

# Comprehensive Legal Support Act

(Act No. 74 of June 2, 2004)

## Chapter I General Provisions

(Purpose)

Article 1 Owing to the changes in the social and economic situation at home and abroad, the settlement of disputes based on laws has become increasingly more important. Bearing such in mind, the purpose of this Act shall be to contribute to the formation of a freer and fairer society by providing not only the basic principles, the responsibilities of the national and local government and other basic matters, but also the organization and operation of the Japan Legal Support Center which is the core body of comprehensive support (hereinafter referred to as "comprehensive legal support"), with respect to the implementation and the establishment of systems of comprehensive legal support to further facilitate the use of judicial decisions and other systems for the settlement of disputes based on laws, and to make it easier to receive support from attorneys at law and legal professional corporations, as well as judicial scriveners and other related legal experts and specialists (parties or persons who are not attorneys at law or legal professional corporations but who are authorized to engage in the practice of handling other persons' legal affairs based on laws; the same shall apply hereinafter).

## Chapter II Implementation of Comprehensive Legal Support and the Establishment of Systems

(Basic Principles)

Article 2 The implementation of comprehensive legal support and the establishment of systems shall aim at creating a society in which the provision of information and support necessary to settle disputes based on laws concerning criminal as well as civil cases can be received nationwide pursuant to the provisions of Articles 3 to 7.

(Improvement and Reinforcement for Provision of Information)

Article 3 When implementing comprehensive legal support and establishing systems, conditions and systems shall be improved and strengthened to facilitate the provision of not only information and data necessary to effectively utilize judicial decisions and other systems for settlement of disputes based on laws, but also information and data concerning the business of attorneys at law,

legal professional corporations, and related legal experts and specialists, and the activities of local bar associations, the Japan Federation of Bar Associations, and the associations of related legal experts and specialists (associations which related legal experts and specialists are obligated to establish based on laws or associations which the said associations are obligated to establish based on laws; the same shall apply hereinafter) to enable the prompt and proper settlement of disputes based on laws.

(Maintenance and Development of Civil Legal Aid)

Article 4 When implementing comprehensive legal support and establishing systems, the maintenance and development of civil legal aid must be appropriate, in consideration of the strong public interest nature of civil legal aid, in order to make it easier for persons of limited means to avail themselves of civil court proceedings, etc. (court proceedings in civil cases, family affairs cases or administration cases; the same shall apply hereinafter).

(Securing Conditions and Systems for Appointment of Court-Appointed Defense Counsel et al. and Court-Appointed Attorneys at Law for Victims)

Article 5 When implementing comprehensive legal support and establishing systems, the necessary conditions and systems shall be secured for the prompt and proper appointment of court-appointed defense counsel (defense counsel whom courts, presiding judges or judges appoint for defendants or suspects based on the provision of the Code of Criminal Procedure (Act No. 131 of 1948); the same shall apply hereinafter), official attendants who are attorneys for juveniles (attendants who are attorneys whom courts appoint for juveniles based on the provision of the Juvenile Law (Act No. 168 of 1948); the same shall apply hereinafter), and court-appointed attorneys at law for victims (the attorneys at law for victims provided by paragraph (1) of Article 5 of Law about the protection of victims rights and profit concerning criminal procedures and other subsidiary ones (Act No. 75 of 2000; hereinafer referred to as "Protection Act on Crime Victims.") whom courts appoint based on the provision of paragraph (1) of Article 5 of the Act on the Protection of Crime Victims; the same shall apply hereinafter).

(Improvement of Conditions and Systems for Assistance to Victims and Family Members)

Article 6 When implementing comprehensive legal support and establishing systems, the conditions and systems shall be improved for victims and family members (persons who have suffered injury because of crimes, or their spouses, lineal relatives or siblings in the case of those persons who died or suffered serious physical or mental harm; the same shall apply hereinafter) to enable

appropriate participation in criminal procedures and the full utilization of systems to recover damages or to alleviate the pain of the victim and family members and other systems for assistance.

(Securing and Strengthening Coordination)

Article 7 When implementing comprehensive legal support and establishing systems, coordination and alliances shall be secured and strengthened among the national government, local governments, local bar associations, the Japan Federation of Bar Associations, the associations of related legal experts and specialists, attorneys at law, legal professional corporations and related legal experts and specialists, persons involved in alternative dispute resolution procedures (the alternative dispute resolution procedures provided for in Article 1 of the Act on Promotion of the Use of Alternative Dispute Resolution Procedures (Act No. 151 of 2004); the same shall apply hereinafter in Article 30, paragraph (1), item (vi) and Article 32, paragraph (3)), organizations and other persons providing assistance for victims and family members, organizations providing assistance for the aged or disabled persons and other related persons.

(Responsibility of the National Government)

Article 8 The national government shall have the responsibility of establishing and implementing comprehensive measures for the implementation of comprehensive legal support and the establishment of systems, observing the basic principles under Article 2 (hereinafter referred to as "the Basic Principles").

(Responsibilities of Local Governments)

Article 9 Local governments shall have the responsibility of taking necessary measures to implement comprehensive legal support in that area and to establish a system in consideration of the fact that these measures will contribute to improving the welfare of citizens, bearing in mind the appropriate sharing of roles between the local governments and the national government.

(Responsibilities of the Japan Federation of Bar Associations and Local Bar Associations)

Article 10 (1) The Japan Federation of Bar Associations and local bar associations shall make efforts to provide necessary support for the implementation of comprehensive legal support and the establishment of systems by improving the systems of cooperation between attorneys at law and legal professional corporations which are members of those associations and by other means, by observing the Basic Principles, taking into consideration the

significance of comprehensive legal support and the importance of the mission and duties of attorneys at law.

Attorneys at law and legal professional corporations shall make efforts to provide necessary cooperation for the implementation of comprehensive legal support and the establishment of systems, by observing the Basic Principles, taking into consideration the significance of comprehensive legal support and their own duties.

Related legal experts and specialists and the associations of related legal experts and specialists shall make efforts to provide necessary cooperation for the implementation of comprehensive legal support and the establishment of systems, by observing the Basic Principles, taking into consideration the significance of comprehensive legal support and their own duties.

(Legislative Measures, etc.)

Article 11 The national government shall take legislative or financial measures or other measures as necessary to implement the measures under Article 8.

(Consideration for the Special Characteristics of Duties)

Article 12 When applying this Act, consideration shall always be given to the special characteristics of the duties of attorneys at law and related legal experts and specialists.

### **Chapter III The Japan Legal Support Center**

#### **Section 1 General Rules**

##### **Subsection 1 General Rules**

(Purpose of This Chapter)

Article 13 The organization and operation of the Japan Legal Support Center (hereinafter referred to as the "JLSC") shall be governed by the provisions of this chapter.

(Purpose of the JLSC)

Article 14 The purpose of the JLSC shall be to render promptly and properly support related to comprehensive legal support.

(Juridical Personality)

Article 15 The JLSC shall be a juridical person.

(Office)

Article 16 (1) The principal office of the JLSC shall be located in Tokyo.

In addition to the principal office set forth in the preceding paragraph, the

JLSC may establish offices in necessary places in consideration of the local environment, the efficiency of business and other circumstances.

