

司法試験法

Bar Examination Act

(昭和二十四年五月三十一日法律第百四十号)
(Act No. 140 of May 31, 1949)

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第一章 司法試験等

Chapter I The Bar Examination, etc.

(司法試験の目的等)

(Purpose, etc. of the Bar Examination)

第一条 司法試験は、裁判官、検察官又は弁護士となろうとする者に必要な学識及びその応用能力を有するかどうかを判定することを目的とする国家試験とする。

Article 1 (1) The bar examination is a national examination for the purpose of judging whether an examinee has the learning required of a person who is to be a judge, public prosecutor, or attorney, and the practical ability to utilize such learning as required of such person.

2 裁判所法（昭和二十二年法律第五十九号）第六十六条の試験は、この法律により行う。

(2) The examination set forth in Article 66 of the Court Act (Act No. 59 of 1947) shall be conducted under this Act.

3 司法試験は、第四条第一項第一号に規定する法科大学院課程における教育及び司法修習生の修習との有機的連携の下に行うものとする。

(3) The bar examination shall be conducted in organic coordination with education in a graduate law program as prescribed in Article 4, paragraph (1), item (i) and the training of legal apprentices.

(司法試験の方法等)

(Methods, etc. of the Bar Examination)

第二条 司法試験は、短答式（択一式を含む。以下同じ。）及び論文式による筆記の方法により行う。

Article 2 (1) The bar examination shall consist of short-answer questions (including multiple-choice questions; the same shall apply hereinafter) and essay questions.

2 司法試験の合格者の判定は、短答式による筆記試験の合格に必要な成績を得た者につき、短答式による筆記試験及び論文式による筆記試験の成績を総合して行うものとする。

(2) Which persons have passed the bar examination is to be judged, with regard to those who have achieved a passing score on the short-answer questions, by synthesizing the results of both the short-answer questions and the essay questions.

(司法試験の試験科目等)

(Subjects, etc. in the Bar Examination)

第三条 短答式による筆記試験は、裁判官、検察官又は弁護士となろうとする者に必要な専門的な法律知識及び法的な推論の能力を有するかどうかを判定することを目的とし、次に掲げる科目について行う。

Article 3 (1) Short-answer questions shall be given on the following subjects for the purpose of judging whether an examinee has the expert legal knowledge and ability to make legal deductions required of a person who is to be a judge, public prosecutor, or attorney:

一 憲法

(i) The Constitution;

二 民法

(ii) The Civil Code;

三 刑法

(iii) The Penal Code.

2 論文式による筆記試験は、裁判官、検察官又は弁護士となろうとする者に必要な専門的な学識並びに法的な分析、構成及び論述の能力を有するかどうかを判定することを目的とし、次に掲げる科目について行う。

(2) Essay questions shall be given on the following subjects for the purpose of judging whether an examinee has the expert learning and the ability for legal analysis, logical construction, and dissertation, as required of a person who is to be a judge, public prosecutor, or attorney:

一 公法系科目（憲法及び行政法に関する分野の科目をいう。）

(i) Subjects related to public law (meaning subjects concerning the Constitution and administrative Acts);

二 民事系科目（民法、商法及び民事訴訟法に関する分野の科目をいう。）

(ii) Subjects related to civil affairs (meaning subjects concerning the Civil Code, the Commercial Code, and the Code of Civil Procedure);

三 刑事系科目（刑法及び刑事訴訟法に関する分野の科目をいう。）

(iii) Subjects related to criminal affairs (meaning subjects concerning the Penal Code and the Code of Criminal Procedure).

四 専門的な法律の分野に関する科目として法務省令で定める科目のうち受験者のあらかじめ選択する一科目

(iv) One subject that an examinee has selected in advance from among the subjects specified by Ordinance of the Ministry of Justice as subjects concerning expert legal fields.

3 前二項に掲げる試験科目については、法務省令により、その全部又は一部について範囲を定めることができる。

(3) Ordinance of the Ministry of Justice may specify the scope of the subjects for examination listed in the preceding two paragraphs in whole or in part.

4 司法試験においては、その受験者が裁判官、検察官又は弁護士となろうとする者に必要な学識及びその応用能力を備えているかどうかを適確に評価するため、知識を有するかどうかの判定に偏することなく、法律に関する理論的かつ実践的な理解力、思考力、判断力等の判定に意を用いなければならない。

(4) In order to properly assess whether an examinee has the learning required of a person who is to be a judge, public prosecutor, or attorney, and the practical ability to utilize such learning as required of such person, in the bar examination, examinees shall not be disproportionately judged on whether or not they possess such knowledge, but rather due consideration shall be paid to judging their logical and practical abilities to understand, think about, and judge legal matters.

