

# 生活保護法

## Public Assistance Act

(昭和二十五年五月四日法律第百四十四号)  
(Act No. 144 of May 4, 1950)

### 第一章 総則

#### Chapter I General Provisions

(この法律の目的)

(Purpose of This Act)

第一条 この法律は、日本国憲法第二十五条に規定する理念に基き、国が生活に困窮するすべての国民に対し、その困窮の程度に応じ、必要な保護を行い、その最低限度の生活を保障するとともに、その自立を助長することを目的とする。

Article 1 The purpose of this Act is for the State to guarantee a minimum standard of living as well as to promote self-support for all citizens who are in living in poverty by providing the necessary public assistance according to the level of poverty, based on the principles prescribed in Article 25 of the Constitution of Japan.

(無差別平等)

(Nondiscrimination and Equality)

第二条 すべて国民は、この法律の定める要件を満たす限り、この法律による保護（以下「保護」という。）を、無差別平等に受けることができる。

Article 2 All citizens may receive public assistance under this Act (hereinafter referred to as "public assistance") in a nondiscriminatory and equal manner as long as they satisfy the requirements prescribed by this Act.

(最低生活)

(Minimum Standard of Living)

第三条 この法律により保障される最低限度の生活は、健康で文化的な生活水準を維持することができるものでなければならない。

Article 3 The minimum standard of living guaranteed by this Act shall be where a person is able to maintain a wholesome and cultured standard of living.

(保護の補足性)

(Supplementary Nature of Public Assistance)

第四条 保護は、生活に困窮する者が、その利用し得る資産、能力その他あらゆるものを、その最低限度の生活の維持のために活用することを要件として行われる。

Article 4 (1) Public assistance shall be provided based on a requirement that a

person who is living in poverty shall utilize his/her assets, abilities and every other thing available to him/her for maintaining a minimum standard of living.

2 民法（明治二十九年法律第八十九号）に定める扶養義務者の扶養及び他の法律に定める扶助は、すべてこの法律による保護に優先して行われるものとする。

(2) Any support given by a person responsible for support prescribed by the Civil Code (Act No. 89 of 1896) and any assistance prescribed by any other Act shall be provided in precedence to public assistance under this Act.

3 前二項の規定は、急迫した事由がある場合に、必要な保護を行うことを妨げるものではない。

(3) The provisions of the preceding two paragraphs shall not preclude the provision of necessary public assistance in the case where there are urgent circumstances.

（この法律の解釈及び運用）

(Interpretation and Operation of This Act)

第五条 前四条に規定するところは、この法律の基本原理であつて、この法律の解釈及び運用は、すべてこの原理に基いてされなければならない。

Article 5 What is provided for in the preceding four Articles are fundamental principles of this Act based on which all interpretations and the operation of this Act shall be made.

（用語の定義）

(Definitions of Terms)

第六条 この法律において「被保護者」とは、現に保護を受けている者をいう。

Article 6 (1) The term "public assistance recipient" as used in this Act means a person who currently receives public assistance.

2 この法律において「要保護者」とは、現に保護を受けているとしないにもかかわらず、保護を必要とする状態にある者をいう。

(2) The term "person requiring public assistance" is a person who requires public assistance regardless of whether he/she currently receives public assistance.

3 この法律において「保護金品」とは、保護として給与し、又は貸与される金銭及び物品をいう。

(3) The term "public assistance benefit" as used in this Act means the money and/or goods furnished or lent as public assistance.

4 この法律において「金銭給付」とは、金銭の給与又は貸与によつて、保護を行うことをいう。

(4) The term "performance in money" as used in this Act means to provide public assistance by furnishing or lending money.

5 この法律において「現物給付」とは、物品の給与又は貸与、医療の給付、役務の提供その他金銭給付以外の方法で保護を行うことをいう。

(5) The term "performance in kind" as used in this Act means to provide public

assistance by furnishing or lending goods, furnishing medical care, providing services or any other means other than by providing performance in money.

## 第二章 保護の原則

### Chapter II Principles of Public Assistance

(申請保護の原則)

(Principle of Public Assistance Based on Application)

第七条 保護は、要保護者、その扶養義務者又はその他の同居の親族の申請に基いて開始するものとする。但し、要保護者が急迫した状況にあるときは、保護の申請がなくても、必要な保護を行うことができる。

Article 7 The provision of public assistance shall start based on an application filed by a person requiring public assistance, a person responsible for his/her support or any other relative living together; provided, however, that necessary public assistance may be provided without an application therefore when a person requiring public assistance is under urgent circumstances.

(基準及び程度の原則)

(Principle of Standard and Extent)

第八条 保護は、厚生労働大臣の定める基準により測定した要保護者の需要を基とし、そのうち、その者の金銭又は物品で満たすことのできない不足分を補う程度において行うものとする。

Article 8 (1) Public assistance shall be provided, based on the level of the demand of a person requiring public assistance, which has been measured according to the standard specified by the Minister of Health, Labour and Welfare, to the extent that makes up the shortfall thereof that cannot be satisfied by the money or goods possessed by said person.

2 前項の基準は、要保護者の年齢別、性別、世帯構成別、所在地域別その他保護の種類に応じて必要な事情を考慮した最低限度の生活の需要を満たすに十分なものであつて、且つ、これをこえないものでなければならない。

(2) The standard set forth in the preceding paragraph shall be one that sufficiently satisfies but shall not exceed the demand pertaining to a minimum standard of living, taking into consideration the age, sex, household composition and location of the person requiring public assistance and any other necessary circumstances according to the type of public assistance.

(必要即応の原則)

(Principle of Conforming to Individual Needs)

第九条 保護は、要保護者の年齢別、性別、健康状態等その個人又は世帯の実際の必要の相違を考慮して、有効且つ適切に行うものとする。

Article 9 Public assistance shall be provided effectively and appropriately by

taking into consideration the differences between the actual needs of individuals or households, such as the age, sex and health conditions of the person requiring assistance.

(世帯単位原則)

(Principle of Public Assistance on a Household Basis)

第十条 保護は、世帯を単位としてその要否及び程度を定めるものとする。但し、これによりがたいときは、個人を単位として定めることができる。

Article 10 The need for and extent of public assistance shall be determined on a household basis ; provided, however, that, if this is difficult, such determination may be made on an individual basis.

### 第三章 保護の種類及び範囲

#### Chapter III Types and Scope of Public Assistance

(種類)

(Types)

第十一条 保護の種類は、次のとおりとする。

Article 11 (1) The type of public assistance shall be as follows:

一 生活扶助

(i) Livelihood assistance

二 教育扶助

(ii) Education assistance

三 住宅扶助

(iii) Housing assistance

四 医療扶助

(iv) Medical assistance

五 介護扶助

(v) Long-term care assistance

六 出産扶助

(vi) Maternity assistance

七 生業扶助

(vii) Occupational assistance

八 葬祭扶助

(viii) Funeral assistance

2 前項各号の扶助は、要保護者の必要に応じ、単給又は併給として行われる。

(2) The assistance set forth in the items of the preceding paragraph shall be provided singly or in combination according to the needs of the person requiring public assistance.

(生活扶助)

(Livelihood Assistance)

第十二条 生活扶助は、困窮のため最低限度の生活を維持することのできない者に対して、左に掲げる事項の範囲内において行われる。

Article 12 Livelihood assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

一 衣食その他日常生活の需要を満たすために必要なもの

(i) Clothing, food and any other things necessary for satisfying the demands of daily life

二 移送

(ii) Transportation

(教育扶助)

(Education Assistance)

第十三条 教育扶助は、困窮のため最低限度の生活を維持することのできない者に対して、左に掲げる事項の範囲内において行われる。

Article 13 Education assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

一 義務教育に伴って必要な教科書その他の学用品

(i) Textbooks and other school supplies necessary in line with compulsory education

二 義務教育に伴って必要な通学用品

(ii) School-commuting supplies necessary in line with compulsory education

三 学校給食その他義務教育に伴って必要なもの

(iii) School meals and any other things necessary in line with compulsory education

(住宅扶助)

(Housing Assistance)

第十四条 住宅扶助は、困窮のため最低限度の生活を維持することのできない者に対して、左に掲げる事項の範囲内において行われる。

Article 14 Housing assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

一 住居

(i) Residence

二 補修その他住宅の維持のために必要なもの

(ii) Repairs and other things necessary for maintaining the housing

(医療扶助)

(Medical Assistance)

第十五条 医療扶助は、困窮のため最低限度の生活を維持することのできない者に対して、左に掲げる事項の範囲内において行われる。

Article 15 Medical assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

一 診察

(i) Medical examinations

二 薬剤又は治療材料

(ii) Medicines or therapeutic materials

三 医学的処置、手術及びその他の治療並びに施術

(iii) Medical treatment, surgery and any other therapy and treatment

四 居宅における療養上の管理及びその療養に伴う世話その他の看護

(iv) In-home medical care management as well as care-taking and any other nursing pertaining to in-home medical care

五 病院又は診療所への入院及びその療養に伴う世話その他の看護

(v) Admission to a hospital or clinic as well as care-taking and any other nursing pertaining to medical care in the hospital or clinic

六 移送

(vi) Transportation

(介護扶助)

(Long-Term Care Assistance)

第十五条の二 介護扶助は、困窮のため最低限度の生活を維持することのできない要介護者（介護保険法（平成九年法律第百二十三号）第七条第三項に規定する要介護者をいう。第三項において同じ。）に対して、第一号から第四号まで及び第八号に掲げる事項の範囲内において行われ、困窮のため最低限度の生活を維持することのできない要支援者（同条第四項に規定する要支援者をいう。第六項において同じ。）に対して、第五号から第八号までに掲げる事項の範囲内において行われる。

Article 15-2 (1) Long-term care assistance shall be provided within the scope of the matters listed in items (i) to (iv) and item (viii) to a person requiring long-term care (which means a person requiring long-term care prescribed in Article 7, paragraph (3) of the Long-Term Care Insurance Act [Act No. 123 of 1997]; the same shall apply in paragraph (3)) who is unable to maintain a minimum standard of living due to poverty, and shall be provided within the scope of the matters listed in items (v) to (viii) to a person requiring support (which means a person requiring support prescribed in paragraph (4) of the same Article; the same shall apply in paragraph (6)) who is unable to maintain a minimum standard of living due to poverty:

一 居宅介護（居宅介護支援計画に基づき行うものに限る。）

(i) In-home care services (limited to those carried out based on an in-home care

support plan)

二 福祉用具

(ii) Welfare equipment

三 住宅改修

(iii) Home renovation

四 施設介護

(iv) Facility care services

五 介護予防（介護予防支援計画に基づき行うものに限る。）

(v) Care prevention services (limited to those carried out based on a care prevention support plan)

六 介護予防福祉用具

(vi) Welfare equipment for care prevention

七 介護予防住宅改修

(vii) Home renovation for care prevention

八 移送

(viii) Transportation

2 前項第一号に規定する居宅介護とは、介護保険法第八条第二項に規定する訪問介護、同条第三項に規定する訪問入浴介護、同条第四項に規定する訪問看護、同条第五項に規定する訪問リハビリテーション、同条第六項に規定する居宅療養管理指導、同条第七項に規定する通所介護、同条第八項に規定する通所リハビリテーション、同条第九項に規定する短期入所生活介護、同条第十項に規定する短期入所療養介護、同条第十一項に規定する特定施設入居者生活介護、同条第十二項に規定する福祉用具貸与、同条第十五項に規定する夜間対応型訪問介護、同条第十六項に規定する認知症対応型通所介護、同条第十七項に規定する小規模多機能型居宅介護、同条第十八項に規定する認知症対応型共同生活介護及び同条第十九項に規定する地域密着型特定施設入居者生活介護並びにこれらに相当するサービスをいう。

(2) In-home care services prescribed in item (i) of the preceding paragraph means home-visit care services prescribed in Article 8, paragraph (2) of the Long-Term Care Insurance Act, home-visit bathing services prescribed in paragraph (3) of the same Article, home-visit nursing prescribed in paragraph (4) of the same Article, home-visit rehabilitation prescribed in paragraph (5) of the same Article, in-home medical care management counseling prescribed in paragraph (6) of the same Article, day care services prescribed in paragraph (7) of the same Article, day rehabilitation prescribed in paragraph (8) of the same Article, short-stay care services prescribed in paragraph (9) of the same Article, short-stay medical care prescribed in paragraph (10) of the same Article, care services provided in specified facilities prescribed in paragraph (11) of the same Article, lending of welfare equipment prescribed in paragraph (12) of the same Article, nighttime home-visit care services prescribed in paragraph (15) of the same Article, day care services for the elderly with dementia prescribed in paragraph (16) of the same Article, small-scale and multifunctional in-home

care services prescribed in paragraph (17) of the same Article, care services provided in group homes for the elderly with dementia prescribed in paragraph (18) of the same Article, and care services provided in community-based specified facilities prescribed in paragraph (19) of the same Article, and any services equivalent thereto.

3 第一項第一号に規定する居宅介護支援計画とは、居宅において生活を営む要介護者が居宅介護その他居宅において日常生活を営むために必要な保健医療サービス及び福祉サービス（以下この項において「居宅介護等」という。）の適切な利用等を行うことができるようにするための当該要介護者が利用する居宅介護等の種類、内容等を定める計画をいう。

(3) An in-home care support plan prescribed in paragraph (1), item (i) means a plan which, for the purpose of allowing a person requiring long-term care who leads his/her life at home to use, etc. appropriately in-home care services and any other health and medical services and welfare services that are necessary for leading a daily life at home (hereinafter referred to as "in-home care services, etc." in this paragraph), specifies such matters as the types and contents of the in-home care services, etc. to be used by said person requiring long-term care.

4 第一項第四号に規定する施設介護とは、介護保険法第八条第二十項に規定する地域密着型介護老人福祉施設入所者生活介護、同条第二十四項に規定する介護福祉施設サービス、同条第二十五項に規定する介護保健施設サービス及び同条第二十六項に規定する介護療養施設サービスをいう。

(4) Facility care services prescribed in paragraph (1), item (iv) means care services provided at community-based long-term care welfare facilities for the elderly prescribed in Article 8, paragraph (20) of the Long-Term Care Insurance Act, long-term care welfare facility services prescribed in paragraph (24) of the same Article, long-term care health facility services prescribed in paragraph (25) of the same Article and long-term care sanatorium facility services prescribed in paragraph (26) of the same Article.

