

裁判所法（令和元年法律第四十四号未施行） Courts Act (Act No. 44 of 2019 Not in force)

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

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第一編 総則
Part I General Provisions

(この法律の趣旨)

(Purport of this Act)

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

Article 1 This Act applies to the Supreme Court and lower courts provided for in the Constitution of Japan.

(下級裁判所)

(Lower Courts)

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

Article 2 (1) The lower courts are: the high courts, district courts, family courts, and summary courts.

2 下級裁判所の設立、廃止及び管轄区域は、別に法律でこれを定める。

(2) The establishment, abolition, and jurisdictional districts of the lower courts are provided for separately by law.

(裁判所の権限)

(Jurisdiction of the Courts)

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

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

2 前項の規定は、行政機関が前審として審判することを妨げない。

(2) The provisions of the preceding paragraph do not prevent an administrative organ from reaching decisions as the adjudicative body of prior instance.

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

(3) The provisions of this Act do not prevent a jury system for criminal cases from being established separately by law.

(上級審の裁判の拘束力)

(Binding Power of Superior Judicial Decisions)

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

Article 4 A conclusion in a judgment by a higher court binds the lower courts

with respect to the relevant case.

(裁判官)

(Judges)

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

Article 5 (1) The judges of the Supreme Court are: a chief judge, called the Chief Justice of the Supreme Court, and other judges, called Supreme Court Justices.

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

(2) The judges of the lower courts are: the high courts' chief judges, each called the president of the high court; and other judges, called judges, assistant judges, and summary court judges.

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

(3) There are fourteen Supreme Court Justices; the numbers of judges on the lower courts are provided for separately by law.

第二編 最高裁判所

Part II The Supreme Court

(所在地)

(Location)

第六条 最高裁判所は、これを東京都に置く。

Article 6 The Supreme Court is located in the Tokyo Metropolis.

(裁判権)

(Jurisdiction)

第七条 最高裁判所は、左の事項について裁判権を有する。

Article 7 The Supreme Court has jurisdiction over the following matters:

一 上告

(i) final appeals; and

二 訴訟法において特に定める抗告

(ii) appeals against rulings specially provided for by procedural law.

(その他の権限)

(Other Powers)

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

Article 8 Beyond what is provided for in this Act, the Supreme Court has powers specially provided for by other laws.

(大法廷・小法廷)

(Grand Bench and Petty Benches)

第九条 最高裁判所は、大法廷又は小法廷で審理及び裁判をする。

Article 9 (1) The Supreme Court conducts proceedings and reaches judicial decisions through the grand bench or a petty bench.

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

(2) The grand bench is a panel made up of all of the judges, and a petty bench is a panel made up of the number of judges established by the Supreme Court; provided, however, that a petty bench must be made up of three or more judges.

3 各合議体の裁判官のうち一人を裁判長とする。

(3) One of the judges on each panel is the presiding judge.

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

(4) Each panel may conduct proceedings and reach a judicial decision if the number of judges established by the Supreme Court are present.

(大法廷及び小法廷の審判)

(Examinations by the Grand Bench and Petty Benches)

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

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

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

(i) when it reaches a determination on the constitutionality of a law, order, rule, or disposition based on the arguments of the parties (unless its opinion is the same as that of a judicial decision previously reached by the grand bench that the law, order, rule, or disposition is constitutional);

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

(ii) if it finds a law, order, rule, or disposition to be unconstitutional in instances other than as referred to in the preceding item;

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

(iii) if its opinion concerning the interpretation and application of the Constitution or of any other law or regulation goes against a judicial decision

previously reached by the Supreme Court.

(裁判官の意見の表示)

(Expression of Judges' Opinions)

第十一条 裁判書には、各裁判官の意見を表示しなければならない。

Article 11 The opinions of each of the judges must be expressed in a written judgment.

(司法行政事務)

(Functions Involved in Judicial Administration)

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

Article 12 (1) The Supreme Court is to carry out the functions involved in judicial administration through deliberations of the judicial assembly; the Chief Justice of the Supreme Court coordinates this.

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

(2) The judicial assembly is comprised of all of the judges, and the Chief Justice of the Supreme Court is its chairperson.

(事務総局)

(General Secretariat)

第十三条 最高裁判所の庶務を掌らせるため、最高裁判所に事務総局を置く。

Article 13 A General Secretariat is hereby established in the Supreme Court to handle its administrative affairs.

(司法研修所)

(Legal Training and Research Institute)

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

Article 14 The Legal Training and Research Institute is hereby established in the Supreme Court to handle functions related to research and training for judges and to training for legal apprentices.

(裁判所職員総合研修所)

(Training and Research Institute for Court Officials)

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

Article 14-2 The Training and Research Institute for Court Officials is hereby established in the Supreme Court to handle functions related to research and training for court officials other than judges, including for court clerks and

family court investigating officers.

(最高裁判所図書館)

(Supreme Court Library)

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

Article 14-3 The Supreme Court Library is hereby established in the Supreme Court as a branch library of the National Diet Library.

第三編 下級裁判所

Part III Lower Courts

第一章 高等裁判所

Chapter I High Courts

(構成)

(Composition)

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

Article 15 Each high court is composed of a president and the appropriate number of judges.

(裁判権)

(Jurisdiction)

第十六条 高等裁判所は、左の事項について裁判権を有する。

Article 16 A high court has jurisdiction over the following matters:

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

(i) appeals against a district court's judgment in the first instance, a family court's judgment, or a summary court's judgment in a criminal case;

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

(ii) appeals against a district or family court's ruling or order or against a summary court's ruling or order in a criminal case, other than as referred to in Article 7, item (ii);

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

(iii) final appeals against a district court's judgment in the second instance or against a summary court's judgment, other than those concerning criminal cases; and

四 刑法第七十七条乃至第七十九条の罪に係る訴訟の第一審

(iv) criminal proceedings in the first instance in connection with any of the crimes referred to in Articles 77 through 79 of the Criminal Code.

(その他の権限)

(Other Powers)

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

Article 17 Beyond what is provided for in this Act, a high court has powers that are specially provided for by other laws.

(合議制)

(Panel Court System)

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

Article 18 (1) A high court handles cases through a panel of judges; provided, however, that with the exception of proceedings and judgments that are required to take place through the courts, if any other law makes special provisions regarding another matter, those provisions apply.

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

(2) There are three judges on a panel as referred to in the preceding paragraph, one of whom is the presiding judge; provided, however, that there are five judges on such a panel in the criminal proceedings referred to in Article 16, item (iv).

(裁判官の職務の代行)

(Substitution of Judges)

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

Article 19 (1) A high court may have a judge of a district or family court within its jurisdictional district serve as a judge of the high court if this is urgently necessary for handling the functions of the court.

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

(2) If there are special circumstances due to which the urgent need of the high court cannot be met pursuant to the provisions of the preceding paragraph, the Supreme Court may have a judge of another high court, or a judge of a district court or family court within the district over which another high court has jurisdiction, serve as a judge of the first-mentioned high court.

(司法行政事務)

(Functions Involved in Judicial Administration)

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

Article 20 (1) A high court is to carry out the functions involved in judicial administration, through deliberations of the judicial assembly; the president of the high court coordinates this.

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

(2) The judicial assembly of a high court is comprised of all of the judges belonging to the high court, and the president of the high court is its chairperson.

(事務局)

(Secretariat)

第二十一条 各高等裁判所の庶務を掌らせるため、各高等裁判所に事務局を置く。

Article 21 A secretariat is hereby established in each high court to handle its administrative affairs.

(支部)

(Branches)

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

Article 22 (1) The Supreme Court may establish branches of a high court within the jurisdictional district of the high court, to handle a part of the functions of the high court.

2 最高裁判所は、高等裁判所の支部に勤務する裁判官を定める。

(2) The Supreme Court designates judges to serve at the branches of a high court.

第二章 地方裁判所

Chapter II District Courts

(構成)

(Composition)

第二十三条 各地方裁判所は、相応な員数の判事及び判事補でこれを構成する。

Article 23 Each district court is composed of an appropriate number of judges and assistant judges.

(裁判権)

(Jurisdiction)

第二十四条 地方裁判所は、次の事項について裁判権を有する。

Article 24 A district court has jurisdiction over the following matters:

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

(i) litigation in the first instance for claims other than those referred to in Article 33, paragraph (1), item (i) (except for personal status litigation referred to in Article 31-3, paragraph (1), item (ii)) and litigation involving real property in the first instance for claims referred to in Article 33, paragraph (1), item (i);

二 第十六条第四号の罪及び罰金以下の刑に当たる罪以外の罪に係る訴訟の第一審

(ii) criminal proceedings in the first instance for crimes other than those referred to in Article 16, item (iv) and those consistent with a fine or lighter sentence;

三 第十六条第一号の控訴を除いて、簡易裁判所の判決に対する控訴

(iii) appeals to the court of second instance against a summary court's judgment, except for those referred to in Article 16, item (i); and

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

(iv) appeals against a summary court's ruling or order, except for those referred to in Article 7, item (ii) and Article 16, item (ii).

(その他の権限)

(Other Powers)

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

Article 25 Beyond what is provided for in this Act, a district court has powers specially provided for by other laws, and also has powers over any matter that is provided for by other laws as falling under the jurisdiction of the courts, but that does not fall under the jurisdiction of another court.

(一人制・合議制)

(Single-Judge and Panel Systems)

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

Article 26 (1) A district court handles cases through a single judge, except for the cases prescribed in paragraph (2).

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

(2) The following cases are handled by a panel of judges; provided, however, that

with the exception of proceedings and judgments that are required to take place through the courts, if any other law makes special provisions regarding another matter, those provisions apply:

一 合議体で審理及び裁判をする旨の決定を合議体とした事件

(i) cases in which a panel has ruled that it will conduct proceedings and reach a judicial decision;

二 死刑又は無期若しくは短期一年以上の懲役若しくは禁錮に当たる罪（刑法第二百三十六条、第二百三十八条又は第二百三十九条の罪及びその未遂罪、暴力行為等処罰に関する法律（大正十五年法律第六十号）第一条ノ二第一項若しくは第二項又は第一条ノ三第一項の罪並びに盗犯等の防止及び処分に関する法律（昭和五年法律第九号）第二条又は第三条の罪を除く。）に係る事件

(ii) cases involving crimes consistent with the death penalty, or with imprisonment with or without work for a term of life or a minimum term of not less than one year (except for the crimes provided for in Article 236, Article 238, or Article 239 of the Criminal Code and attempts at those crimes, and crimes referred to in Article 1-2, paragraph (1) or (2) or Article 1-3, paragraph (1) of the Act on Punishment of Physical Violence and Others (Act No. 60, 1926), as well as the crimes provided for in Article 2 or Article 3 of the Act on Prevention and Punishment for Robbery and Theft (Act No. 9, 1930));

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

(iii) cases on appeal to the court of second instance against a summary court's judgment or cases on appeal to the court of second instance against a summary court's ruling or order; and

四 その他他の法律において合議体で審理及び裁判をすべきものと定められた事件

(iv) other cases in which it has been prescribed by other laws that proceedings are to be conducted and judicial decisions are to be reached by a panel.

