

外国弁護士による法律事務の取扱い等に関する法律施行規則（令和4年11月1日施行）

Regulations for Enforcement of the Act on the Handling of Legal Services by Foreign Lawyers (The amended order comes into effect on November 1, 2022)

(昭和六十二年三月六日法務省令第七号)

(Ministry of Justice Order No. 7 of March 6, 1987)

外国弁護士による法律事務の取扱いに関する特別措置法（昭和六十一年法律第六十六号）第二条第二号、第九条第一項及び第二項、第十七条第二項並びに第六十二条の規定に基づき、外国弁護士による法律事務の取扱いに関する特別措置法施行規則を次のように定める。

Pursuant to the provisions of Article 2, item (ii), Article 9, paragraphs (1) and (2), Article 17, paragraph (2), and Article 62 of the Act on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), the Regulations for Enforcement of the Act on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers are prescribed as follows.

(連邦国家及びその構成単位)

(Federal States and their Constituent Parts)

第一条 外国弁護士による法律事務の取扱い等に関する法律（以下「法」という。）第二条第三号の法務省令で定める連邦国家は別表上欄記載のとおり、同欄記載の連邦国家の構成単位で法務省令で定めるものは同表下欄記載のとおりとする。

Article 1 The federal states specified by Ministry of Justice Order as provided for in Article 2, item (iii) of the Act on the Handling of Legal Services by Foreign Lawyers (hereinafter referred to as "the Act") are as described in the left column of the Appended Table, and their constituent parts are as described in the right column of that Appended Table.

(法第二条第十四号イに規定する法務省令で定める者)

(Persons Specified by Order of the Ministry of Justice as Defined in Article 2, Item (xiv), (a) of the Act)

第二条 法第二条第十四号イに規定する法務省令で定める者は、次に掲げる者とする。

Article 2 (1) The persons specified by Ministry of Justice Order as defined in Article 2, item (xiv), (a) of the Act are as follows:

一 ある者及びその完全子法人（ある者がその株式又は持分の全部を有する法人をい

う。以下同じ。)又は当該ある者の完全子法人が当事者の全部又は一部の発行済株式(議決権のあるものに限る。)又は出資の総数又は総額の百分の五十を超える数又は額の株式(議決権のあるものに限る。)又は持分を有する場合(当該当事者の全部又は一部が次号に定める法人である場合を除く。)における当該ある者

(i) a person, if either they and their wholly-owned subsidiary (meaning a corporation in which that person holds all of the shares or equity; the same applies hereinafter) hold, or their wholly-owned subsidiary holds, more than fifty percent of the number of shares issued (limited to voting shares) in some or all of the parties, or more than fifty percent of the equity in some or all of the parties (excluding cases in which some or all of the parties concerned are corporations specified in the following item); or

二 当事者の全部又は一部が法律又は定款の定めによりその業務を社員(当該法人が業務を執行する社員を定めた場合にあっては、その社員。以下同じ。)の過半数をもつて決定することとされている法人であつて、ある者及びその完全子法人が当該法人の社員の過半数を占める場合における当該ある者

(ii) the relevant person, if some or all of the parties are corporations in which members (or if the relevant corporation has appointed specific members to execute its business affairs, those members; the same applies hereinafter) determine the course of business through majority decisions pursuant to the provisions of the Act or articles of incorporation, and that person and their wholly-owned subsidiary comprise the majority of members of that corporation.

2 前項各号の規定の適用については、これらの規定のある者及びその完全子法人又は当該ある者の完全子法人が他の法人の株式又は持分の全部を有する場合における当該他の法人は、完全子法人と見なす。

(2) To apply the provisions of each item of the preceding paragraph, if either a person and their wholly-owned subsidiary under those provisions, or the relevant wholly-owned subsidiary under those provisions, owns all of the shares or equity of another corporation, that other corporation is deemed to be a wholly-owned subsidiary.