5 第一項第五号に規定する介護予防とは、介護保険法第八条の二第二項に規定する介護予防訪問介護、同条第三項に規定する介護予防訪問入浴介護、同条第四項に規定する介護予防訪問看護、同条第五項に規定する介護予防訪問リハビリテーション、同条第六項に規定する介護予防居宅療養管理指導、同条第七項に規定する介護予防通所介護、同条第八項に規定する介護予防通所リハビリテーション、同条第九項に規定する介護予防短期入所生活介護、同条第十項に規定する介護予防短期入所療養介護、同条第十一項に規定する介護予防特定施設入居者生活介護、同条第十二項に規定する介護予防福祉用具貸与、同条第十五項に規定する介護予防認知症対応型通所介護、同条第十六項に規定する介護予防小規模多機能型居宅介護及び同条第十七項に規定する介護予防認知症対応型共同生活介護並びにこれらに相当するサービスをいう。

(5) Care prevention services prescribed in paragraph (1), item (v) means home-visit care services for care prevention prescribed in Article 8-2, paragraph (2)



of the Long-Term Care Insurance Act, home-visit bathing services for care prevention prescribed in paragraph (3) of the same Article, home-visit nursing for care prevention prescribed in paragraph (4) of the same Article, home-visit rehabilitation for care prevention prescribed in paragraph (5) of the same Article, in-home medical care management counseling for care prevention prescribed in paragraph (6) of the same Article, day care services for care prevention prescribed in paragraph (7) of the same Article, day rehabilitation for care prevention prescribed in paragraph (8) of the same Article, short-stay care services for care prevention prescribed in paragraph (9) of the same Article, short-stay medical care for care prevention prescribed in paragraph (10) of the same Article, care services for care prevention provided in specified facilities prescribed in paragraph (11) of the same Article, lending of welfare equipment for care prevention prescribed in paragraph (12) of the same Article, day care services for the elderly with dementia for care prevention prescribed in paragraph (15) of the same Article, small-scale and multifunctional in-home care services for care prevention prescribed in paragraph (16) of the same Article, and care services for care prevention provided in group homes for the elderly with dementia prescribed in paragraph (17) of the same Article, and any services equivalent thereto.

6 第一項第五号に規定する介護予防支援計画とは、居宅において生活を営む要支援者が介護予防その他身体上又は精神上の障害があるために入浴、排せつ、食事等の日常生活における基本的な動作の全部若しくは一部について常時介護を要し、又は日常生活を営むのに支障がある状態の又は悪化の防止に資する保健医療サービス及び福祉サービス（以下この項において「介護予防等」という。）の適切な利用等を行うことができるようにするための当該要支援者が利用する介護予防等の種類、内容等を定める計画であつて、介護保険法第百十五条の三十九第一項に規定する地域包括支援センター（第三十四条の二第二項及び第五十四条の二第一項において「地域包括支援センター」という。）の職員のうち同法第八条の二第十八項の厚生労働省令で定める者が作成したものをいう。

(6) A care prevention support plan prescribed in paragraph (1), item (v) means a plan which, for the purpose of allowing a person requiring support who leads his/her life at home to use, etc. appropriately care prevention services and any other health and medical services and welfare services that contribute to relieving or preventing from worsening the conditions where, due to physical or mental disabilities, said person requires constant care with regard to all or part of the basic activities of daily life such as bathing, excretion and eating or has trouble leading his/her daily life (hereinafter referred to as "care prevention services, etc." in this paragraph), specifies such matters as the types and contents of the care prevention services, etc. to be used by said person requiring long-term care, and which has been prepared by any person specified by an Ordinance of the Ministry of Health, Labour and Welfare set

forth in Article 8-2, paragraph (18) from among the employees of a community comprehensive support center prescribed in Article 105-39, paragraph (1) of the Long-Term Care Insurance Act (referred to as a "community comprehensive support center" in Article 34-2, paragraph (2) and Article 54-2, paragraph (1)).

(出産扶助)

(Maternity Assistance)

第十六条 出産扶助は、困窮のため最低限度の生活を維持することのできない者に対して、左に掲げる事項の範囲内において行われる。

Article 16 Maternity assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

一 分べんの介助

(i) Assistance with delivery

二 分べん前及び分べん後の処置

(ii) Treatment prior to and after delivery

三 脱脂綿、ガーゼその他の衛生材料

(iii) Absorbent cotton, gauze and other sanitary supplies

(生業扶助)

(Occupational Assistance)

第十七条 生業扶助は、困窮のため最低限度の生活を維持することのできない者又はそのおそれのある者に対して、左に掲げる事項の範囲内において行われる。但し、これによつて、その者の収入を増加させ、又はその自立を助長することのできる見込のある場合に限る。

Article 17 Occupational assistance shall be provided within the scope of the following matters to a person who is unable to or is likely to become unable to maintain a minimum standard of living due to poverty; provided, however, that this shall be limited to the case where such provision is likely to be able to increase the income of said person or promote the self-support for said person:

一 生業に必要な資金、器具又は資料

(i) Funds, instruments or materials necessary for an occupation

二 生業に必要な技能の修得

(ii) Acquisition of skills necessary for an occupation

三 就労のために必要なもの

(iii) Things necessary for work

(葬祭扶助)

(Funeral Assistance)

第十八条 葬祭扶助は、困窮のため最低限度の生活を維持することのできない者に対して、左に掲げる事項の範囲内において行われる。

Article 18 (1) Funeral assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

一 検案

(i) Postmortem examination

二 死体の運搬

(ii) Transportation of the corpse

三 火葬又は埋葬

(iii) Cremation or burial

四 納骨その他葬祭のために必要なもの

(iv) Cineration and any other things necessary for a funeral

2 左に掲げる場合において、その葬祭を行う者があるときは、その者に対して、前項各号の葬祭扶助を行うことができる。

(2) In any of the following cases, if there is a person who intends to conduct the funeral, funeral assistance set forth in the items of the preceding paragraph may be provided to said person:

一 被保護者が死亡した場合において、その者の葬祭を行う扶養義務者がいないとき。

(i) Where, in the case of the death of a public assistance recipient, there is no person responsible for his/her support who intends to conduct his/her funeral

二 死者に対しその葬祭を行う扶養義務者がいない場合において、その遺留した金品で、葬祭を行うに必要な費用を満たすことのできないとき。

(ii) Where, in the case of the absence of a person responsible for support who intends to conduct the funeral of a deceased, it is not possible to cover the expenses necessary for conducting the funeral with the money and goods left behind by the deceased

#### 第四章 保護の機関及び実施

#### Chapter IV Organs for and Implementation of Public Assistance

(実施機関)

(Public Assistance Administrators)

第十九条 都道府県知事、市長及び社会福祉法（昭和二十六年法律第四十五号）に規定する福祉に関する事務所（以下「福祉事務所」という。）を管理する町村長は、次に掲げる者に対して、この法律の定めるところにより、保護を決定し、かつ、実施しなければならない。

Article 19 (1) A prefectural governor, a city mayor, or a mayor of a town or village managing an office concerning welfare (hereinafter referred to as a "welfare office") prescribed in the Social Welfare Act (Act No. 45 of 1951) (a city mayor and such mayor of a town or village shall be collectively referred to as a "municipal mayor") shall decide on and implement public assistance, pursuant to the provisions of this Act, for the following persons:

- 一 その管理に属する福祉事務所の所管区域内に居住地を有する要保護者
- (i) Any person requiring public assistance whose place of residence is within the jurisdictional district of the welfare office under the management of the prefectural governor or municipal mayor
- 二 居住地がないか、又は明らかでない要保護者であつて、その管理に属する福祉事務所の所管区域内に現在地を有するもの
- (ii) Any person requiring public assistance who does not have a place of residence or whose place of residence is unclear and whose current location is within the jurisdictional district of the welfare office under the management of the prefectural governor or municipal mayor
- 2 居住地が明らかである要保護者であつても、その者が急迫した状況にあるときは、その急迫した事由が止むまでは、その者に対する保護は、前項の規定にかかわらず、その者の現在地を所管する福祉事務所を管理する都道府県知事又は市町村長が行うものとする。
- (2) Even when the place of residence of a person requiring public assistance is clear, if said person is under urgent circumstances, public assistance for said person shall be provided by the prefectural governor or the municipal mayor managing the welfare office having jurisdiction over the current location of said person, notwithstanding the provisions of the preceding paragraph, until the urgent circumstances cease to exist.
- 3 第三十条第一項ただし書の規定により被保護者を救護施設、更生施設若しくはその他の適当な施設に入所させ、若しくはこれらの施設に入所を委託し、若しくは私人の家庭に養護を委託した場合又は第三十四条の二第二項の規定により被保護者に対する介護扶助（施設介護に限る。）を介護老人福祉施設（介護保険法第八条第二十四項に規定する介護老人福祉施設をいう。以下同じ。）に委託して行う場合においては、当該入所又は委託の継続中、その者に対して保護を行うべき者は、その者に係る入所又は委託前の居住地又は現在地によつて定めるものとする。
- (3) In the case of having a person requiring public assistance admitted into a relief facility, a rehabilitation facility or any other appropriate facility, or entrusting such admission to any such facility, or entrusting nursing care to the home of a private individual, or in the case of providing long-term care assistance (limited to facility care services) to a person requiring public assistance by entrusting it to a long-term care welfare facility for the elderly (which means a long-term care welfare facility for the elderly prescribed in Article 8, paragraph (24) of the Long-Term Care Insurance Act; the same shall apply hereinafter) pursuant to the provisions of Article 34-2 (2), the person who should provide public assistance to said person while said admission or entrustment remains valid shall be decided based on the place of residence or the current location of said person prior to said admission or entrustment.
- 4 前三項の規定により保護を行うべき者（以下「保護の実施機関」という。）は、保護の決定及び実施に関する事務の全部又は一部を、その管理に属する行政庁に限り、

委任することができる。

(4) The person who should provide public assistance pursuant to the provisions of the preceding three paragraphs (hereinafter referred to as the "public assistance administrator") may delegate all or a part of the affairs concerning decisions about and implementation of public assistance, but only to an administrative agency under his/her management.

5 保護の実施機関は、保護の決定及び実施に関する事務の一部を、政令の定めるところにより、他の保護の実施機関に委託して行うことを妨げない。

(5) A public assistance administrator shall not be precluded from entrusting a part of the affairs concerning decisions about and implementation of public assistance to another public assistance administrator pursuant to the provisions of a Cabinet Order.

6 福祉事務所を設置しない町村の長（以下「町村長」という。）は、その町村の区域内において特に急迫した事由により放置することができない状況にある要保護者に対して、応急的処置として、必要な保護を行うものとする。

(6) The mayor of a town or village without a welfare office (hereinafter referred to as the "mayor of a town or village") shall provide the necessary public assistance, as emergency treatment, to a person requiring public assistance within the district of that town or village who is in such a state that he/she cannot be left unattended due to particularly urgent circumstances.

7 町村長は、保護の実施機関又は福祉事務所の長（以下「福祉事務所長」という。）が行う保護事務の執行を適切ならしめるため、左に掲げる事項を行うものとする。

(7) The mayor of a town or village shall carry out the following matters in order to ensure the appropriate execution of public assistance affairs conducted by the public assistance administrator or the head of the welfare office (hereinafter referred to as the "welfare office director"):

一 要保護者を発見し、又は被保護者の生計その他の状況の変動を発見した場合において、すみやかに、保護の実施機関又は福祉事務所長にその旨を通報すること。

(i) On discovering a person requiring public assistance or discovering any change to the livelihood or any other circumstances of a public assistance recipient, the mayor of a town or village shall promptly inform the public assistance administrator or the welfare office director to that effect.

二 第二十四条第六項の規定により保護の開始又は変更の申請を受け取った場合において、これを保護の実施機関に送付すること。

(ii) On receiving an application for the commencement of or a change to public assistance pursuant to the provisions of Article 24, paragraph (6), the mayor of a town or village shall send said application to the public assistance administrator.

三 保護の実施機関又は福祉事務所長から求められた場合において、被保護者等に対して、保護金品を交付すること。

(iii) On being requested by the public assistance administrator or the welfare

office director, the mayor of a town or village shall deliver a public assistance benefit to a public assistance recipient, etc.

四 保護の実施機関又は福祉事務所長から求められた場合において、要保護者に関する調査を行うこと。

(iv) On being requested by the public assistance administrator or the welfare office director, the mayor of a town or village shall carry out an investigation concerning a person requiring public assistance.

(職権の委任)

(Delegation of Authority)

第二十条 都道府県知事は、この法律に定めるその職権の一部を、その管理に属する行政庁に委任することができる。

Article 20 A prefectural governor may delegate a part of his/her authority prescribed by this Act to an administrative agency under his/her management.

(補助機関)

(Assisting Organ)

第二十一条 社会福祉法に定める社会福祉主事は、この法律の施行について、都道府県知事又は市町村長の事務の執行を補助するものとする。

Article 21 A social welfare officer prescribed in the Social Welfare Act shall assist in the execution of the affairs of a prefectural governor or a municipal mayor with regard to the enforcement of this Act.

(民生委員の協力)

(Cooperation of Welfare Commissioner)

第二十二条 民生委員法（昭和二十三年法律第百九十八号）に定める民生委員は、この法律の施行について、市町村長、福祉事務所長又は社会福祉主事の仕事の執行に協力するものとする。

Article 22 A welfare commissioner prescribed in the Welfare Commissioners Act (Act No. 198 of 1948) shall assist in the execution of the affairs of a municipal mayor, welfare office director or social welfare officer with regard to the enforcement of this Act.

(事務監査)

(Audit of Affairs)

第二十三条 厚生労働大臣は都道府県知事及び市町村長の行うこの法律の施行に関する事務について、都道府県知事は市町村長の行うこの法律の施行に関する事務について、その指定する職員に、その監査を行わせなければならない。

Article 23 (1) The Minister of Health, Labour and Welfare shall have an official he/she has designated conduct an audit of the affairs concerning the enforcement of this Act carried out by a prefectural governor or municipal

mayor, and a prefectural governor shall have an official he/she has designated conduct an audit of the affairs concerning the enforcement of this Act carried out by a municipal mayor.

2 前項の規定により指定された職員は、都道府県知事又は市町村長に対し、必要と認める資料の提出若しくは説明を求め、又は必要と認める指示をすることができる。

(2) An official designated pursuant to the provisions of the preceding paragraph may make a request for the submission of materials or the provision of a statement of explanation that he/she finds necessary or give an instruction that he/she finds necessary to a prefectural governor or municipal mayor.

3 第一項の規定により指定すべき職員の資格については、政令で定める。

(3) The qualification of an official to be designated pursuant to the provisions of paragraph (1) shall be specified by a Cabinet Order.

(申請による保護の開始及び変更)

(Commencement of or Change to Public Assistance Through Application)

第二十四条 保護の実施機関は、保護の開始の申請があつたときは、保護の要否、種類、程度及び方法を決定し、申請者に対して書面をもつて、これを通知しなければならない。

Article 24 (1) A public assistance administrator shall, where an application for the commencement of public assistance has been filed, decide on the need for and the type, extent and method of public assistance, and notify the applicant of the result in writing.

2 前項の書面には、決定の理由を附さなければならない。

(2) The document under the preceding paragraph shall state the reason for the decision.