3 前項の合議体の裁判官の員数は、三人とし、そのうち一人を裁判長とする。

(3) There are three judges on a panel as referred to in the preceding paragraph, one of whom is the presiding judge.

（判事補の職権の制限）

(Limitations on the Authority of Assistant Judges)

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

Article 27 (1) An assistant judge may not reach a judicial decision alone unless otherwise specially provided for by other laws.

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

(2) Two or more assistant judges may not participate in a single panel at the same time; an assistant judge may not serve as the presiding judge.

(裁判官の職務の代行)

(Substitution of Judges)

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

Article 28 (1) If it is urgently necessary to do so for handling the functions of a district court, the high court with jurisdiction over the locality of that district court may have a judge of another district court or family court within the high court's jurisdictional district, or a judge of the high court, perform the duties of a judge of that district court.

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

(2) If there are special circumstances due to which the urgent need of a district court cannot be met pursuant to the provisions of the preceding paragraph, the Supreme Court may have a judge of a district or family court from within the jurisdictional district of a high court other than the high court that has jurisdiction over the locality of the first-mentioned district court, or a judge of such a high court, perform the duties of a judge of the district court in question.

(司法行政事務)

(Functions Involved in Judicial Administration)

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

Article 29 (1) The Supreme Court appoints one judge from a district court as the president of the district court.

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

(2) A district court is to carry out the functions involved in judicial administration through deliberations of the judicial assembly; the president of the district court coordinates this.

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

(3) The judicial assembly of a district court is comprised of all of the judges of the district court, and the president of the district court is its chairperson.

(事務局)

(Secretariat)

第三十条 各地方裁判所の庶務を掌らせるため、各地方裁判所に事務局を置く。

Article 30 A secretariat is hereby established in each district court to handle its

administrative affairs.

(支部・出張所)

(Branches and Local Offices)

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

Article 31 (1) The Supreme Court may establish branches and local offices of a district court within the jurisdiction of the district court, to handle a part of the functions of the district court.

2 最高裁判所は、地方裁判所の支部に勤務する裁判官を定める。

(2) The Supreme Court designates judges to serve at the branches of a district court.

第三章 家庭裁判所

Chapter III Family Courts

(構成)

(Composition)

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

Article 31-2 Each family court is composed of an appropriate number of judges and assistant judges.

(裁判権その他の権限)

(Power of Judicial Decision and Other Powers)

第三十一条の三 家庭裁判所は、次の権限を有する。

Article 31-3 (1) A family court has power over the following matters:

一 家事事件手続法（平成二十三年法律第五十二号）で定める家庭に関する事件の審判及び調停

(i) adjudication and conciliation of cases involving family matters provided for in the Domestic Relations Case Procedure Act (Act No. 52 of 2011);

二 人事訴訟法（平成十五年法律第九号）で定める人事訴訟の第一審の裁判

(ii) first-instance judicial decisions in the personal status litigation provided for by the Personal Status Litigation Act (Act No. 109 of 2003);

三 少年法（昭和二十三年法律第百六十八号）で定める少年の保護事件の審判

(iii) trials and decisions in juvenile protection cases provided for by the Juveniles Act (Act No. 168 of 1948).

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

(2) Beyond what is provided for in this Act, a family court has powers specially provided for by other laws.

(一人制・合議制)

(Single-Judge and Panel Systems)

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

Article 31-4 (1) When conducting a trial or reaching a judicial decision, a family court handles cases through a single judge, except for the cases prescribed in the following paragraph.

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

(2) The cases set forth in the following items are handled by a panel of judges; provided, however, that with the exception of rulings that close a trial and of proceedings and judgments that are required to take place through the courts, if any other law makes special provisions regarding another matter, those provisions apply:

一 合議体で審判又は審理及び裁判をする旨の決定を合議体でした事件

(i) cases that a panel has ruled it will try, and cases in which a panel has ruled that it will conduct proceedings and reach a judicial decision; and

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

(ii) cases that it has been prescribed by other laws are to be tried by a panel, and cases in which it has been prescribed by other laws that proceedings are to be conducted and judicial decisions are to be reached by a panel.

3 前項の合議体の裁判官の員数は、三人とし、そのうち一人を裁判長とする。

(3) There are three judges on a panel as referred to in the preceding paragraph, one of whom is the presiding judge.

(地方裁判所の規定の準用)

(Application, Mutatis Mutandis, of Provisions Concerning District Courts)

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

Article 31-5 The provisions of Articles 27 through 31 apply mutatis mutandis to family courts.

第四章 簡易裁判所

Chapter IV Summary Courts

(裁判官)

(Judges)

第三十二条 各簡易裁判所に相応な員数の簡易裁判所判事を置く。

Article 32 An appropriate number of summary court judges are assigned to each summary court.

(裁判権)

(Jurisdiction)

第三十三条 簡易裁判所は、次の事項について第一審の裁判権を有する。

Article 33 (1) A summary court has first instance jurisdiction over the following matters:

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

(i) claims in which the value of the subject matter of the litigation does not exceed 1,400,000 yen (except for claims connected with administrative case litigation);

二 罰金以下の刑に当たる罪、選択刑として罰金が定められている罪又は刑法第百八十六条、第二百五十二条若しくは第二百五十六条の罪に係る訴訟

(ii) criminal proceedings in connection with crimes consistent with a fine or lighter sentence, crimes for which a fine is prescribed as an optional penalty, crimes referred to in Article 186 of the Criminal Code, and crimes referred to in Article 252 or Article 256 of that Code.

2 簡易裁判所は、禁錮以上の刑を科することができない。ただし、刑法第百三十条の罪若しくはその未遂罪、同法第百八十六条の罪、同法第二百三十五条の罪若しくはその未遂罪、同法第二百五十二条、第二百五十四条若しくは第二百五十六条の罪、古物営業法（昭和二十四年法律第百八号）第三十一条から第三十三条までの罪若しくは質屋営業法（昭和二十五年法律第百五十八号）第三十条から第三十二条までの罪に係る事件又はこれらの罪と他の罪とにつき刑法第五十四条第一項の規定によりこれらの罪の刑をもって処断すべき事件においては、三年以下の懲役を科することができる。

(2) A summary court may not impose imprisonment or a heavier sentence; provided, however, that a summary court may impose imprisonment for a period of not more than three years in cases involving the crimes set forth in Article 130 of the Criminal Code or attempts at those crimes, crimes set forth in Article 186 of that Code, crimes set forth in Article 235 of that Code or attempts at those crimes, crimes set forth in Article 252, Article 254, and Article 256 of that Code, crimes set forth in Articles 31 through 33 of the Secondhand Articles Dealer Act (Act No. 108 of 1949), and crimes set forth in Articles 30 through 32 of the Pawnbroker Business Act (Act No. 158 of 1950), and in cases in which, pursuant to the provisions of Article 54, paragraph (1) of the Criminal Code, the sentences for these crimes are to be imposed for those crimes and other crimes together.

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

(3) If a summary court finds that it is appropriate to impose a sentence that is more severe than the limits referred to in the preceding paragraph, it must transfer the case to a district court pursuant to the provisions of procedural laws.

(その他の権限)

(Other Powers)

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

Article 34 Beyond what is provided for in this Act, a summary court has powers specially provided for by other laws.

(一人制)

(Single-Judge System)

第三十五条 簡易裁判所は、一人の裁判官でその事件を取り扱う。

Article 35 A summary court handles cases through a single judge.

(裁判官の職務の代行)

(Substitution of Judges)

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

Article 36 (1) If it is urgently necessary to do so for handling the functions of a summary court, the district court with jurisdiction over the locality of the summary court may have a judge of another summary court within the district court's jurisdictional district, or a judge of that district court, perform the duties of a judge of that summary court.

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

(2) If there are special circumstances due to which the urgent need of the summary court cannot be met pursuant to the provisions of the preceding paragraph, the high court with jurisdiction over the locality of the summary court may have a judge other than as provided for in that paragraph who belongs to a summary or district court within the high court's jurisdictional district perform the duties of a judge of the summary court in question.

(司法行政事務)

(Functions Involved in Judicial Administration)

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

Article 37 If a summary court consists of one judge, that judge is responsible for handling the functions involved in judicial administration; if there are two or

more judges, the one judge designated by the Supreme Court is responsible for handling them.

(事務の移転)

(Transfer of Functions)

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

Article 38 If there are special circumstances due to which the functions of a summary court cannot be handled at that summary court, the district court with jurisdiction over its locality may have another summary court within its jurisdictional district handle all or part of those functions.

第四編 裁判所の職員及び司法修習生

Part IV Court Officials and Legal Apprentices

第一章 裁判官

Chapter I Judges

(最高裁判所の裁判官の任免)

(Appointment and Dismissal of Judges of the Supreme Court)

第三十九条 最高裁判所長官は、内閣の指名に基いて、天皇がこれを任命する。

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

2 最高裁判所判事は、内閣でこれを任命する。

(2) Supreme Court Justices are appointed by the Cabinet.

3 最高裁判所判事の任免は、天皇がこれを認証する。

(3) The Emperor approves the appointment and dismissal of Supreme Court Justices.

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

(4) The appointment of the Chief Justice of the Supreme Court and of Supreme Court Justices is reviewed by the people pursuant to laws concerning national referendums.

(下級裁判所の裁判官の任免)

(Appointment and Dismissal of Judges of Lower Courts)

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

Article 40 (1) The Cabinet appoints presidents of high courts, judges, assistant judges, and summary court judges from a list of persons nominated by the Supreme Court.

2 高等裁判所長官の任免は、天皇がこれを認証する。

(2) The Emperor approves the appointment and dismissal of presidents of high courts.

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

(3) For the judges referred to in paragraph (1), the term of office is to end once 10 years have passed following their appointment; such a judge may be reappointed.

(最高裁判所の裁判官の任命資格)

(Qualifications for Appointment as a Judge of the Supreme Court)

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

Article 41 (1) Judges of the Supreme Court are appointed from among persons with deep insight and extensive knowledge of the law, who are not less than 40 years of age; at least ten of them must be persons who have held either one or both of the positions set forth in item (i) or (ii) for 10 years or more, or who have held one or more of any of the positions set forth in the following items for a total period of 20 years or more:

一 高等裁判所長官

(i) president of a high court;

二 判事

(ii) judge;

三 簡易裁判所判事

(iii) summary court judge;

四 検察官

(iv) public prosecutor;

五 弁護士

(v) attorney-at-law; or

六 別に法律で定める大学の法律学の教授又は准教授

(vi) professor or associate professor of law at a university provided for separately by law.

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

(2) To apply the provisions of the preceding paragraph, if a person has held one

or both of the positions referred to in item (i) or (ii) of the preceding paragraph for not less than five years, or one or more of the positions referred to in items (i) through (vi) of the preceding paragraph for not less than 10 years, and has also held the position of assistant judge, judicial research official, Secretary General of the Supreme Court, court administrative official, Legal Training and Research Institute Professor, professor at the Training and Research Institute for Court Officials (hereinafter referred to as "TRICO Professor"), Administrative Vice-Minister of the Ministry of Justice, administrative official of the Ministry of Justice, or instructor at a correctional facility, that position also held is deemed to be one of those referred to in items (iii) through (vi) of the preceding paragraph.