（司法試験の受験資格等）

(Qualifications, etc. for Taking the Bar Examination)

第四条 司法試験は、次の各号に掲げる者が、それぞれ当該各号に定める期間において受けることができる。

Article 4 (1) Persons as listed in the following items may take the bar examination during the period specified in the relevant item:

一 法科大学院（学校教育法（昭和二十二年法律第二十六号）第九十九条第二項に規定する専門職大学院であつて、法曹に必要な学識及び能力を培うことを目的とするものをいう。）の課程（次項において「法科大学院課程」という。）を修了した者その修了の日後の最初の四月一日から五年を経過するまでの期間

(i) A person who has completed a program at a graduate school of law (meaning a professional graduate school as prescribed in Article 99, paragraph (2) of the School Education Act (Act No. 26 of 1947), the purpose of which is to cultivate students' learning and ability as required by the legal profession; such program shall be referred to as a "graduate law program" in the following paragraph): The period from the first April 1 after the day on which he/she completed the program up to the date on which five years have

elapsed since said April 1; and

二 司法試験予備試験に合格した者 その合格の発表の日後の最初の四月一日から五年を経過するまでの期間

(ii) A person who has passed a preliminary bar examination: The period from the first April 1 after the day of the announcement of the preliminary examination results up to the date on which five years have elapsed since said April 1.

2 前項の規定により司法試験を受けた者は、その受験に係る受験資格（同項各号に規定する法科大学院課程の修了又は司法試験予備試験の合格をいう。以下この項において同じ。）に対応する受験期間（前項各号に定める期間をいう。）においては、他の受験資格に基づいて司法試験を受けることはできない。

(2) A person who has taken, under the provisions of the preceding paragraph, the bar examination using either of the qualifications for taking examinations (meaning the completion of a graduate law program or the passing of a preliminary bar examination prescribed in the items of said paragraph; hereinafter the same shall apply in this paragraph) may not take another bar examination using the other qualification during the period for taking examinations with the former qualification (meaning the period specified in the items of the preceding paragraph).

（司法試験予備試験）

(Preliminary Bar Examination)

第五条 司法試験予備試験（以下「予備試験」という。）は、司法試験を受けようとする者が前条第一項第一号に掲げる者と同等の学識及びその応用能力並びに法律に関する実務の基礎的素養を有するかどうかを判定することを目的とし、短答式及び論文式による筆記並びに口述の方法により行う。

Article 5 (1) The purpose of a preliminary bar examination (hereinafter referred to as a "preliminary examination") is to judge whether a person who intends to take a bar examination has the learning, the ability to utilize such learning, and the basic grounding in legal practices equal to those listed in paragraph (1), item (i) of the preceding Article, and a preliminary examination shall consist of short-answer questions, essay questions, and oral examination.

2 短答式による筆記試験は、次に掲げる科目について行う。

(2) Short-answer questions shall be given on the following subjects:

一 憲法

(i) The Constitution;

二 行政法

(ii) Administrative Acts;

三 民法

(iii) The Civil Code;

四 商法

(iv) The Commercial Code;

五 民事訴訟法

(v) The Code of Civil Procedure;

六 刑法

(vi) The Penal Code;

七 刑事訴訟法

(vii) The Code of Criminal Procedure; and

八 一般教養科目

(viii) Liberal arts.

3 論文式による筆記試験は、短答式による筆記試験に合格した者につき、次に掲げる科目について行う。

(3) Essay questions shall be given on the following subjects, only to those persons who have passed the short-answer questions:

一 前項各号に掲げる科目

(i) Subjects listed in the items of the preceding paragraph; and

二 法律実務基礎科目（法律に関する実務の基礎的素養（実務の経験により修得されるものを含む。）についての科目をいう。次項において同じ。）

(ii) Subjects concerning basic legal practices (meaning subjects concerning a basic grounding in legal practices (including a grounding to be acquired through practical experience); the same shall apply in the following paragraph).

4 口述試験は、筆記試験に合格した者につき、法的な推論、分析及び構成に基づいて弁論をする能力を有するかどうかの判定に意を用い、法律実務基礎科目について行う。

(4) Oral examinations shall be conducted on subjects concerning basic legal practices, only to those persons who have passed the essay questions, and shall be focused on judging whether said persons have the ability to present an argument based on legal deductions, analysis, and logical construction.