3 第一項の通知は、申請のあつた日から十四日以内にしなければならない。但し、扶養義務者の資産状況の調査に日時を要する等特別な理由がある場合には、これを三十日まで延ばすことができる。この場合には、同項の書面にその理由を明示しなければならない。

(3) The notice under paragraph (1) shall be given within fourteen days from the date on which an application has been filed; provided, however, that said period may be extended to thirty days in the case where there is any special reason, such as when an investigation on the state of the assets of persons responsible for support takes time, in which case, said reason shall be clearly indicated in the document under the same paragraph.

4 保護の申請をしてから三十日以内に第一項の通知がないときは、申請者は、保護の実施機関が申請を却下したものとみなすことができる。

(4) When an applicant does not receive the notice under paragraph (1) within thirty days from the filing of an application for public assistance, he/she may deem that the public assistance administrator has dismissed the application.

5 前四項の規定は、第七条に規定する者から保護の変更の申請があつた場合に準用す

る。

(5) The provisions of the preceding four paragraphs shall apply *mutatis mutandis* to the case where an application for a change to public assistance has been filed by a person prescribed in Article 7.

6 保護の開始又は変更の申請は、町村長を経由してすることもできる。町村長は、申請を受け取ったときは、五日以内に、その申請に、要保護者に対する扶養義務者の有無、資産状況その他保護に関する決定をするについて参考となるべき事項を記載した書面を添えて、これを保護の実施機関に送付しなければならない。

(6) An application for the commencement of or a change to public assistance may also be filed through the mayor of a town or village. In the case where the mayor of a town or village has received an application, he/she shall send said the application to the public assistance administrator together with a document stating the presence or absence of any person responsible for support of the person requiring public assistance, the state of assets, and any other matters that would serve as a reference when making a decision concerning public assistance, within five days.

(職権による保護の開始及び変更)

(Commencement of and Change to Public Assistance Ex Officio)

第二十五条 保護の実施機関は、要保護者が急迫した状況にあるときは、すみやかに、職権をもつて保護の種類、程度及び方法を決定し、保護を開始しなければならない。

Article 25 (1) A public assistance administrator shall, when a person requiring public assistance is under urgent circumstances, decide promptly on the type, extent and method of public assistance and commence public assistance *ex officio*.

2 保護の実施機関は、常に、被保護者の生活状態を調査し、保護の変更を必要とするとき認めるときは、すみやかに、職権をもつてその決定を行い、書面をもつて、これを被保護者に通知しなければならない。前条第二項の規定は、この場合に準用する。

(2) A public assistance administrator shall constantly investigate the status of the standard of living of a public assistance recipient, and when he/she finds a need for a change to the public assistance, he/she shall decide promptly on said change *ex officio* and notify the public assistance recipient of the result in writing. The provisions of paragraph (2) of the preceding Article shall apply *mutatis mutandis* to this case.

3 町村長は、要保護者が特に急迫した事由により放置することができない状況にあるときは、すみやかに、職権をもつて第十九条第六項に規定する保護を行わなければならない。

(3) The mayor of a town or village shall, when a person requiring public assistance is in such a state that he/she cannot be left unattended due to particularly urgent circumstances, provide promptly the public assistance prescribed in Article 19, paragraph (6) *ex officio*.



(保護の停止及び廃止)

**(Suspension and Abolition of Public Assistance)**

第二十六条 保護の実施機関は、被保護者が保護を必要としなくなつたときは、すみやかに、保護の停止又は廃止を決定し、書面をもつて、これを被保護者に通知しなければならない。第二十八条第四項又は第六十二条第三項の規定により保護の停止又は廃止をするときも、同様とする。

Article 26 A public assistance administrator shall, when a public assistance recipient no longer needs public assistance, decide promptly on the suspension or abolition of the public assistance, and notify the public assistance recipient of the result in writing. The same shall apply in the case of suspending or abolishing public assistance pursuant to the provisions of Article 28, paragraph (4) or Article 62, paragraph (3).

(指導及び指示)

**(Guidance and Instruction)**

第二十七条 保護の実施機関は、被保護者に対して、生活の維持、向上その他保護の目的達成に必要な指導又は指示をすることができる。

Article 27 (1) A public assistance administrator may give a public assistance recipient any guidance or instruction that is necessary for maintaining or improving the recipient's standard of living or for achieving the purpose of public assistance.

2 前項の指導又は指示は、被保護者の自由を尊重し、必要の最少限度に止めなければならない。

(2) The guidance or instruction under the preceding paragraph shall respect the freedom of the public assistance recipient and be limited to the minimum extent necessary.

3 第一項の規定は、被保護者の意に反して、指導又は指示を強制し得るものと解釈してはならない。

(3) The provisions of paragraph (1) shall not be interpreted as those that may force a public assistance recipient to receive guidance or instruction against his/her will.

(相談及び助言)

**(Consultation and Advice)**

第二十七条の二 保護の実施機関は、要保護者から求めがあつたときは、要保護者の自立を助長するために、要保護者からの相談に応じ、必要な助言をすることができる。

Article 27-2 A public assistance administrator may, when requested to do so by a person requiring public assistance, respond to a request for a consultation from the person requiring public assistance and provide the necessary advice, in order to promote self-support for the person requiring public assistance.

(調査及び検診)

(Investigation and Medical Examination)

第二十八条 保護の実施機関は、保護の決定又は実施のため必要があるときは、要保護者の資産状況、健康状態その他の事項を調査するために、要保護者について、当該職員に、その居住の場所に立ち入り、これらの事項を調査させ、又は当該要保護者に対して、保護の実施機関の指定する医師若しくは歯科医師の検診を受けるべき旨を命ずることができる。

Article 28 (1) When it is necessary for deciding on or implementing public assistance, a public assistance administrator may, in order to investigate the state of the assets, health conditions or any other matters of a person requiring public assistance, have a relevant official enter the place of residence of said person requiring public assistance and investigate these matters or order said person requiring public assistance to have a medical examination from a doctor or a dentist designated by the public assistance administrator.

2 前項の規定によつて立入調査を行う当該職員は、厚生労働省令の定めるところにより、その身分を示す証票を携帯し、且つ、関係人の請求があるときは、これを呈示しなければならない。

(2) A relevant official who conducts on-site investigations pursuant to the provisions of the preceding paragraph shall carry his/her identification and present it when requested to do so by a person concerned, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

3 第一項の規定による立入調査の権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority for on-site inspections under the provisions of paragraph (1) shall not be interpreted as that granted for criminal investigation.

4 保護の実施機関は、要保護者が第一項の規定による立入調査を拒み、妨げ、若しくは忌避し、又は医師若しくは歯科医師の検診を受けるべき旨の命令に従わないときは、保護の開始若しくは変更の申請を却下し、又は保護の変更、停止若しくは廃止をすることができる。

(4) A public assistance administrator may, when a person requiring public assistance has refused, obstructed or avoided an on-site investigation or has failed to follow an order to have a medical examination from a doctor or dentist under the provisions of paragraph (1), dismiss an application for the commencement of or a change to the public assistance or may change, suspend or abolish the public assistance.

(調査の囑託及び報告の請求)

(Commissioning of Investigation and Request for Report)

第二十九条 保護の実施機関及び福祉事務所長は、保護の決定又は実施のために必要があるときは、要保護者又はその扶養義務者の資産及び収入の状況につき、官公署に調

査を囑託し、又は銀行、信託会社、要保護者若しくはその扶養義務者の雇主その他の関係人に、報告を求めることができる。

**Article 29** When it is necessary for deciding on or implementing public assistance, a public assistance administrator and a welfare office director may commission an investigation to a public agency or request a report from a bank, trust company, the employer of a person requiring public assistance or a person responsible for support of the person requiring public assistance with regard to the assets and income of the person requiring public assistance or the person responsible for his/her support.

(行政手続法の適用除外)

(Exclusion from Application of the Administrative Procedure Act)

第二十九条の二 この章の規定による処分については、行政手続法（平成五年法律第八十八号）第三章（第十二条及び第十四条を除く。）の規定は、適用しない。

**Article 29-2** The provisions of Chapter 3 (excluding Articles 12 and 14) of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to any disposition under the provisions of this Chapter.

## 第五章 保護の方法

### Chapter V Method of Public Assistance

(生活扶助の方法)

(Method of Livelihood Assistance)

第三十条 生活扶助は、被保護者の居宅において行うものとする。ただし、これによることができないとき、これによつては保護の目的を達しがたいとき、又は被保護者が希望したときは、被保護者を救護施設、更生施設若しくはその他の適当な施設に入所させ、若しくはこれらの施設に入所を委託し、又は私人の家庭に養護を委託して行うことができる。

**Article 30** (1) Livelihood assistance shall be provided at the home of a public assistance recipient; provided, however, that, when this method cannot be used, when it is difficult to achieve the purpose of public assistance by this method, or when the public assistance recipient has so desired, public assistance may be provided by having the public assistance recipient admitted into a relief facility, a rehabilitation facility or any other appropriate facility, or entrusting such admission into any such facility, or entrusting nursing care to the home of a private individual.

2 前項ただし書の規定は、被保護者の意に反して、入所又は養護を強制することができるものと解釈してはならない。

(2) The provisions of the proviso to the preceding paragraph shall not be interpreted as those that are able to force admission into a facility or provision of nursing care against the will of a public assistance recipient.

3 保護の実施機関は、被保護者の親権者又は後見人がその権利を適切に行わない場合においては、その異議があつても、家庭裁判所の許可を得て、第一項但書の措置をとることができる。

(3) A public assistance administrator may, in the case where a person who has parental authority or is a guardian for a public assistance recipient fails to exercise his/her rights appropriately, take one of the measures under the proviso to paragraph (1) by obtaining the permission of a family court, even if said person objects to it.

4 前項の許可は、家事審判法（昭和二十二年法律第百五十二号）の適用に関しては、同法第九条第一項甲類に掲げる事項とみなす。

(4) The permission under the preceding paragraph shall be deemed to be a matter listed in Article 9, paragraph (1), Group A of the Domestic Affairs Adjustment Act (Act No. 152 of 1947) with regard to application of the same Act.

第三十一条 生活扶助は、金銭給付によつて行うものとする。但し、これによることができないとき、これによることが適当でないとき、その他保護の目的を達するために必要があるときは、現物給付によつて行うことができる。

Article 31 (1) Livelihood assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, livelihood assistance may be provided by way of performance in kind.

2 生活扶助のための保護金品は、一月分以内を限度として前渡するものとする。但し、これによりがたいときは、一月分をこえて前渡することができる。

(2) The public assistance benefit for livelihood assistance shall be provided in advance to the extent of one month's worth; provided, however, that when it is difficult to use this method, the public assistance benefit may be provided in advance in excess of one month's worth.

3 居宅において生活扶助を行う場合の保護金品は、世帯単位に計算し、世帯主又はこれに準ずる者に対して交付するものとする。但し、これによりがたいときは、被保護者に対して個々に交付することができる。

(3) The public assistance benefit in the case of providing livelihood assistance at home shall be calculated on a household basis and shall be delivered to the householder or a person equivalent thereto; provided, however, that if it is difficult to use this method, the public assistance benefit may be delivered to the public assistance recipient on an individual basis.

4 地域密着型介護老人福祉施設（介護保険法第八条第二十項に規定する地域密着型介護老人福祉施設をいう。以下同じ。）、介護老人福祉施設又は介護老人保健施設（同条第二十五項に規定する介護老人保健施設をいう。以下同じ。）であつて第五十四条の二第一項の規定により指定を受けたもの（同条第二項の規定により同条第一項の指

定を受けたものとみなされた地域密着型介護老人福祉施設及び介護老人福祉施設を含む。)において施設介護を受ける被保護者に対して生活扶助を行う場合の保護金品を前項に規定する者に交付することが適当でないときその他保護の目的を達するために必要があるときは、同項の規定にかかわらず、当該地域密着型介護老人福祉施設若しくは介護老人福祉施設の長又は当該介護老人保健施設の管理者に対して交付することができる。

- (4) In the case of providing livelihood assistance to a public assistance recipient who receives facility care services at a community-based long-term care welfare facility for the elderly (which means a community-based long-term care welfare facility for the elderly prescribed in Article 8, paragraph (20) of the Long-Term Care Insurance Act; the same shall apply hereinafter), a long-term care welfare facility for the elderly, or a long-term care health facility for the elderly (which means a long-term care health facility for the elderly prescribed in paragraph (25) of the same Article; the same shall apply hereinafter) that has been designated pursuant to the provisions of Article 54-2, paragraph (1) (including a community-based long-term care welfare facility for the elderly or a long-term care welfare facility for the elderly that is deemed to have received the designation under paragraph (1) of the same Article pursuant to the provisions of paragraph (2) of the same Article), if it is not appropriate to deliver the public assistance benefit to a person prescribed in the preceding paragraph or if it is necessary for achieving the purpose of public assistance, the public assistance benefit may be delivered to the head of said community-based long-term care welfare facility for the elderly or long-term care welfare facility for the elderly, or to the manager of said long-term care health facility for the elderly, notwithstanding the provisions of paragraph (1) of the same Article.

5 前条第一項ただし書の規定により生活扶助を行う場合の保護金品は、被保護者又は施設の長若しくは養護の委託を受けた者に対して交付するものとする。

- (5) The public assistance benefit in the case of providing livelihood assistance pursuant to the provisions of the proviso to paragraph (1) of the preceding Article shall be delivered to the public assistance recipient, the head of the facility, or the person to whom nursing care has been entrusted.

(教育扶助の方法)

(Method of Education Assistance)

第三十二条 教育扶助は、金銭給付によつて行うものとする。但し、これによることができないとき、これによることが適当でないとき、その他保護の目的を達するために必要があるときは、現物給付によつて行うことができる。

Article 32 (1) Education assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, education assistance may be provided by way

of performance in kind.

2 教育扶助のための保護金品は、被保護者、その親権者若しくは未成年後見人又は被保護者の通学する学校の長に対して交付するものとする。

(2) The public assistance benefit for education assistance shall be delivered to the public assistance recipient, a person who has parental authority over the public assistance recipient or is a guardian of a public assistance recipient who is a minor, or the head of the school which the public assistance recipient attends.

(住宅扶助の方法)

(Method of Housing Assistance)

第三十三条 住宅扶助は、金銭給付によつて行うものとする。但し、これによることができないとき、これによることが適当でないとき、その他保護の目的を達するために必要があるときは、現物給付によつて行うことができる。

Article 33 (1) Housing assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, housing assistance may be provided by way of performance in kind.

2 住宅扶助のうち、住居の現物給付は、宿所提供施設を利用させ、又は宿所提供施設にこれを委託して行うものとする。

(2) Out of the housing assistance, residence as performance in kind shall be provided by having the public assistance recipient use a facility providing accommodation or by entrusting such actions to a facility providing accommodation.