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

(3) To apply the provisions of the preceding two paragraphs, the period of service in the positions listed in paragraph (1), items (iii) through (v) and in the preceding paragraph is counted only from the completion of training as a legal apprentice.

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

(4) If a person has held a position as a professor of law or associate professor of law at a university referred to in paragraph (1), item (vi) for three years or more, and also has held a position as a summary court judge, public prosecutor (excluding an assistant prosecutor), or attorney-at-law, the provisions of the preceding paragraph do not apply with respect to the period of service in the latter position.

(高等裁判所長官及び判事の任命資格)

(Qualifications for Appointment as the President of a High Court or as a Judge)

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

Article 42 (1) The presidents of high courts and judges are appointed from among persons who have held one or more of the following positions for a total period of 10 years or longer:

一 判事補

(i) assistant judge;

二 簡易裁判所判事

(ii) summary court judge;

三 検察官

- (iii) public prosecutor;
四 弁護士
- (iv) attorney-at-law;
五 裁判所調査官、司法研修所教官又は裁判所職員総合研修所教官
- (v) judicial research official, Legal Training and Research Institute Professor,
or TRICO Professor; or
六 前条第一項第六号の大学の法律学の教授又は准教授
- (vi) professor of law or associate professor of law at a university referred to in paragraph (1), item (vi) of the preceding Article.
- 2 前項の規定の適用については、三年以上同項各号に掲げる職の一又は二以上に在った者が裁判所事務官、法務事務官又は法務教官の職に在ったときは、その在職は、これを同項各号に掲げる職の在職とみなす。
- (2) To apply the provisions of the preceding paragraph, if a person has held one or more of the positions referred to in the items of the paragraph for more than three years, and has also held a position as a court administrative official, administrative official of the Ministry of Justice, or instructor at a correctional facility, the position also held is deemed to be a position as set forth in the items of that paragraph.
- 3 前二項の規定の適用については、第一項第二号乃至第五号及び前項に掲げる職に在った年数は、司法修習生の修習を終えた後の年数に限り、これを当該職に在った年数とする。
- (3) To apply the provisions of the preceding two paragraphs, the period of service in the positions set forth in paragraph (1), items (ii) through (v) and in the preceding paragraph is counted only from the completion of training as a legal apprentice.
- 4 三年以上前条第一項第六号の大学の法律学の教授又は准教授の職に在った者が簡易裁判所判事、検察官又は弁護士の職に就いた場合においては、その簡易裁判所判事、検察官（副検事を除く。）又は弁護士の職に在った年数については、前項の規定は、これを適用しない。司法修習生の修習を終えないで簡易裁判所判事又は検察官に任命された者の第六十六条の試験に合格した後の簡易裁判所判事、検察官（副検事を除く。）又は弁護士の職に在った年数についても、同様とする。
- (4) If a person held a position as a professor of law or associate professor of law at a university referred to in paragraph (1), item (vi) of the preceding Article for three years or more, and then served as a summary court judge, public prosecutor (excluding an assistant prosecutor), or attorney-at-law, the provisions of the preceding paragraph do not apply to the period of the service in the latter profession; if a person has been appointed as a summary court judge or a public prosecutor without having completed the training as a legal apprentice, the same applies to the person's period of service as summary court judge, public prosecutor (excluding an assistant prosecutor), or attorney-at-law after the person passed the examination referred to in Article 66.

(判事補の任命資格)

(Qualifications for Appointment as an Assistant Judge)

第四十三条 判事補は、司法修習生の修習を終えた者の中からこれを任命する。

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

(簡易裁判所判事の任命資格)

(Qualifications for Appointment as a Summary Court Judge)

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

Article 44 (1) Summary court judges are appointed from among persons who have been the president of a high court or a judge, or who have held one or more of the positions referred to in the following items for a total period of three years or more:

一 判事補

(i) assistant judge;

二 検察官

(ii) public prosecutor;

三 弁護士

(iii) attorney-at-law;

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

(iv) judicial research official, court administrative official, Legal Training and Research Institute Professor, TRICO Professor, administrative official of the Ministry of Justice, or instructor at a correctional facility; or

五 第四十一条第一項第六号の大学の法律学の教授又は准教授

(v) professor of law or associate professor of law at a university referred to in Article 41, paragraph (1), item (vi).

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

(2) To apply the provisions of the preceding paragraph, the period of service in the positions listed in items (ii) through (iv) of the paragraph is counted only from the completion of the training as a legal apprentice.

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

(3) If a person has been appointed as a public prosecutor without having completed the training as a legal apprentice, the provisions of the preceding paragraph do not apply to the person's period of service as a public prosecutor

(excluding an assistant prosecutor) or attorney-at-law after the person passed the examination referred to in Article 66.

(簡易裁判所判事の選考任命)

(Appointment of Summary Court Judges)

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

Article 45 (1) A person who has been engaged in judicial affairs for many years, or who otherwise possesses the knowledge and experience necessary for performing the duties of a summary court judge may be appointed as a summary court judge by the selection committee for summary court judges through the selection process even if they do not fall within the categories prescribed in paragraph (1) of the preceding Article.

2 簡易裁判所判事選考委員会に関する規程は、最高裁判所がこれを定める。

(2) Rules and regulations relating to the selection committee for summary court judges are prescribed by the Supreme Court.

(任命の欠格事由)

(Grounds for Ineligibility for Appointment)

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

Article 46 In addition to those persons who are ineligible for appointment as ordinary government officials pursuant to the provisions of other laws, a person who falls under any of the following items may not be appointed as a judge:

一 禁錮以上の刑に処せられた者

(i) the person has been subject to imprisonment or a heavier sentence;

二 弾劾裁判所の罷免の裁判を受けた者

(ii) the person has been dismissed from office as decreed by an impeachment court.

(補職)

(Official Appointment)

第四十七条 下級裁判所の裁判官の職は、最高裁判所がこれを補する。

Article 47 Judges of lower courts are appointed to positions by the Supreme Court.

(身分の保障)

(Guarantee of Status)

第四十八条 裁判官は、公の弾劾又は国民の審査に関する法律による場合及び別に法律

で定めるところにより心身の故障のために職務を執ることができないと裁判された場合を除いては、その意思に反して、免官、転官、転所、職務の停止又は報酬の減額をされることはない。

Article 48 A judge is not to be dismissed, transferred, or suspended from duty, and the salary of the judge is not to be reduced against their will, unless this is done in accordance with the provisions of laws concerning public impeachment or national referendums, or unless the judge is declared mentally or physically incompetent to perform their duties by judicial decision as separately provided by law.

(懲戒)

(Disciplinary Action)

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

Article 49 If a judge breaches a professional obligation, neglects their duties, or behaves disgracefully, the judge is subject to disciplinary action by judicial decision, as separately provided by law.

(定年)

(Age of Retirement)

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

Article 50 Judges of the Supreme Court retire upon reaching 70 years of age; judges of a high court, district court, or family court retire upon reaching 65 years of age; summary court judges retire upon reaching 70 years of age.

(報酬)

(Compensation)

第五十一条 裁判官の受ける報酬については、別に法律でこれを定める。

Article 51 The compensation received by judges is provided for separately by law.

(政治運動等の禁止)

(Prohibition of Political Activities)

第五十二条 裁判官は、在任中、左の行為をすることができない。

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

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

(i) becoming a member of the Diet or of an assembly of local public entities, or actively engaging in political movements;

二 最高裁判所の許可のある場合を除いて、報酬のある他の職務に従事すること。

- (ii) holding another remunerated position without obtaining permission from the Supreme Court; and
- 三 商業を営み、その他金銭上の利益を目的とする業務を行うこと。
- (iii) engaging in commerce or conducting any other business for monetary profit.

第二章 裁判官以外の裁判所の職員

Chapter II Court Officials Other Than Judges

(最高裁判所事務総長)

(Secretary General of the Supreme Court)

第五十三条 最高裁判所に最高裁判所事務総長一人を置く。

Article 53 (1) One Secretary General of the Supreme Court is assigned to the Supreme Court.

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

(2) The Secretary General of the Supreme Court, under the supervision of the Chief Justice of the Supreme Court, is responsible for handling the functions of the General Secretariat of the Supreme Court, and directs and supervises secretariat officials.

(最高裁判所の裁判官の秘書官)

(Secretaries to Judges of the Supreme Court)

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

Article 54 (1) One secretary to the Chief Judge of the Supreme Court and fourteen secretaries to the Supreme Court Judges are assigned to the Supreme Court.

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

(2) The secretary to the Chief Justice of the Supreme Court and secretaries to Justices of the Supreme Court handle confidential functions, as ordered by the Chief Justice of the Supreme Court and the justices of the Supreme Court, respectively.

(司法研修所教官)

(Legal Training and Research Institute Professors)

第五十五条 最高裁判所に司法研修所教官を置く。

Article 55 (1) Legal Training and Research Institute Professors are assigned to the Supreme Court.

2 司法研修所教官は、上司の指揮を受けて、司法研修所における裁判官の研究及び修

養並びに司法修習生の修習の指導をつかさどる。

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

(司法研修所長)

(President of the Legal Training and Research Institute)

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

Article 56 (1) A President of the Legal Training and Research Institute, who is appointed to the position by the Supreme Court from among Legal Training and Research Institute Professors, is assigned to the Supreme Court.

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

(2) The President of the Legal Training and Research Institute, under the supervision of the Chief Justice of the Supreme Court, is responsible for handling the functions of the institute, and directs and supervises the institute officials.

(裁判所職員総合研修所教官)

(TRICO Professors)

第五十六条の二 最高裁判所に裁判所職員総合研修所教官を置く。

Article 56-2 (1) TRICO Professors are assigned to the Supreme Court.

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

(2) TRICO Professors, under the direction of their supervisors, take charge of guiding the institute's research and training for court officials other than judges, including for court clerks and family court investigating officers.

(裁判所職員総合研修所長)

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

第五十六条の三 最高裁判所に裁判所職員総合研修所長を置き、裁判所職員総合研修所
教官の中から、最高裁判所が、これを補する。

Article 56-3 (1) A President of the Training and Research Institute for Court Officials, who is appointed to the position by the Supreme Court from among TRICO Professors, is assigned to the Supreme Court.

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

(2) The President of the Training and Research Institute for Court Officials, under the supervision of the Chief Justice of the Supreme Court, is responsible

for handling the functions of the Training and Research Institute for Court Officials, and directs and supervises the institute officials.

(最高裁判所図書館長)

(Director of the Supreme Court Library)

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

Article 56-4 (1) A Director of the Supreme Court Library, who is appointed from among court officials, is assigned to the Supreme Court.

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

(2) The Director of the Supreme Court Library, under the supervision of the Chief Justice of the Supreme Court, is responsible for handling the functions of the Supreme Court Library, and directs and supervises the library officials.

3 前二項の規定は、国立国会図書館法の規定の適用を妨げない。

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

(高等裁判所長官秘書官)

(Secretaries to Presidents of High Courts)

第五十六条の五 各高等裁判所に高等裁判所長官秘書官各一人を置く。

Article 56-5 (1) One secretary to the president of the high court is assigned to each high court.