(法第二条第十五号イに規定する法務省令で定める者)

(Persons Specified by Ministry of Justice Order as Defined in Article 2, Item (xv), (a) of the Act)

第三条 法第二条第十五号イに規定する法務省令で定める者は、次に掲げる者とする。

Article 3 (1) The persons specified by Ministry of Justice Order as defined in Article 2, item (xv), (a) of the Act are as follows:

一 ある者及びその完全子法人又は当該ある者の完全子法人が当事者の全部又は一部の発行済株式(議決権のあるものに限る。)又は出資の総数又は総額の百分の五十を超える数又は額の株式(議決権のあるものに限る。)又は持分を有する場合(当該当事者の全部又は一部が次号に定める法人である場合を除く。)における当該あ

る者

(i) a person, if either they and their wholly-owned subsidiary hold, or their wholly-owned subsidiary holds, more than fifty percent of the number of shares issued (limited to voting shares) in some or all of the parties, or more than fifty percent of the equity in some or all of the parties (excluding cases in which some or all of the parties concerned are corporations specified in the following item); or

二 当事者の全部又は一部が法律又は定款の定めによりその業務を社員の過半数をもって決定することとされている法人であつて、ある者及びその完全子法人が当該法人の社員の過半数を占める場合における当該ある者

(ii) the relevant person, if some or all of the parties are corporations in which members determine the course of business through majority decisions pursuant to the provisions of the Act or articles of incorporation, and that person and their wholly-owned subsidiary comprise the majority of members of that corporation.

2 前項各号の規定の適用については、これらの規定のある者及びその完全子法人又は当該ある者の完全子法人が他の法人の株式又は持分の全部を有する場合における当該他の法人は、完全子法人と見なす。

(2) To apply the provisions of each item of the preceding paragraph, if either a person and their wholly-owned subsidiary under those provisions, or the relevant wholly-owned subsidiary under those provisions, owns all of the shares or equity of another corporation, that other corporation is deemed to be a wholly-owned subsidiary.

(承認の申請)

(Application for Approval)

第四条 法第九条の規定による承認（以下「承認」という。）の申請は、承認を受けようとする者が自ら出頭してしなければならない。

Article 4 In applications for approval prescribed in Article 9 of the Act (hereinafter referred to as "approval"), the person who seeks to obtain the approval must appear in person.

(承認申請書の記載事項等)

(Particulars to be Given in Written Applications for Approval)

第五条 法第十一条第一項の法務省令で定める事項は、次に掲げる事項とする。

Article 5 (1) The particulars specified by Ministry of Justice Order as provided for in Article 11, paragraph (1) of the Act are as follows:

一 氏名、性別、生年月日、出生地、国籍及び住所

(i) the person's name, sex, date of birth, place of birth, nationality and address; and

二 外国弁護士となる資格を取得した年月日、その資格を取得した外国（次条におい

- て「資格取得国」という。)の国名及び当該外国弁護士の名称
- (ii) the date of acquiring qualification as a foreign lawyer, the name of the foreign jurisdiction in which the person acquired their qualification (referred to as "jurisdiction where they acquired their qualification" in the following Article) and that person's title as a foreign lawyer.
- 2 法第十一条第一項の承認申請書(以下「承認申請書」という。)の様式は、別記様式第一号によるものとする。
- (2) The written applications for approval in Article 11, paragraph (1) of the Act (hereinafter referred to as "written applications for approval") are to be in the format of Appended Form 1.

(承認申請書の添付書類)

(Documents Accompanying Written Applications for Approval)

第六条 法第十一条第二項の法務省令で定める書類は、次に掲げる書類とする。

Article 6 (1) The documents specified by Ministry of Justice Order as provided for in Article 11, paragraph (2) of the Act are the document listed as follows:

一 次に掲げる事項について、承認を受けようとする者が法務大臣の交付する用紙を用いて作成した申述書

(i) a written statement in relation to the particulars listed as follows, which the person who wishes to be granted approval has prepared using the form provided by the Minister of Justice:

イ 資格取得国における外国弁護士としての職務経験(資格取得国における外国弁護士が資格取得国以外の外国において外国弁護士となる資格を基礎として資格取得国の法に関する法律事務を行う業務に従事した経験を含む。以下この条において同じ。)に関する事項及び法第十二条第二項の規定の適用を受ける場合にあっては、外国弁護士となる資格を取得した後に国内において弁護士、弁護士法人、外国法事務弁護士、外国法事務弁護士法人又は弁護士・外国法事務弁護士共同法人に対して資格取得国の法に関する知識に基づいて行つた労務の提供に関する事項

(a) particulars of their experience in performing professional duties as a foreign lawyer in the jurisdiction where they acquired their qualification (including experience as a foreign lawyer in the jurisdiction where they acquired their qualification, of having engaged in the practice of providing legal services, concerning the law of the jurisdiction where they acquired their qualification, on the basis of their qualification as a foreign lawyer, in a foreign jurisdiction other than the jurisdiction where they acquired their qualification; the same applies hereinafter in this Article); and if Article 12, paragraph (2) of the Act is applicable, particulars concerning their provision of legal services in Japan, after they acquired their qualification to become a foreign lawyer, to an attorney, a legal professional corporation, a registered foreign lawyer, a registered foreign lawyer corporation, or an

attorney / registered foreign lawyer joint corporation, based on their knowledge of the law of the jurisdiction where they acquired their qualification;

ロ 外国法事務弁護士の欠格事由に関する事項

(b) particulars concerning their disqualification as a registered foreign lawyer;

ハ 法第十二条第一項第二号に掲げる基準に関する事項

(c) particulars concerning the standards listed in Article 12, paragraph (1), item (ii) of the Act;

ニ 誠実に職務を遂行する意思並びに適正かつ確実に職務を遂行するための計画、住居及び財産的基礎に関する事項

(d) particulars concerning their intention to perform their professional duties faithfully, and the plan, residence, and financial base that will facilitate the proper and reliable performance of their professional duties;

ホ 依頼者に与えた損害を賠償する能力に関する事項

(e) particulars concerning their ability to compensate for any losses that they have caused to clients; and

ヘ その他参考となるべき事項

(f) other particulars that may be of reference;

二 履歴書

(ii) a resume;

三 旅券、在留カード、特別永住者証明書その他の身分を証する書類の写し

(iii) a copy of their passport, residence card, special permanent resident certificate, or other document certifying their identity;

四 外国弁護士となる資格を取得したこと及びその資格を現に保有していることを証する書類

(iv) a document certifying that they have qualified to become a foreign lawyer and that they actually hold that qualification;

五 資格取得国における外国弁護士としての職務経験を証する書類及び法第十二条第二項の規定の適用を受ける場合にあつては、外国弁護士となる資格を取得した後に国内において弁護士、弁護士法人、外国法事務弁護士、外国法事務弁護士法人又は弁護士・外国法事務弁護士共同法人に対して資格取得国の法に関する知識に基づいて行つた労務の提供を証する書類

(v) a document proving their experience in performing professional duties as a foreign lawyer in the jurisdiction where they acquired their qualification, and, if Article 12, paragraph (2) of the Act is applicable, a document proving their provision of legal services in Japan, after they acquired their qualification to become a foreign lawyer, to an attorney, a legal professional corporation, a registered foreign lawyer, a registered foreign lawyer corporation, or an attorney / registered foreign lawyer joint corporation, based on their knowledge of the law of the jurisdiction where they acquired

their qualification;

六 法第十条において準用する弁護士法第七条各号に掲げる者でないことを誓約する書面

(vi) a document in which they pledge that they do not fall under any of the items of Article 7 of the Attorneys Act as applied mutatis mutandis pursuant to Article 10 of the Act;

七 法第十二条第一項第二号イからニまでに掲げる者でないことを誓約する書面

(vii) a document in which they pledge that they do not fall under any of the provisions of Article 12, paragraph (1), item (ii), (a) through (d) of the Act;

八 誠実に職務を遂行することを誓約する書面

(viii) a document in which they pledge that they will perform their professional duties faithfully;

九 適正かつ確実に職務を遂行するための計画、住居及び財産的基礎を有することを証する書類

(ix) a document proving that they have plans, a residence, and the financial resources to facilitate the proper and reliable performance of their professional duties;

十 依頼者に与えた損害を賠償する能力を有することを証する書類

(x) a document proving that they have the ability to compensate for losses that they have caused to clients; and

十一 その他参考となるべき書類

(xi) other documents that may be of reference.