3 第三十条第二項の規定は、前項の場合に準用する。

(3) The provisions of Article 30, paragraph (2) shall apply mutatis mutandis to the case under the preceding paragraph.

4 住宅扶助のための保護金品は、世帯主又はこれに準ずる者に対して交付するものとする。

(4) The public assistance benefit for housing assistance shall be delivered to the householder or a person equivalent thereto.

(医療扶助の方法)

(Method of Medical Assistance)

第三十四条 医療扶助は、現物給付によつて行うものとする。但し、これによることができないとき、これによることが適当でないとき、その他保護の目的を達するために必要があるときは、金銭給付によつて行うことができる。

Article 34 (1) Medical assistance shall be provided by way of performance in kind; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the

purpose of public assistance, medical assistance may be provided by way of performance in money.

2 前項に規定する現物給付のうち、医療の給付は、医療保護施設を利用させ、又は医療保護施設若しくは第四十九条の規定により指定を受けた医療機関にこれを委託して行うものとする。

(2) Out of the performance in kind prescribed in the preceding paragraph, medical care shall be furnished by having the public assistance recipient use a medical facility for persons requiring public assistance or by entrusting such actions to a medical facility for persons requiring public assistance or a medical institution that has been designated pursuant to the provisions of Article 49.

3 前項に規定する医療の給付のうち、あん摩マツサージ指圧師、はり師、きゆう師等に関する法律（昭和二十二年法律第二百十七号）又は柔道整復師法（昭和四十五年法律第十九号）の規定によりあん摩マツサージ指圧師又は柔道整復師（以下「施術者」という。）が行うことのできる範囲の施術については、第五十五条の規定により準用される第四十九条の規定により指定を受けた施術者に委託してその給付を行うことを妨げない。

(3) Out of the furnishing of medical care prescribed in the preceding paragraph, the extent of the treatment that may be provided by a massage and finger pressure practitioner or a judo healing practitioner (hereinafter referred to as a "practitioner") pursuant to the provisions of the Act on Massage and Finger Pressure Practitioners, Acupuncturists, Moxibustion Practitioners, etc. (Act No. 217 of 1947) or the Judo Healing Practitioner Act (Act No. 19 of 1970) shall not be precluded from being furnished by way of entrusting said treatment to a practitioner who has been designated pursuant to the provisions of Article 49 as applied mutatis mutandis pursuant to the provisions of Article 55.

4 急迫した事情がある場合においては、被保護者は、前二項の規定にかかわらず、指定を受けない医療機関について医療の給付を受け、又は指定を受けない施術者について施術の給付を受けることができる。

(4) In the case where there are urgent circumstances, a public assistance recipient may be furnished with medical care by a medical institution that has not been designated or be furnished with treatment by a practitioner who has not been designated, notwithstanding the provisions of the preceding two paragraphs.

5 医療扶助のための保護金品は、被保護者に対して交付するものとする。

(5) The public assistance benefit for medical assistance shall be delivered to the public assistance recipient.

（介護扶助の方法）

(Method of Long-Term Care Assistance)

第三十四条の二 介護扶助は、現物給付によつて行うものとする。ただし、これによる

ことができないとき、これによることが適当でないとき、その他保護の目的を達するために必要があるときは、金銭給付によつて行うことができる。

Article 34-2 (1) Long-term care assistance shall be provided by way of performance in kind; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, long-term care assistance may be provided by way of performance in money.

2 前項に規定する現物給付のうち、居宅介護、福祉用具の給付、施設介護、介護予防及び介護予防福祉用具の給付は、介護機関（その事業として居宅介護を行う者及びその事業として居宅介護支援計画を作成する者、その事業として介護保険法第八条第十三項に規定する特定福祉用具販売を行う者（第五十四条の二第一項において「特定福祉用具販売事業者」という。）、地域密着型介護老人福祉施設、介護老人福祉施設及び介護老人保健施設、その事業として介護予防を行う者及び地域包括支援センター並びにその事業として同法第八条の二第十三項に規定する特定介護予防福祉用具販売を行う者（第五十四条の二第一項において「特定介護予防福祉用具販売事業者」という。）をいう。以下同じ。）であつて、第五十四条の二第一項の規定により指定を受けたもの（同条第二項の規定により同条第一項の指定を受けたものとみなされた地域密着型介護老人福祉施設及び介護老人福祉施設を含む。）にこれを委託して行うものとする。

(2) Out of the performance in kind prescribed in the preceding paragraph, in-home care services, the furnishing of welfare equipment, facility care services, care prevention services and the furnishing of welfare equipment for care prevention shall be provided by way of entrusting such assistance to a long-term care provider (which means a person who provides in-home care services as his/her business, a person who prepares in-home care support plans as his/her business, a person who sells specified welfare equipment prescribed in Article 8, paragraph (13) of the Long-Term Care Insurance Act as his/her business [referred to as a "specified welfare equipment dealer" in Article 54-2, paragraph (1)], a community-based long-term care welfare facility for the elderly, a long-term care welfare facility for the elderly, a long-term care health facility for the elderly, a person who provides care prevention services as his/her business, a community comprehensive support center, or a person who sells specified welfare equipment for care prevention prescribed in Article 8-2, paragraph (13) of the same Act as his/her business [referred to as a "specified care prevention welfare equipment dealer" in Article 54-2, paragraph (1)]; the same shall apply hereinafter) who has been designated pursuant to the provisions of Article 54-2, paragraph (1) (including a community-based long-term care welfare facility for the elderly or a long-term care welfare facility for the elderly that is deemed to have received the designation under paragraph (1) of the same Article pursuant to the provisions of paragraph (2) of the same Article).



3 前条第四項及び第五項の規定は、介護扶助について準用する。この場合において、同条第四項中「急迫した事情」とあるのは、「急迫した事情その他やむを得ない事情」と読み替えるものとする。

(3) The provisions of paragraphs (4) and (5) of the preceding Article shall apply mutatis mutandis to long-term care assistance. In this case, the term "urgent circumstances" in paragraph (4) of the same Article shall be deemed to be replaced with "urgent circumstances or other unavoidable circumstances."

(出産扶助の方法)

(Method of Maternity Assistance)

第三十五条 出産扶助は、金銭給付によつて行うものとする。但し、これによることができないとき、これによることが適当でないとき、その他保護の目的を達するために必要があるときは、現物給付によつて行うことができる。

Article 35 (1) Maternity assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, maternity assistance may be provided by way of performance in kind.

2 前項但書に規定する現物給付のうち、助産の給付は、第五十五条の規定により準用される第四十九条の規定により指定を受けた助産師に委託して行うものとする。

(2) Out of the performance in kind prescribed in the proviso to the preceding paragraph, the furnishing of midwifery shall be provided by way of entrusting such midwifery to a midwife who has been designated pursuant to the provisions of Article 49 as applied mutatis mutandis pursuant to the provisions of Article 55.

3 第三十四条第四項及び第五項の規定は、出産扶助について準用する。

(3) The provisions of paragraphs (4) and (5) of Article 34 shall apply mutatis mutandis to maternity assistance.

(生業扶助の方法)

(Method of Occupational Assistance)

第三十六条 生業扶助は、金銭給付によつて行うものとする。但し、これによることができないとき、これによることが適当でないとき、その他保護の目的を達するために必要があるときは、現物給付によつて行うことができる。

Article 36 (1) Occupational assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, occupational assistance may be provided by way of performance in kind.

2 前項但書に規定する現物給付のうち、就労のために必要な施設の供用及び生業に必要な技能の授与は、授産施設若しくは訓練を目的とするその他の施設を利用させ、又

はこれらの施設にこれを委託して行うものとする。

(2) Out of performance in kind prescribed in the proviso to the preceding paragraph, use of a facility necessary for the employment and provision of the skills necessary for occupational assistance shall be provided by having the person requiring public assistance use a vocational facility or any other facility aimed at training, or by entrusting such assistance to such a facility.

3 生業扶助のための保護金品は、被保護者に対して交付するものとする。但し、施設の供用又は技能の授与のために必要な金品は、授産施設の長に対して交付することができる。

(3) The public assistance benefit for occupational assistance shall be delivered to the public assistance recipient; provided however, that the public assistance benefit necessary for the use of a facility or the provision of skills may be delivered to the head of a vocational facility.

(葬祭扶助の方法)

(Method of Funeral Assistance)

第三十七条 葬祭扶助は、金銭給付によつて行うものとする。但し、これによることができないとき、これによることが適当でないとき、その他保護の目的を達するために必要があるときは、現物給付によつて行うことができる。

Article 37 (1) Funeral assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, funeral assistance may be provided by way of performance in kind.

2 葬祭扶助のための保護金品は、葬祭を行う者に対して交付するものとする。

(2) The public assistance benefit for funeral assistance shall be delivered to the person conducting the funeral.

(保護の方法の特例)

(Exception to the Method of Public Assistance)

第三十七条の二 保護の実施機関は、保護の目的を達するために必要があるときは、第三十一条第三項本文若しくは第三十三条第四項の規定により世帯主若しくはこれに準ずる者に対して交付する保護金品、第三十一条第三項ただし書若しくは第五項、第三十二条第二項、第三十四条第五項（第三十四条の二第三項及び第三十五条第三項において準用する場合を含む。）若しくは第三十六条第三項の規定により被保護者に対して交付する保護金品又は前条第二項の規定により葬祭を行う者に対して交付する保護金品のうち、介護保険料（介護保険法第二百二十九条第一項に規定する保険料をいう。）その他の被保護者が支払うべき費用であつて政令で定めるものの額に相当する金銭について、被保護者に代わり、政令で定める者に支払うことができる。この場合において、当該支払があつたときは、これらの規定により交付すべき者に対し当該保護金品の交付があつたものとみなす。

Article 37-2 Out of the public assistance benefit delivered to the householder or a person equivalent thereto pursuant to the provisions of the main clause of Article 31, paragraph (3) or Article 33, paragraph (4), the public assistance benefit delivered to the public assistance recipient pursuant to the provisions of the proviso to Article 31, paragraph (3), Article 31, paragraph (5), Article 32, paragraph (2), Article 34, paragraph (5) (including the cases where it is applied mutatis mutandis pursuant to Article 34-2, paragraph (3) or Article 35, paragraph (3)) or Article 36, paragraph (3), or the public assistance benefit delivered to the person conducting the funeral pursuant to the provisions of paragraph (2) of the preceding Article, a public assistance administrator may, when it is necessary for achieving the purpose of public assistance, pay the money equivalent to the amount of the premium for long-term care insurance (which means the premium prescribed in Article 129, paragraph (1) of the Long-Term Care Insurance Act) and any other expenses to be paid by the public assistance recipient that is specified by a Cabinet Order to a person specified by a Cabinet Order in lieu of the public assistance recipient. In this case, when said payment has been made, it shall be deemed that the public assistance benefit has been delivered to the person to whom delivery should be made pursuant to these provisions.

## 第六章 保護施設

### Chapter VI Public Assistance Facilities

(種類)

(Types)

第三十八条 保護施設の種類は、左の通りとする。

Article 38 (1) The types of public assistance facilities shall be as follows:

一 救護施設

(i) Relief facility

二 更生施設

(ii) Rehabilitation facility

三 医療保護施設

(iii) Medical facility for persons requiring public assistance

四 授産施設

(iv) Vocational facility

五 宿所提供施設

(v) Facility providing accommodation

2 救護施設は、身体上又は精神上著しい障害があるために日常生活を営むことが困難な要保護者を入所させて、生活扶助を行うことを目的とする施設とする。

(2) A relief facility shall be a facility aimed at providing livelihood assistance by admitting persons requiring public assistance who have difficulty leading their

daily lives due to serious physical or mental disabilities.

3 更生施設は、身体上又は精神上の理由により養護及び生活指導を必要とする要保護者を入所させて、生活扶助を行うことを目的とする施設とする。

(3) A rehabilitation facility shall be a facility aimed at providing livelihood assistance by admitting persons requiring public assistance who need nursing care and livelihood guidance due to physical or mental reasons.

4 医療保護施設は、医療を必要とする要保護者に対して、医療の給付を行うことを目的とする施設とする。

(4) A medical facility for persons requiring public assistance shall be a facility aimed at furnishing medical care to persons requiring public assistance who need medical care.

5 授産施設は、身体上若しくは精神上の理由又は世帯の事情により就業能力の限られている要保護者に対して、就労又は技能の修得のために必要な機会及び便宜を与えて、その自立を助長することを目的とする施設とする。

(5) A vocational facility shall be a facility aimed at promoting the self-support for persons requiring public assistance whose ability to work is limited due to physical or mental reasons or due to household circumstances, by providing them with the necessary opportunities and assistance for employment or the acquisition of skills.

6 宿所提供施設は、住居のない要保護者の世帯に対して、住宅扶助を行うことを目的とする施設とする。

(6) A facility providing accommodation shall be a facility aimed at providing housing assistance to the households of persons requiring public assistance who have no home.

(保護施設の基準)

(Standards of Public Assistance Facilities)

第三十九条 保護施設は、その施設の設備及び運営並びにその施設における被保護者の数及びこれとその施設における利用者の総数との割合が厚生労働大臣の定める最低の基準以上のものでなければならない。

Article 39 The equipment and administration of a public assistance facility, the number of public assistance recipients using the public assistance facility, and the ratio between said number and the total number of persons using the public assistance facility shall clear the minimum standards specified by the Minister of Health, Labour and Welfare.

(都道府県、市町村及び地方独立行政法人の保護施設)

(Public Assistance Facilities of Prefectures, Municipalities and Local Incorporated Administrative Agencies)

第四十条 都道府県は、保護施設を設置することができる。

Article 40 (1) A prefecture may establish public assistance facilities.

2 市町村及び地方独立行政法人（地方独立行政法人法（平成十五年法律第百十八号）第二条第一項に規定する地方独立行政法人をいう。以下同じ。）は、保護施設を設置しようとするときは、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出なければならない。

(2) When a municipality or a local incorporated administrative agency (which means a local incorporated administrative agency prescribed in Article 2, paragraph (1) of the Local Incorporated Administrative Agency Act [Act No. 118 of 2003]; the same shall apply hereinafter) intends to establish a public assistance facility, it shall notify the prefectural governor of the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare in advance.

3 保護施設を設置した都道府県、市町村及び地方独立行政法人は、現に入所中の被保護者の保護に支障のない限り、その保護施設を廃止し、又はその事業を縮小し、若しくは休止することができる。

(3) A prefecture, municipality or local incorporated administrative agency that has established a public assistance facility may abolish said public assistance facility or downsize or suspend the operations of said public assistance facility as long as it does not impede the public assistance for the currently admitted public assistance recipients.

4 都道府県及び市町村の行う保護施設の設置及び廃止は、条例で定めなければならない。

(4) The establishment and abolition of a public assistance facility by a prefecture or municipality shall be prescribed by an ordinance.