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

(2) The secretary to a president of a high court takes charge of confidential functions, as ordered by the presidents of the high court.

(裁判所調査官)

(Judicial Research Officials)

第五十七条 最高裁判所、各高等裁判所及び各地方裁判所に裁判所調査官を置く。

Article 57 (1) Judicial research officials are assigned to the Supreme Court, each high court, and each district court.

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

(2) Judicial research officials take charge of the research necessary for proceedings and for deciding cases (limited to cases concerning intellectual property or tax in a district court), and other duties provided for by other laws, as ordered by judges.

(裁判所事務官)

(Court Administrative Officials)

第五十八条 各裁判所に裁判所事務官を置く。

Article 58 (1) Court administrative officials are assigned to each court.

2 裁判所事務官は、上司の命を受けて、裁判所の事務を掌る。

(2) Court administrative officials handle the functions of the court, as ordered by their superiors.

(事務局長)

(Director-General of Secretariat)

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

Article 59 (1) A director-general of the secretariat, who is appointed to the position by the Supreme Court from among court administrative officials, is assigned to each high court, district court, and family court.

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

(2) The director-general of secretariat of a high court, district court, or family court is responsible for handling the functions of the secretariat, and directs and supervises its officials, under the supervision of the president of the respective high court, district court, or family court.

(裁判所書記官)

(Court Clerks)

第六十条 各裁判所に裁判所書記官を置く。

Article 60 (1) Court clerks are assigned to each court.

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

(2) A court clerk prepares and keeps records and other documents concerning cases of the court, and carrying out other functions as provided for by other laws.

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

(3) In addition to carrying out the functions referred to in the preceding paragraph, a court clerk assists the judges in researching laws, regulations and judicial precedents, as well as other necessary matters, as ordered by the judges, in relation to the cases of the court.

4 裁判所書記官は、その職務を行うについては、裁判官の命令に従う。

(4) In performing duties, a court clerk complies with judges' orders.

5 裁判所書記官は、口述の書取その他書類の作成又は変更に関して裁判官の命令を受

けた場合において、その作成又は変更を正当でないと認めるときは、自己の意見を書き添えることができる。

- (5) If a court clerk receives an order from a judge with respect to the transcript of an oral statement or the preparation or alteration of other documents, and the court clerk finds that the preparation or alteration is not justifiable, the clerk may attach their own opinion in writing.

(裁判所速記官)

(Court Stenographers)

第六十条の二 各裁判所に裁判所速記官を置く。

Article 60-2 (1) Court stenographers are assigned to each court.

2 裁判所速記官は、裁判所の事件に関する速記及びこれに関する事務を掌る。

- (2) A court stenographer takes shorthand notes concerning the cases of the court, and carries out functions related thereto.

3 裁判所速記官は、その職務を行うについては、裁判官の命令に従う。

- (3) In performing duties, a court stenographer complies with judges' orders.

(裁判所技官)

(Technical Officials of Courts)

第六十一条 各裁判所に裁判所技官を置く。

Article 61 (1) Technical officials are assigned to each court.

2 裁判所技官は、上司の命を受けて、技術を掌る。

- (2) A technical official of a court handles technical matters, as ordered by the official's superior.

(家庭裁判所調査官)

(Family Court Investigating Officers)

第六十一条の二 各家庭裁判所及び各高等裁判所に家庭裁判所調査官を置く。

Article 61-2 (1) Family court investigating officers are assigned to each family court and high court.

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

- (2) At the family court, a family court investigating officer conducts the necessary investigations for the adjudication and conciliation referred to in Article 31-3, paragraph (1), item (i), for the judicial decisions referred to in item (ii) of the same paragraph (limited to judicial decisions related to the

incidental dispositions referred to in Article 32, paragraph (1) of the Personal Status Litigation Act and judicial decisions on designation of persons with parental authority referred to in paragraph (3) of the same Article (hereinafter referred to as "judicial decision on incidental dispositions" in this paragraph)), and for the trials and decisions referred to in Article 31-3, paragraph (1), item (iii), and handles any other functions prescribed by other laws; and at the high court, a family court investigator conducts the necessary investigations for the proceedings for appeals against the decisions referred to in item (i) of the same paragraph, and for the proceedings of an appeal trial at the court of second instance on a judicial decision on incidental dispositions, and handles any other functions prescribed by other laws.

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

(3) The Supreme Court may appoint from among family court investigating officers a Chief Family Court Investigating Officer, who is assigned the duty of supervising investigation functions and functions such as liaison and coordination with the relevant administrative organs and other organizations.

4 家庭裁判所調査官は、その職務を行うについては、裁判官の命令に従う。

(4) In performing duties, a family court investigating officer complies with judges' orders.

(家庭裁判所調査官補)

(Assistant Family Court Investigating Officers)

第六十一条の三 各家庭裁判所に家庭裁判所調査官補を置く。

Article 61-3 (1) Assistant family court investigating officers are assigned to each family court.

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

(2) An assistant family court investigating officer helps family court investigating officers perform their functions, as ordered by their superiors.

(執行官)

(Court Execution Officers)

第六十二条 各地方裁判所に執行官を置く。

Article 62 (1) Court execution officers are assigned to each district court.

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

(2) Qualifications necessary for appointment as a court execution officer are prescribed by the Supreme Court.

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

(3) A court execution officer enforces judicial decisions, serves documents issued by the court, and carries out other functions as provided for by other laws.

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

(4) A court execution officer receives a commission. If the commission does not amount to a certain sum, the officer receives a subsidy from the national treasury.

(廷吏)

(Bailiffs)

第六十三条 各裁判所に廷吏を置く。

Article 63 (1) Bailiffs are assigned to each court.

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

(2) A bailiff conducts court duties as ordered by judges and other functions as determined by the Supreme Court.

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

(3) If a court is unable to use a court execution officer, it may use a bailiff for the service of documents in the locality of the court.

(任免)

(Appointment and Dismissal)

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

Article 64 The appointment and dismissal of court officials other than judges are done by the Supreme Court, a high court, a district court, or a family court as prescribed by the Supreme Court.

(勤務裁判所の指定)

(Designation of Courts Where Officials Are to Work)

第六十五条 裁判所調査官、裁判所事務官（事務局長たるものを除く。）、裁判所書記官、裁判所速記官、家庭裁判所調査官、家庭裁判所調査官補、執行官及び裁判所技官の勤務する裁判所は、最高裁判所の定めるところにより最高裁判所、各高等裁判所、各地方裁判所又は各家庭裁判所がこれを定める。

Article 65 The courts where judicial research officials, court administrative officials(except director-general of secretariats), court clerks, court stenographers, family court investigating officers, assistant family court investigating officers, court execution officers, and technical officials of the court are to work are designated by the Supreme Court, a high court, a district court, or a family court as prescribed by the Supreme Court.

(裁判官以外の裁判所の職員に関する事項)

(Matters Concerning Court Officials Other than Judges)

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

Article 65-2 Beyond what is provided for by this Act, matters concerning court officials other than judges are provided for separately by law.

第三章 司法修習生

Chapter III Legal Apprentices

(採用)

(Appointment)

第六十六条 司法修習生は、司法試験に合格した者（司法試験法（昭和二十四年法律第百四十号）第四条第二項の規定により司法試験を受け、これに合格した者にあつては、その合格の発表の日の属する年の四月一日以降に法科大学院（学校教育法（昭和二十二年法律第二十六号）第九十九条第二項に規定する専門職大学院であつて、法曹に必要な学識及び能力を培うことを目的とするものをいう。）の課程を修了したものに限り。）の中から、最高裁判所がこれを命ずる。

Article 66 (1) Legal apprentices are appointed by the Supreme Court from among persons who have passed the bar examination (for persons who have passed the bar examination after having taken it pursuant to the provisions of Article 4, paragraph (2) of the Bar Examination Act (Act No. 140 of 1949), this is limited to those who have completed a course of study at a graduate school of law (meaning a professional graduate school as prescribed in Article 99, paragraph (2) of the School Education Act (Act No. 26 of 1947), the purpose of which is to cultivate the learning and abilities necessary for the legal profession) on or after April 1 of the year in which it is announced that they have passed the bar examination).

2 前項の試験に関する事項は、別に法律でこれを定める。

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

(修習・試験)

(Training and Examination)

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

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

2 司法修習生は、その修習期間中、最高裁判所の定めるところにより、その修習に専念しなければならない。

(2) During their term of training, legal apprentices must devote themselves to their training as prescribed by the Supreme Court.

3 前項に定めるもののほか、第一項の修習及び試験に関する事項は、最高裁判所がこれを定める。

(3) Beyond what is provided for in the preceding paragraph, matters concerning the training and examination referred to in paragraph (1) are prescribed by the Supreme Court.

(修習給付金の支給)

(Payment of a Training Benefit)

第六十七条の二 司法修習生には、その修習のため通常必要な期間として最高裁判所が定める期間、修習給付金を支給する。

Article 67-2 (1) Legal apprentices receive a training benefit for the period prescribed by the Supreme Court as the period normally required for training.

2 修習給付金の種類は、基本給付金、住居給付金及び移転給付金とする。

(2) The types of training benefit are a basic benefit, housing benefit, and transfer benefit.

3 基本給付金の額は、司法修習生がその修習期間中の生活を維持するために必要な費用であつて、その修習に専念しなければならないことその他の司法修習生の置かれている状況を勘案して最高裁判所が定める額とする。

(3) The amount of the basic benefit comprises the expenses necessary for legal apprentices' cost of living during the training period, and is prescribed by the Supreme Court, taking into account their current situation and the fact that the legal apprentices must devote themselves to their training.

4 住居給付金は、司法修習生が自ら居住するため住宅（貸間を含む。以下この項において同じ。）を借り受け、家賃（使用料を含む。以下この項において同じ。）を支払っている場合（配偶者が当該住宅を所有する場合その他の最高裁判所が定める場合を除く。）に支給することとし、その額は、家賃として通常必要な費用の範囲内において最高裁判所が定める額とする。

(4) A housing benefit is paid if a legal apprentice is personally paying rent (including usage fees; hereinafter the same applies in this paragraph) for rented housing (including a rented room; hereinafter the same applies in this paragraph) for the legal apprentice to live in (unless the apprentice's spouse owns the housing, or in other cases prescribed by the Supreme Court), and that amount is an amount prescribed by the Supreme Court within the scope of the expenses normally required for rent.

5 移転給付金は、司法修習生がその修習に伴い住所又は居所を移転することが必要と認められる場合にその移転について支給することとし、その額は、路程に応じて最高裁判所が定める額とする。

(5) If it is found necessary for a legal apprentice to change addresses or residences for the training, a transfer benefit is paid for the transfer, and the amount is an amount prescribed by the Supreme Court based on the distance of the transfer.

6 前各項に定めるもののほか、修習給付金の支給に関し必要な事項は、最高裁判所がこれを定める。

(6) Beyond what is provided for in the preceding paragraphs, the necessary matters relating to the payment of the training benefit are prescribed by the Supreme Court.