(Stated Capital)

Article 17 (1) The stated capital of the JLSC shall be the amount of capital to be contributed by the national government at the time of establishment of the JLSC.

The JLSC may increase its stated capital, when necessary, with the approval of the Minister of Justice.

When the JLSC increases its stated capital pursuant to the provision of the preceding paragraph, the national government and local governments (hereinafter collectively referred to as government) may contribute capital.

When the Government contributes capital to the JLSC pursuant to the provision of the preceding paragraph, the Government may designate the purpose of capital contribution as contributions to land, buildings and other fixtures to land (hereinafter collectively referred to as land, etc.).

The value of the land, etc. which is the capital contribution pursuant to the provision of the preceding paragraph shall be a value that has been appraised by the members of the Evaluation Commission of the JLSC based on the market value as of the date of the capital contribution.

Necessary matters for evaluation, including the members of the Evaluation Commission of the JLSC under the preceding paragraph, shall be provided in a Cabinet Order.

No party other than the Government may contribute capital to the JLSC.

(Restriction on Use of the Name)

Article 18 No party other than the JLSC may use the name of the Japan Legal Support Center.

## **Subsection 2 Evaluation Commission of the JLSC**

(Evaluation Commission of the JLSC)

Article 19 (1) An Evaluation Commission of the JLSC (hereinafter referred to as the Evaluation Commission) shall be established within the Ministry of Justice to deal with affairs related to the JLSC.

The Evaluation Commission shall take charge of the following affairs:

- (i) Matters concerning evaluation related to the business performance of the JLSC
- (ii) The handling of other matters that are subject to the authority of the Evaluation Commission based on this Act

The members of the Evaluation Commission shall include more than one judge

who has been recommended by the Supreme Court.

In addition to the provisions of the preceding two paragraphs, the organization, affairs under the jurisdiction and members and other staff of the Evaluation Commission and other necessary matters concerning the Evaluation Commission shall be provided in a Cabinet Order.

### **Subsection 3 Establishment**

(President and Inspectors)

Article 20 (1) The Minister of Justice shall nominate a person to serve as the President and head of the JLSC, and shall nominate persons to serve as the inspectors of the JLSC.

Prior to nominating a person to serve as the President and persons to serve as the inspectors of the JLSC pursuant to the provision of the preceding paragraph, the Minister of Justice shall obtain the opinions of the Supreme Court.

When the Minister of Justice nominates a person to serve as the President and persons to serve as the inspectors of the JLSC pursuant to the provision of paragraph (1), the Minister of Justice shall notify the Supreme Court thereof without delay.

The person designated as the President and persons designated as the inspectors pursuant to the provision of paragraph (1) shall be deemed to have been appointed as the President and the inspectors at the time of establishment of the JLSC pursuant to the provisions of this Act.

The provision of paragraph (1) of Article 24 shall apply mutatis mutandis to the nomination of a person for the position of President under paragraph (1).

(Organizing Committee Members)

Article 21 (1) The Minister of Justice and the Supreme Court shall instruct organizing committee members to handle the affairs related to establishment of the JLSC.

The organizing committee members given instructions by the Supreme Court shall be judges.

When the preparation for the establishment of the JLSC has been completed, the organizing committee members shall notify the Minister of Justice and the Supreme Court thereof without delay, and shall hand over their affairs to the designated person who is to become President pursuant to the provision of paragraph (1) of the preceding Article.

## **Section 2 Organization**

### **Subsection 1 Officers and Staff**

(Officers)

Article 22 (1) A president and two inspectors shall be assigned to the JLSC as officers.

A maximum of three executive directors may be assigned to the JLSC as officers.

In addition to the executive directors set forth in the preceding paragraph, a part-time executive director may be assigned to the JLSC as an officer.

(Duties and Authority of the Officers)

Article 23 (1) The President shall represent the JLSC and preside over the business of the JLSC.

The Executive Director(s) shall assist the President and control the business of the JLSC as governed by the President.

Inspectors shall audit the business of the JLSC.

Inspectors may submit their opinions to the President or the Minister of Justice, as deemed necessary, based on the results of the audit.

When the inspectors submit their opinions under the provision set forth in the preceding paragraph, the Minister of Justice shall notify the Supreme Court of the contents of the opinions without delay.

The Executive Director(s) shall act on behalf of the President, when the President is unable to fulfill his or her duties, as governed by the President. When the post of President becomes vacant, the Executive Director(s) shall fulfill the duties of the President. However, if no Executive Director has been assigned, an inspector shall act or fulfill the duties as above.

In the case referred to in the proviso of the preceding paragraph, the inspector who acts on behalf of the President or fulfills the duties of the President pursuant to the provision of the text of the preceding paragraph shall not fulfill the duties of inspector while the inspector is acting or fulfilling the duties as above.

(Appointment of Officers)

Article 24 (1) The Minister of Justice shall select and appoint a President from candidates who have a high level of knowledge about the affairs and business handled by the JLSC and who are able to manage business properly, fairly and neutrally (excluding judges and public prosecutors or persons who were judges or public prosecutors in the two years prior to the appointment).

The Minister of Justice shall appoint inspectors.

The Minister of Justice shall obtain the opinions of the Supreme Court prior to appointing the President or inspectors pursuant to the provision of the preceding two paragraphs.

The President shall select and appoint the executive director(s) from the

persons provided for in paragraph (1).

When the President appoints the executive director(s) pursuant to the provision of the preceding paragraph, the President shall notify the Minister of Justice thereof and make this public without delay.

When the Minister of Justice appoints a President or inspectors pursuant to the provisions of paragraph (1) or (2), the Minister of Justice shall notify the Supreme Court thereof without delay.

(Term of Office)

Article 25 (1) The term of office of the president shall be four years. The term of office of the executive directors and inspectors shall be two years. However, the term of office of an officer who is appointed to fill a vacancy shall be the remaining term of office of his or her predecessor.

An officer may be re-appointed.

(Dismissal of Officers)

Article 26 (1) The Minister of Justice or the President shall dismiss an officer appointed by either of them when the officer has become ineligible to be an officer pursuant to the provision of Article 22 of the Act on the General Rules as Applied Mutatis Mutandis (the Act on the General Rules of Incorporated Administrative Agencies (Act No. 103 of 1999) which applies mutatis mutandis in Article 48; the same shall apply hereinafter). This shall similarly apply when the President or an Executive Director has become a judge or public prosecutor.

The Minister of Justice or the President may dismiss an officer appointed by either of them when any of the following items applies or when it is deemed to be inappropriate for that officer to remain in his or her position:

- (i) When it is acknowledged that the officer will have difficulty fulfilling his or her duties due to a mental or physical disorder
- (ii) When the officer neglects his or her duties

In addition to the cases provided for by the preceding paragraph, the Minister of Justice or the President may dismiss an officer, when the business performance of the JLSC has deteriorated because the fulfillment of the duties of the officer (excluding inspectors) appointed by either of them is not appropriate and it is recognized that it is inappropriate for the officer to continue fulfilling those duties.

The Minister of Justice shall obtain the opinions of the Supreme Court prior to dismissing the President or an inspector pursuant to the provisions of the preceding two paragraphs.