2 前項第六号の書面の様式は別記様式第二号に、同項第七号の書面の様式は別記様式第三号に、同項第八号の書面の様式は別記様式第四号によるものとする。

(2) The document referred to in item (vi) of the preceding paragraph is to be in the format of Appended Form 2, the document referred to in item (vii) of that paragraph is to be in the format of Appended Form 3, and the document referred to in item (viii) of that paragraph is to be in the format of Appended Form 4.

(承認申請手数料の納付方法)

(Means of Payment of Application Fees for Approval)

第七条 法第十一条第三項の手数料は、承認申請書に手数料の額に相当する額の収入印紙をはって納めなければならない。

Article 7 The fee referred to in Article 11, paragraph (3) of the Act must be paid by affixing a revenue stamp equivalent to the amount of the fee for a written application for approval.

(承認をしないこととした場合の通知)

(Notice of Decisions of Non-Approval)

第八条 法務大臣は、承認をしないこととしたときは、その旨及びその理由を承認の申

請をした者及び日本弁護士連合会に書面で通知するものとする。

Article 8 If the Minister of Justice has made a decision not to grant approval, the Minister must give the applicant and the Japan Federation of Bar Associations notice in writing of that decision and the reasons for that decision.

(承認の申請前の予備審査)

(Preliminary Examinations Prior to Applications for Approval)

第九条 承認の申請をしようとする者は、その申請の前に、承認申請書及びその添付書類に準じた書類を法務大臣に提出して、予備審査を求めることができる。

Article 9 Prior to filing an application, a person who seeks to apply for approval may submit documents equivalent to a written application for approval and accompanying documents to the Minister of Justice and may request a preliminary examination.

(承認を受けた者の届出義務等)

(Obligation of Notification by Persons Granted Approval)

第十条 承認を受けた者は、次の各号のいずれかに該当する場合には、遅滞なく、法務大臣にその旨を届け出なければならない。

Article 10 (1) A person who has been granted approval must notify the Minister of Justice without delay, if they fall under any of the following items:

一 氏名、国籍又は住所に変更が生じたとき。

(i) if there has been any change in the person's name, nationality, or address;

二 事務所を設け、又は移転したとき。

(ii) if their office has been established or relocated;

三 事務所の名称を定め、又は変更したとき。

(iii) if the name of their office has been fixed or changed;

四 依頼者に与えた損害を賠償する能力について重要な変更が生じたとき。

(iv) if there has been an important change in their ability to compensate for losses that they have caused to clients;

五 法第十二条第一項第二号イからニまでに掲げる者のいずれかに該当するに至ったとき。

(v) if they fall under any of the provisions of Article 12, paragraph (1), item (ii), (a) through (d) of the Act;

六 原資格国の外国弁護士となる資格を失ったとき。

(vi) if they have lost their qualification to be a foreign lawyer in their jurisdiction of primary qualification; or

七 法第十条において準用する弁護士法第七条各号（第二号を除く。）のいずれかに該当するに至ったとき。

(vii) if they fall under any of the items of Article 7 of the Attorneys Act (except item (ii)) as applied mutatis mutandis pursuant to Article 10 of the Act.