(修習専念資金の貸与等)

(Lending of Funds to Enable Legal Apprentices to Concentrate on Their Training)

第六十七条の三 最高裁判所は、司法修習生の修習のため通常必要な期間として最高裁判所が定める期間、司法修習生に対し、その申請により、無利息で、修習専念資金（司法修習生がその修習に専念することを確保するための資金であつて、修習給付金の支給を受けてもなお必要なものをいう。以下この条において同じ。）を貸与するものとする。

Article 67-3 (1) At the application of a legal apprentice, the Supreme Court is to lend the legal apprentice funds to enable them to concentrate on their training (meaning funds to ensure that a legal apprentice will be able to concentrate on their training, and which are still necessary even after payment of the training benefit; hereinafter the same applies in this Article), interest free, for a period prescribed by the Supreme Court as the period normally required for the training of legal apprentices.

2 修習専念資金の額及び返還の期限は、最高裁判所の定めるところによる。

(2) The amount of funds to enable apprentices to concentrate on their training and the due date for repayment are prescribed by the Supreme Court.

3 最高裁判所は、修習専念資金の貸与を受けた者が災害、傷病その他やむを得ない理由により修習専念資金を返還することが困難となつたとき、又は修習専念資金の貸与を受けた者について修習専念資金を返還することが経済的に困難である事由として最高裁判所の定める事由があるときは、その返還の期限を猶予することができる。この場合においては、国の債権の管理等に関する法律（昭和三十一年法律第百十四号）第二十六条の規定は、適用しない。

(3) If it becomes difficult for a person who has been lent funds to enable them to concentrate on their training to repay the funds due to a disaster, injury, illness or other unavoidable reasons, or if there are grounds as prescribed by the Supreme Court as those that make it financially difficult for such a person to repay the funds, the due date for repayment may be extended. In this case, the provisions of Article 26 of the Act on Management of the Claims Held by the State (Act No. 114 of 1956) do not apply.

4 最高裁判所は、修習専念資金の貸与を受けた者が死亡又は精神若しくは身体の障害により修習専念資金を返還することができなくなつたときは、その修習専念資金の全部又は一部の返還を免除することができる。

(4) If a person who has been lent funds to enable them to concentrate on their

training is no longer able to return the funds due to death or a mental or physical disability, the Supreme Court may waive the repayment of all or part of the funds.

5 前各項に定めるもののほか、修習専念資金の貸与及び返還に関し必要な事項は、最高裁判所がこれを定める。

(5) Beyond what is provided for in each of the preceding paragraphs, the Supreme Court prescribes the necessary matters connected with the lending and repayment of funds to enable legal apprentices to concentrate on their training.

(罷免等)

(Dismissal)

第六十八条 最高裁判所は、司法修習生に成績不良、心身の故障その他のその修習を継続することが困難である事由として最高裁判所の定める事由があると認めるときは、最高裁判所の定めるところにより、その司法修習生を罷免することができる。

Article 68 (1) If the Supreme Court finds there to be grounds involving a legal apprentice which the Supreme Court prescribes as grounds that make it difficult for a person to continue with their apprenticeship, such as poor grades or a mental or physical disorder, the Supreme Court may dismiss the legal apprentice as prescribed by the Supreme Court.

2 最高裁判所は、司法修習生に品位を辱める行状その他の司法修習生たるに適しない非行に当たる事由として最高裁判所の定める事由があると認めるときは、最高裁判所の定めるところにより、その司法修習生を罷免し、その修習の停止を命じ、又は戒告することができる。

(2) If the Supreme Court finds there to be grounds involving a legal apprentice which the Supreme Court prescribes as grounds constituting misconduct that renders a person inappropriate as a legal apprentice, such as disgraceful behavior, the Supreme Court may dismiss the legal apprentice, order the suspension of the training, or issue an admonition as prescribed by the Supreme Court.

第五編 裁判事務の取扱

Part V Handling of the Functions of the Court

第一章 法廷

Chapter I Courts

(開廷の場所)

(Place of Court Session)

第六十九条 法廷は、裁判所又は支部でこれを開く。

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

2 最高裁判所は、必要と認めるときは、前項の規定にかかわらず、他の場所で法廷を

開き、又はその指定する他の場所で下級裁判所に法廷を開かせることができる。

(2) Notwithstanding the provisions of the preceding paragraph, if the Supreme Court finds it necessary, it may hold sessions of court at another place, and may have a lower court hold sessions at another place that it designates.

(公開停止の手續)

(Procedures for Suspension of a Public Trial)

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

Article 70 In order to conduct a trial privately pursuant to the provisions of Article 82, paragraph (2) of the Constitution of Japan, a court must make a statement to that effect and also give the reason therefore, before ordering the public to leave the court. Before delivering a judgment, the court must allow the public to be admitted entry into the court again.

(法廷の秩序維持)

(Maintenance of Order in Court)

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

Article 71 (1) The presiding judge or a single judge who opens a session maintains order in the court.

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

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

(警察官の派出要求)

(Request to Dispatch Police Officers)

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

Article 71-2 (1) On finding it to be necessary to do so to maintain order in the court, the presiding judge or a single judge who opens a session may request the Tokyo Metropolitan Police Commissioner or the chief of the relevant prefectural police to dispatch police officers. On finding it to be especially necessary to do so to maintain order in the court, that judge may make the

request prior to the opening of the session.

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

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

(法廷外における処分)

(Dispositions Outside Court)

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

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

2 前条の規定は、前項の場合にこれを準用する。

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

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

(3) The authority of the presiding judge set forth in the preceding two paragraphs is conferred upon a judge when the judge exercises duties outside the court room in accordance with the provisions of other laws.

(審判妨害罪)

(Crime of Interference with a Trial)

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

Article 73 A person who, in violation of an order referred to in Article 71 or the preceding Article, interferes with the exercise of the duties of a court or of a judge is subject to imprisonment with or without work for a term of not more than one year or to a fine of not more than 1000 yen.

第二章 裁判所の用語

Chapter II Language of the Courts

(裁判所の用語)

(Language of the Courts)

第七十四条 裁判所では、日本語を用いる。
Article 74 Japanese is the language used in court.

第三章 裁判の評議

Chapter III Deliberations Towards a Decision

(評議の秘密)

(Secrecy of Deliberations)

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

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

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

(2) Deliberations are opened and coordinated by the presiding judge. Except as otherwise provided for in this Act, strict secrecy must be observed with respect to the deliberation process, the opinions of each judge, and the number of opinions constituting the majority and the minority.

(意見を述べる義務)

(Duty to State an Opinion)

第七十六条 裁判官は、評議において、その意見を述べなければならない。

Article 76 A judge must express an opinion in deliberations.

(評決)

(Decisions)

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

Article 77 (1) Unless the Supreme Court decides otherwise concerning Supreme Court decisions, its decisions are based on the majority opinion.

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

(2) If a decision is to be based on the majority opinion, but there are three or more different opinions with respect to the following matters and none of them is in the majority, the decision is based on the opinions set forth below:

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

(i) for a monetary amount, the opinion in favor of the smallest monetary amount from within the majority that is formed when the number of opinions in favor of the largest amount is added to the number of opinions in favor of

the next largest amount, and so on until there is a majority;

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

(ii) in criminal cases, the opinion most favorable to the accused from within the majority that is formed when the number of opinions most unfavorable to the accused is added to the number of opinions next most unfavorable, and so on until there is a majority.

(補充裁判官)

(Supplementary Judges)

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

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

第四章 裁判所の共助

Chapter IV Mutual Assistance by the Courts

(裁判所の共助)

(Mutual Assistance by the Courts)

第七十九条 裁判所は、裁判事務について、互に必要な補助をする。

Article 79 The courts provide one another with the necessary assistance in the handling of court functions.

第六編 司法行政

Part VI Judicial Administration

(司法行政の監督)

(Supervision of Judicial Administration)

第八十条 司法行政の監督権は、左の各号の定めるところによりこれを行う。

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

一 最高裁判所は、最高裁判所の職員並びに下級裁判所及びその職員を監督する。

(i) the Supreme Court supervises its officials, as well as the lower courts and their officials;

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

(ii) each high court supervises its officials, as well as the lower courts within its jurisdiction and their officials;

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

(iii) each district court supervises its officials, as well as the summary courts within its jurisdiction and their officials;

四 各家庭裁判所は、その家庭裁判所の職員を監督する。

(iv) each family court supervises its officials; and

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

(v) judges of a summary court as prescribed in Article 37 supervise officials of the summary court other than the judges of that summary court.

(監督権と裁判権との関係)

(Relationship between the Power of Supervision and Power of Judicial Decision)

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

Article 81 The power of supervision referred to in the preceding Article does not affect or restrict the power of judicial decision of judges.

(事務の取扱方法に対する不服)

(Objections to Ways of Handling Court Functions)

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

Article 82 Objections to ways of handling the functions of courts are dealt with by means of the power of supervision referred to in Article 80.

第七編 裁判所の経費

Part VII Court Expenses

(裁判所の経費)

(Court Expenses)

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

Article 83 (1) Expenses of courts must be independently budgeted for in the national budget.

2 前項の経費中には、予備金を設けることを要する。

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

附 則 〔抄〕

Supplementary Provisions [Extract]

1 この法律は、日本国憲法施行の日から、これを施行する。

(1) This Act comes into effect as of the day on which the Constitution of Japan comes into effect.

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

(2) The Act of the Constitution of Courts, Order for Enforcement of the Act on the Constitution of Courts, the Act on Disciplinary Actions against Judges, and the Act on Administrative Courts are hereby repealed.

3 最高裁判所は、当分の間、特に必要があるときは、裁判官又は検察官をもつて司法研修所教官又は裁判所職員総合研修所教官に、裁判官をもつて裁判所調査官にそれぞれ充てることができる。

(3) Until otherwise provided for by law, the Supreme Court may assign judges or public prosecutors as Legal Training and Research Institute Professor or TRICO Professor, and judges as judicial research officials when especially necessary.

附 則 〔昭和二十二年十月二十九日法律第百二十六号〕

Supplementary Provisions [Act No. 126 of October 29, 1947]

この法律は、公布の日から、これを施行する。

This Act comes into effect as of the date of promulgation.

附 則 〔昭和二十二年十二月十七日法律第百九十五号〕

Supplementary Provisions [Act No. 195 of December 17, 1947]

第十七条 この法律は、公布の後六十日を経過した日から、これを施行する。

Article 17 This Act comes into effect as of the date when 60 days have elapsed from the date of promulgation.

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

Article 18 To apply the provisions of Article 41, Article 42, and Article 44 of the Courts Act and Article 19 of the Public Prosecutor's Office Act, the tenures of office of the secretary of civil affairs, an administrative official of the Civil

Affairs Bureau of the Ministry of Justice, and an educational official of the Civil Affairs Bureau of the Ministry of Justice before this Act comes into effect are regarded as the tenures of a chief of the Attorney-General's Office, an administrative official of the Attorney General's Office, and an educational official of the Attorney General's Office, respectively.

附 則 〔昭和二十三年一月一日法律第一号〕

Supplementary Provisions [Act No. 1 of January 1, 1948]

この法律は、公布の日から、これを施行する。

This Act comes into effect as of the date of promulgation.

