

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

Ordinance for Enforcement of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers

(昭和六十二年三月六日法務省令第七号)

(Ordinance of the Ministry of Justice 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 Item ii of Article 2, Paragraphs (1) and (2) of Article 9, Paragraph 2 of Article 17 and Article 62 of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), the Ordinance for Enforcement of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers is enacted as follows.

(連邦国家及びその構成単位)

(Federal States and their Constituent Units)

第一条 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（以下「法」という。）第二条第二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 as stipulated by the Ordinance of the Ministry of Justice pursuant to item ii of Article 2 of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (hereinafter referred to as the "Act") shall be as described in the left column of the Appended Table and their constituent units shall be as described in the right column of the Said Appended Table.

(承認の申請)

(Application for Approval)

第二条 法第七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 2 In applying for approval provided for in Article 7 of the Act (hereinafter referred to as "Approval"), a person who intends to obtain such an Approval shall appear himself/herself.

(承認申請書の記載事項等)

(Matters To Be Entered in a Written Application for Approval)

第三条 法第九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 3 (1) The matters stipulated by the Ordinance of the Ministry of Justice pursuant to Paragraph 1 of Article 9 of the Act shall be the following.

一 氏名、性別、生年月日、出生地、国籍及び住所

(i) Name, sex, date of birth, place of birth, nationality and address

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 year/month/date of acquisition of qualification to become a foreign lawyer, the name of the foreign state in which he/she acquired such qualification (in the next Article referred to as the "State of Acquisition of Qualification") and his/her title as such foreign lawyer

2 法第九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) A written application for Approval as provided for in Paragraph 1 of Article 9 of the Act (hereinafter referred to as the "Written Application for Approval") shall be in the Appended Form No. 1

(承認申請書の添付書類)

(Documents Accompanying a Written Application for Approval)

第四条 法第九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 4 (1) The documents as stipulated by the Ordinance of the Ministry of Justice pursuant to Paragraph 2 of Article 9 of the Act shall be the following.

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) Written statements on the following matters prepared by a person who intends to obtain the Approval in the forms given 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、弁護士法人又は外国法事務弁護士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) Matters concerning the experience of having performed professional duties as a foreign lawyer in the State of Acquisition of Qualification (including the experience of a foreign lawyer in the State of Acquisition of Qualification, of having engaged in the practice of providing legal services in a foreign state other than the State of Acquisition of Qualification concerning the laws of the State of Acquisition of Qualification on the basis

of the qualification to become a foreign lawyer. Hereinafter the same shall apply in this Article) and in the case where Paragraph 2 of Article 10 of the Act is applicable, matters concerning the practice of providing legal services in Japan to attorney at law, legal professional corporation or registered foreign lawyer on his/her knowledge concerning the laws of the State of Acquisition of Qualification after he/she acquired such qualification to become a foreign lawyer

ロ 外国法事務弁護士の欠格事由に関する事項

(b) Matters concerning grounds for the disqualification of a registered foreign lawyer

ハ 法第十条第一項第二号に掲げる基準に関する事項

(c) Matters concerning the standards listed in Item 2 of Paragraph 1 of Article 10 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) Matters concerning the will to perform professional duties faithfully, and a plan, residence and financial basis for performing professional duties properly and surely

ホ 依頼者に与えた損害を賠償する能力に関する事項

(e) Matters concerning the ability to compensate for damages, which he/she may cause to clients

ヘ その他参考となるべき事項

(f) Other matters for reference

二 履歴書

(ii) Curriculum vitae

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) Copies of his/her passport, residence card, special permanent resident certificate or any other document verifying his/her status

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) Any document verifying that he/she has acquired a qualification to become a foreign lawyer and that he/she actually still retains such 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、弁護士法人又は外国法事務弁護士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) Any document verifying that he/she has the experience of having performed professional duties as a foreign lawyer in the State of Acquisition of Qualification, and, in the case where Paragraph 2 of Article 10 of the Act is applicable, that he/she has provided legal services in Japan to attorney at law, legal professional corporation or registered foreign lawyer based on

his/her knowledge concerning the laws of the State of Acquisition of Qualification after he/she acquired such qualification to become a foreign lawyer

六 法第八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 he/she pledges that he/she does not fall under any of the categories listed in each Item of Article 7 of the Attorney Act as applied mutatis mutandis pursuant to Article 8 of the Act