（社会福祉法人及び日本赤十字社の保護施設の設置）

(Establishment of Public Assistance Facilities of Social Welfare Juridical Persons and the Japanese Red Cross Society)

第四十一条 都道府県、市町村及び地方独立行政法人のほか、保護施設は、社会福祉法人及び日本赤十字社でなければ設置することができない。

Article 41 (1) A public assistance facility may only be established by a social welfare juridical person or the Japanese Red Cross Society, apart from a prefecture, municipality and local incorporated administrative agency.

2 社会福祉法人又は日本赤十字社は、保護施設を設置しようとするときは、あらかじめ、左に掲げる事項を記載した申請書を都道府県知事に提出して、その認可を受けなければならない。

(2) When a social welfare juridical person or the Japanese Red Cross Society intends to establish a public assistance facility, it shall submit a written application stating the following matters to the prefectural governor and obtain his/her approval in advance:

一 保護施設の名称及び種類

(i) The name and type of the public assistance facility

- 二 設置者たる法人の名称並びに代表者の氏名、住所及び資産状況  
(ii) The name of the juridical person, which is the establisher, as well as the name of the representative person, address and the state of assets of said juridical person
- 三 寄附行為、定款その他の基本約款  
(iii) The articles of endowment, articles of incorporation and any other basic contracts
- 四 建物その他の設備の規模及び構造  
(iv) The size and structure of the building and any other equipment
- 五 取扱定員  
(v) The user capacity
- 六 事業開始の予定年月日  
(vi) The scheduled date of the commencement of operations
- 七 経営の責任者及び保護の実務に当る幹部職員の氏名及び経歴  
(vii) The names and backgrounds of the person responsible for the management and executive officials to be engaged in the practical affairs of public assistance
- 八 経理の方針  
(viii) The accounting policy
- 3 都道府県知事は、前項の認可の申請があつた場合に、その施設が第三十九条に規定する基準の外、左の各号の基準に適合するものであるときは、これを認可しなければならない。
- (3) In the case where an application for approval under the preceding paragraph has been filed, the prefectural governor shall grant approval if the facility complies with the following standards in addition to the standards prescribed in Article 39:
- 一 設置しようとする者の経済的基礎が確実であること。  
(i) The person who intends to establish the facility shall have a sound financial basis.
- 二 その保護施設の主として利用される地域における要保護者の分布状況からみて、当該保護施設の設置が必要であること。  
(ii) The establishment of the public assistance facility shall be necessary in light of the state of the distribution of persons requiring public assistance in the area where said public assistance facility will be mainly used.
- 三 保護の実務に当る幹部職員が厚生労働大臣の定める資格を有するものであること。  
(iii) The executive officials to be engaged in the practical affairs of public assistance shall have the qualification specified by the Minister of Health, Labour and Welfare.
- 4 第一項の認可をするに当つて、都道府県知事は、その保護施設の存続期間を限り、又は保護の目的を達するために必要と認める条件を附することができる。
- (4) When granting the approval under paragraph (1), the prefectural governor

may limit the duration of said public assistance facility or attach conditions that are found to be necessary for achieving the purpose of public assistance.

5 第二項の認可を受けた社会福祉法人又は日本赤十字社は、同項第一号又は第三号から第八号までに掲げる事項を変更しようとするときは、あらかじめ、都道府県知事の認可を受けなければならない。この認可の申請があつた場合には、第三項の規定を準用する。

(5) When a social welfare juridical person or the Japanese Red Cross Society that has obtained the approval under paragraph (2) intends to change any of the matters listed in item (i) or items (iii) to (viii) of the same paragraph, it shall obtain the approval of the prefectural governor in advance. In the case where an application for said approval has been filed, the provisions of paragraph (3) shall apply mutatis mutandis.

(社会福祉法人及び日本赤十字社の保護施設の休止又は廃止)

(Suspension of Operations or Abolition of Public Assistance Facilities of Social Welfare Juridical Persons or the Japanese Red Cross Society)

第四十二条 社会福祉法人又は日本赤十字社は、保護施設を休止し、又は廃止しようとするときは、あらかじめ、その理由、現に入所中の被保護者に対する措置及び財産の処分方法を明らかにし、かつ、第七十条、第七十二条又は第七十四条の規定により交付を受けた交付金又は補助金に残余額があるときは、これを返還して、休止又は廃止の時期について都道府県知事の認可を受けなければならない。

Article 42 When a social welfare juridical person or the Japanese Red Cross Society intends to suspend the operations of or abolish a public assistance facility, it shall obtain the approval of the prefectural governor in advance with regard to the time of the suspension or abolition, by clarifying the reasons therefor, the measures to be taken for the currently admitted public assistance recipients, and the method of disposing of property, and refunding the remainder of grants or subsidies that have been delivered pursuant to the provisions of Article 70, Article 72 or Article 74, if any.

(指導)

(Guidance)

第四十三条 都道府県知事は、保護施設の運営について、必要な指導をしなければならない。

Article 43 (1) A prefectural governor shall give the necessary guidance with regard to the administration of public assistance facilities.

2 社会福祉法人又は日本赤十字社の設置した保護施設に対する前項の指導については、市町村長が、これを補助するものとする。

(2) A municipal mayor shall assist in the guidance under the preceding paragraph given to a public assistance facility established by a social welfare juridical person or the Japanese Red Cross Society.

(報告の徴収及び立入検査)

**(Collection of Reports and On-Site Inspections)**

第四十四条 都道府県知事は、保護施設の管理者に対して、その業務又は会計の状況その他必要と認める事項の報告を命じ、又は当該職員に、その施設に立ち入り、その管理者からその設備及び会計書類、診療録その他の帳簿書類（その作成又は保存に代えて電磁的記録（電子的方式、磁気的方式その他人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものをいう。）の作成又は保存がされている場合における当該電磁的記録を含む。第五十四条第一項において同じ。）の閲覧及び説明を求めさせ、若しくはこれを検査させることができる。

Article 44 (1) A prefectural governor may order the manager of a public assistance facility to report on the state of its operations or accounting or any other matters that are found to be necessary, or have a relevant official enter the facility, have him/her request the manager to allow the inspection of and provide a statement of explanation with regard to the equipment as well as accounting documents, medical records and any other books and documents (including electromagnetic records [which mean records prepared in an electronic form, magnetic form or any other form that cannot be recognized by human senses, and which are provided for use in information processing by computers] in the case where electromagnetic records have been prepared or preserved in lieu of the preparation or preservation of such books and documents; the same shall apply in Article 54, paragraph (1)), or have him/her carry out an inspection thereof.

2 第二十八条第二項及び第三項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 28, paragraphs (2) and (3) shall apply mutatis mutandis to an on-site inspection under the provisions of the preceding paragraph.

(改善命令等)

**(Order for Improvement, etc.)**

第四十五条 厚生労働大臣は都道府県に対して、都道府県知事は市町村及び地方独立行政法人に対して、次に掲げる事由があるときは、その保護施設の設備若しくは運営の改善、その事業の停止又はその保護施設の廃止を命ずることができる。

Article 45 (1) When any of the following grounds exist, the Minister of Health, Labour and Welfare may order a prefectural governor, and a prefectural governor may order a municipality or a local incorporated administrative agency to improve the equipment or administration of a public assistance facility or to abolish a public assistance facility:

一 その保護施設が第三十九条に規定する基準に適合しなくなつたとき。



- (i) When the public assistance facility no longer conforms to the standards prescribed in Article 39  
 二 その保護施設が存立の目的を失うに至つたとき。
- (ii) When the public assistance facility has lost the purpose of its existence  
 三 その保護施設がこの法律若しくはこれに基づく命令又はこれらに基づいてする処分に違反したとき。
- (iii) When the public assistance facility has violated this Act or any order based on this Act or any disposition based on this Act or such order
- 2 都道府県知事は、社会福祉法人又は日本赤十字社に対して、左に掲げる事由があるときは、その保護施設の設備若しくは運営の改善若しくはその事業の停止を命じ、又は第四十一条第二項の認可を取り消すことができる。
- (2) When any of the following grounds exist, a prefectural governor may order a social welfare juridical person or the Japanese Red Cross Society to improve the equipment or administration of the public assistance facility or rescind the approval under Article 41, paragraph (2):
- 一 その保護施設が前項各号の一に該当するとき。
- (i) When the public assistance facility falls under any of the items of the preceding paragraph  
 二 その保護施設が第四十一条第三項各号に規定する基準に適合しなくなつたとき。
- (ii) When the public assistance facility no longer conforms to the standards prescribed in the items of Article 41, paragraph (3)  
 三 その保護施設の経営につき営利を図る行為があつたとき。
- (iii) When there has been a profit-making act with regard to the management of the public assistance facility  
 四 正当な理由がないのに、第四十一条第二項第六号の予定年月日（同条第五項の規定により変更の認可を受けたときは、その認可を受けた予定年月日）までに事業を開始しないとき。
- (iv) When operations have not been commenced by the scheduled date under Article 41, paragraph (2), item (vi) (when approval for a change has been obtained pursuant to the provisions of paragraph (5) of the same Article, the scheduled date for which said approval has been obtained) without justifiable grounds  
 五 第四十一条第五項の規定に違反したとき。
- (v) When the provisions of Article 41, paragraph (5) have been violated
- 3 前項の規定による処分に係る行政手続法第十五条第一項又は第三十条の通知は、聴聞の期日又は弁明を記載した書面の提出期限（口頭による弁明の機会の付与を行う場合には、その日時）の十四日前までにしなければならない。
- (3) Notice under Article 15, paragraph (1) or Article 30 of the Administrative Procedure Act pertaining to a disposition under the provisions of the preceding paragraph shall be given by fourteen days prior to the date of the hearing or the deadline of the submission of a written statement of explanation (in the

case of granting an opportunity for explanation by oral presentation, the date and time of the presentation).

4 都道府県知事は、第二項の規定による認可の取消しに係る行政手続法第十五条第一項の通知をしたときは、聴聞の期日及び場所を公示しなければならない。

(4) When a prefectural governor has given notice under Article 15, paragraph (1) of the Administrative Procedure Act pertaining to rescission of the approval under the provisions of paragraph (2), he/she shall publicly notify the date and place of the hearing.

5 第二項の規定による認可の取消しに係る聴聞の期日における審理は、公開により行わなければならない。

(5) Proceedings on the date of the hearing pertaining to rescission of the approval under the provisions of paragraph (2) shall be conducted openly.

(管理規程)

(Management Rules)

第四十六条 保護施設の設置者は、その事業を開始する前に、左に掲げる事項を明示した管理規程を定めなければならない。

Article 46 (1) The establisher of a public assistance facility shall stipulate management rules clearly indicating the following matters, prior to the commencement of the operations:

一 事業の目的及び方針

(i) The purpose and policy of the operations

二 職員の定数、区分及び職務内容

(ii) The fixed number, classification and contents of the duties of the officials

三 その施設を利用する者に対する処遇方法

(iii) The method for treating persons using the facility

四 その施設を利用する者が守るべき規律

(iv) The rules to be observed by persons using the facility

五 入所者に作業を課する場合には、その作業の種類、方法、時間及び収益の処分方法

(v) In the case of requiring the admitted persons to work, the type, method and hours of the work and a method for the appropriation of earnings from the work

六 その他施設の管理についての重要事項

(vi) Any other important matters concerning the management of the facility

2 都道府県以外の者は、前項の管理規程を定めたときは、すみやかに、これを都道府県知事に届け出なければならない。届け出た管理規程を変更しようとするときも、同様とする。

(2) When a person other than a prefecture has stipulated the management rules under the preceding paragraph, he/she shall promptly notify them to the prefectural governor. The same shall apply when such person intends to

change the management rules that have been notified.

3 都道府県知事は、前項の規定により届け出られた管理規程の内容が、その施設を利用する者に対する保護の目的を達するために適当でないと認めるときは、その管理規程の変更を命ずることができる。

(3) When a prefectural governor finds that the contents of the management rules that have been notified pursuant to the provisions of the preceding paragraph are not appropriate for achieving the purpose of public assistance for persons using said facility, he/she may order changes to said management rules.

(保護施設の義務)

(Obligations of a Public Assistance Facility)

第四十七条 保護施設は、保護の実施機関から保護のための委託を受けたときは、正当の理由なくして、これを拒んではならない。

Article 47 (1) When a public assistance facility has received an entrustment for the purpose of public assistance from a public assistance administrator, it may not refuse the entrustment without justifiable grounds.

2 保護施設は、要保護者の入所又は処遇に当たり、人種、信条、社会的身分又は門地により、差別的又は優先的な取扱いをしてはならない。

(2) A public assistance facility may not give discriminatory or preferential treatment depending on race, beliefs, social status or family status when admitting or treating a person requiring public assistance.

3 保護施設は、これを利用する者に対して、宗教上の行為、祝典、儀式又は行事に参加することを強制してはならない。

(3) A public assistance facility shall not force a person using the facility to participate in a religious act, celebration, ceremony or event.

4 保護施設は、当該職員が第四十四条の規定によつて行う立入検査を拒んではならない。

(4) A public assistance facility shall not refuse an on-site inspection carried out by a relevant official pursuant to the provisions of Article 44.

(保護施設の長)

(Head of a Public Assistance Facility)

第四十八条 保護施設の長は、常に、その施設を利用する者の生活の向上及び更生を図ることに努めなければならない。

Article 48 (1) The head of a public assistance facility shall constantly endeavor to achieve an improvement in the standards of living and rehabilitation of persons using the facility.

2 保護施設の長は、その施設を利用する者に対して、管理規程に従つて必要な指導をすることができる。

(2) The head of a public assistance facility may provide necessary guidance to persons using the facility in accordance with the management rules.

3 都道府県知事は、必要と認めるときは、前項の指導を制限し、又は禁止することができる。

(3) A prefectural governor may restrain or prohibit the guidance under the preceding paragraph if he/she finds it necessary.

4 保護施設の長は、その施設を利用する被保護者について、保護の変更、停止又は廃止を必要とする事由が生じたと認めるときは、すみやかに、保護の実施機関に、これを届け出なければならない。

(4) When the head of a public assistance facility finds that there are grounds requiring a change to or suspension or discontinuance of public assistance with regard to a public assistance recipient using the facility, he/she shall promptly notify this to the public assistance administrator.

## 第七章 医療機関、介護機関及び助産機関

### Chapter VII Medical Care Providers, Long-Term Care Providers and Midwifery Care Providers

(医療機関の指定)

(Designation of Medical Care Providers)

第四十九条 厚生労働大臣は、国の開設した病院若しくは診療所又は薬局についてその主務大臣の同意を得て、都道府県知事は、その他の病院、診療所（これらに準ずるものとして政令で定めるものを含む。）若しくは薬局又は医師若しくは歯科医師について開設者又は本人の同意を得て、この法律による医療扶助のための医療を担当させる機関を指定する。

Article 49 The Minister of Health, Labour and Welfare shall designate the providers in charge of the medical care for medical assistance under this Act with regard to hospitals, clinics or pharmacies established by the State, by obtaining the consent of the competent minister, and a prefectural governor shall designate such providers with regard to any other hospitals, clinics (including institutions that are specified by a Cabinet Order as being equivalent to such hospitals or clinics), pharmacies, doctors or dentists, by obtaining the consent of the founder or the person himself/herself.