5 前三項に規定する試験科目については、法務省令により、その全部又は一部について範囲を定めることができる。

(5) Ordinance of the Ministry of Justice may specify the scope of the subjects for examination prescribed in the preceding three paragraphs in whole or in part.

（司法試験委員会の意見の聴取）

（Hearing of Opinions of the National Bar Examination Commission）

第六条 法務大臣は、第三条第二項第四号若しくは第三項又は前条第五項の法務省令を制定し、又は改廃しようとするときは、司法試験委員会の意見を聴かなければならない。

Article 6 When the Minister of Justice intends to establish, revise, or repeal a Ordinance of the Ministry of Justice as set forth in paragraph (2), item (iv) or paragraph (3) of Article 3 or paragraph (5) of the preceding Article, he/she shall first hear the opinions of the National Bar Examination Commission.

(司法試験等の実施)

(Implementation of the Bar Examination, etc.)

第七条 司法試験及び予備試験は、それぞれ、司法試験委員会が毎年一回以上行うものとし、その期日及び場所は、あらかじめ官報をもつて公告する。

Article 7 The National Bar Examination Commission shall conduct both the bar examination and the preliminary examination at least once per year, and shall make a public notice of the date and venue thereof in the official gazette in advance.

(合格者の決定方法)

(Methods for Determining Which Persons Have Passed)

第八条 司法試験の合格者は司法試験考査委員の合議による判定に基づき、予備試験の合格者は司法試験予備試験考査委員の合議による判定に基づき、それぞれ司法試験委員会が決定する。

Article 8 The National Bar Examination Commission shall determine which persons have passed the bar examination based on the judgment reached through consultation among the bar examiners, and shall determine which persons have passed the preliminary examination based on the judgment reached through consultation among examiners for the preliminary bar examination.

(合格証書)

(Certificate)

第九条 司法試験又は予備試験に合格した者には、それぞれ当該試験に合格したことを証する証書を授与する。

Article 9 A person who has passed the bar examination or the preliminary examination shall be given a certificate certifying that he/she has passed the relevant examination.

(合格の取消し等)

(Rescission, etc. of the Decision That a Person Has Passed)

第十条 司法試験委員会は、不正の手段によつて司法試験若しくは予備試験を受け、若しくは受けようとした者又はこの法律若しくはこの法律に基づく法務省令に違反した者に対しては、その試験を受けることを禁止し、合格の決定を取り消し、又は情状により五年以内の期間を定めて司法試験若しくは予備試験を受けることができないものとすることができる。

Article 10 With regard to a person who has taken or has intended to take the bar examination or the preliminary examination by wrongful means, or a person who has violated this Act or Ordinance of the Ministry of Justice based on this Act, the National Bar Examination Commission may prohibit such a person

from taking said examination, rescind the decision that such a person has passed, or prevent such a person from taking the bar examination or preliminary examination, specifying a period not more than five years, depending on the circumstances.

(受験手数料)

(Examination Fee)

第十一条 司法試験又は予備試験を受けようとする者は、それぞれ実費を勘案して政令で定める額の受験手数料を納付しなければならない。

Article 11 (1) A person who intends to take the bar examination or preliminary examination shall pay the examination fee specified by Cabinet Order in consideration of the actual costs of each of such examinations.

2 前項の規定により納付した受験手数料は、当該試験を受けなかつた場合においても返還しない。

(2) An examination fee paid pursuant to the provisions of the preceding paragraph shall not be refunded even in the event that the person did not take said examination.

第二章 司法試験委員会

Chapter II National Bar Examination Commission

(司法試験委員会の設置及び所掌事務)

(Establishment of the National Bar Examination Commission and Affairs under its Jurisdiction)

第十二条 法務省に、司法試験委員会（以下この章において「委員会」という。）を置く。

Article 12 (1) The National Bar Examination Commission (hereinafter referred to as the "Commission" in this Chapter) shall be established at the Ministry of Justice.