When the Minister of Justice dismisses the President or an inspector pursuant to the provisions of paragraphs (1) to (3), the Minister of Justice shall notify the



Supreme Court thereof without delay.

When the President dismisses an Executive Director pursuant to the provisions of paragraph (2) or (3), the President shall notify the Minister of Justice thereof and make this public without delay.

(Officers' and Staff's Duty to Preserve Secrecy)

Article 27 The officers and staff of the JLSC shall not divulge secrets that come into their possession in the course of their duties. This shall also apply when they retire or resign from their position.

(Status of Officers and Staff)

Article 28 With respect to application of the Penal Code (Act No. 45 of 1907) and other penal provisions, the officers and staff of the JLSC shall be deemed to be staff engaged in public services based on laws and regulations.

## **Subsection 2 Judging Committee**

(Judging Committee)

Article 29 (1) A Judging Committee shall be established within the JLSC to examine those matters to be judged by giving consideration to the characteristics of the duties of attorneys at law and related legal experts and specialists in particular with respect to its business operations.

The President shall appoint the following persons (limited to persons other than the officers and staff of the JLSC) as members of the Judging Committee (hereinafter referred to as commissioners in this Article).

- (i) One judge recommended by the Supreme Court
- (ii) One public prosecutor recommended by the Prosecutor-General
- (iii) Two attorneys at law recommended by the President of the Japan Federation of Bar Associations
- (iv) Five persons of excellent insight

The term of office of the commissioners shall be two years.

The provisions of the proviso of paragraph (1) and paragraph (2) of Article 25, paragraph (2) of Article 26 and the preceding two Articles shall apply mutatis mutandis to commissioners.

When a commissioner becomes an officer or staff member of the JLSC or loses the qualifications provided for by items (i) to (iii) of paragraph (2), the President shall dismiss that commissioner.

The President shall obtain the opinions of the Supreme Court, the Prosecutor-General or the President of the Japan Federation of Bar Associations prior to dismissing a commissioner who is a judge, public prosecutor or attorney at law pursuant to the provision of paragraph (2) of Article 26 which applies mutatis

mutandis in paragraph (4).

When the President dismisses a commissioner who is a judge, public prosecutor or attorney at law pursuant to the provision of paragraph (2) of Article 26 which applies mutatis mutandis in paragraph (4), the President shall notify the Supreme Court, the Prosecutor-General or the President of the Japan Federation of Bar Associations thereof without delay.

The President shall not decide on the matters shown below unless the Judging Committee passes a resolution thereof:

- (i) Measures to be taken when a complaint is filed concerning the handling of legal affairs by a contract attorney at law et al. (attorneys at law, legal professional corporations and related legal experts and specialists with whom the JLSC has formed a contract concerning the handling of the legal affairs of other persons with respect to the business of the JLSC which are provided by the following Articles; the same shall apply hereinafter), and matters concerning measures to be taken with respect to a contract attorney at law et al. based on said contract (excluding matters determined by the Judging Committee as not being subject to the resolution of the Judging Committee owing to being negligible).
- (ii) Matters concerning the preparation and revision of the rules of the handling of legal affairs provided by paragraph (1) of Article 35.

A chairperson shall be assigned in the Judging Committee, and shall be determined through mutual election by the commissioners.

The chairperson shall preside over the Judging Committee.

### **Section 3 Operation of Business**

#### **Subsection 1 Business**

(Scope of Business)

Article 30 (1) The JLSC shall carry out the following business for comprehensive legal support to achieve the objectives under Article 14.

- (i) The JLSC shall collect and collate the following information and data, offer them for the use of the public through information and communication technologies and other means, or offer them in response to individual requests.
  - (a) Information and data that contribute to the valid use of systems for judicial decisions or other settlements of disputes based on laws
  - (b) Information and data concerning the activities of attorneys at law, legal professional corporations and related legal experts and specialists, and activities of the Japan Federation of Bar Associations and the associations of related legal experts and specialists
- (ii) The business shown below to provide assistance to such citizens or foreign

- nationals lawfully residing in this country (hereinafter collectively referred to as citizens) who are not financially capable of paying the necessary expenses incurred in preparation and performance to exercise their own rights in civil judicial decision proceedings, etc. or who may experience serious financial difficulties if such expenses were to be paid by themselves
- (a) Lending money to pay for attorneys' remuneration for such citizens as may be incurred in the preparation and performance of civil judicial decision proceedings, etc. (including negotiations that are deemed necessary for the settlement of disputes in advance of civil judicial decision proceedings, etc.) and other necessary costs actually incurred in relation to the legal services by such attorneys at law
  - (b) Having an appropriate contract attorney at law et al. handle the affairs, which otherwise would be handled by the attorney at law under (a) above, for persons who have agreed to pay an amount equivalent to the remuneration and costs provided by (a) above instead of the money lent as provided by (a) above
  - (c) Requesting the preparation of documents necessary for civil court proceedings, etc. to persons who are authorized to engage in the practice of preparing, upon request, such documents as may be submitted to the courts based on the Practicing Attorneys at Law Act (Act No. 205 of 1949) and other acts, and lending money to pay to such persons remuneration and other actual costs necessary for the preparation of those documents
  - (d) Having an appropriate contract attorney at law et al. handle the affairs necessary to prepare the documents provided by (c) above for persons who have agreed to pay the JLSC an amount equivalent to the remuneration and other actual costs provided by (c) above instead of the lending of money provided by (c) above.
  - (e) Providing legal consultations (excluding criminal cases) through persons who are authorized to engage in the practice of providing such legal consultations based on the Practicing Attorneys at Law Act and other acts
- (iii) The business shown below related to the appointment of court-appointed defense counsel and official attendants who are attorneys for juveniles based on entrustment by the national government (hereinafter referred to as "court-appointed defense counsel") and court-appointed attorneys at law for victims.
- (a) Nomination of candidates for court-appointed defense counsel et al. from among attorneys at law who have formed contracts on the handling of the affairs of court-appointed defense counsel et al. with the JLSC (hereinafter referred to as "court-appointed contract attorney at law") and have notified the court, presiding judge, or judge thereof at the request of the court, presiding judge or judge

- (b) Notice of such request when requested under the provisions of paragraph (1) of Article 5 of the Act on the Protection of Crime Victims, and sending of the documents submitted under the provisions of paragraph (2) of that Article to the courts
- (c) Nomination of candidates for court-appointed attorneys at law for victims from among attorneys at law who have formed contracts on the handling of the affairs of court-appointed attorneys at law for victims with the JLSC (hereinafter referred to as "contract attorney at law for victims"), and notice to such effect to the court
- (d) Having a court-appointed contract attorney at law et al. appointed as a court-appointed defense counsel based on the notice under (a) above or a court-appointed contract attorney at law for victims appointed based on the notice under (c) above handle the affairs
- (iv) Have an appropriate contract attorney at law handle legal affairs in areas where it is difficult to make a request to attorneys at law, legal professional corporations and related legal experts and specialists because of a shortage or lack of attorneys at law, legal professional corporations and related legal experts and specialists or other circumstances for persons in the area at a reasonable cost
- (v) Collect and arrange the following information and data concerning assistance to victims and family members, and offer information and data for public use via information and communication technologies and other means or offer the information and data respectively in accordance with individual requests. In this case, consideration shall be given to taking necessary measures to ensure that the assistance to victims and family members will be rendered effectively through the introduction of an attorney at law who is well versed in offering assistance to victims and family members.
  - (a) Information and data which contribute to the use of systems for proper participation in criminal proceedings and the recovery of damages and alleviation of the pain of victims, and other systems for assistance.
  - (b) Information and data concerning the activities of organizations and other persons who render assistance to victims and family members.
- (vi) Ensure and strengthen coordination and alliances among the national government, local governments, local bar associations, the Japan Federation of Bar Associations, the associations of related legal experts and specialists, attorneys at law, legal professional corporations and related legal experts and specialists, persons involved in alternative dispute resolution procedures, organizations and other persons providing assistance to victims and family members, organizations providing assistance for the aged or disabled persons and other related persons
- (vii) Conduct seminars and training concerning the business of the JLSC