(指定医療機関の義務)

(Obligations of Designated Medical Care Providers)

第五十条 前条の規定により指定を受けた医療機関（以下「指定医療機関」という。）は、厚生労働大臣の定めるところにより、懇切丁寧に被保護者の医療を担当しなければならない。

Article 50 (1) A medical care provider who has been designated pursuant to the provisions of the preceding Article (hereinafter referred to as a "designated medical care provider") shall provide medical care to public assistance recipients considerately and meticulously, in accordance with the rules

provided by the Minister of Health, Labour and Welfare.

2 指定医療機関は、被保護者の医療について、都道府県知事の行う指導に従わなければならない。

(2) A designated medical care provider shall follow any guidance provided by a prefectural governor with regard to medical care for public assistance recipients.

(変更の届出等)

(Notification of Change, etc.)

第五十条の二 指定医療機関は、当該指定医療機関の名称その他厚生労働省令で定める事項に変更があつたとき、又は当該指定医療機関の事業を廃止し、休止し、若しくは再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を第四十九条の指定をした厚生労働大臣又は都道府県知事に届け出なければならない。

Article 50-2 A designated medical care provider shall, when there has been a change to the name of said designated medical care provider or any other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, or when having discontinued, suspended or resumed the operations of said designated medical care provider, notify the Minister of Health, Labour and Welfare or prefectural governor who has made the designation under Article 49 to that effect within ten days, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(指定の辞退及び取消し)

(Declination and Rescission of Designation)

第五十一条 指定医療機関は、三十日以上予告期間を設けて、その指定を辞退することができる。

Article 51 (1) A designated medical care provider may decline the designation by giving advance notice of thirty days or more.

2 指定医療機関が、第五十条の規定に違反したときは、厚生労働大臣の指定した医療機関については厚生労働大臣が、都道府県知事の指定した医療機関については都道府県知事が、その指定を取り消すことができる。

(2) When a designated medical care provider has violated the provisions of Article 50, the Minister of Health, Labour and Welfare may rescind the designation in the case where the medical care provider has been designated by the Minister of Health, Labour and Welfare, and a prefectural governor may rescind the designation in the case where the medical care provider has been designated by the prefectural governor.

(診療方針及び診療報酬)

(Medical Treatment Policy and Medical Treatment Fees)

第五十二条 指定医療機関の診療方針及び診療報酬は、国民健康保険の診療方針及び診

療報酬の例による。

Article 52 (1) The medical treatment policy and the medical treatment fees of a designated medical care provider shall be in accordance with the medical treatment policy and the medical treatment fees of the National Health Insurance.

2 前項に規定する診療方針及び診療報酬によることのできないとき、及びこれによることを適当としないときの診療方針及び診療報酬は、厚生労働大臣の定めるところによる。

(2) In the case where the medical treatment policy and the medical treatment fees prescribed in the preceding paragraph cannot be adopted or are considered inappropriate, the medical treatment policy and the medical treatment fees shall be in accordance with the rules provided by the Minister of Health, Labour and Welfare.

(医療費の審査及び支払)

(Examination and Payment of Medical Expenses)

第五十三条 都道府県知事は、指定医療機関の診療内容及び診療報酬の請求を随時審査し、且つ、指定医療機関が前条の規定によつて請求することのできる診療報酬の額を決定することができる。

Article 53 (1) A prefectural governor may examine the contents of medical treatment provided by and the claims for medical treatment fees made by a designated medical care provider as needed and decide the amount of the medical treatment fees that the designated medical care provider may claim pursuant to the provisions of the preceding Article.

2 指定医療機関は、都道府県知事の行う前項の決定に従わなければならない。

(2) A designated medical care provider shall follow the decision under the preceding paragraph made by a prefectural governor.

3 都道府県知事は、第一項の規定により指定医療機関の請求することのできる診療報酬の額を決定するに当つては、社会保険診療報酬支払基金法（昭和二十三年法律第二百二十九号）に定める審査委員会又は医療に関する審査機関で政令で定めるものの意見を聴かななければならない。

(3) When a prefectural governor decides on the amount of medical treatment fees that a designated medical care provider may claim pursuant to the provisions of paragraph (1), he/she shall hear the opinion of an examination committee prescribed in the Act on the Social Insurance Medical Fee Payment Fund (Act No. 129 of 1948) or an examination organ related to medical care that has been specified by a Cabinet Order.

4 都道府県、市及び福祉事務所を設置する町村は、指定医療機関に対する診療報酬の支払に関する事務を、社会保険診療報酬支払基金又は厚生労働省令で定める者に委託することができる。

(4) A prefecture, city, or a town or village with a welfare office may entrust

affairs concerning the payment of medical treatment fees to designated medical care providers to the Social Insurance Medical Fee Payment Fund or a person specified by an Ordinance of the Ministry of Health, Labour and Welfare.

5 第一項の規定による診療報酬の額の決定については、行政不服審査法（昭和三十七年法律第百六十号）による不服申立てをすることができない。

(5) No appeal under the Administrative Appeal Act (Act No. 160 of 1962) may be made with regard to a decision on the amount of the medical treatment fees under the provisions of paragraph (1).

(報告の徴収及び立入検査)

(Collection of Reports and On-Site Inspections)

第五十四条 厚生労働大臣又は都道府県知事は、診療内容及び診療報酬請求の適否を調査するため必要があるときは、指定医療機関の管理者に対して、必要と認める事項の報告を命じ、又は当該職員に、当該医療機関について実地に、その設備若しくは診療録その他の帳簿書類を検査させることができる。

Article 54 (1) When there is a need to investigate whether or not the contents of medical treatment and the claims for medical treatment fees are appropriate, the Minister of Health, Labour and Welfare or a prefectural governor may order the manager of a designated medical care provider to report on any matters that are found to be necessary, or have the relevant official inspect the on-site the equipment, medical records and any other books and documents of said designated medical care provider.

2 第二十八条第二項及び第三項の規定は、前項の規定による検査について準用する。

(2) The provisions of Article 28, paragraphs (2) and (3) shall apply mutatis mutandis to an inspection under the provisions of the preceding paragraph.

(介護機関の指定等)

(Designation, etc. of Long-Term Care Providers)

第五十四条の二 厚生労働大臣は、国の開設した地域密着型介護老人福祉施設、介護老人福祉施設又は介護老人保健施設についてその主務大臣の同意を得て、都道府県知事は、その他の地域密着型介護老人福祉施設、介護老人福祉施設若しくは介護老人保健施設、その事業として居宅介護を行う者若しくはその事業として居宅介護支援計画を作成する者、特定福祉用具販売事業者、その事業として介護予防を行う者若しくは地域包括支援センター又は特定介護予防福祉用具販売事業者について開設者、本人又は設置者の同意を得て、この法律による介護扶助のための居宅介護若しくは居宅介護支援計画の作成、福祉用具の給付、施設介護、介護予防若しくは介護予防支援計画の作成又は介護予防福祉用具の給付を担当させる機関を指定する。

Article 54-2 (1) The Minister of Health, Labour and Welfare shall designate providers in charge of in-home care services, preparation of in-home care support plans, furnishing of welfare equipment, facility care services, care prevention services, preparation of care prevention support plans, or

furnishing of welfare equipment for care prevention for long-term care assistance under this Act with regard to community-based long-term care welfare facilities for the elderly, long-term care welfare facilities for the elderly, or long-term care health facilities for the elderly established by the State by obtaining the consent of the competent minister, and a prefectural governor shall designate such providers with regard to any other community-based long-term care welfare facilities for the elderly, long-term care welfare facilities for the elderly or long-term care health facilities for the elderly, or persons who provide in-home care services as their business, persons who prepare in-home care support plans as their business, specified welfare equipment dealers, persons who provide care prevention services as their business, community comprehensive support centers or specified care prevention welfare equipment dealers by obtaining the consent of the founder, the person himself/herself, or the establisher.

- 2 老人福祉法（昭和三十八年法律第百三十三号）第二十条の五に規定する特別養護老人ホームについて、介護保険法第四十二条の二第一項本文の指定があつたときは、その地域密着型介護老人福祉施設は、その指定の時に、前項の規定による指定を受けたものとみなし、同法第四十八条第一項第一号の指定があつたときは、その介護老人福祉施設は、その指定の時に、前項の規定による指定を受けたものとみなす。

(2) When a designation under the main clause of Article 42-2, paragraph (1) of the Long-Term Care Insurance Act has been made with regard to a special nursing home for the elderly prescribed in Article 20-5 of the Old-Age Welfare Act (Act No. 133 of 1963), the community-based long-term care welfare facility for the elderly shall be deemed to have received the designation under the provisions of the preceding paragraph at the time of said designation, and when a designation under Article 48, paragraph (1), item (i) of the same Act has been made, the long-term care welfare facility for the elderly shall be deemed to have received the designation under the provisions of the preceding paragraph at the time of said designation.

- 3 前項の規定により第一項の指定を受けたものとみなされた地域密着型介護老人福祉施設に係る同項の指定は、当該地域密着型介護老人福祉施設について、介護保険法第七十八条の七の規定による同法第四十二条の二第一項本文の指定の辞退があつたとき、同法第七十八条の九の規定による同法第四十二条の二第一項本文の指定の取消しがあつたとき、又は同法第七十八条の十一において準用する同法第七十条の二第一項の規定により同法第四十二条の二第一項本文の指定の効力が失われたときは、その効力を失い、前項の規定により第一項の指定を受けたものとみなされた介護老人福祉施設に係る同項の指定は、当該介護老人福祉施設について、同法第九十一条の規定による同法第四十八条第一項第一号の指定の辞退があつたとき、同法第九十二条第一項若しくは第百十五条の二十九第六項の規定による同法第四十八条第一項第一号の指定の取消しがあつたとき、又は同法第八十六条の二第一項の規定により同法第四十八条第一項第一号の指定の効力が失われたときは、その効力を失う。



(3) A designation under paragraph (1) pertaining to a community-based long-term care welfare facility for the elderly that has been deemed to have received the designation under the same paragraph pursuant to the provisions of the preceding paragraph shall lose its effect with regard to said community-based long-term care welfare facility for the elderly when a designation under the main clause of Article 42-2, paragraph (1) of the Long-Term Care Insurance Act has been declined pursuant to the provisions of Article 78-7 of the same Act, when a designation under the main clause of Article 42-2, paragraph (1) of the same Act has been rescinded pursuant to the provisions of Article 78-9 of the same Act, or when the effect of a designation under the main clause of Article 42-2, paragraph (1) of the same Act has been lost pursuant to the provisions of Article 70-2, paragraph (1) of the same Act as applied mutatis mutandis pursuant to Article 78-11 of the same Act, and a designation under paragraph (1) pertaining to a long-term care welfare facility for the elderly that has been deemed to have received the designation under the same paragraph pursuant to the provisions of the preceding paragraph shall lose its effect with regard to said long-term care welfare facility for the elderly when a designation under Article 48, paragraph (1), item (i) of the same Act has been declined pursuant to the provisions of Article 91 of the same Act, when a designation under Article 48, paragraph (1), item (i) of the same Act has been rescinded pursuant to the provisions of Article 92, paragraph (1) or Article 115-29, paragraph (6) of the same Act, or when the effect of a designation under Article 48, paragraph (1), item (i) of the same Act has been lost pursuant to the provisions of Article 86-2, paragraph (1) of the same Act.

4 第五十条から前条までの規定は、第一項の規定により指定を受けた介護機関（第二項の規定により第一項の指定を受けたものとみなされた地域密着型介護老人福祉施設及び介護老人福祉施設を含む。）について準用する。この場合において、第五十一条第一項中「指定医療機関」とあるのは「指定介護機関（地域密着型介護老人福祉施設及び介護老人福祉施設に係るものを除く。）」と、第五十三条第三項中「社会保険診療報酬支払基金法（昭和二十三年法律第二百二十九号）に定める審査委員会又は医療に関する審査機関で政令で定めるもの」とあるのは「介護保険法に定める介護給付費審査委員会」と、同条第四項中「社会保険診療報酬支払基金又は厚生労働省令で定める者」とあるのは「国民健康保険団体連合会」と読み替えるほか、これらの規定に関し必要な技術的読替えは、政令で定める。

(4) The provisions of Article 50 to the preceding Article shall apply mutatis mutandis to a long-term care provider that has been designated pursuant to the provisions of paragraph (1) (including a community-based long-term care welfare facility for the elderly or a long-term care welfare facility for the elderly that is deemed to have received the designation under paragraph (1) pursuant to the provisions of paragraph (2)). In this case, the term "designated medical care provider" in Article 51, paragraph (1) shall be deemed to be

replaced with "designated long-term care provider (excluding that pertaining to a community-based long-term care welfare facility for the elderly or a long-term care welfare facility for the elderly)," the phrase "an examination committee prescribed in the Act on the Social Insurance Medical Fee Payment Fund (Act No. 129 of 1948) or an examination organ related to medical care that has been specified by a Cabinet Order" in Article 53, paragraph (3) shall be deemed to be replaced with "an examination committee on long-term care assistance expenses prescribed by the Long-Term Care Insurance Act," and the phrase "the Social Insurance Medical Fee Payment Fund or a person specified by an Ordinance of the Ministry of Health, Labour and Welfare" in paragraph (4) of the same Article shall be deemed to be replaced with "a federation of national health insurance organizations" and any necessary technical replacement of terms concerning these provisions shall be specified by a Cabinet Order.

(助産機関等への準用)

(Application Mutatis Mutandis to Midwifery Care Providers)

第五十五条 第四十九条から第五十一条までの規定は、この法律による出産扶助のための助産を担当する助産師並びにこの法律による医療扶助のための施術を担当するあん摩マッサージ指圧師及び柔道整復師について、第五十二条及び第五十三条の規定は、医療保護施設について準用する。

Article 55 The provisions of Articles 49 to 51 shall apply mutatis mutandis to a midwife in charge of midwifery for maternity assistance under this Act and to a massage and finger pressure practitioner or a judo healing practitioner in charge of treatment for the medical assistance under this Act, and the provisions of Articles 52 and 53 shall apply mutatis mutandis to a medical facility for persons requiring public assistance.