2 委員会は、次に掲げる事務をつかさどる。

(2) The Commission shall take charge of the following affairs:

一 司法試験及び予備試験を行うこと。

(i) Conducting the bar examination and preliminary examination;

二 法務大臣の諮問に応じ、司法試験及び予備試験の実施に関する重要事項について調査審議すること。

(ii) Studying and deliberating important matters for conducting the bar examination and preliminary examination, in response to what is asked of it by the Minister of Justice;

三 司法試験及び予備試験の実施に関する重要事項に関し、法務大臣に意見を述べること。

(iii) Presenting opinions to the Minister of Justice concerning important

matters for conducting the bar examination and preliminary examination;
and

四 その他法律によりその権限に属させられた事項を処理すること。

(iv) Dealing with other matters that come under its authority in accordance with the applicable laws.

3 委員会は、その所掌事務を行うため必要があると認めるときは、関係行政機関又は関係のある公私の団体に対し、必要な資料の提供その他の協力を求めることができる。

(3) When the Commission finds it necessary for carrying out affairs under its jurisdiction, it may request that the relevant administrative organs or the relevant public or private organizations submit necessary materials or otherwise provide cooperation.

(委員)

(Commission Members)

第十三条 委員会は、委員七人をもつて組織する。

Article 13 (1) The Commission shall consist of seven members.

2 委員は、裁判官、検察官、弁護士及び学識経験を有する者のうちから、法務大臣が任命する。

(2) Commission members shall be appointed by the Minister of Justice from among judges, public prosecutors, attorneys, and persons with relevant learning and experience.

3 委員の任期は、二年とする。ただし、補欠の委員の任期は、前任者の残任期間とする。

(3) The term of office of Commission members shall be two years; provided, however, that the term of office of a member appointed to fill a vacancy shall be the remaining term of office of his/her predecessor.

4 委員は、再任されることができる。

(4) Commission members may be reappointed.

5 委員は、非常勤とする。

(5) Commission members shall serve on a part-time basis.

(委員長)

(Chairperson)

第十四条 委員長は、委員の互選に基づき、法務大臣が任命する。

Article 14 (1) A chairperson shall be appointed by the Minister of Justice based on the candidate who is elected by the Commission members from among themselves.

2 委員長は、委員会の会務を総理し、委員会を代表する。

(2) The chairperson shall preside over the affairs of the Commission and shall represent it.

3 委員会は、あらかじめ、委員のうちから、委員長に故障のある場合に委員長を代理

する者を定めておかなければならない。

- (3) The Commission shall designate, in advance, a person to represent the chairperson in the case where the chairperson cannot execute his/her duties, from among the Commission members.

(司法試験考査委員等)

(Bar Examiners, etc.)

第十五条 委員会に、司法試験における問題の作成及び採点並びに合格者の判定を行わせるため司法試験考査委員を置き、予備試験における問題の作成及び採点並びに合格者の判定を行わせるため司法試験予備試験考査委員（以下この条及び次条において「予備試験考査委員」という。）を置く。

Article 15 (1) The Commission has in place bar examiners to prepare examination questions, mark examination papers, and judge which persons have passed the bar examination, and examiners for the preliminary bar examination (hereinafter referred to as "examiners for the preliminary examination" in this Article and in the following Article) to prepare examination questions, mark examination papers, and judge which persons have passed the preliminary examination.

2 司法試験考査委員及び予備試験考査委員は、委員会の推薦に基づき、当該試験を行うについて必要な学識経験を有する者のうちから、法務大臣が試験ごとに任命する。

(2) Bar examiners and examiners for the preliminary examination shall be appointed by the Minister of Justice each time an examination is held, from among persons with the learning and experience required for conducting the examination, based on the recommendation of the Commission.

3 司法試験考査委員及び予備試験考査委員は、非常勤とする。

(3) Bar examiners and examiners for the preliminary examination shall serve on a part-time basis.

(政令への委任)

(Delegation to Cabinet Order)

第十六条 第十二条から前条までに定めるもののほか、委員会の委員、司法試験考査委員及び予備試験考査委員に関する事項その他委員会に関し必要な事項は、政令で定める。

Article 16 In addition to what is provided in Article 12 through the preceding Article, matters concerning the Commission members, bar examiners, examiners for the preliminary examination, and other necessary matters concerning the Commission shall be specified by Cabinet Order.

第三章 補則

Chapter III Auxiliary Provisions

(法務省令への委任)

(Delegation to Ordinance of the Ministry of Justice)

第十七条 この法律に定めるもののほか、司法試験及び予備試験の実施に関し必要な事項は、法務省令で定める。

Article 17 In addition to what is provided by this Act, matters necessary for conducting the bar examination and the preliminary examination shall be specified by Ordinance of the Ministry of Justice.