附 則 〔昭和二十三年七月十二日法律第四百四十六号〕〔抄〕

Supplementary Provisions [Act No. 146 of July 12, 1948] [Extract]

第四条 この法律は、公布の日から、これを施行する。

Article 4 This Act comes into effect as of the date of promulgation.

附 則 〔昭和二十三年十二月二十一日法律第二百六十号〕

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

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

Article 10 This Act comes into effect as of January 1, 1949; provided, however, that the provisions of Article 14-2 and Article 56-2 of the Courts Act, Article 2-2 of the Act Concerning Exceptions to the Authority of Assistant Judges, Article 6 of the Act Concerning the Limit on the Number of Court Officials, and the provisions amending Article 10 and Article 63, paragraph (1) of the Courts Act and Article 4 of the Act Concerning the Limit on the Number of Court Officials come into effect as of the date of promulgation of this Act.

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

Article 11 (1) The provisions in Article 1 amending Article 16, Article 24, and Article 33 of the Courts Act do not apply to prosecution instituted before this Act comes into effect.

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

(2) In the case referred to in the preceding paragraph, the provisions before the

amendment remain in force after this Act comes into effect.

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

Article 12 To apply the provisions of Article 41, Article 42, and Article 44 of the Courts Act amended by this Act, the tenure of the office of a juvenile court judge before this Act comes into effect is deemed to be the tenure of a judicial research official.

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

Article 13 The family court referred to in Article 63, paragraph (2) of the Juveniles Act (Act No. 168, 1948) is the family court with jurisdiction over the locality of the juvenile court in which the case is pending at the time that Act comes into effect.

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

Article 14 (1) Cases pending in a domestic relations court and cases pending in a district court in accordance with the provisions of Article 4 of the Act on Domestic Relations Trial before amendment by this Act (hereinafter referred to as the "former Domestic Relations Trial Act") at the time this Act comes into effect are deemed to have been pending in the family court with jurisdiction over the locality of the domestic relations court or district court, as of the day on which this Act comes into effect.

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

(2) Cases of appeal against a decision of a domestic relations court and cases of appeal under Article 4 of the former Domestic Relations Trial Act that are pending in a court of appeal at the time this Act comes into effect are deemed to be appeal cases against a decision of a family court.

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

(3) To apply the amended Domestic Relations Trial Act (hereinafter referred to as the "new Domestic Relations Trial Act"), unless otherwise provided for, in the cases referred to in the preceding two paragraphs, actions performed by a

domestic relations court or other persons pursuant to the former Domestic Relations Trial Act before this Act comes into effect are deemed to have been performed in accordance with the provisions of the former Domestic Relations Trial Act.

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

Article 15 A decision rendered by a domestic relations court that has become final and binding before this Act comes into effect, or an agreement reached in conciliation conducted by the court before that date is deemed to be a decision rendered by the family court with jurisdiction over the locality of the domestic relations court or an agreement reached in conciliation conducted by that family court.

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

Article 16 (1) Even after this Act comes into effect, the former Domestic Relations Trial Act remains in force as it concerns the applicability of provisions on civil fines for an action in which a person engages before this Act comes into effect. In this case, the decision on the civil fine is rendered by the family court with jurisdiction over the locality of the domestic relations court that would have jurisdiction pursuant to the former Domestic Relations Trial Act.

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

(2) Even after this Act comes into effect, the former Domestic Relations Trial Act remains force as it concerns the applicability of penal provisions to the actions of a person who served as a counselor or conciliator before this Act came into effect.

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

Article 17 Judicial decisions that are deemed to be decisions rendered by a domestic relations court pursuant to the Act for Enforcement of the Domestic Relations Trial Act (Act No. 153 of 1947) are deemed to be decisions rendered by a family court after this Act comes into effect.

第十八条 家事審判法施行法第二十四条第二項の規定によつて管轄家事審判所に差し戻

すべき事件は、この法律施行後は、管轄家庭裁判所に差し戻さなければならない。

Article 18 (1) A matter that is to be remanded to the domestic relations court with jurisdiction pursuant to the provisions of Article 24, paragraph (2) of the Act for Enforcement of the Domestic Relations Trial Act must be remanded to the family court with jurisdiction after this Act comes into effect.

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

(2) To apply the new Domestic Relations Trial Act, if a case has been remanded in accordance with the provisions of the preceding paragraph, to actions performed by the court or other persons for the case pursuant to the provisions of the Non-Contentious Case Procedures Act before amendment by the Act for Enforcement of the Domestic Relations Trial Act, those actions are deemed to be actions performed pursuant to the provisions of the new Domestic Relations Trial Act.

第十九条 民法の一部を改正する法律（昭和二十二年法律第二百二十二号）附則第十四条第二項又は第二十七条第三項（同法附則第二十五条第二項但書、第二十六条第二項及び第二十八条において準用する場合を含む。）の規定によつて家事審判所が行うべき審判は、この法律施行後は、家庭裁判所が行う。

Article 19 Decisions to be rendered by a domestic relations court pursuant to the provisions of Article 14, paragraph (2) or Article 27, paragraph (3) of the Supplementary Provisions of the Act Partially Amending the Civil Code (Act No. 222 of 1947) (including as applied mutatis mutandis pursuant to the proviso to Article 25, paragraph (2), pursuant to Article 26, paragraph (2), and pursuant to Article 28 of the Supplementary Provisions of that Act) are rendered by a family court after this Act comes into effect.

附 則 〔昭和二十四年五月三十一日法律第百三十六号〕 〔抄〕

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

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

(1) The provisions in this Act concerning Article 13-7 of the Act to Establish the Attorney-General's Office come into effect as of the day on which the Offenders Prevention and Rehabilitation Act comes into effect, and other provisions of this Act come into effect as of June 1, 1949.

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

(4) To apply the provisions of Article 41, Article 42 (including as applied mutatis mutandis pursuant to Article 1, paragraph (2) of the Act Concerning Exceptions to the Authority of Assistant Judges), and Article 44 of the Courts Act, the tenures of office of a chief of the Attorney-General's Office, an administrative official of the Attorney-General's Office, and an educational official of the Attorney-General's Office before this Act comes into effect are respectively deemed as the tenure of office of a chief of the Attorney-General's Office [called "houmuchou" in Japanese before that Act came into effect; the name was changed to "houmufu", but the English name remained the same], an administrative official of the Attorney-General's Office, and an educational official of the Attorney-General's Office.

附 則 [昭和二十四年六月一日法律第百七十七号]

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

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

附 則 [昭和二十五年四月十四日法律第九十六号]

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

- 1 この法律のうち、裁判所法第六十一条の二、第六十一条の三及び第六十五条の改正規定、検察審査会法第六条第六号の改正規定中少年調査官及び少年調査官補に関する

もの並びに少年法の改正規定は公布の日から起算して三十日を経過した日から、その他の部分は公布の日から施行する。

- (1) In this Act, the provisions amending Article 61-2, Article 61-3, and Article 65 of the Courts Act, the part of the amending provisions in Article 6, item (vi) of the Act on Committee for Inquest of Prosecution that concerns juvenile case investigators and assistant juvenile case investigators, and the provisions amending the Juveniles Act come into effect after 30 days have elapsed from the date of promulgation, and the other provisions come into effect as of the date of promulgation.
- 2 この法律の公布の日から起算して三十日を経過した際現に少年保護司に補せられている裁判所事務官で、少年調査官に任命されないものは、別に辞令を発せられないときは、裁判所事務官を兼ねて少年調査官補に任命され、且つ、現にその者の勤務する裁判所に勤務することを命ぜられたものとみなす。
- (2) A court administrative official who is performing duties as a juvenile probation officer as of the time when 30 days have elapsed from the date of promulgation of this Act, but who has not yet been appointed as a juvenile case investigator is deemed to have been appointed as an assistant juvenile case investigator concurrently as a court administrative official, and is deemed to have been ordered to be in the service of the court where the person is in service at the time in question, unless a writ of appointment stating otherwise is issued.

附 則 〔昭和二十五年十二月二十日法律第二百八十七号〕

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

- 1 この法律のうち、第三十三条の改正規定は公布の日から起算して三十日を経過した日から、その他の規定は公布の日から施行する。
- (1) The provisions in this Act amending Article 33 come into effect as of the day on which 30 days have elapsed from the date of promulgation of this Act, and other provisions of this Act come into effect as of the date of promulgation.
- 2 第三十三条の改正規定の施行前に地方裁判所に訴又は公訴の提起があつた事件については、同条の改正規定にかかわらず、なお従前の例による。
- (2) Notwithstanding the provisions amending Article 33, prior laws continue to govern a case for which a lawsuit or prosecution has been instituted with a district court before the provisions amending Article 33 come into effect.

附 則 〔昭和二十六年三月三十日法律第五十九号〕

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

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

- (1) The provisions in this Act amending Article 65-2 of the Courts Act and Article 2 of the National Public Service Act come into effect as of January 1, 1952, and other provisions of this Act come into effect as of April 1, 1951.
- 2 裁判所法第三十一条の三第二項の改正規定施行前に家庭裁判所に公訴の提起があつた事件については、同項の改正規定にかかわらず、なお従前の例による。
- (2) Notwithstanding the provisions amending Article 31-3, paragraph (2) of the Courts Act, prior laws continue to govern cases for which prosecution has been instituted in a family court before the provisions amending that paragraph come into effect.

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

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

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

- 1 この法律は、昭和二十七年八月一日から施行する。
- (1) This Act comes into effect as of August 1, 1952.
- 3 従前の機関及び職員は、この法律に基く相当の機関及び職員となり、同一性をもつて存続するものとする。
- (3) Former organs and personnel become organs and personnel equivalent to those based on this Act and continue in the same capacity.
- 4 この法律の施行前における法務府の各長官、法務総裁官房長、法務府事務官及び法務府教官の在職は、裁判所法第四十一条、第四十二条（判事補の職権の特例等に関する法律第一条第二項において準用する場合を含む。）及び第四十四条、検察庁法第十九条、弁護士法第五条並びに司法書士法第三条の規定の適用については、それぞれ法務省の事務次官、法務事務官及び法務教官の在職とみなす。
- (4) To apply the provisions of Article 41, Article 42 (including as applied mutatis mutandis pursuant to Article 1, paragraph (2) of the Act Concerning Exceptions to the Authority of Assistant Judges), and Article 44 of the Courts Act, and Article 19 of the Public Prosecutor's Office Act, Article 5 of the Attorneys Act, and Article 3 of the Judicial Scriveners Act, the tenures of office of a chief of the Attorney-General's Office, Secretary General of the Attorney-General's Office, administrative official of the Attorney-General's Office, and an educational official of the Attorney-General's Office before this Act comes into effect are respectively regarded as the tenures of office as the Administrative Vice-Minister of the Ministry of Justice, an administrative official of the Ministry of Justice, and an instructor at a correctional facility.