(viii) Performance of business incidental to the business under one of the preceding items

The JLSC may handle not only the business provided for in the preceding paragraph but also the following business for assistance to victims and family members as entrusted by the national government, local governments, public interest incorporated associations or public interest incorporated foundations, and other non-profit juridical persons, or international organizations pursuant to the provision of the statement of operation procedures provided for by the provision of paragraph (1) of Article 34 to the extent that this does not hinder the performance of the business under the preceding paragraph.

(i) Have a contract attorney at law et al. handle legal affairs related to the said entrustment

(ii) Perform business incidental to the business provided by the preceding item

The JLSC shall not take this to mean that the JLSC may handle affairs which the JLSC may have a contract attorney at law et al. handle as business under the preceding two paragraphs.

(Pertinence of Business)

Article 31 The business under items (i), (ii), (iv) and (v) of paragraph (1) and item (i) of paragraph (2) of the preceding Article shall be performed to the extent that it is recognized as contributing to the realization of the rights of persons who gain benefits from it.

(Duties of the JLSC, etc.)

Article 32 (1) The JLSC shall give consideration to make the business provided for in the preceding Article more convenient for persons requiring it, and shall endeavor to establish a system of integrated operation and uniform implementation throughout the country with respect to the business under items (ii) and (iii) of paragraph (1) of Article 30.

When the persons provided for in the preceding paragraph are the elderly, the disabled or the like and find it difficult to request the provision of information and support necessary for the settlement of disputes based on the acts, the JLSC shall give special consideration to make it easier for them to utilize the support of the JLSC provided by the preceding Article.

When operating the business under items (i), (iv) and (v) of paragraph (1) and item (i) of paragraph (2) of Article 30, the JLSC shall operate its business to supplement the measures concerning comprehensive legal support of local governments, local bar associations, the Japan Federation of Bar Associations, the associations of related legal experts and specialists, attorneys at law, legal professional corporations and related legal experts and specialists, persons involved in alternative dispute resolution procedures, organizations and other

persons providing assistance for victims and family members, organizations providing assistance for the elderly or disabled persons and other related persons through coordination and cooperation with their activities

When operating business in respective areas, the JLSC shall endeavor according to the actual conditions of the areas to refer to the opinions of users and other related persons through holding council meetings, etc.

A local government may offer necessary cooperation to the JLSC for the business provided for by Article 30 which is performed in its area.

When operating business, the JLSC may request local bar associations, the Japan Federation of Bar Associations and the associations of related legal experts and specialists to cooperate including the offering of necessary opinions

(Independence of the Duties of Contract Attorneys at Law, et al.)

Article 33 (1) A contract attorney at law et al. shall independently fulfill his or her duties for those affairs which the JLSC has the contract attorney at law et al. handle as affairs under paragraph (1) or (2) of Article 30.

The JLSC and a contract attorney at law et al. shall explain the independence of the duties of contract attorneys provided by the preceding Article in an easily comprehensible way to those persons for whom the JLSC and the contract attorney at law et al. handle their legal affairs.

(Statement of Operation Procedures)

Article 34 (1) When commencing business, the JLSC shall prepare a statement of operation procedures and obtain the approval of the Minister of Justice. This shall similarly apply when the statement of operation procedures is revised.

The matters shown below and other matters provided for by an Ordinance of the Ministry of Justice shall be included in the statement of operation procedures under the preceding paragraph.

(i) With respect to the business under item (ii) of paragraph (1) of Article 30 and business incidental to it (hereinafter collectively referred to as "civil legal aid business"), matters pertaining to offers for civil legal aid and methods for judgment thereof, matters pertaining to the criteria for the remuneration and other actual costs for the lending provided by (a) and (c) of the said item and their reimbursement, and matters pertaining to the payment of an amount equivalent to the remuneration and other actual costs provided by (b) and (d) of the said item. In this case, the amount of the remuneration shall be a reasonable one that takes into account the purpose of the civil legal aid business, which is to provide broad support to citizens, etc. as provided by the same items.

(ii) With respect to business provided for by item (iii) of paragraph (1) of Article 30 and business incidental to the said business, matters concerning

contracts with attorneys at law, matters concerning the nomination of candidates for court-appointed defense counsel et al. and court-appointed attorneys at law for victims and notice to the courts, matters concerning the cooperation provided for by paragraph (4) of Article 39, paragraph (3) of Article 39-2 and paragraph (3) of Article 39-3, and matters concerning the management of accounts provided for by item (i) of Article 43.

(iii) With respect to the business under paragraph (2) of Article 30, matters concerning the contents of the business to be performed under the entrustment

The Minister of Justice shall obtain the opinions of the Supreme Court and the Evaluation Commission prior to giving the approval under paragraph (1).

When the Minister of Justice gives the approval under paragraph (1), the Minister of Justice shall notify the Supreme Court thereof without delay.

When the JLSC obtains the approval under paragraph (1), the JLSC shall publicly release the statement of operation procedures.

When the Minister of Justice finds that the statement of operation procedures approved by the Minister of Justice under paragraph (1) is no longer appropriate for providing services properly and reliably, the Minister of Justice may order a revision of the statement of operation procedures.

(Rules for the Handling of Legal Affairs)

Article 35 (1) The JLSC shall establish the rules for the handling of legal affairs to be handled by contract attorneys at law et al. (hereinafter referred to as the rules for the handling of legal affairs) and shall obtain the approval of the Minister of Justice prior to the commencement of the business provided for by Article 30. This shall apply similarly when the rules for the handling of legal affairs are revised.

The rules for the handling of legal affairs shall contain matters concerning the criteria for the handling of legal affairs by contract attorneys at law et al., matters concerning measures to be taken if contract attorneys at law et al. violate their duties stipulated by the contract and other matters provided for by an Ordinance of the Ministry of Justice.

The provisions of paragraphs (3) to (6) of the preceding Article shall apply mutatis mutandis to the rules for the handling of legal affairs.

(Contract Concerning Affairs Handled by Court-Appointed Defense Counsel et al. and Court-Appointed Attorneys at Law for Victims)

Article 36 (1) The JLSC shall stipulate the contract concerning the affairs handled by court-appointed defense counsel et al. and court-appointed attorneys at law for victims prior to the commencement of the business provided for by item (iii) of paragraph (1) of Article 30, and shall obtain the

Minister of Justice's approval for the contract. This shall apply similarly when the contract is revised.