(告示)

(Public Notice)

第五十五条の二 厚生労働大臣又は都道府県知事は、次に掲げる場合には、その旨を告示しなければならない。

Article 55-2 In any of the following cases, the Minister of Health, Labour and Welfare or a prefectural governor shall publicly notify to that effect:

一 第四十九条（前条において準用する場合を含む。以下本条において同じ。）及び第五十四条の二第一項の指定をしたとき。

(i) When a designation under Article 49 (including the cases where it is applied mutatis mutandis pursuant to the preceding Article; hereinafter the same shall apply in this Article) or Article 54-2, paragraph (1) has been made

二 第五十条の二（第五十四条の二第四項及び前条において準用する場合を含む。）の規定による届出があつたとき。

(ii) When a notification under the provisions of Article 50-2 (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4) or the preceding Article) has been given

三 第五十一条第一項（第五十四条の二第四項及び前条において準用する場合を含む。）の規定による第四十九条の指定の辞退があつたとき。

(iii) When a designation under Article 49 has been declined pursuant to the provisions of Article 51, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4) or the preceding Article)

四 第五十一条第二項（第五十四条の二第四項及び前条において準用する場合を含む。）の規定により第四十九条の指定を取り消したとき。

(iv) When a designation under Article 49 has been rescinded pursuant to the provisions of Article 51, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2 (4) or the preceding Article)

## 第八章 被保護者の権利及び義務

### Chapter VIII Rights and Obligations of Public Assistance Recipients

(不利益変更の禁止)

(Prohibition of Adverse Changes)

第五十六条 被保護者は、正当な理由がなければ、既に決定された保護を、不利益に変更されることがない。

Article 56 No public assistance recipient shall be subject to any adverse change to public assistance which has already been decided on, unless there are justifiable grounds.

(公課禁止)

(Prohibition of Public Imposts)

第五十七条 被保護者は、保護金品を標準として租税その他の公課を課せられることがない。

Article 57 No public assistance recipient shall have taxes or any other public imposts based on public assistance benefits imposed on him/her.

(差押禁止)

(Prohibition of Attachment)

第五十八条 被保護者は、既に給与を受けた保護金品又はこれを受ける権利を差し押えられることがない。

Article 58 No public assistance recipient shall be subject to the attachment of already furnished public assistance benefit or the right to receive a public assistance benefit.

(譲渡禁止)

(Prohibition of Transfer)

第五十九条 被保護者は、保護を受ける権利を譲り渡すことができない。

Article 59 A public assistance recipient may not transfer his/her right to receive public assistance.

(生活上の義務)

(Obligation in Daily Life)

第六十条 被保護者は、常に、能力に応じて勤労に励み、支出の節約を図り、その他生活の維持、向上に努めなければならない。

Article 60 A public assistance recipient shall constantly work diligently, make efforts to reduce his/her expenditure, and make other efforts to maintain and improve his/her standard of living.

(届出の義務)

(Obligation of Notification)

第六十一条 被保護者は、収入、支出その他生計の状況について変動があつたとき、又は居住地若しくは世帯の構成に異動があつたときは、すみやかに、保護の実施機関又は福祉事務所にその旨を届け出なければならない。

Article 61 A public assistance recipient shall, when there has been a change to his/her income, expenditure or any other condition related to his/her livelihood or when there has been a change to his/her place of residence or household composition, promptly notify the public assistance administrator or the welfare office director to that effect.

(指示等に従う義務)

(Obligation to Follow Instructions, etc.)

第六十二条 被保護者は、保護の実施機関が、第三十条第一項ただし書の規定により、被保護者を救護施設、更生施設若しくはその他の適当な施設に入所させ、若しくはこれらの施設に入所を委託し、若しくは私人の家庭に養護を委託して保護を行うことを決定したとき、又は第二十七条の規定により、被保護者に対し、必要な指導又は指示をしたときは、これに従わなければならない。

Article 62 (1) When a public assistance administrator has decided to have a public assistance recipient admitted into a relief facility, a rehabilitation facility or any other appropriate facility, or entrust such admission to any such facility, or entrust nursing care to the home of a private individual, pursuant to the provisions of the proviso to article 30, paragraph (1), or when a public assistance administrator has given the necessary guidance or instruction to a public assistance recipient, pursuant to the provisions of Article 27, the public assistance recipient shall follow such decision, guidance or instruction.

- 2 保護施設を利用する被保護者は、第四十六条の規定により定められたその保護施設の管理規程に従わなければならない。
- (2) A public assistance recipient using a public assistance facility shall follow the management rules of said public assistance facility that have been established pursuant to the provisions of Article 46.
- 3 保護の実施機関は、被保護者が前二項の規定による義務に違反したときは、保護の変更、停止又は廃止をすることができる。
- (3) When a public assistance recipient has violated any obligation under the provisions of the preceding two paragraphs, a public assistance administrator may change, suspend or discontinue the public assistance.
- 4 保護の実施機関は、前項の規定により保護の変更、停止又は廃止の処分をする場合には、当該被保護者に対して弁明の機会を与えなければならない。この場合においては、あらかじめ、当該処分をしようとする理由、弁明をすべき日時及び場所を通知しなければならない。
- (4) In the case where a public assistance administrator gives a disposition to change, suspend or discontinue public assistance pursuant to the provisions of the preceding paragraph, he/she shall grant said public assistance recipient an opportunity for explanation. In this case, he/she shall notify the reason for said disposition and the date and place for giving the explanation, in advance.
- 5 第三項の規定による処分については、行政手続法第三章（第十二条及び第十四条を除く。）の規定は、適用しない。
- (5) The provisions of Chapter 3 (excluding Articles 12 and 14) of the Administrative Procedure Act shall not apply to a disposition under the provisions of paragraph (3).

(費用返還義務)

(Obligation to Refund Expenses)

第六十三条 被保護者が、急迫の場合等において資力があるにもかかわらず、保護を受けたときは、保護に要する費用を支弁した都道府県又は市町村に対して、すみやかに、その受けた保護金品に相当する金額の範囲内において保護の実施機関の定める額を返還しなければならない。

Article 63 When a public assistance recipient has received public assistance in an urgent case, etc. despite having a financial resource, he/she shall promptly refund the amount specified by the public assistance administrator within the scope of the amount equivalent to the public assistance benefit received.

## 第九章 不服申立て

### Chapter IX Appeal

(審査庁)

(Examining Agency)

第六十四条 第十九条第四項の規定により市町村長が保護の決定及び実施に関する事務の全部又は一部をその管理に属する行政庁に委任した場合における当該事務に関する処分についての審査請求は、都道府県知事に対してするものとする。

Article 64 In the case where a municipal mayor has delegated all or a part of the affairs concerning decisions on and the implementation of public assistance to an administrative agency under his/her management pursuant to the provisions of Article 19, paragraph (4), a request for examination of any disposition concerning said affairs shall be filed with the prefectural governor.

(裁決をすべき期間)

(Period for Determination)

第六十五条 厚生労働大臣又は都道府県知事は、保護の決定及び実施に関する処分についての審査請求があつたときは、五十日以内に、当該審査請求に対する裁決をしなければならない。

Article 65 (1) When a request for examination of a disposition concerning a decision on or the implementation of public assistance has been filed, the Minister of Health, Labour and Welfare or a prefectural governor shall make a determination on said request for examination within fifty days.

2 審査請求人は、前項の期間内に裁決がないときは、厚生労働大臣又は都道府県知事が審査請求を棄却したものとみなすことができる。

(2) When no determination has been made within the period under the preceding paragraph, the person requesting the examination may deem that the Minister of Health, Labour and Welfare or the prefectural governor has dismissed the request for examination.

(再審査請求)

(Request for Re-examination)

第六十六条 市町村長がした保護の決定及び実施に関する処分又は市町村長の管理に属する行政庁が第十九条第四項の規定による委任に基づいてした処分に係る審査請求についての都道府県知事の裁決に不服がある者は、厚生労働大臣に対して再審査請求をすることができる。

Article 66 (1) A person who is dissatisfied with the determination by the prefectural governor with regard to a request for examination of a disposition concerning a decision on or the implementation of public assistance that has been given by a municipal mayor or on a disposition given by an administrative agency under the management of a municipal mayor based on the delegation under the provisions of Article 19, paragraph (4) may file a request for re-examination with the Minister of Health, Labour and Welfare.

2 前条第一項の規定は、再審査請求の裁決について準用する。この場合において、同項中「五十日」とあるのは、「七十日」と読み替えるものとする。

(2) The provisions of paragraph (1) of the preceding Article shall apply mutatis

mutandis to the determination on a request for re-examination. In this case, the term "fifty days" in the same paragraph shall be deemed to be replaced with "seventy days."

第六十七条 削除

Article 67 Deletion

第六十八条 削除

Article 68 Deletion

(審査請求と訴訟との関係)

(Relationship Between Request for Examination and Litigation)

第六十九条 この法律の規定に基づき保護の実施機関がした処分の取消しの訴えは、当該処分についての審査請求に対する裁決を経た後でなければ、提起することができない。

Article 69 An action for rescission of a disposition given by a public assistance administrator based on the provisions of this Act may not be filed until after a determination has been made on a request for examination of said disposition.

## 第十章 費用

### Chapter X Expenses

(市町村の支弁)

(Payment by Municipalities)

第七十条 市町村は、次に掲げる費用を支弁しなければならない。

Article 70 A municipality shall pay the following expenses:

一 その長が第十九条第一項の規定により行う保護（同条第五項の規定により委託を受けて行う保護を含む。）に関する次に掲げる費用

(i) The following expenses concerning public assistance provided by the mayor pursuant to the provisions of Article 19, paragraph (1) (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article):

イ 保護の実施に要する費用（以下「保護費」という。）

(a) Expenses required for implementing public assistance (hereinafter referred to as "public assistance expenses")

ロ 第三十条第一項ただし書、第三十三条第二項又は第三十六条第二項の規定により被保護者を保護施設に入所させ、若しくは入所を委託し、又は保護施設を利用させ、若しくは保護施設にこれを委託する場合に、これに伴い必要な保護施設の事務費（以下「保護施設事務費」という。）

(b) In the case of having a public assistance recipient admitted into a public assistance facility or entrusting such admission to a public assistance

facility, or having a public assistance recipient use a public assistance facility or entrusting such actions to a public assistance facility pursuant to the provisions of the proviso to Article 30, paragraph (1), Article 33, paragraph (2), or Article 36, paragraph (2), the office expenses of the public assistance facility that would be required in connection with such actions (hereinafter referred to as the "office expenses for a public assistance facility")

ハ 第三十条第一項ただし書の規定により被保護者を適当な施設に入所させ、若しくはその入所を適当な施設に委託し、又は私人の家庭に養護を委託する場合に、これに伴い必要な事務費（以下「委託事務費」という。）

(c) In the case of having a public assistance recipient admitted into an appropriate facility, entrusting such admission to an appropriate facility, or entrusting nursing care to the home of a private individual pursuant to the provisions of the proviso to Article 30, paragraph (1), the office expenses that would be required in connection with such actions (hereinafter referred to as the "office expenses for entrustment")

二 その長の管理に属する福祉事務所の所管区域内に居住地を有する者に対して、都道府県知事又は他の市町村長が第十九条第二項の規定により行う保護（同条第五項の規定により委託を受けて行う保護を含む。）に関する保護費、保護施設事務費及び委託事務費

(ii) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided to a person whose place of residence is within the jurisdictional district of the welfare office under the management of the mayor, by a prefectural governor or another municipal mayor pursuant to the provisions of Article 19, paragraph (2) (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article)

三 その長の管理に属する福祉事務所の所管区域内に居住地を有する者に対して、他の町村長が第十九条第六項の規定により行う保護に関する保護費、保護施設事務費及び委託事務費

(iii) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided to a person whose place of residence is within the jurisdictional district of the welfare office under the management of the mayor, by another mayor of a town or village pursuant to the provisions of Article 19, paragraph (6)

四 その設置する保護施設の設備に要する費用（以下「設備費」という。）

(iv) Expenses required for the equipment of public assistance facilities the municipality has established (hereinafter referred to as the "equipment expenses")

五 この法律の施行に伴い必要なその人件費

(v) Personnel expenses required in connection with the enforcement of this Act



六 この法律の施行に伴い必要なその事務費（以下「行政事務費」という。）  
(vi) Office expenses required in connection with the enforcement of this Act  
(hereinafter referred to as the "administrative office expenses")

(都道府県の支弁)

(Payment by Prefectures)

第七十一条 都道府県は、左に掲げる費用を支弁しなければならない。

Article 71 A municipality shall pay the following expenses:

一 その長が第十九条第一項の規定により行う保護（同条第五項の規定により委託を受けて行う保護を含む。）に関する保護費、保護施設事務費及び委託事務費

(i) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided by the governor pursuant to the provisions of Article 19, paragraph (1) (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article)

二 その長の管理に属する福祉事務所の所管区域内に居住地を有する者に対して、他の都道府県知事又は市町村長が第十九条第二項の規定により行う保護（同条第五項の規定により委託を受けて行う保護を含む。）に関する保護費、保護施設事務費及び委託事務費

(ii) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided to a person whose place of residence is within the jurisdictional district of a welfare office under the management of the governor, by another prefectural governor or a municipal mayor pursuant to the provisions of Article 19, paragraph (2) (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article)

三 その長の管理に属する福祉事務所の所管区域内に現在地を有する者（その所管区域外に居住地を有する者を除く。）に対して、町村長が第十九条第六項の規定により行う保護に関する保護費、保護施設事務費及び委託事務費

(iii) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided to a person whose current location is within the jurisdictional district of the welfare office under the management of the governor (excluding a person who has a place of residence outside said jurisdictional district), by a mayor of a town or village pursuant to the provisions of Article 19, paragraph (6)

四 その設置する保護施設の設備費

(iv) Equipment expenses for public assistance facilities the prefecture has established

五 この法律の施行に伴い必要なその人件費

(v) Personnel expenses required in connection with the enforcement of this Act

六 この法律の施行に伴い必要なその行政事務費

(vi) Administrative office expenses required in connection with the enforcement of this Act

(繰替支弁)

(Diversion of Funds)

第七十二条 都道府県、市及び福祉事務所を設置する町村は、政令の定めるところにより、その長の管理に属する福祉事務所の所管区域内の保護施設、指定医療機関その他これらに準ずる施設で厚生労働大臣の指定するものにある被保護者につき他の都道府県又は市町村が支弁すべき保護費及び保護施設事務費を一時繰替支弁しなければならない。

Article 72 (1) A prefecture, city, or a town or village with a welfare office shall, pursuant to the provisions of a Cabinet Order, temporarily divert funds to cover the public assistance expenses and office expenses for a public assistance facility to be paid by another prefecture or municipality to a public assistance recipient in a public assistance facility, designated medical care provider or a facility equivalent thereto, which is designated by the Minister of Health, Labour and Welfare, within the jurisdictional district of the welfare office under the management of the governor or mayor.