附 則 〔平成十四年十二月六日法律第百三十八号〕 〔抄〕

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

(施行期日)

(Effective Date)

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

Article 1 This Act shall come into effect as of January 1, 2004; provided, however, that the provisions listed in the following items shall come into effect as of the date specified in the relevant item:

一 第二条並びに附則第七条第一項及び第二項、第八条から第十条まで並びに第十九条から第二十八条までの規定 平成十七年十二月一日

(i) The provisions of Article 2 and Article 7, paragraphs (1) and (2), Article 8 through Article 10, and Article 19 through Article 28 of the Supplementary Provisions: December 1, 2005

(司法試験管理委員会規則に関する経過措置)

(Transitional Measures Concerning the Rules of the National Bar Examination Administration Commission)

第二条 この法律の施行の際現に効力を有する司法試験管理委員会規則であつて第一条の規定による改正前の司法試験法第四条第一項第四号及び第六条第四項の規定に基づくものは、この法律の施行後は、第一条の規定による改正後の司法試験法の相当規定に基づく法務省令としての効力を有するものとする。

Article 2 The Rules of the National Bar Examination Administration

Commission that are already in force at the time of the enforcement of this Act and that are based on the provisions of Article 4, paragraph (1), item (iv) and Article 6, paragraph (4) of the Bar Examination Act prior to its revision under Article 1 shall be deemed, after the enforcement of this Act, to be in force as Ordinance of the Ministry of Justice, based on the corresponding provisions of the Bar Examination Act after its revision under Article 1.

(司法試験管理委員会の行為等に関する経過措置)

(Transitional Measures Concerning Acts, etc. by the National Bar Examination

Administration Commission)

第三条 この法律の施行前に、第一条の規定による改正前の司法試験法の規定に基づいて司法試験管理委員会がした処分その他の行為は、この法律の施行後は、同条の規定による改正後の司法試験法の相当規定に基づいて司法試験委員会がした処分その他の行為とみなす。

Article 3 (1) Decisions and other acts that were carried out by the National Bar Examination Administration Commission prior to the enforcement of this Act and that were based on the provisions of the Bar Examination Act prior to its revision under Article 1, shall be deemed, after the enforcement of this Act, to be decisions and other acts carried out by the National Bar Examination Commission based on the corresponding provisions of the Bar Examination Act after its revision under Article 1.

2 前項に定めるもののほか、この法律の施行前に、法令の規定により司法試験管理委員会又はその委員長がした処分その他の行為は、この法律の施行後は、当該法令の相当規定により法務大臣がした処分その他の行為とみなす。

(2) In addition to what is provided in the preceding paragraph, decisions and other acts that were carried out by the National Bar Examination Administration Commission or the chairperson thereof prior to the enforcement of this Act and that were based on the provisions of laws and regulations, shall be deemed, after the enforcement of this Act, to be decisions and other acts carried out by the Minister of Justice based on the corresponding provisions of said laws and regulations.

3 この法律の施行の際現に第一条の規定による改正前の司法試験法の規定に基づいて司法試験管理委員会に対してされている出願その他の行為は、この法律の施行後は、同条の規定による改正後の司法試験法の相当規定に基づいて司法試験委員会に対してされた出願その他の行為とみなす。

(3) Applications that have already been filed and other acts that have already been carried out with the National Bar Examination Administration Commission at the time of the enforcement of this Act that were based on the provisions of the Bar Examination Act prior to its revision under Article 1, shall be deemed, after the enforcement of this Act, to be applications filed and other acts carried out with the National Bar Examination Commission based on the corresponding provisions of the Bar Examination Act after its revision under Article 1.

4 前項に定めるもののほか、この法律の施行の際現に法令の規定により司法試験管理委員会又はその委員長に対してされている請求その他の行為は、この法律の施行後は、当該法令の相当規定により法務大臣に対してされた請求その他の行為とみなす。

(4) In addition to what is provided in the preceding paragraph, requests that have already been made and other acts that have already been carried out with the National Bar Examination Administration Commission or the chairperson thereof at the time of the enforcement of this Act that were based on the

provisions of laws and regulations, shall be deemed, after the enforcement of this Act, to be requests made to and other acts carried out with the Minister of Justice based on the corresponding provisions of said laws and regulations.

5 この法律の施行の際現に司法試験考査委員である者は、この法律の施行の日に、第一条の規定による改正後の司法試験法第十五条の規定により、司法試験考査委員として任命されたものとみなす。

(5) A person who is already a bar examination examiner at the time of the enforcement of this Act shall be deemed to have been appointed as a bar examination examiner under the provisions of Article 15 of the Bar Examination Act after its revision under Article 1, as of the date of the enforcement of this Act.