The contract provided by the preceding paragraph shall contain matters concerning cases for which court-appointed defense counsel et al. and court-appointed attorneys at law for victims handle affairs, matters concerning the nomination of candidates for court-appointed defense counsel et al. and court-appointed attorneys at law for victims and notice to the courts, matters concerning demands for the payment of remuneration and expenses, matters concerning the criteria for calculation of remuneration and expenses and payment, matters concerning the cancellation of contracts and measures to be taken if the duties based on the said contract are violated, and other matters provided for by an Ordinance of the Ministry of Justice.

Matters necessary to establish the criteria for calculation of remuneration and expenses provided for in the preceding paragraph shall be provided by an Ordinance of the Ministry of Justice.

The provisions of paragraphs (3) to (6) of Article 34 shall apply mutatis mutandis to the contract under paragraph (1).

When the JLSC forms a contract with attorneys at law concerning the handling of affairs by court-appointed defense counsels et al. and court-appointed attorneys at law for victims, which stipulates remuneration and expenses to be paid according to the cases handled, the conditions of the contract shall be based on the contract approved as under paragraph (1).

(Notice of the Name and Other Matters of the Court-Appointed Contract  
Defense Counsel et al. and Contract Attorneys at Law for Victims)

Article 37 The JLSC shall notify the name, the address of the office, and other matters provided for by an Ordinance of the Ministry of Justice of the court-appointed contract defense counsels et al. and court-appointed contract attorneys at law for victims to the related courts and local bar associations to which the said counsel and attorneys at law belong with respect to the business provided for in item (iii) of paragraph (1) of Article 30. This shall similarly apply when the name, address and matters are revised.

(Nomination and Notice of Candidates for Court-Appointed Defense Counsel, et al.)

Article 38 (1) When a court-appointed defense counsel et al. is to be appointed based on the provisions of the Code of Criminal Procedure or the Juvenile Law, the court, presiding judge or judge shall request the JLSC to nominate and notify candidates for court-appointed defense counsel et al.

When requested as under the provision set forth in the preceding paragraph, the JLSC shall nominate candidates for court-appointed defense counsel et al.



out of the court-appointed contract defense counsel and notify the court, presiding judge or judge thereof.

When a court-appointed contract defense counsel is appointed as court-appointed defense counsel et al. the JLSC shall have the court-appointed contract defense counsel handle the affairs of the court-appointed defense counsel et al. pursuant to the provisions of the contract concerned.

(Nomination and Notice of Candidates for Court-Appointed Attorneys at Law for Victims)

Article 38-2 (1) When the JLSC nominates candidates for court-appointed contract attorneys at law for victims based on the provisions of the Act on the Protection of Crime Victims, the JLSC shall nominate them from among contract attorneys at law for victims.

When a contract attorney at law for victims is appointed as a court-appointed attorney at law for victims, the JLSC shall have the contract attorney at law for victims handle the affairs of the court-appointed attorney at law for victims pursuant to the provisions of the contract.

(Special Provisions Concerning the Right to Demand Payment of Remuneration of a Court-Appointed Defense Counsel.)

Article 39 (1) When a court-appointed contract defense counsel et al. is appointed as a court-appointed defense counsel, the provision of paragraph (2) of Article 38 of the Code of Criminal Procedure shall not apply.

In the case referred to in the preceding paragraph, when a person provided for by one of the items of Article 2 of the Act on the Costs, etc. of the Code of Criminal Procedure (Act No. 41 of 1971) or a person provided for in one of the following items is appointed as a court-appointed defense counsel, the expenses provided for by each item incurred for the court-appointed defense counsel shall become the costs for the criminal proceedings.

(i) A court-appointed contract defense counsel et al. who has formed a contract that provides remuneration and expenses for each case: said remuneration and expenses

(ii) A court-appointed contract defense counsel et al. other than the court-appointed contract defense counsel et al. provided for by the preceding item: travel expenses, daily allowance, accommodation charges and remuneration the amount of which is decided by the court based on the examples under paragraph (2) of Article 38 of the Code of Criminal Procedure

When a court-appointed contract attorney at law et al. provided for by item (ii) of the preceding paragraph is appointed as a court-appointed defense counsel and the amount of expenses under the said item is not indicated in a court judicial decision ordering the payment of costs for criminal proceedings, irrespective of

the provision of Article 188 of the Code of Criminal Procedure, the court shall calculate the amount based on a claim made by a public prosecutor who shall direct the execution. In this case, the necessary matters for the procedure for the calculation shall be provided by the Supreme Court Regulations.

In the case referred to in paragraph (1), the court or a public prosecutor may request the JLSC to offer necessary cooperation for the calculation or approximate calculation of the amount of the costs for the criminal proceedings with regard to the court-appointed defense counsel.

In the case referred to in paragraph (1), at the request of the defendant or suspect who will pay in advance the estimated amount of costs for the criminal proceedings pursuant to the provision of Article 500-2 of the Code of Criminal Procedure, the JLSC shall notify the defendant or suspect of the expected amount of costs for the criminal proceedings with regard to the court-appointed defense counsel.

(Special Provisions Concerning the Right to Demand Payment of Remuneration, etc. of an Official Attendant Who is an Attorney for Juveniles)

Article 39-2 (1) When a court-appointed contract attorney at law et al. is appointed as an official attendant who is an attorney for juveniles, the provision of paragraph (4) of Article 22-3 of the Juvenile Law shall not apply.

In the case referred to in the preceding paragraph, with respect to the application of Article 31 of the Juvenile Law, when a person under the provision of paragraph (1) of that Article or a person under one of the following items is appointed as an official attendant who is an attorney for juveniles, the expense under each item for the official attendant who is an attorney for juveniles shall become the expenses under the same paragraph.

(i) A court-appointed contract attorney at law et al. who has formed a contract that provides remuneration and expenses for each case: said remuneration and expenses

(ii) A court-appointed contract attorney at law et al. other than the court-appointed contract attorney at law et al. provided for by the preceding item: travel expenses, daily allowance, accommodation charges and remuneration the amount of which is decided by the court based on the examples under paragraph (4) of Article 22-3 of the Juvenile Law

In the case referred to in paragraph (1), the court may request the JLSC to offer necessary cooperation for the calculation of the amount of expenses for an official attendant who is an attorney for juveniles.

(Special Provisions Concerning the Right to Demand Payment of Remuneration, etc. of a Court-Appointed Attorney at Law for Victims)

Article 39-3 (1) When a contract attorney at law for victims is appointed as a

court-appointed attorney at law for victims, the provision of paragraph (4) of Article 8 of the Act on the Protection of Crime Victims shall not apply.

In the case referred to in the preceding paragraph, with respect to the application of the provision of paragraph (1) of Article 11 of the Act on the Protection of Crime Victims, when a person provided for by the same paragraph or a person under one of the following items is appointed, the expenses under each item for the said court-appointed attorney at law for victims shall be the travel expenses, daily allowance, accommodation charges and remuneration under the same paragraph.