七 法第十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 he/she pledges that he/she does not fall under any of the categories of persons listed in (a) to (d) inclusive of Item ii of Paragraph 1 of Article 10 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 he/she pledges that he/she shall perform 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 verifying that he/she has a plan, residence and financial basis for performing professional duties properly and surely

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 certifying that he/she has the ability to compensate for damages, which he/she may cause to clients

十一 その他参考となるべき書類

(xi) Any other document for 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 set forth in Item vi of the preceding Paragraph shall be in the Appended Form No. 2, the document set forth in Item vii of the said Paragraph shall be in the Appended Form No. 3, and the document set forth in Item viii of the said Paragraph shall be in the Appended Form No. 4.

(承認申請手数料の納付方法)

(Method of Payment of a Fee for Application for Approval)

第五条 法第九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 5 The fee provided for in Paragraph 3 of Article 9 of the Act shall be paid by affixing to a written application for Approval a revenue stamp in an amount equivalent to the amount of a fee.

(誓約内容の確認)

(Verification of contents of pledge)

第六条 承認を受けようとする者は、その申請に際し、法務大臣の指名する職員の面前で、第四条第一項第六号から第八号までに掲げる書面を朗読し、誓約の内容を確認しなければならない。

Article 6 In applying for Approval, a person who intends to obtain Approval shall read aloud in front of the officer designated by the Minister of Justice the documents provided for in Items vi to viii inclusive of Paragraph 1 of Article 4, and shall confirm the contents of his/her pledge.

(承認をしないこととした場合の通知)

(Notification of Decision not to Approve)

第七条 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 7 In the case where the Minister of Justice has made a decision not to approve, he shall notify in writing the person concerned who has applied for Approval and the Japan Federation of Bar Associations of such decision and the reason thereof.

(承認の申請前の予備審査)

(Preliminary Examination Prior to Application for Approval)

第八条 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 8 A person who intends to apply for Approval may submit, prior to such application, to the Minister of Justice, documents same in substance with a written application for Approval and its accompanying documents and may request a preliminary examination.

(承認を受けた者の届出義務等)

(Reporting Obligation of Persons Who Obtained Approval)

第九条 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、書面により、法務大臣にその旨を届け出なければならない。

Article 9 (1) A person who has obtained Approval shall, if he/she falls under any of the following items, shall notify in writing and without delay the Minister of Justice to that effect.

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 his/her name, nationality or address.

二 事務所を設け、又は移転したとき。

(ii) if his /her office has been established or moved.

三 事務所の名称を定め、又は変更したとき。

(iii) if the name of his/her 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 taken place an important change in his/her ability to

compensate for damages which he/she may cause to clients.

五 法第十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 he/she has come to fall under any of the persons listed in (a) to (d) of Item 2 of Paragraph 1 of Article 10 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 he/she has lost the qualification to become a foreign lawyer in the state of primary qualification.

七 法第八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 he/she has come to fall under any of the items of Article 7 of the Attorney Act (except Item ii) applied mutatis mutandis pursuant to Article 8 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 obtained Approval shall submit, except in cases where he/she falls under Item vi or Item vii of the preceding Paragraph, the following documents to the Minister of Justice within two months after the expiration of every two years from the date when he/she has obtained such Approval.

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 verifying that he/she actually retains his/her qualification to become a foreign lawyer in the state 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 his/her practice and assets.

三 法第十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 he/she pledges that he/she falls under none of the categories of persons listed in (a) to (d) inclusive of Item iii of Paragraph 1 of Article 10 of the Act.

四 法第八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 he/she pledges that he/she falls under none of the categories of persons listed in each Item of Article 7 of the Attorney Act (except Item ii) applied mutatis mutandis pursuant to Article 8 of the Act.

(聴聞の方法の特例)

(Special Provisions of Method of Hearing)

第十条 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 10 (1) An officer presiding over hearing concerning the action of rescission of Approval shall hear the opinion of a witness(es), if he/she finds it

necessary.

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 such opinion as provided for in the preceding Paragraph, he/she shall enter the name of a witness and the summary of his/her statement in the hearing record.