(不正受験者に対する措置に関する経過措置)

(Transitional Measures Concerning Measures Against Dishonest Examinees)

第四条 司法試験委員会は、この法律の施行前に行われた司法試験を不正の手段によって受けた者又は第一条の規定による改正前の司法試験法若しくは同法に基づく司法試験管理委員会規則に違反した者に対しては、司法試験管理委員会がした合格の決定を取り消すことができる。

Article 4 With regard to a person who has, by wrongful means, taken the bar examination prior to the enforcement of this Act, a person who has violated the Bar Examination Act prior to its revision under Article 1, or a person who has violated the Rules of the National Bar Examination Administration Commission, which are based on said Act, the National Bar Examination Commission may rescind any decision made by the National Bar Examination Administration Commission that a person has passed.

(沖縄の弁護士資格者等に対する本邦の弁護士資格等の付与に関する特別措置法の規定の読替え)

(Replacement of Terms in the Provisions of the Act on Special Measures

Concerning the Qualification of Attorneys Licensed in Okinawa as Attorneys Licensed in Japan)

第五条 この法律の施行後に行われる沖縄の弁護士資格者等に対する本邦の弁護士資格等の付与に関する特別措置法（昭和四十五年法律第三十三号）第四条第三項の規定による合格の決定の取消しについては、同項中「司法試験管理委員会」とあるのは、「司法試験委員会」とする。

Article 5 With regard to the rescission of a decision that a person has passed an examination under the provisions of Article 4, paragraph (3) of the Act on Special Measures Concerning the Qualification of Attorneys Licensed in Okinawa as Attorneys Licensed in Japan (Act No. 33 of 1970), after the enforcement of this Act, the term "National Bar Examination Administration Commission" in said paragraph shall be deemed to be replaced with "National

Bar Examination Commission."

(新司法試験の実施のために必要な行為に関する経過措置)

(Transitional Measures Concerning Acts Necessary for Conducting the New Bar Examination)

第六条 法務大臣は、第二条の規定による改正後の司法試験法（以下「新法」という。）第三条第二項第四号又は第三項の法務省令を制定しようとするときは、第二条の規定の施行の日前においても、司法試験委員会の意見を聴くことができる。

Article 6 (1) When the Minister of Justice intends to establish Ordinance of the Ministry of Justice as set forth in Article 3, paragraph (2), item (iv) or paragraph (3) of the Bar Examination Act after its revision under Article 2 (hereinafter referred to as the "New Act"), he/she may first hear the opinions of the National Bar Examination Commission, even prior to the date of enforcement of the provisions of Article 2.

2 法務大臣は、第二条の規定の施行の日前においても、新法第十五条の規定の例により、新法の規定による司法試験（以下「新司法試験」という。）に係る司法試験考査委員を任命することができる。

(2) The Minister of Justice may appoint bar examiners for the bar examination under the provisions of the New Act (hereinafter referred to as the "new bar examination"), even prior to the date of enforcement of the provisions of Article 2, pursuant to the provisions of Article 15 of the New Act.

3 新司法試験の実施に必要な公告その他の準備行為は、第二条の規定の施行の日前においても、行うことができる。

(3) Public notices or other preparations necessary for conducting the new bar examination may be made even prior to the date of enforcement of the provisions of Article 2.

(旧司法試験の実施)

(Implementation of the Old Bar Examination)

第七条 司法試験委員会は、平成十八年から平成二十三年までの間においては、新司法試験を行うほか、従前の司法試験（平成二十三年においては、平成二十二年の第二次試験の筆記試験に合格した者に対する口述試験に限る。）を行うものとする。この場合において、第二条の規定による改正前の司法試験法（以下「旧法」という。）第二条から第六条の二まで及び附則第二項の規定（これらの規定に基づく法務省令の規定を含む。）は、第二条の規定の施行後も、なおその効力を有する。

Article 7 (1) In addition to the new bar examination, the National Bar Examination Commission shall conduct the conventional bar examination during the period from 2006 to 2011 (for 2011, limited to oral examinations for persons who passed the second-stage written questions in 2010). In this case, the provisions of Article 2 through Article 6-2 of the Bar Examination Act prior to its revision under Article 2 (hereinafter referred to as the "Old Act") and

paragraph (2) of the Supplementary Provisions (including the provisions of Ordinance of the Ministry of Justice based on these provisions) shall remain in force even after the enforcement of the provisions of Article 2.