附 則 〔昭和二十九年五月二十七日法律第二百二十六号〕 〔抄〕
Supplementary Provisions [Act No. 126 of May 27, 1954] [Extract]

- 1 この法律は、昭和二十九年六月一日から施行する。
(1) This Act comes into effect as of June 1, 1954.
- 2 この法律の施行前に地方裁判所に訴の提起があつた事件については、第三十三条の改正規定にかかわらず、なお従前の例による。
(2) Notwithstanding the provisions amending Article 33, prior laws continue to govern cases for which a lawsuit has been filed in a district court before this Act comes into effect.
- 3 当分の間、最高裁判所の規則で指定する簡易裁判所の民事訴訟に関する事務は、その所在地を管轄する地方裁判所又はその支部の所在地に設立された簡易裁判所で最高裁判所の規則で指定するものが取り扱う。
(3) Until otherwise provided by law, functions related to civil cases of a summary court designated by the Rules of the Supreme Court are carried out by the district court with jurisdiction over the locality of the summary court, or by another summary court established in the locality of the branches of that district court and designated by the Rules of the Supreme Court.
- 4 前項の規定により簡易裁判所が指定されたときは、その指定前に管轄簡易裁判所で受理した事件は、同項の規定にかかわらず、なおその簡易裁判所で完結する。前項の規定による指定が解除されたときも、これに準ずる。
(4) Notwithstanding the provisions of the preceding paragraph, if a summary court is designated pursuant to the provisions of that paragraph, the cases received by the summary court with jurisdiction before the designation are completed by the same summary court. The same applies mutatis mutandis if a designation under the preceding paragraph is revoked.
- 5 各家庭裁判所は、当分の間、最高裁判所の定めるところにより、家庭裁判所調査官補に家庭裁判所調査官の職務を行わせることができる。
(5) Until otherwise provided for by law, a family court may have assistant family court investigating officers perform the duties of family court investigating officers, as prescribed by the Supreme Court.
- 6 この法律の施行の際現に家事調査官、家事調査官補、少年調査官又は少年調査官補の職にある者は、別に辞令を發せられないときは、それぞれ、家事調査官及び少年調査官は家庭裁判所調査官に、家事調査官補及び少年調査官補は家庭裁判所調査官補に任命され、且つ、現にその者の勤務する裁判所に勤務することを命ぜられたものとみなす。
(6) Unless a writ of appointment stating otherwise is issued, a person assigned as a domestic matters investigator or a juvenile case investigator at the time this Act comes into effect is deemed to have been appointed as a family court investigating officer, and a person assigned as an assistant domestic matters

investigator or an assistant juvenile case investigator at the time this Act comes into effect is deemed to have been appointed as an assistant family court investigating officer, and they are deemed to have been ordered to be in the service of the courts where they are in service at the time in question.

附 則 〔昭和二十九年六月八日法律第百六十三号〕 〔抄〕
Supplementary Provisions [Act No. 163 of June 8, 1954] [Extract]

(施行期日)
(Effective Date)

- 1 この法律中、第五十三条の規定は交通事件即決裁判手続法の施行の日から、その他の部分は、警察法（昭和二十九年法律第百六十二号。同法附則第一項但書に係る部分を除く。）の施行の日から施行する。
- (1) The provisions of Article 53 of this Act come into effect as of the effective date of the Act for Summary Proceedings in Traffic Cases, and other provisions of this Act come into effect as of the effective date of the Police Act (Act No. 162 of 1954; except for provisions concerning the proviso to paragraph (1) of the Supplementary Provisions of the same Act).

附 則 〔昭和三十二年五月一日法律第九十一号〕
Supplementary Provisions [Act No. 91 of May 1, 1957]

この法律は、公布の日から施行する。
This Act comes into effect as of the date of promulgation.

附 則 〔昭和三十五年六月二十五日法律第百四号〕
Supplementary Provisions [Act No. 104 of June 25, 1960]

この法律は、公布の日から施行する。
This Act comes into effect as of the date of promulgation.

附 則 〔昭和三十七年五月十六日法律第百四十号〕 〔抄〕
Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]

- 1 この法律は、昭和三十七年十月一日から施行する。
- (1) This Act comes into effect as of October 1, 1962.

附 則 〔昭和三十九年六月二十四日法律第百十四号〕 〔抄〕
Supplementary Provisions [Act No. 114 of June 24, 1964] [Extract]

(施行期日)

(Effective Date)

1 この法律は、公布の日から起算して二十日を経過した日から施行する。

(1) This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

附 則 〔昭和四十年三月三十一日法律第二十七号〕〔抄〕

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

(施行期日)

(Effective Date)

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

(1) This Act comes into effect as of April 1, 1965; provided, however, that the provisions amending the Supplementary Provisions of the Courts Act come into effect as of September 1, 1965.

附 則 〔昭和四十一年三月三十一日法律第二十三号〕

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

この法律は、昭和四十一年四月一日から施行する。

This Act comes into effect as of April 1, 1966.

附 則 〔昭和四十一年七月一日法律第百十一号〕〔抄〕

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

(施行期日)

(Effective Date)

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

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

附 則 〔昭和四十五年五月十八日法律第六十七号〕〔抄〕

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

(施行期日)

(Effective Date)

1 この法律は、昭和四十五年七月一日から施行する。

(1) This Act comes into effect as of July 1, 1970.

(経過措置)

(Transitional Measures)

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

(2) Notwithstanding the provisions of Article 33, paragraph (1), item (i) of the Courts Act after their amendment by this Act, prior laws continue to govern cases for which a lawsuit has been filed in a district court before this Act comes into effect.

附 則 〔昭和五十三年六月二十三日法律第八十二号〕 〔抄〕

Supplementary Provisions [Act No. 82 of June 23, 1978] [Extract]

(施行期日)

(Effective Date)

1 この法律は、昭和五十四年一月一日から施行する。

(1) This Act comes into effect as of January 1, 1979.

附 則 〔昭和五十七年八月二十四日法律第八十二号〕 〔抄〕

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

(施行期日)

(Effective Date)

1 この法律は、昭和五十七年九月一日から施行する。

(1) This Act comes into effect as of September 1, 1982.

(経過措置)

(Transitional Measures)

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

(2) Prior laws continue to govern cases for which a lawsuit has been filed in a district court before this Act comes into effect.

附 則 〔平成七年四月十九日法律第六十六号〕 〔抄〕

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

(施行期日)

(Effective Date)

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

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

附 則 〔平成十年五月六日法律第五十号〕

Supplementary Provisions [Act No. 50 of May 6, 1998]

(施行期日)

(Effective Date)

1 この法律は、平成十一年四月一日から施行する。

(1) This Act comes into effect as of April 1, 1999.

(経過措置)

(Transitional Measures)

2 この法律の施行前に採用され、この法律の施行後も引き続き修習をする司法修習生の修習期間及び国庫から給与を受ける期間については、なお従前の例による。

(2) Prior laws continue to govern the term of apprenticeship and period for receiving salary from the national treasury for a legal apprentice who has been appointed before this Act enters into effect and who continues in the apprenticeship even after this Act comes into effect.

附 則 〔平成十二年十二月六日法律第四百四十二号〕 〔抄〕

Supplementary Provisions [Act No. 142 of December 6, 2000] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十三年四月一日から施行する。

Article 1 This Act comes into effect as of April 1, 2001.

(検討等)

(Reviews)

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

Article 3 Once five years have passed after this Act enters into effect, the government is to report to the Diet on the effective status of the provisions amended by this Act and also conduct a review of this status, and if it finds it to be necessary to do so, it is to make improvements to the legal system and take other required measures based on the results of its review.

附 則 〔平成十四年十二月六日法律第三百三十八号〕 〔抄〕

Supplementary Provisions [Act No. 138 of December 6, 2002] [Extract]

(施行期日)

(Effective Date)

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

Article 1 This Act comes into effect as of January 1, 2004; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in each item:

一 略

(i) omitted; and

二 第三条及び附則第十一条の規定 平成十八年四月一日

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

(司法修習生の修習期間等に関する経過措置)

(Transitional Measures for the Period of Apprenticeship of Legal Apprentices)

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

Article 11 (1) Prior laws continue to govern the period of training for a legal apprentice who has been appointed before the provisions of Article 3 come into effect and who continues in the apprenticeship even after those provisions come into effect.

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

(2) It is permissible to extend the necessary period of apprenticeship and take other such measures for legal apprentices who are deemed to have passed the new bar examination pursuant to the provisions of paragraph (2) of the Supplementary Provisions of the new Act or the provisions of the preceding Article and who are appointed after the provisions of Article 3 come into effect, in order to have them obtain sufficient abilities to serve as judge, prosecutor, or attorney-at-law in the apprenticeship referred to in Article 67, paragraph (1) of the Courts Act after amendment by Article 3, as prescribed by the Supreme Court.

附 則 〔平成十五年七月十六日法律第百九号〕 〔抄〕

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

(施行期日)

(Effective Date)

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

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(裁判所法の一部改正に伴う家庭裁判所調査官の事務等に関する経過措置)
(Transitional Measures for the Functions of Family Court Investigating Officers in Connection with Partial Amendment of the Courts Act)

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

Article 15 Notwithstanding the provisions of Article 61-2, paragraphs (1) and (2) of the Courts Act after its amendment by the preceding Article, prior laws continue to govern legal proceedings involving the rescission of a marriage or a divorce that are pending at the time the provisions of the preceding Article come into effect.

附 則 [平成十五年七月二十五日法律第百二十八号] [抄]
Supplementary Provisions [Act No. 128 of July 25, 2003] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十六年四月一日から施行する。

Article 1 This Act comes into effect as of April 1, 2004.

(簡易裁判所の管轄の拡大に伴う経過措置)

(Transitional Measures for Expansion of Jurisdiction of Summary Courts)

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

Article 2 (1) Notwithstanding the provisions of Article 33, paragraph (1), item (i) of the Courts Act after amendment by Article 1, prior laws continue to govern cases for which a lawsuit has been filed in a district court before the effective date of this Act (hereinafter referred to as the "effective date").

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

(2) Prior laws continue to govern the applicability of penal provisions to actions that exceed the scope of the summary court legal representation business prescribed by Article 3, paragraph (2) of the Judicial Scrivener Act (Act No. 197 of 1950), and that a judicial scrivener or a judicial scrivener corporation has

taken before the effective date.

附 則 〔平成十六年三月三十一日法律第八号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十六年四月一日から施行する。

Article 1 This Act comes into effect as of April 1, 2004.

(裁判所法等に係る資格要件に関する経過措置)

(Transitional Measures for Qualifications Related to the Courts Act)

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

Article 2 To apply the provisions of Article 41, Article 42 (including as applied mutatis mutandis pursuant to Article 1, paragraph (2) of the Act Concerning Exceptions to the Authority of Assistant Judges (Act No. 146 of 1948)), and Article 44 of the Courts Act, Article 19 of the Public Prosecutor's Office Act (Act No. 61 of 1947), and Article 5 of the Attorneys Act (Act No. 205 of 1949), the tenure of office of a professor at the Court Clerk Research and Training Institute before this Act comes into effect is deemed to be the tenure of office of a TRICO Professor .

附 則 〔平成十六年六月十八日法律第百二十号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十七年四月一日から施行する。

Article 1 This Act comes into effect as of April 1, 2005.

