

# Act on the Costs Involved in Criminal Proceedings

(Act No. 41 of April 6, 1971)

(Purpose)

Article 1 Beyond what is provided for in other laws and regulations, this Act governs the scope of court costs in criminal proceedings and the payment of witnesses, experts, interpreters, and translators (hereinafter collectively referred to as "witnesses and other prescribed persons") and defense counsel in criminal proceedings carried out by a court or a judge.

(Scope of Court Costs)

Article 2 The following constitute the court costs in criminal proceedings:

- (i) the travel expenses, daily allowances, and lodging fees that must be paid to witnesses and other prescribed persons who are made to appear on a trial date or in connection with trial preparations, or who are examined on a trial date or in trial preparations;
- (ii) the expert evaluation fees that must be paid to experts who have been made to provide an evaluation on a trial date or in trial preparations; the interpretation fees that must be paid to interpreters who have been made to interpret on a trial date or in trial preparations; the translation fees that must be paid to translators who have been made to translate on a trial date or in trial preparations; and the costs for which these persons must be paid or reimbursed;
- (iii) the travel expenses, daily allowances, lodging fees, and remuneration that must be paid to defense counsel pursuant to the provisions of Article 38, paragraph (2) of the Code of Criminal Procedure (Act No. 131 of 1948).

(Travel Expenses for Witnesses and Other Prescribed Persons)

Article 3 (1) There are four types of travel expenses for a witness or other prescribed person: railway fare, boat fare, a fee for distance covered, and airfare; railway fare is paid for travel by land between points where railway service is available; boat fare is paid for travel by water between points where boat service is available; the fee for distance covered is paid for travel by land between points where railway service is unavailable or for travel by water between points where boat service is unavailable; and airfare is paid for travel by air when there are special circumstances requiring the person in question to use an airplane.

(2) Railway fare and boat fare are calculated based on the passenger fare (inclusive of any lighterage or pierage; if a person travels by a train track or

vessel for which there are fare classes, this means the fare for whichever class the court finds to be reasonable up to the mid-level fare class in a three-fare-class classification scheme, or the fare for whichever class the court finds to be reasonable in a two-fare-class classification scheme), express charge (or a limited express charge, for travel of 100 kilometers or more one way on a segment with a train track on which a limited express train runs; or an ordinary express charge or semi-express charge for travel of 50 kilometers or more one way on a segment with a train track on which an ordinary express train or semi-express train runs), special compartment charges or special cabin charges that the court finds to be reasonable to pay, and seat reservation charges (but only for travel of 100 kilometers or more one way on a segment with a train track on which an ordinary express train requiring a seat reservation charge runs, or if the person travels on a segment with a water route on which a vessel requiring a seat reservation charge runs), for the distance covered in a segment of travel; the fee for distance covered is calculated based on the amount that the court establishes within the scope of the amount that the Supreme Court prescribes; and airfare is calculated based on the passenger fare that the person has actually paid.

(Daily Allowance for Witnesses and Other Prescribed Persons)

Article 4 (1) The daily allowance for a witness or other prescribed person is paid according to the number of days needed for an appearance or examination and for travel for an appearance or examination (hereinafter referred to as "appearance or examination and travel").

(2) The amount of a daily allowance is fixed by the court, up to the amount that the Supreme Court prescribes.

(Lodging Fees for Witnesses and Other Prescribed Persons)

Article 5 (1) Lodging fees for a witness or other prescribed person are paid according to the number of nights needed for an appearance or examination and travel.

(2) The amount of lodging fees is fixed by the court, up to the amount that the Supreme Court prescribes for each separate region of lodging.

(Amount of Travel Expenses for Travel by a Witness or Other Prescribed Person Between Japan and a Foreign Country)

Article 6 The amount of travel expenses, daily allowance, and lodging fees for travel by a witness or other prescribed person between Japan (meaning Japan as prescribed in Article 2, paragraph (1), item (iv) of the Act on Travel Expenses for National Public Officers (Act No. 114 of 1950); the same applies hereinafter) and a foreign country (meaning a territory other than Japan

(including international waters)) is based on what the court finds to be reasonable in consideration of the basis for payment prescribed in the preceding three Articles.

(Fees for Expert Evaluation, Interpretation, and Translation)

Article 7 The expert evaluation fee that must be paid to an expert, the interpretation fee that must be paid to an interpreter, the translation fee that must be paid to a translator, and the amount of the costs for which the expert, interpreter, or translator must be paid or reimbursed is based on what the court finds to be reasonable.

(Travel Expenses and Remuneration for Defense Counsel)

Article 8 (1) The provisions of Articles 3 through 5 apply mutatis mutandis to the travel expenses, daily allowance, and lodging fees that must be paid to defense counsel pursuant to the provisions of Article 38, paragraph (2) of the Code of Criminal Procedure; provided, however, that this applies only if defense counsel has appeared on a court date or was present during an examination or disposition; the fare class for calculating any boat fares that are among the travel expenses is based on what the court finds to be reasonable.

(2) The amount of remuneration that must be paid to defense counsel pursuant to the provisions of Article 38, paragraph (2) of the Code of Criminal Procedure is based on what the court finds to be reasonable.

(Calculation of Travel Expenses)

Article 9 The number of days of travel that is used to calculate travel expenses (excluding airfare), daily allowance, and lodging fees is calculated as it would be if the person traveled by the most economical ordinary route and means; provided, however, that if it is difficult to travel by the most economical ordinary route and means due to a natural disaster or other compelling circumstances, this is calculated based the route actually taken and means actually used.

(Deadline for Requesting Payment)

Article 10 The travel expenses, daily allowance, lodging fees, expert evaluation fees, remuneration, and other such payments provided for in Article 2 are not issued if proceedings end in a judicial decision and the person does not request them by the time of that decision, nor are they issued if the proceedings end other than in a judicial decision and the person does not request them by the time of the judicial decision that establishes the bearing of court costs; provided, however, that this does not apply if the person was unable to request

them by that deadline due to compelling circumstances.

(Judges' Authority)

Article 11 (1) If an authorized judge or commissioned judge examines a witness or conducts other such proceedings, the judge in question determines the things that the court is required to determine with regard to payments under the provisions of this Act (excluding Article 8, paragraph (2)); provided, however, that this does not apply if the judge finds it to be inappropriate for the judge to be the one to determine them.

(2) The provisions of the main clause of the preceding paragraph apply mutatis mutandis if a judge other than an authorized judge or commissioned judge examines a witness or conducts other such proceedings.

(Rules of the Supreme Court)

Article 12 Beyond what is provided for in this Act, the Supreme Court makes the necessary provisions concerning the court's implementation of payments to witnesses and other prescribed persons and to defense counsel in criminal proceedings.

**Supplementary Provisions**

This Act comes into effect on the date specified separately by law.

**Supplementary Provisions [Act No. 101 of June 24, 1972]**

- (1) This Act comes into effect on the day after the final day in the seven-day period counting from the date of promulgation.
- (2) Prior laws continue to govern costs incurred before this Act comes into effect.

**Supplementary Provisions [Act No. 10 of March 31, 1979]**

- (1) This Act comes into effect on April 1, 1979.
- (2) Prior laws continue to govern costs incurred before this Act comes into effect.