2 前項の規定により行われる司法試験（以下「旧司法試験」という。）については、新法第一条第一項及び第二項、第七条から第十一条まで並びに第二章及び第三章の規定を適用する。この場合において、新法第一条第一項中「司法試験」とあるのは「司法試験法及び裁判所法の一部を改正する法律（平成十四年法律第百三十八号）附則第七条第一項の規定により行われる司法試験（以下「旧司法試験」という。）」と、新法第七条中「司法試験及び予備試験は、それぞれ」とあるのは「旧司法試験は」と、新法第八条中「司法試験の」とあるのは「旧司法試験の」と、「予備試験の合格者は司法試験予備試験考査委員の合議による判定に基づき、それぞれ司法試験委員会」とあるのは「司法試験委員会」と、新法第九条及び第十一条第一項中「司法試験又は予備試験」とあるのは「旧司法試験の各試験」と、新法第十条中「司法試験若しくは」とあるのは「旧司法試験、司法試験若しくは」と、新法第十二条第二項第一号から第三号まで及び第十七条中「司法試験及び予備試験」とあるのは「旧司法試験」と、新法第十五条第一項中「司法試験に」とあるのは「旧司法試験に」と、「置き、予備試験における問題の作成及び採点並びに合格者の判定を行わせるため司法試験予備試験考査委員（以下この条及び次条において「予備試験考査委員」という。）を置く」とあるのは「置く」とする。

(2) The provisions of Article 1, paragraphs (1) and (2), Article 7 through Article 11, and Chapters II and III of the New Act shall apply to the bar examination conducted under the provisions of the preceding paragraph (hereinafter referred to as the "old bar examination"). In this case, the term "bar examination" in Article 1, paragraph (1) of the New Act shall be deemed to be replaced with "bar examination conducted under the provisions of Article 7, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Bar Examination Act and the Court Act (Act No. 138 of 2002) (hereinafter referred to as the 'old bar examination');" the term "both the bar examination and the preliminary examination," in Article 7 of the New Act shall be deemed to be replaced with "the old bar examination;" the term "which persons have passed the bar examination" in Article 8 of the New Act shall be deemed to be replaced with "which persons have passed the old bar examination;" the term "The National Bar Examination Commission shall [...] and shall determine which persons have passed the preliminary examination based on the judgment reached through consultation among examiners for the preliminary examination" in the same Article shall be deemed to be replaced with "The National Bar Examination Commission shall [...];" the term "bar examination or preliminary examination" in Article 9 and Article 11, paragraph (1) of the New Act shall be deemed to be replaced with "each type of old bar examination;" the term "bar examination or" in Article 10 of the New Act shall be deemed to be replaced with "old bar examination, bar examination

or;" the term "bar examination and preliminary examination" in Article 12, paragraph (2), item (i) through item (iii) and Article 17 of the New Act shall be deemed to be replaced with "old bar examination;" and the term "the bar examination" in Article 15, paragraph (1) of the New Act shall be deemed to be replaced with "the old bar examination," and the term ", and examiners for the preliminary bar examination (hereinafter referred to as 'examiners for the preliminary examination' in this Article and in the following Article) to prepare examination questions, mark examination papers, and judge which persons have passed the preliminary examination." in the same paragraph shall be deemed to be replaced with "."

3 前条の規定は、旧司法試験について準用する。この場合において、同条第一項中「第二条の規定による改正後の司法試験法（以下「新法」という。）第三条第二項第四号又は第三項」とあるのは「次条第一項の規定によりなお効力を有するものとされる第二条の規定による改正前の司法試験法第四条第一項第四号又は第六条第四項」と、同条第二項中「新法第十五条」とあるのは「次条第二項の規定により読み替えて適用される第二条の規定による改正後の司法試験法第十五条」と読み替えるものとする。

(3) The provisions of the preceding Article shall apply mutatis mutandis to the old bar examination. In this case, the term "Article 3, paragraph (2), item (iv) or paragraph (3) of the Bar Examination Act after its revision under Article 2 (hereinafter referred to as the 'New Act')" in paragraph (1) of said Article shall be deemed to be replaced with "Article 4, paragraph (1), item (iv) or Article 6, paragraph (4) of the Bar Examination Act prior to its revision under Article 2, which is to remain in force pursuant to the provisions of paragraph (1) of the following Article;" and the term "Article 15 of the New Act" in paragraph (2) of said Article shall be deemed to be replaced with "Article 15 of the Bar Examination Act after its revision under Article 2, which shall be applied by replacing certain terms pursuant to the provisions of paragraph (2) of the following Article."