2 承認を受けた者は、前項第六号又は第七号に該当する場合を除き、当該承認を受け

た日から起算して二年ごとに、その期間の満了後二箇月以内に、次に掲げる書類を法務大臣に提出しなければならない。

- (2) A person who has been granted approval must submit the following documents to the Minister of Justice within two months after the end of every two year period from the date on which their approval was granted, except if they fall under item (vi) or (vii) of the preceding paragraph:
- 一 原資格国の外国弁護士となる資格を現に保有していることを証する書類
(i) a document certifying that they actually hold a qualification to be a foreign lawyer in the jurisdiction of primary qualification;
 - 二 業務及び財産の状況に関する申告書
(ii) a written statement on the status of their practice and assets;
 - 三 法第十二条第一項第二号イからニまでに掲げる者でないことを誓約する書面
(iii) a document in which they pledge that they do not fall under any of the provisions of Article 12, paragraph (1), item (ii), (a) through (d) of the Act; and
 - 四 法第十条において準用する弁護士法第七条各号（第二号を除く。）に掲げる者でないことを誓約する書面
(iv) a document in which they pledge that they do not fall under any of the items of Article 7 of the Attorneys Act (except item (ii)) as applied mutatis mutandis pursuant to Article 10 of the Act.

(聴聞の方法の特例)

(Special Provisions on Procedures for Hearings)

第十一条 承認の取消処分に係る聴聞の主宰者は、必要があると認めるときは、参考人の意見を聴かなければならない。

Article 11 (1) If an officer presiding over a hearing concerning the revocation of approval finds it necessary, they must hear the opinion of witnesses.

2 主宰者は、前項の意見を聴取したときは、聴聞調書に参考人の氏名及びその陳述の要旨を記載しなければならない。

(2) If a presiding officer has heard opinions referred to in the preceding paragraph, they must enter the name of witness and a summary of their statement in the record of the hearing.

3 承認の取消処分に係る聴聞の当事者は、意見の陳述、質問及び聴聞の主宰者が発した質問に対する陳述を外国語によりするときは、自己の負担で通訳人に通訳をさせなければならない。自己が意見の聴取を求めた参考人が外国語により陳述するときも、同様とする。

(3) If a party to a hearing concerning the revocation of approval makes a statement of opinion, asks a question, or makes a statement in response to a question posed by an officer presiding over the hearing in a foreign language, the party must have an interpreter interpret for them at their own expense. The same applies if a witness whom a party requests be heard makes a

statement in a foreign language.

(承認の取消しの通知)

(Notice of Revocation of Approval)

第十二条 法務大臣は、承認を取り消したときは、その旨及びその理由を当該取消処分を受けた者及び日本弁護士連合会に書面で通知するものとする。

Article 12 If the Minister of Justice has revoked an approval, the Minister must notify the person whose approval has been revoked and the Japan Federation of Bar Associations in writing to that effect and of the reasons for the decision.

(指定申請書の様式)

(Format of Written Applications for Designation)

第十三条 法第十八条第一項の指定申請書（以下「指定申請書」という。）の様式は、別記様式第五号によるものとする。

Article 13 A written application as referred to in Article 18, paragraph (1) of the Act (hereinafter referred to as a "written application for designation") is to be written in the format of Appended Form 5.

(指定申請書の添付書類)

(Documents Accompanying Written Applications for Designation)

第十四条 法第十八条第二項の法務省令で定める書類は、次に掲げる書類とする。

Article 14 The documents specified by Ministry of Justice Order as provided for in Article 18, paragraph (2) of the Act are as follows:

一 法第十七条第一項第一号の規定による指定の申請をする場合にあつては、当該申請に係る特定外国の外国弁護士となる資格を有することを証する書類

(i) in cases of application for a designation under Article 17, paragraph (1), item (i) of the Act, a document certifying that they are qualified to be a foreign lawyer of the specified foreign jurisdiction;

二 法第十七条第一項第二号の規定による指定の申請をする場合にあつては、当該申請に係る特定外国の外国弁護士となる資格を有する者と同程度に当該特定外国の法に関する学識を有すること及びその法に関する法律事務の取扱いについての実務経験を証する書類

(ii) in cases of application for a designation under Article 17, paragraph (1), item (ii) of the Act, a document proving that they have the same level of knowledge regarding the law of the specified foreign jurisdiction and have the relevant amount of practical experience of handling legal services concerning the relevant law as a person who is qualified to be a foreign lawyer of that jurisdiction; or

三 その他参考となるべき書類

(iii) other documents that may be of reference.