(経過措置の原則)

(Principles of Transitional Measures)

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

Article 2 The provisions of the Courts Act, the Code of Civil Procedure, the Act on Costs of Civil Proceedings, the Patent Act, the Utility Model Act, the Design Act, the Trademark Act, the Unfair Competition Prevention Act, and the Copyright Act (except for penal provisions) after amendment by this Act apply to matters arising before this Act comes into effect, unless specially provided for in these Supplementary Provisions; provided, however, that this does not preclude the effect of these laws before amendment by this Act.

附 則 〔平成十六年十二月十日法律第百六十三号〕 〔抄〕

Supplementary Provisions [Act No. 163 of December 10, 2004] [Extract]

(施行期日)

(Effective Date)

1 この法律は、平成二十二年十一月一日から施行する。

(1) This Act comes into effect as of November 1, 2010.

(経過措置)

(Transitional Measures)

2 この法律の施行前に採用され、この法律の施行後も引き続き修習をする司法修習生の給与については、なお従前の例による。

(2) Prior laws continue to govern the salary for a legal apprentice who has been appointed before this Act enters into effect and who continues in the apprenticeship even after this Act enters into effect.

附 則 〔平成十七年七月十五日法律第八十三号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十九年四月一日から施行する。

Article 1 This Act comes into effect as of April 1, 2007.

(助教授の在職に関する経過措置)

(Transitional Measures for Time Worked as an Assistant Professor)

第二条 次に掲げる法律の規定の適用については、この法律の施行前における助教授としての在職は、准教授としての在職とみなす。

Article 2 To apply the provisions of the following laws, time worked as an assistant professor before this Act enters into effect is deemed to be time worked as an associate professor:

一 略

(i) omitted; and

二 裁判所法（昭和二十二年法律第五十九号）第四十一条、第四十二条（判事補の職権の特例等に関する法律（昭和二十三年法律第百四十六号）第一条第二項において準用する場合を含む。）及び第四十四条

(ii) Article 41, Article 42 (including as applied mutatis mutandis pursuant to Article 1, paragraph (2) of the Act Concerning Exceptions to the Authority of Assistant Judges (Act No. 146 of 1948)), and Article 44 of the Courts Act (Act No. 59 of 1947).

附 則 〔平成十八年五月八日法律第三十六号〕〔抄〕

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

（施行期日）

(Effective Date)

第一条 この法律は、公布の日から起算して二十日を経過した日から施行する。

Article 1 This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

附 則 〔平成十九年三月三十一日法律第十八号〕〔抄〕

Supplementary Provisions [Act No. 18 of March 31, 2007] [Extract]

（施行期日）

(Effective Date)

第一条 この法律は、平成十九年四月一日（以下「施行日」という。）から施行する。

Article 1 This Act comes into effect as of April 1, 2007 (hereinafter referred to as the "effective date").

附 則 〔平成二十年六月十八日法律第七十一号〕〔抄〕

Supplementary Provisions [Act No. 71 of June 18, 2008] [Extract]

（施行期日）

(Effective Date)

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

(1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

附 則 〔平成二十二年十二月三日法律第六十四号〕

Supplementary Provisions [Act No. 64 of December 3, 2010]

（施行期日）

(Effective Date)

1 この法律は、公布の日から施行する。

(1) This Act comes into effect as of the date of promulgation.

(経過措置)

(Transitional Measures)

2 この法律による改正後の裁判所法（以下「新裁判所法」という。）附則第四項の規定は、平成二十二年十一月一日からこの法律の施行の日の前日までに採用された司法修習生についても、適用する。

(2) The provisions of paragraph (4) of the Supplementary Provisions of the Courts Act as amended by this Act (hereinafter referred to as the "new Courts Act") also apply to legal apprentices appointed from November 1, 2010 to the day preceding the effective date of this Act.

3 新裁判所法附則第四項に規定する日までに採用され、同日後も引き続き修習をする司法修習生の給与については、同日後においても、なお従前の例による。

(3) Prior laws continue to govern the salary for a legal apprentice who has been appointed by the day provided for in paragraph (4) of the Supplementary Provisions of the new Courts Act, and who continues in the apprenticeship even after that day.

4 新裁判所法附則第四項後段の規定により読み替えて適用する裁判所法第六十七条第二項の規定による給与については、裁判所法の一部を改正する法律（平成十六年法律第百六十三号）附則第三項による改正前の裁判官の報酬等に関する法律（昭和二十三年法律第七十五号）第十四条ただし書に規定する給与の例による。

(4) The salaries provided for in the proviso to Article 14 of the Act on Remuneration of Judges (Act No. 75 of 1948) before amendment by paragraph (3) of the Supplementary Provisions of the Act Partially Amending the Courts Act (Act No. 163 of 2004) apply to salaries under Article 67, paragraph (2) of the Courts Act as applied pursuant to the provisions of the second sentence of paragraph (4) of the Supplementary Provisions of the new Courts Act following the deemed replacement of terms.

5 この法律の施行の際、現に裁判所法第六十七条の二第一項に規定する修習資金の貸与の申請をしている司法修習生については、この法律の施行の日に同項の申請を撤回したものとみなす。

(5) A legal apprentice who has applied for a loan of funds for training provided for in Article 67-2, paragraph (1) of the Courts Act as of the time this Act comes into effect, is deemed to have withdrawn the application set forth in that paragraph on the effective date of this Act.

6 附則第二項から前項までに定めるもののほか、この法律の施行に関し必要な事項は、最高裁判所規則で定める。

(6) Beyond what is provided for in paragraph (2) through the preceding paragraph of the Supplementary Provisions, the Rules of the Supreme Court prescribe the necessary matters connected with this Act's entry into effect.

附 則 〔平成二十三年五月二十五日法律第五十三号〕
Supplementary Provisions [Act No. 53 of May 25, 2011]

この法律は、新非訟事件手続法の施行の日から施行する。

This Act comes into effect as of the effective date of the new Non-Contentious Case Procedures Act.

附 則 〔平成二十四年八月三日法律第五十四号〕
Supplementary Provisions [Act No. 54 of August 3, 2012]

この法律は、公布の日から施行する。ただし、第一条中裁判所法第六十七条の二第三項の改正規定は、公布の日から起算して三月を経過した日から施行する。

This Act comes into effect as of the date of promulgation; provided, however, that the provisions in Article 1 amending Article 67-2, paragraph (3) of the Courts Act come into effect as of the day on which three months have elapsed from the date of promulgation.

附 則 〔平成二十五年六月十九日法律第四十八号〕〔抄〕
Supplementary Provisions [Act No. 48 of June 19, 2013] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、条約が日本国について効力を生ずる日から施行する。

Article 1 This Act comes into effect as of the day on which the Convention comes into effect in Japan.

附 則 〔平成二十九年四月二十六日法律第二十三号〕
Supplementary Provisions [Act No. 23 of April 26, 2017]

(施行期日)

(Effective Date)

1 この法律は、平成二十九年十一月一日から施行する。

(1) This Act comes into effect as of November 1, 2017.

(経過措置)

(Transitional Measures)

2 この法律による改正後の裁判所法（以下「新法」という。）第六十七条の二の規定は、この法律の施行前に採用され、この法律の施行後も引き続き修習をする司法修習生については、適用しない。

(2) The provisions of Article 67-2 of the Courts Act as amended by this Act

(hereinafter referred to as the "new Act") do not apply to a legal apprentice who has been appointed before this Act comes into effect and continues the apprenticeship even after its entry into effect.

3 新法第六十七条の三の規定は、この法律の施行後に採用された司法修習生について適用し、この法律の施行前に採用された司法修習生の修習資金については、なお従前の例による。

(3) The provisions of Article 67-3 of the new Act apply to a legal apprentice appointed after this Act comes into effect; prior laws continue to govern the funds for the training of a legal apprentice appointed before this Act comes into effect.

4 新法第六十八条の規定は、この法律の施行後に採用された司法修習生について適用し、この法律の施行前に採用された司法修習生の罷免等については、なお従前の例による。

(4) The provisions of Article 68 of the new Act apply to a legal apprentice appointed after this Act comes into effect; prior laws continue to govern things such as the dismissal of a legal apprentice appointed before this Act comes into effect.

5 前三項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、最高裁判所規則で定める。

(5) Beyond what is provided for in the preceding three paragraphs, the Rules of the Supreme Court prescribe other necessary transitional measures connected with this Act's entry into effect.

附 則 〔平成二十九年六月二十一日法律第六十七号〕〔抄〕

Supplementary Provisions [Act No. 67 of June 21, 2017] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して二十日を経過した日から施行する。

Article 1 This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

附 則 〔平成三十年五月三十日法律第三十三号〕〔抄〕

Supplementary Provisions [Act No. 33 of May 30, 2018] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年六月を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 (1) This Act comes into effect as of the day specified by Cabinet Order

within a period not exceeding one year and six months from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date provided for in each item:

一～三 略

(i) through (iii): omitted

四 第三条中特許法第一百七条第三項の改正規定、第百九条の見出しを削り、同条の前に見出しを付し、同条の次に一条を加える改正規定、第百十二条第一項及び第六項の改正規定、第百九十五条第六項の改正規定並びに第百九十五条の二の見出しを削り、同条の前に見出しを付し、同条の次に一条を加える改正規定並びに第六条及び第七条の規定並びに附則第十一条、第十五条、第二十三条及び第二十五条から第三十二条までの規定 公布の日から起算して一年を超えない範囲内において政令で定める日

(iv) the provisions in Article 3 amending Article 107, paragraph (3) of the Patent Act; amending provisions in Article 3 that delete the heading of Article 109, add a heading before that Article, and add an Article following Article 109; provisions in Article 3 amending Article 112, paragraphs (1) and (6); the provisions in Article 3 amending Article 195, paragraph (6); amending provisions in Article 3 that delete the heading of Article 195-2, add a heading before that Article, and add an Article following Article 195-2; the provisions of Article 6 and Article 7; and the provisions of Article 11, Article 15, Article 23, and Articles 25 through 32 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

附 則 〔令和元年六月二十六日法律第四十四号〕 〔抄〕

Supplementary Provisions [Act No. 44 of June 26, 2019] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成三十二年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of April 1, 2020; provided, however, that the provisions set forth in the following items come into effect as of the date provided for in each item:

一 第一条中法科大学院の教育と司法試験等との連携等に関する法律第六条第四項の改正規定及び次条から附則第四条までの規定 公布の日

(i) the provisions in Article 1 amending Article 6, paragraph (4) of the Act on Coordination between Education at Graduate Schools of Law and the Bar Examination, and the provisions of the following Article through Article 4 of the Supplementary Provisions: the date of promulgation;

二 略

(ii) omitted;

三 第二条、第四条（前号に掲げる改正規定を除く。）及び第五条並びに附則第五条から第八条までの規定 平成三十四年十月一日

(iii) the provisions of Article 2, Article 4 (other than the amending provisions set forth in the preceding item), and Article 5; and of Articles 5 through 8 of the Supplementary Provisions: October 1, 2022.

（政令への委任）

(Delegation to Cabinet Order)

第四条 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 4 Beyond what is provided for in the preceding two Articles, Cabinet Order prescribes the necessary transitional measures connected with this Act's entry into effect.