- (i) A contract attorney at law for victims who has formed a contract that provides remuneration and expenses for each case: said rewards and expenses
- (ii) A contract attorney at law for victims other than the contract attorney at law for victims provided for by the preceding item: travel expenses, daily allowance, accommodation charges and remuneration the amount of which is decided by the court based on the examples under paragraph (4) of Article 8 of the Act on the Protection of Crime Victims

In the case referred to in paragraph (1), the court may request the JLSC to offer necessary cooperation for the calculation of the amount of expenses for a court-appointed attorney at law for victims.

## **Subsection 2 Mid-term Objectives**

(Mid-term Objectives)

Article 40 (1) The Minister of Justice shall set out the objectives (hereinafter referred to as the Mid-term Objectives) for the operation of business which the JLSC should achieve during a period of not less than three years and not more than five years, direct the objectives to the JLSC and make the objectives public. This shall apply similarly when the objectives are revised.

The following matters shall be provided in the Mid-term Objectives:

- (i) Period for the Mid-term Objectives (a period which the Minister of Justice will determine within the period set forth in the preceding paragraph; the same shall apply hereinafter)
- (ii) Matters concerning measures to promote comprehensive legal support
- (iii) Matters concerning improvement of the efficiency of the operation of business
- (iv) Matters concerning the improvement of the qualities of provided services and other business
- (v) Matters concerning the improvement of financial conditions
- (vi) Other important matters concerning the operation of business

When the Minister of Justice sets out or revises the Mid-term Objectives, the

Minister of Justice shall obtain the opinions of the Supreme Court and the Evaluation Commission in advance.

When the Minister of Justice sets out or revises the Mid-term Objectives pursuant to the provision of paragraph (1), the Minister of Justice shall notify the Supreme Court thereof without delay.

(Mid-term Plan)

Article 41 (1) When the JLSC is directed as under paragraph (1) of the preceding Article, the JLSC shall draw up a plan (hereinafter referred to as the Mid-term Plan) to achieve the Mid-term Objectives pursuant to the provision of an Ordinance of the Ministry of Justice based on the Mid-term Objectives, and shall obtain the approval of the Minister of Justice. This shall apply similarly when the Mid-term Plan is revised.

The following matters shall be provided in the Mid-term Plan:

- (i) Measures to be taken to achieve objectives concerning measures to promote comprehensive legal support
- (ii) Measures to be taken to achieve objectives concerning the efficiency of business operations
- (iii) Measures to be taken to achieve objectives concerning the improvement of the quality of provided services and other business
- (iv) Budget (including an estimate of personnel expenses), revenue and expenditure plan and funding plan
- (v) Limit on the amount of short-term borrowing
- (vi) Plan for the transfer of important assets and placing of a security on important assets, if any
- (vii) Use of surpluses
- (viii) Other matters concerning the operation of business as provided in an Ordinance of the Ministry of Justice

The Minister of Justice shall obtain the opinions of the Supreme Court and the Evaluation Commission prior to giving the approval under paragraph (1).

When the Minister of Justice gives the approval under paragraph (1), the Minister of Justice shall notify the Supreme Court thereof without delay.

When the Minister of Justice acknowledges that the Mid-term Plan approved as under paragraph (1) is no longer appropriate for the proper and steady implementation of the matters under items (ii) to (vi) of paragraph (2) of the preceding Article, the Minister of Justice may order the revision of the Mid-term Plan.

When the JLSC obtains the approval under paragraph (1), the JLSC shall make public the approved Mid-term Plan without delay.

(Period for the Mid-term Plan and Examination at the Expiration of the

Period)

Article 42 (1) At the expiration of the period for the Mid-term Objectives of the JLSC, the Minister of Justice shall examine the necessity of continuing the business of the JLSC, the suitability of the organization of the JLSC and other general matters concerning its organization and business, and shall take necessary measures based on the results of the examination.

When making the examination under the provision set forth in the preceding paragraph, the Minister of Justice shall take into account the importance of the implementation of comprehensive legal support and the establishment of systems.

When the Minister of Justice makes the examination as under the provision of paragraph (1), the Minister of Justice shall obtain the opinions of the Supreme Court and the Evaluation Commission.

The Council provided by paragraph (3) of Article 32 of the Act on the General Rules may make recommendations to the Minister of Justice on the revision or abolition of the major work and business of the JLSC at the expiration of the period of the Mid-term Objectives.

When the Minister of Justice receives the recommendations set forth in the preceding paragraph, the Minister of Justice shall notify the Supreme Court of the contents of the recommendations.

#### **Section 4 Finance and Accounting**

(Separate Accounting)

Article 43 The JLSC shall organize the accounting and establish and keep accounts according to the type of business, as under the following items.

- (i) The business under item (iii) of paragraph (1) of Article 30 and the business incidental to said business
- (ii) Business other than the business provided for by the preceding item

(Financial statements, etc.)

Article 44 (1) The JLSC shall prepare a balance sheet, profit and loss statement, documents concerning the disposal of profit and losses, other documents provided for in an Ordinance of the Ministry of Justice, and a detailed statement (hereinafter referred to as the Financial Statements) for every business year, submit them to the Minister of Justice within three months of the end of every business year and obtain the approval of the Minister of Justice.

When the JLSC submits the Financial Statements to the Minister of Justice pursuant to the provision of the preceding paragraph, the JLSC shall attach a business report for the business year in question and a settlement of accounts prepared in accordance with the budget category, as well as the written opinions

of inspectors and an accounting auditor on the Financial Statements and the settlement of accounts.

The Minister of Justice shall obtain the opinions of the Evaluation Commission prior to approving the Financial Statements pursuant to the provisions of paragraph (1).

When the JLSC obtains the approval provided for by paragraph (1), the JLSC shall officially announce the Financial Statements in the Official Gazette without delay, keep the Financial Statements, the business report and the settlement of accounts under paragraph (2) and documents stating the opinions of the inspectors and the accounting auditor at each office, and provide them for public inspection during the period provided for in an Ordinance of the Ministry of Justice.

(Treatment of Profit and Loss)

Article 45 (1) When a profit is generated based on the profit and loss calculation of the respective accounts under Article 43 for a business year, the JLSC shall offset the loss brought forward from the previous business year. Thereafter, if there is any surplus, the amount of the surplus shall be kept as a reserve. However, this shall not apply when the surplus of the account for business under item (ii) of Article 43 is assigned for use under the provisions of paragraph (3), based on the provision of paragraph (3).

When a loss is incurred based on the profit and loss calculation of the respective accounts under Article 43 for a business year, the JLSC shall keep the accounts by reducing the amount of the reserve funds based on the provision set forth in the preceding paragraph. Thereafter, if there is any shortage, the amount of the shortage shall be booked as a loss carried forward.

When the surplus provided by paragraph (1) is present in the account for business under item (ii) of Article 43, the JLSC may assign all or part of the surplus for the use of the surplus under item (vii) of paragraph (2) of Article 41 in the Mid-term Plan approved under paragraph (1) of Article 41 (when the Mid-term Plan is revised under the provisions of the latter part of paragraph (1) of Article 41, the Mid-term Plan after revision. Hereinafter simply referred to as the Mid-term Plan) with the approval of the Minister of Justice.