(新司法試験及び旧司法試験の受験)

(The New Bar Examination and the Old Bar Examination)

第八条 平成十八年から平成二十三年までの各年においては、法務省令で定める手続に従い、あらかじめ選択して出願するところにより、新司法試験又は旧司法試験のいずれか一方のみを受けることができる。

Article 8 (1) In each year from 2006 through 2011, a person may take either the new bar examination or the old bar examination by selecting either of them in advance and filing an application in accordance with the procedures specified by Ordinance of the Ministry of Justice.

2 新法第四条第一項第一号の受験資格（同号に規定する法科大学院課程の修了をいう。以下この条において同じ。）に基づいて新司法試験を受けようとする者が、その受験前に旧法の規定による司法試験の第二次試験又は旧司法試験の第二次試験の受験（当

該新司法試験の受験に係る受験資格を得る前の受験については、当該受験資格を得た日前二年間のものに限る。以下この条において「旧司法試験等の受験」という。)を
しているときは、その旧司法試験等の受験(次項の規定により他の受験資格に基づく
新司法試験の受験とみなされたものを除く。)を、当該受験資格に基づいて既にした
新司法試験の受験とみなして、新法第四条第一項の規定を適用する。

(2) When a person who intends to take the new bar examination using the qualification set forth in Article 4, paragraph (1), item (i) of the New Act (meaning the completion of a graduate law program as prescribed in the said item; hereinafter the same shall apply in this Article) has undergone, prior to taking said new bar examination, the second-stage of testing for the bar examination under the provisions of the Old Act, or has undergone the second-stage of testing for the old bar examination (with regard to any examination that he/she had taken prior to obtaining the qualification to take the new bar examination, limited to such examination that he/she had taken within the two years prior to the day on which he/she obtained the qualification to take the new bar examination; hereinafter referred to as having "taken the old bar examination, etc." in this Article), the fact that such person has taken the old bar examination, etc. (excluding any examination which is deemed, under the provisions of the following paragraph, to be the new bar examination and that he/she has taken using other qualifications for taking the examination) shall be deemed as said person having already taken the new bar examination using the qualification as set forth in Article 4, paragraph (1), item (i) of the New Act, and the provisions of Article 4, paragraph (1) of the New Act shall apply.

3 前項に規定するもののほか、新法第四条第一項第一号の受験資格に基づいて新司法試験を受けた者については、当該新司法試験の受験前の旧司法試験等の受験及び当該新司法試験の受験後の旧司法試験の第二次試験の受験を、当該受験資格に基づく新司法試験の受験とみなして、同条の規定を適用する。

(3) In addition to what is provided in the preceding paragraph, with regard to a person who has taken the new bar examination using the qualification set forth in Article 4, paragraph (1), item (i) of the New Act, the fact that said person has taken the old bar examination, etc. prior to taking the new bar examination and the fact that said person has undergone the second-stage of testing for the old bar examination after taking the new bar examination shall be deemed as said person having taken the new bar examination using said qualification, and the provisions of Article 4 of the New Act shall apply.

(予備試験の実施時期)

(Time to Begin Offering the Preliminary Examination)

第九条 新法第五条に規定する予備試験は、新法第七条の規定にかかわらず、平成二十三年から行うものとする。

Article 9 The preliminary examination prescribed in Article 5 of the New Act

shall be conducted from 2011, notwithstanding the provisions of Article 7 of the New Act.

(旧法の規定による司法試験又は旧司法試験に合格した者に関する経過措置)
(Transitional Measures Concerning Persons Who Have Passed the Bar Examination under the Old Act or Who Have Passed the Old Bar Examination)

第十条 旧法の規定による司法試験の第二次試験又は旧司法試験の第二次試験に合格した者は、新司法試験に合格した者とみなす。

Article 10 A person who has passed the second-stage of testing for the bar examination under the provisions of the Old Act or the second-stage of testing for the old bar examination shall be deemed to have passed the new bar examination.

附 則 [平成二十六年六月四日法律第五十二号]
Supplementary Provisions [Act No. 52 of June 4, 2014]

(施行期日)
(Effective Date)

この法律は、平成二十六年十月一日から施行する。

This Act shall come into effect as of October 1, 2014.