(指定を受けた者の届出義務等)

(Obligation of Notification by Persons Granted Designation)

第十五条 法第十七条第一項第一号の規定による指定を受けた者は、当該指定に係る外国弁護士となる資格を失った場合は、遅滞なく、法務大臣にその旨を届け出なければならない。

Article 15 (1) If a person who has been granted a designation under Article 17, paragraph (1), item (i) of the Act has lost their qualification to be a foreign lawyer, they must notify the Minister of Justice to that effect without delay.

2 法第十七条第一項第一号の規定による指定を受けた者は、前項に規定する場合を除き、当該指定を受けた日から起算して二年ごとに、その期間の満了後二箇月以内に、当該指定に係る外国弁護士となる資格を現に保有していることを証する書類を法務大臣に提出しなければならない。

(2) A person who has been granted a designation under Article 17, paragraph (1), item (i) of the Act must submit a document certifying that they actually hold a qualification to be a foreign lawyer in relation to the relevant designation to the Minister of Justice within two months after the end of every two year period from the date on which their designation was granted, except in the case provided for in the preceding paragraph.

(承認又はその取消しに関する規定の準用)

(Application Mutatis Mutandis of Provisions Concerning Approvals or Revocations of Approval)

第十六条 第七条の規定は法第十八条第三項の手数料の納付方法について、第八条の規定は指定をしないこととした場合の通知について、第九条の規定は指定の申請前の予備審査について、第十一条の規定は指定の取消処分に係る聴聞について、第十二条の規定は指定の取消しの通知について準用する。この場合において、第九条中「承認申請書」とあるのは、「指定申請書」と読み替えるものとする。

Article 16 The provisions of Article 7 apply mutatis mutandis to the means of paying the fee as referred to in Article 18, paragraph (3) of the Act; the provisions of Article 8 apply mutatis mutandis to notices when the Ministry of Justice has made decisions not to grant a designation; the provisions of Article 9 apply mutatis mutandis to preliminary examinations prior to applying for designations; the provisions of Article 11 apply mutatis mutandis to a hearing concerning dispositions of revocation of designations; and the provisions of Article 12 apply mutatis mutandis to notices of revocation of designations. In these cases, the term "written application for approval" in Article 9 are deemed to be replaced with "written application for designation".

(訳文の添付)

(Attachment of Translations)

第十七条 法若しくはこの省令の規定により法務大臣に提出する書類又は行政手続法

(平成五年法律第八十八号)若しくは法務省聴聞規則(平成六年法務省令第四十七号)の規定により聴聞の主宰者に提出する書類が外国語により作成されているときは、その書類に訳文を添付しなければならない。訳文は、翻訳者がその氏名及び翻訳年月日並びに誠実に翻訳をしたことを誓約する旨を記載したものでなければならない。

Article 17 If documents submitted to the Minister of Justice pursuant to the provisions of the Act or this Ministerial Order, or documents submitted to a presiding officer pursuant to the provisions of the Administrative Procedure Act (Act No. 88 of 1993) or the Regulations on Ministry of Justice Hearings (Ministry of Justice Order No. 47 of 1994) are written in a foreign language, a Japanese translation must be attached to the documents. The translation must include the translator's name, the date of translation, and a statement pledging that they have faithfully translated the original document.

別表(第一条関係)

Appended Table (Re: Article 1)

連邦国家 Federal States	構成単位 Constituent Units
アメリカ合衆国 United States of America	州 コロンビア特別区 属地 States, District of Columbia, Territories
オーストラリア Commonwealth of Australia	州 首都特別地域 北部特別地域 States, Australian Capital Territory, Northern Territory
カナダ Canada	州 準州 Provinces, Territories

別記様式 略

Appended Forms (omitted)