The Minister of Justice shall obtain the opinions of the Evaluation Commission prior to giving the approval set forth in the preceding paragraph.

(Disposition of Reserve Funds)

Article 46 (1) When, with respect to the account for business under item (ii) of Article 43, there are any reserve funds under the provision of paragraph (1) of the preceding Article after settlement of the account based on the provisions of paragraph (1) or (2) of the preceding Article for the last business year during

the period of the Mid-term Plan, the JLSC may assign all or part of the amount of the reserve funds approved by the Minister of Justice for funds for the business provided by Article 30, which is business other than the business under item (iii) of paragraph (1) of Article 30 and incidental business, for the period for the Mid-term Objectives that follows the above Mid-term Plan, pursuant to the provision of the said Mid-term Plan that follows the above Mid-term Plan.

When, with respect to the account for business under item (i) of Article 43, there are any reserve funds under the main clause of paragraph (1) of the preceding Article after settlement of the account based on the provisions of paragraph (1) or (2) of the preceding Article for the last accounting term during the period for the Mid-term Objectives, the JLSC shall assign an amount equivalent to the amount of the reserve funds for funds of business under item (iii) of paragraph (1) of Article 30 and business incidental to the said business in and after the following business year .

The Minister of Justice shall obtain the opinions of the Evaluation Commission prior to giving the approval under paragraph (1).

When there is any surplus after deducting the amount approved as under the provision of paragraph (1) from an amount equivalent to the amount of the reserve funds under the provision of paragraph (1), the JLSC shall pay the amount of the surplus to the capital contributors according to the amount of capital contribution.

In addition to the provisions of the preceding paragraphs, necessary matters concerning the procedure for payment and the disposition of reserve funds, etc. shall be provided by a Cabinet Order.

(Borrowing, etc.)

Article 47 (1) The JLSC may borrow short-term funds within the limit of the amount of short-term borrowing under item (v) of paragraph (2) of Article 41, which is provided in the Mid-term Plan. However, when the approval of the Minister of Justice is obtained for compelling reasons, short-term funds exceeding the limit of the amount may be borrowed.

The short-term borrowing under the provision of the preceding paragraph shall be reimbursed within the business year in question. However, when the short-term borrowing cannot be reimbursed because of a lack of funds, only the amount that cannot be reimbursed may be borrowed again with the approval of the Minister of Justice.

Short-term borrowing which is borrowed again based on the provision of the proviso of the preceding paragraph shall be reimbursed within one year.

The Minister of Justice shall obtain the opinions of the Evaluation Commission prior to giving the approval under the provision of the proviso of paragraph (1) or

the proviso of paragraph (2).

The JLSC shall neither borrow long-term funds nor issue bonds.

### Section 5 Miscellaneous Provisions

(Application Mutatis Mutandis of the Provisions of the Act on the General Rules for Incorporated Administrative Agencies)

Article 48 Article 3, Article 8, paragraph (1), Article 9, Article 11, Article 16, Article 17, Article 22, Articles 24 to 26 inclusive, Articles 31 to 34 inclusive, Article 36, Article 37, Articles 39 to 43 inclusive, Articles 46 to 50, Article 52, Article 53, Article 61 and Articles 63 to 66 inclusive of the Act on the General Rules for Incorporated Administrative Agencies shall apply mutatis mutandis to the JLSC. In this case, the term "competent minister" in these provisions shall be deemed to be replaced with "Minister of Justice", the term "ordinance of the competent ministry" shall be deemed to be replaced with "Ordinance of the Ministry of Justice", the terms "evaluation commission" and "said evaluation commission" shall be deemed to be replaced with "Evaluation Commission of the Japan Legal Support Center" and the terms listed in the middle column of the following table in the provisions given in the left-hand column of the same table shall be respectively deemed to be replaced with the terms in the right-hand column of the same table.

Provisions of the Act on the General Rules for Incorporated Administrative Agencies whose terms shall be replaced	Terms to be replaced	Terms to be inserted
Article 3, paragraph 3	the Acts Governing Individual Incorporated Administrative Agencies	the Comprehensive Legal Support Act (Act No. 74 of 2004)
Article 16	Article 14, paragraph 1	Article 20, paragraph 1 of the Comprehensive Legal Support Act
	the Head of the Juridical Person	the President
	paragraph 2 of the preceding Article	Article 21, paragraph 3 of the same Act
Articles 24 to 26 inclusive	the Head of the Juridical Person	the President



Article 31, paragraph 1	paragraph 1 of the preceding Article	Article 41, paragraph 1 of the Comprehensive Legal Support Act
	the Mid-term Plan	the mid-term plan provided by the same paragraph (hereinafter referred to as "Mid-term Plan")
Article 31, paragraph 2	prior to commencement of each business year, .... approved under paragraph 1 of the preceding Article	prior to commencement of each business year, .... provided by the same paragraph approved under paragraph 1 of Article 41 of the Comprehensive Legal Support Act
	after obtaining the approval under paragraph 1 of the preceding Article	after obtaining the approval under Article 41, paragraph 1 of the Comprehensive Legal Support Act
Article 33	the Period for the Mid- term Objectives	the period for the mid-term objectives provided by Article 40, paragraph 1 of the Comprehensive Legal Support Act (hereinafter referred to as "Mid-term Objectives") (the period determined by the Minister of Justice within the period under the same paragraph; the same shall apply hereinafter)
Article 39	An Incorporated Administrative Agency (excluding an Incorporate Administrative Agency the amount of whose capital or whose operation size in other respects does not meet the standards specified by a Cabinet Order)	The Japan Legal Support Center
	the Financial Statements	the financial statements provided by Article 44, paragraph 1 of the Comprehensive Legal Support Act (hereinafter referred to as "Financial Statements")
Article 42	Article 38, paragraph 1	Article 44, paragraph 1 of the Comprehensive Legal Support Act

Article 48, paragraph 1	the Mid-term Plan	the Mid-term Plan provided by Article 45, paragraph 3 of the Comprehensive Legal Support Act (hereinafter simply referred to as the "Mid-term Plan")
	Article 30, paragraph 2, item 5	Article 41, paragraph 2, item 6 of the same Act
Article 50	.... in this Act and Cabinet Orders based on this Act	.... in this Act, the Comprehensive Legal Support Act and Cabinet Orders based on these Acts
Article 52, paragraph 3	the business performance, the estimated personnel costs under Article 30, paragraph 2, item 3	the business performance
Article 64, paragraph 1	this Act	the Comprehensive Legal Support Act
Article 65, paragraph 1	this Act, the Acts Governing Individual Incorporated Administrative Agencies	the Comprehensive Legal Support Act

(Consultation with the Minister of Finance)

Article 49 The Minister of Justice shall consult with the Minister of Finance in the following cases:

- (i) When intending to grant the approval under Article 36, paragraph (1), Article 41, paragraph (1), the proviso to Article 47, paragraph (1) or the proviso to Article 47, paragraph (2) of this Act or Article 48, paragraph (1) of the Act on the General Rules as Applied Mutatis Mutandis
- (ii) When intending to set out or revise the Mid-term Objectives pursuant to the provisions of Article 40, paragraph (1)
- (iii) When intending to grant the approval under Article 45, paragraph (3) or Article 46, paragraph (1)
- (iv) When intending to make the designation under the provision of Article 47, item (i) or (ii) of the Act on the General Rules as Applied Mutatis Mutandis

(Application Mutatis Mutandis of Other Laws and Regulations)

Article 50 The Basic Act on Intellectual Property (Act No. 122 of 2002) and other laws and regulations pursuant to the provision of a Cabinet Order shall be applied mutatis mutandis by deeming the JLSC to be the State or the Incorporated Administrative Agency provided by Article 2, paragraph (1) of the Act on the General Rules for Incorporated Administrative Agencies.