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 the hearing concerning the action of rescission of Approval makes a statement of opinion, asks a question and makes a statement in response to a question posed by an officer presiding over the hearing, in a foreign language, the party shall have an interpreter translate them at his/her expense. The same shall apply in the case where a witness to be heard at the request of a party is to make a statement in a foreign language.

(承認の取消しの通知)

(Notification of Rescission of Approval)

第十一条 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 11 The Minister of Justice shall notify in writing the person who's Approval has been rescinded and Japan Federation of Bar Associations, to that effect and the reason thereof.

(指定の申請)

(Application for Designation)

第十二条 法第十六条第一項の規定による指定（以下「指定」という。）の申請は、指定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 12 A person who wants the Designation has to appear himself/herself and file an application for Designation pursuant to Paragraph 1 of Article 16 of the Act (hereinafter referred to as "Designation").

(指定申請書の様式)

(Form of Written Application for Designation)

第十三条 法第十七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 The written application pursuant to Paragraph 1 of Article 17 of the Act (hereinafter referred to as "Written Application for Designation") shall be made in the Appended Form No. 5.

(指定申請書の添付書類)

(Documents Accompanying a Written Application for Designation)

第十四条 法第十七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 stipulated by the Ordinance of the Ministry of Justice pursuant to Paragraph 2 of Article 17 of the Act shall be the following;

一 法第十六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 the case where application for Designation is made pursuant to the provision of Item 1 of Paragraph 1 of Article 16 of the Act, a document verifying that the applicant has the qualification to become a foreign lawyer of the specified foreign state.

二 法第十六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 the case where application for Designation is made pursuant to the provision of Item 2 of Paragraph 1 of Article 16 of the Act, a document verifying that the applicant has the same level of knowledge in regard to the laws of the specified foreign state as a person who has the qualification to become a foreign lawyer of that state and has five or more years of practicing experience of legal services concerning such laws.

三 その他参考となるべき書類

(iii) Any other documents for reference.

(指定を受けた者の届出義務等)

(Reporting Obligation of a Person with the Designation)

第十五条 法第十六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つた場合は、遅滞なく、書面により、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 obtained the Designation pursuant to Item i of Paragraph 1 of Article 16 of the Act has lost the qualification to become a foreign lawyer in respect to the Designation concerned, he/she shall notify without delay and in writing the Minister of Justice to that effect.

2 法第十六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 obtained the Designation pursuant to Item i of Paragraph 1 of Article 16 of the Act shall, except in the case provided for in the preceding Paragraph, submit to the Minister of Justice a document verifying that he/she retains presently still the qualification to become a foreign lawyer in respect to

the Designation within two months after the expiration of every two years from the date when he/she obtained such designation.

(承認又はその取消しに関する規定の準用)

(Application Mutatis Mutandis of the Provisions Concerning Approval or its Rescission)

第十六条 第五条の規定は法第十七条第三項の手数料の納付方法について、第七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、第八条の規定は指定の申請前の予備審査について、第十条の規定は指定の取消処分に係る聴聞について、第十一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、第八条中「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 5 shall apply mutatis mutandis to the method of payment of a fee pursuant to Paragraph 3 of Article 17 of the Act. The provisions of Article 7 shall apply mutatis mutandis to notification when no designation is made. The provisions of Article 8 shall apply mutatis mutandis to preliminary examination prior to the application for Designation. The provisions of Article 10 shall apply mutatis mutandis to hearing concerning the disposition of rescission of Designation. The provisions of Article 11 shall apply mutatis mutandis to notification of rescission of designation. In these cases "written application for Approval" in Article 8 shall read as "written application for Designation"

(訳文の添付)

(Attachment of a Translation)

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、かつ、署名したものでなければならない。

Article 17 When documents submitted to the Minister of Justice pursuant to the provisions of the Act or this Ordinance of Ministry or documents submitted to a presiding officer pursuant to the provisions of Administrative Procedure Act (Act No. 88 of 1993) or the Ordinance on Hearing of the Ministry of Justice (Ordinance of the Ministry of Justice No. 47 of 1994) are prepared in a foreign language, they shall be accompanied by their Japanese translation. Such translation shall be signed by the translator and contain the description by the translator of his/her name, the date of the translation and his/her pledge that he/she has done his /her translation in good faith.

別表（第一条関係）

Appended Table (In relation to 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

Appended Form