、第四条第三項（第十八条、第十九条第一項及び第二十六条第二項において準用する場合を含む。）、第十条並びに第十三条第二項及び第三項（これらの規定を第十九条第一項及び第二十三条において準用する場合を含む。）並びに第十六条（第十九条第一項において準用する場合を含む。）Article 3, paragraphs (1) and (2) (including the cases where these provisions are applied mutatis mutandis in paragraph (3) of the relevant Article (including the cases as applied mutatis mutandis in Article 18 and Article 19, paragraph (1)), Article 18, and Article 19, paragraph (1)); Article 4, paragraph (3) (including the cases as applied mutatis mutandis in Article 18, Article 19, paragraph (1), and Article 26, paragraph (2)); Article 10, and Article 13, paragraphs (2) and (3) (including the cases where these provisions are applied mutatis mutandis in Article 19, paragraph (1), and Article 23); and Article 16 (including the cases as applied mutatis mutandis in Article 19, paragraph (1)) |

（行政手続等における情報通信の技術の利用に関する法律の施行に伴う行政機関の保有する情報の公開に関する法律に係る対象手続等を定める省令の一部改正）

(Partial Amendment of the Ministerial Order that Specifies Subject Procedures Pertaining to the Act on Access to Information Held by Administrative Organs Accompanying the Enforcement of the Act on Use of Information and Communications Technology in Administrative Procedure)

第三条　行政手続等における情報通信の技術の利用に関する法律の施行に伴う行政機関の保有する情報の公開に関する法律に係る対象手続等を定める省令（平成十六年総務省令第三十九号）の一部を次のように改正する。

Article 3 The Ministerial Order that Specifies Subject Procedures Pertaining to the Act on Access to Information Held by Administrative Organs Accompanying the Enforcement of the Act on Use of Information and Communications Technology in Administrative Procedure (Order of the Ministry of Internal Affairs and Communications No. 39 of 2004) is to be partially amended as follows:

第六条第一項中「の各号」を削り、同項第一号中「はって」を「貼って」に改め、同項第二号中「行政機関の保有する情報の公開に関する法律及び行政機関の保有する個人情報の保護に関する法律に基づく手数料の納付手続の特例に関する省令」を「行政機関の保有する情報の公開に関する法律等に基づく手数料の納付手続の特例に関する省令」に改める。

The term "the items of" in Article 6, paragraph (1) is to be deleted, and the term "Ministerial Order on Special Measures for the Procedures for Paying Fees Based on the Act on Access to Information Held by Administrative Organs and the Act on the Protection of Personal Information Held by Administrative Organs" in item (ii) of the relevant paragraph is to be amended to "Ministerial Ordinance on Special Measures for the Procedures for Paying Fees Based on the Act on Access to Information Held by Administrative Organs, etc."

（行政機関の保有する個人情報の保護に関する法律に係る行政手続等における情報通信の技術の利用に関する法律施行規則の一部改正）

(Partial Amendment of the Order for Enforcement of the Act on Use of Information and Communications Technologies for Administrative Procedures Pertaining to the Act on the Protection of Personal Information Held by Administrative Organs)

第四条　行政機関の保有する個人情報の保護に関する法律に係る行政手続等における情報通信の技術の利用に関する法律施行規則（平成十六年総務省令第百二十五号）の一部を次のように改正する。

Article 4 The Order for Enforcement of the Act on Use of Information and Communications Technologies for Administrative Procedures Pertaining to the Act on the Protection of Personal Information Held by Administrative Organs (Order of the Ministry of Internal Affairs and Communications No. 125 of 2004) is to be partially amended as follows:

第八条第一項中「の各号」を削り、同項第一号中「はって」を「貼って」に改め、同項第二号中「行政機関の保有する情報の公開に関する法律及び行政機関の保有する個人情報の保護に関する法律に基づく手数料の納付手続の特例に関する省令」を「行政機関の保有する情報の公開に関する法律等に基づく手数料の納付手続の特例に関する省令」に改める。

The term "the items of" in Article 8, paragraph (1) is to be deleted, and the term "Ministerial Order on Special Measures for the Procedures for Paying Fees Based on the Act on Access to Information Held by Administrative Organs and the Act on the Protection of Personal Information Held by Administrative Organs" in item (ii) of the relevant paragraph is to be amended to "Ministerial Order on Special Measures for the Procedures for Paying Fees Based on the Act on Access to Information Held by Administrative Organs, etc."