(Delegation to Ordinances of the Ministry of Justice)

Article 51 In addition to those matters provided for in this Act, necessary matters for enforcement of this Act shall be provided by Ordinances of the Ministry of Justice.

#### **Chapter IV Penal Provisions**

Article 52 Any person who, in violation of the provision of Article 27 (including cases where it is applied mutatis mutandis pursuant to Article 29, paragraph (4)), has divulged a secret shall be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

Article 53 Any officer or employee of the JLSC who has failed to make a report under the provisions of Article 64, paragraph (1) of the Act on the General Rules as Applied Mutatis Mutandis or has made a false report, or who has refused, obstructed or avoided an inspection under the provisions of the same paragraph shall be punished by a fine of not more than 300,000 yen.

Article 54 Any officer of the JLSC who has committed a violation that falls under any of the following items shall be punished by a non-penal fine of not more than 200,000 yen:

- (i) Failing to obtain approval when the approval of the Minister of Justice should have been obtained pursuant to the provisions of this Act or the Act on the General Rules as Applied Mutatis Mutandis
- (ii) Failing to give notice or giving false notice when notice should have been given to the Minister of Justice pursuant to the provisions of this Act or the Act on the General Rules as Applied Mutatis Mutandis
- (iii) Failing to give public notice or giving a false public notice when a public notice should have been given pursuant to the provisions of this Act or the Act on the General Rules as Applied Mutatis Mutandis
- (iv) Operating business other than the business provided by Article 30
- (v) Violating an order of the Minister of Justice under the provisions of Article 34, paragraph (6) (including cases where it is applied mutatis mutandis pursuant to Article 35, paragraph (3) or Article 36, paragraph (4)) or Article 41, paragraph (5)
- (vi) Failing to keep or provide Financial Statements, a business report, a settlement of accounts or documents containing the opinions of the inspector(s) and the accounting auditor(s) for public inspection in violation of the provisions of Article 44, paragraph (4)
- (vii) Failing to complete registration in violation of the Cabinet Order under the provisions of Article 9, paragraph (1) of the Act on the General Rules as

Applied Mutatis Mutandis

- (viii) Failing to submit a business report under the provisions of Article 33 of the Act on the General Rules as Applied Mutatis Mutandis or submitting a business report without information that should have been included therein or including false information
- (ix) Utilizing surplus funds of the business, in violation of the provisions of Article 47 of the Act on the General Rules as Applied Mutatis Mutandis
- (x) Failing to make a report under the provisions of Article 65, paragraph (2) of the Act on the General Rules as Applied Mutatis Mutandis or making a false report

Article 55 Any person who has violated the provisions of Article 18 shall be punished by a non-penal fine of not more than 100,000 yen.

### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the day of promulgation; provided, however, that the provisions listed in the following items shall come into force from the dates provided respectively in those items:

- (i) The provisions of Chapter III (excluding Subsection 1 and Subsection 3 of Section 1, Article 30, Article 31, Article 33, Articles 37 to 39 inclusive, Article 48 [limited to the parts where Article 3, Article 8, paragraph (1), Article 11, Article 16 and Article 17 of the Act on the General Rules as applied mutatis mutandis are applied mutatis mutandis] and Article 51) and Chapter IV (excluding Article 54, item (iv) and Article 55) of this Act and Articles 11 to 15 inclusive, Article 17 (excluding the provisions revising Article 4, item (xxx) of the Act for Establishment of the Ministry of Justice [Act No. 93 of 1999]), Article 18 and Article 19: a date specified by a Cabinet Order within a period not exceeding two years from the day of promulgation
- (ii) The provisions of Article 30, Article 31, Article 33, Articles 37 to 39 inclusive and Article 54, item (iv) of this Act and Article 6 and Article 8 of the Supplementary Provisions: a date specified by a Cabinet Order within a period not exceeding two years and six months from the day of promulgation
- (iii) The provisions of Article 10 of the Supplementary Provisions: the date specified in item (i) or the day of the enforcement of the Act for Partial Revision of the Administrative Case Litigation Act (Act No. 84 of 2004) whichever comes later

(Preparations)

Article 2 After its establishment, the JLSC may engage in the necessary

preparations for operating the business provided for by Article 30 even prior to enforcement of the provisions of the same Article.

(Succession to Rights and Obligations)

Article 3 At the time of its establishment, the JLSC shall succeed to the rights and obligations which were held by the State at the time of establishment and provided for by Cabinet Orders with regard to the preparations for the business provided for by Article 30.

(Use of National Property without Charge)

Article 4 The Chief Justice of the Supreme Court may have the JLSC use without charge and for its own purpose the national property which was provided for the affairs concerning payment of travel expenses, daily allowances, accommodation charges and remuneration for court-appointed defense counsel et al. as of the commencement of business under Article 30, paragraph (1), item (iii), pursuant to the provisions of a Cabinet Order.

(Transitional Measure Concerning the Restriction on Use of the Name)

Article 5 The provisions of Article 18 shall not apply to any person who was using the name "Japan Legal Support Center" as of the time of enforcement of this Act, for a period of six months from the promulgation of this Act.

(Abolition of the Civil Legal Aid Act)

Article 6 The Civil Legal Aid Act (Act No. 55 of 2000) shall be abolished.

(Transfer from the Japan Legal Aid Association)

Article 7 (1) The Japan Legal Aid Association (hereinafter referred to as the "JLAA") may, pursuant to the provisions of its act of endowment, propose to the organizing committee members or the JLSC that the JLSC should succeed to those rights and obligations which were held by the JLAA as of the time of abolition of the Civil Legal Aid Act and which the JLAA assumed in the course of performing civil legal support business.

When a proposal under the provisions set forth in the preceding paragraph has been made, the organizing committee members or the JLSC shall file an application for the approval of the Minister of Justice without delay.

When the approval under the preceding paragraph has been granted, the rights and obligations pertaining to the proposal under the provisions of paragraph (1) shall be transferred to the JLSC at the time of abolition of the Civil Legal Support Act.

(Transitional Measure Concerning Penal Provisions in Line with Abolition of

the Civil Legal Aid Act)

Article 8 With regard to the application of the penal provisions of the Civil Legal Aid Act to acts committed prior to the enforcement of the provisions of Article 6 of the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 9 In addition to those matters that are provided for in Articles 2 to 5 inclusive of the Supplementary Provisions and the preceding two Articles, the necessary transitional measures in line with the abolition of the Civil Legal Support Act and any other necessary transitional measures with regard to the promulgation of this Act shall be provided by Cabinet Orders.