2 都道府県、市及び福祉事務所を設置する町村は、その長が第十九条第二項の規定により行う保護（同条第五項の規定により委託を受けて行う保護を含む。）に関する保護費、保護施設事務費及び委託事務費を一時繰替支弁しなければならない。

(2) A prefecture, city, or a town or village with a welfare office shall divert funds temporarily to cover the public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided by the governor or mayor pursuant to the provisions of Article 19, paragraph (2) (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article).

3 町村は、その長が第十九条第六項の規定により行う保護に関する保護費、保護施設事務費及び委託事務費を一時繰替支弁しなければならない。

(3) A town or village shall divert funds temporarily to cover the public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided by the mayor pursuant to the provisions of Article 19, paragraph (6)

(都道府県の負担)

(Expenses Borne by Prefectures)

第七十三条 都道府県は、政令の定めるところにより、次に掲げる費用を負担しなければならない。

Article 73 A prefecture shall bear the following expenses pursuant to the provisions of a Cabinet Order:

一 居住地がないか、又は明らかでない被保護者につき市町村が支弁した保護費、保

護施設事務費及び委託事務費の四分の一

(i) A quarter of the amount of the public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment paid by a municipality for a public assistance recipient who does not have a place of residence or whose place of residence is unclear

二 宿所提供施設又は児童福祉法（昭和二十二年法律第百六十四号）第三十八条に規定する母子生活支援施設にある被保護者（これらの施設を利用するに至る前からその施設の所在する市町村の区域内に居住地を有していた被保護者を除く。）につきこれらの施設の所在する市町村が支弁した保護費、保護施設事務費及び委託事務費の四分の一

(ii) A quarter of the amount of the public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment paid for a public assistance recipient in a facility providing accommodation or a living support facility for single-mother families prescribed in Article 38 of the Child Welfare Act (Act No. 164 of 1947) (excluding a public assistance recipient who has had a place of residence outside the district of the municipality where said facility is located since prior to the start of his/her use of said facility) by the municipality where said facility is located

(都道府県の補助)

(Expenses Subsidized by a Prefecture)

第七十四条 都道府県は、左に掲げる場合においては、第四十一条の規定により設置した保護施設の修理、改造、拡張又は整備に要する費用の四分の三以内を補助することができる。

Article 74 (1) In any of the following cases, a prefecture may subsidize up to three-quarters of the amount of the expenses required for the repair, renovation, expansion or maintenance of a public assistance facility established pursuant to the provisions of Article 41:

一 その保護施設を利用することがその地域における被保護者の保護のため極めて効果的であるとき。

(i) When use of the public assistance facility proves to be extremely effective for public assistance of the public assistance recipient in the area

二 その地域に都道府県又は市町村の設置する同種の保護施設がないか、又はあつてもこれに収容若しくは供用の余力がないとき。

(ii) When no public assistance facility of the same type has been established by the prefecture or municipality in that area, or even if there has been, the facility has no spare capacity in terms of space or service

2 第四十三条から第四十五条までに規定するものの外、前項の規定により補助を受けた保護施設に対する監督については、左の各号による。

(2) Besides what is prescribed in Articles 43 to 45, supervision of a public assistance facility subsidized pursuant to the provisions of the preceding

paragraph shall be in accordance with the following items:

一 厚生労働大臣は、その保護施設に対して、その業務又は会計の状況について必要と認める事項の報告を命ずることができる。

(i) The Minister of Health, Labour and Welfare may order the public assistance facility to report on the matters found to be necessary with regard to the state of its operations or accounting.

二 厚生労働大臣及び都道府県知事は、その保護施設の予算が、補助の効果を上げるために不相当と認めるときは、その予算について、必要な変更をすべき旨を指示することができる。

(ii) The Minister of Health, Labour and Welfare or a prefectural governor may, when he/she finds the budget of the public assistance facility to be inappropriate for achieving the intended effect of public assistance, instruct that necessary changes should be made with regard to said budget.

三 厚生労働大臣及び都道府県知事は、その保護施設の職員が、この法律若しくはこれに基く命令又はこれらに基いてする処分に違反したときは、当該職員を解職すべき旨を指示することができる。

(iii) The Minister of Health, Labour and Welfare or a prefectural governor may, when an employee of the public assistance facility has violated this Act, an order based on this Act, or a disposition based on this Act or such order, instruct that said employee should be removed.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第七十四条の二 社会福祉法第五十八条第二項から第四項までの規定は、国有財産特別措置法（昭和二十七年法律第二百十九号）第二条第二項第一号の規定又は同法第三条第一項第四号及び同条第二項の規定により普通財産の譲渡又は貸付を受けた保護施設に準用する。

Article 74-2 The provisions of Article 58, paragraphs (2) to (4) of the Social Welfare Act shall apply mutatis mutandis to a public assistance facility to which ordinary property has been transferred or lent pursuant to the provisions of Article 2, paragraph (2), item (i) of the Act on Special Measures Concerning National Property (Act No. 219 of 1952) or the provisions of Article 3, paragraph (1), item (iv) of the same Act and paragraph (2) of the same Article.

(国の負担及び補助)

(Expenses Borne or Subsidized by the State)

第七十五条 国は、政令の定めるところにより、市町村及び都道府県が支弁した保護費、保護施設事務費及び委託事務費の四分の三を負担しなければならない。

Article 75 (1) The State shall, pursuant to the provisions of a Cabinet Order, bear three-quarters of the amount of the public assistance expenses, office

expenses of a public assistance facility, and office expenses for entrustment paid by a municipality or prefecture.

2 国は、政令の定めるところにより、都道府県が第七十四条第一項の規定により保護施設の設置者に対して補助した金額の三分の二以内を補助することができる。

(2) The State may, pursuant to the provisions of a Cabinet Order, subsidize up to two-thirds of the amount that a prefecture has subsidized to the establisher of a public assistance facility pursuant to the provisions of Article 74, paragraph (1).

(遺留金品の処分)

(Disposal of Money and Goods Left Behind)

第七十六条 第十八条第二項の規定により葬祭扶助を行う場合においては、保護の実施機関は、その死者の遺留の金銭及び有価証券を保護費に充て、なお足りないときは、遺留の物品を売却してその代金をこれに充てることができる。

Article 76 (1) In the case of providing funeral assistance pursuant to the provisions of Article 18, paragraph (2), a public assistance administrator may allocate the money and securities left behind by the deceased to public assistance expenses, and if this is still not sufficient, he/she may allocate the proceeds from selling the goods left behind to public assistance expenses.

2 都道府県又は市町村は、前項の費用について、その遺留の物品の上に他の債権者の先取特権に対して優先権を有する。

(2) A prefecture or municipality shall have a right of priority over the statutory liens of the other creditors for the goods left behind with regard to the expenses under the preceding paragraph.

(費用の徴収)

(Collection of Expenses)

第七十七条 被保護者に対して民法の規定により扶養の義務を履行しなければならない者があるときは、その義務の範囲内において、保護費を支弁した都道府県又は市町村の長は、その費用の全部又は一部を、その者から徴収することができる。

Article 77 (1) When there is a person who must perform a duty of support for a public assistance recipient pursuant to the provisions of the Civil Code, the governor or mayor of the prefecture or municipality that has paid the public assistance expenses may collect all or a part of said expenses from said person within the scope of his/her duty.

2 前項の場合において、扶養義務者の負担すべき額について、保護の実施機関と扶養義務者の間に協議が調わないとき、又は協議をすることができないときは、保護の実施機関の申立により家庭裁判所が、これを定める。

(2) In the case under the preceding paragraph, if the public assistance administrator and the person responsible for support fail to reach an agreement by a conference or are unable to hold a conference with regard to

the amount to be borne by the person responsible for support, a family court shall decide on the amount following a motion by the public assistance administrator.

3 前項の処分は、家事審判法の適用については、同法第九条第一項乙類に掲げる事項とみなす。

(3) A disposition under the preceding paragraph shall be deemed to be a matter listed in Article 9, paragraph (1), Group B of the Domestic Affairs Adjustment Act with regard to application of the same Act.

第七十八条 不実の申請その他不正な手段により保護を受け、又は他人をして受けさせた者があるときは、保護費を支弁した都道府県又は市町村の長は、その費用の全部又は一部を、その者から徴収することができる。

Article 78 When any person has received public assistance by filing a false application or by any other wrongful means or has had another person receive public assistance, the governor or mayor of the prefecture or municipality that has paid the public assistance expenses may collect all or a part of said expenses from said person.

(返還命令)

(Order for Refund)

第七十九条 国又は都道府県は、左に掲げる場合においては、補助金又は負担金の交付を受けた保護施設の設置者に対して、既に交付した補助金又は負担金の全部又は一部の返還を命ずることができる。

Article 79 In any of the following cases, the State or a prefecture may order the establisher of a public assistance facility to whom a subsidy or contribution has been delivered to refund all or a part of the already delivered subsidy or contribution:

一 補助金又は負担金の交付条件に違反したとき。

(i) When the establisher has violated the conditions for delivery of a subsidy or contribution

二 詐偽その他不正な手段をもつて、補助金又は負担金の交付を受けたとき。

(ii) When the establisher has received delivery of a subsidy or contribution by fraud or other wrongful means

三 保護施設の経営について、営利を図る行為があつたとき。

(iii) When there has been a profit-making act with regard to the management of the public assistance facility

四 保護施設が、この法律若しくはこれに基く命令又はこれらに基いてする処分に違反したとき。

(iv) When the public assistance facility has violated this Act, an order based on this Act, or a disposition based on this Act or such order

(返還の免除)

**(Exemption from Refund)**

第八十条 保護の実施機関は、保護の変更、廃止又は停止に伴い、前渡した保護金品の全部又は一部を返還させるべき場合において、これを消費し、又は喪失した被保護者に、やむを得ない事由があると認めるときは、これを返還させないことができる。

Article 80 In the case where all or a part of a public assistance benefit that has been provided in advance should be refunded in line with a change, suspension or discontinuance of public assistance, a public assistance administrator may, if he/she finds unavoidable circumstances applicable to a public assistance recipient who has consumed or lost the public assistance benefit, exempt said public assistance recipient from having to refund the public assistance benefit.

**第十一章 雑則**

**Chapter XI Miscellaneous Provisions**

(後見人選任の請求)

**(Request for Appointment of a Guardian)**

第八十一条 被保護者が未成年者又は成年被後見人である場合において、親権者及び後見人の職務を行う者がいないときは、保護の実施機関は、すみやかに、後見人の選任を家庭裁判所に請求しなければならない。

Article 81 In the case where a public assistance recipient is a minor or an adult ward, if there is no person to perform the duty of a person who has parental authority or a guardian, a public assistance administrator shall promptly request a family court to appoint a guardian.

(町村の一部事務組合等)

**(Partial-Affairs Association, etc. of Towns and Villages)**

第八十二条 町村が一部事務組合又は広域連合を設けて福祉事務所を設置した場合には、この法律の適用については、その一部事務組合又は広域連合を福祉事務所を設置する町村とみなし、その一部事務組合の管理者又は広域連合の長を福祉事務所を管理する町村長とみなす。

Article 82 When towns or villages have established a welfare office by setting up a partial-affairs association or a wide area union, said partial-affairs association or wide area union shall be deemed to be a town or village with a welfare office and the manager of said partial-affairs association or the head of said wide area union shall be deemed to be the mayor of a town or village managing a welfare office, with regard to application of this Act.

(保護の実施機関が変更した場合の経過規定)

**(Provisions on Transitional Measures in the Case Where the Public Assistance Administrator Has Changed)**

第八十三条 町村の福祉事務所の設置又は廃止により保護の実施機関に変更があつた場合においては、変更前の保護の実施機関がした保護の開始又は変更の申請の受理及び保護に関する決定は、変更後の保護の実施機関がした申請の受理又は決定とみなす。但し、変更前に行われ、又は行われるべきであつた保護に関する費用の支弁及び負担については、変更がなかつたものとする。

Article 83 In the case where the public assistance administrator has changed due to the establishment or abolition of a welfare office of a town or municipality, any acceptance of an application for the commencement of or a change to public assistance or any decision on public assistance by the public assistance administrator prior to said change shall be deemed to be an acceptance of an application or a decision by the public assistance administrator after said change; provided, however, that it shall be deemed that no change has been made with regard to the payment or bearing of expenses concerning public assistance that has been provided or should have been provided prior to said change.

(実施命令)

(Order for Implementation)

第八十四条 この法律で政令に委任するものを除く外、この法律の実施のための手続その他その執行について必要な細則は、厚生労働省令で定める。

Article 84 Except for those that are delegated to a Cabinet Order under this Act, the procedures for the implementation of this Act and any other necessary detailed regulations on the execution of this Act shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(大都市等の特例)

(Special Provisions for Large Cities, etc.)

第八十四条の二 この法律中都道府県が処理することとされている事務で政令で定めるものは、地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市（以下「指定都市」という。）及び同法第二百五十二条の二十二第一項の中核市（以下「中核市」という。）においては、政令の定めるところにより、指定都市又は中核市（以下「指定都市等」という。）が処理するものとする。この場合においては、この法律中都道府県に関する規定は、指定都市等に関する規定として指定都市等に適用があるものとする。

Article 84-2 (1) In the case of a designated city under Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter referred to as a "designated city") or a core city under Article 252-22, paragraph (1) of the same Act (hereinafter referred to as a "core city"), the affairs that are to be processed by a prefecture under this Act and which are specified by a Cabinet Order shall be processed by the designated city or core city (hereinafter referred to as the "designated city, etc."), pursuant to the provisions of a Cabinet Order. In this



case, the provisions concerning a prefecture under this Act shall be deemed to apply to a designated city, etc. as provisions concerning a designated city, etc.

2 第六十六条第一項の規定は、前項の規定により指定都市等の長がした処分に係る不服申立てについて準用する。

(2) The provisions of Article 66, paragraph (1) shall apply mutatis mutandis to an appeal pertaining to a disposition given by the mayor of a designated city, etc. pursuant to the provisions of the preceding paragraph.

(保護の実施機関についての特例)

(Special Provisions on Public Assistance Administrators)

第八十四条の三 身体障害者福祉法（昭和二十四年法律第二百八十三号）第十八条第二項の規定により障害者自立支援法（平成十七年法律第百二十三号）第五条第十二項に規定する障害者支援施設（以下この条において「障害者支援施設」という。）に入所している者、知的障害者福祉法（昭和三十五年法律第三十七号）第十六条第一項第二号の規定により障害者支援施設若しくは独立行政法人国立重度知的障害者総合施設のぞみの園法（平成十四年法律第百六十七号）第十一条第一号の規定により独立行政法人国立重度知的障害者総合施設のぞみの園が設置する施設（以下この条において「のぞみの園」という。）に入所している者、老人福祉法第十一条第一項第一号の規定により養護老人ホームに入所し、若しくは同項第二号の規定により特別養護老人ホームに入所している者又は障害者自立支援法第二十九条第一項若しくは第三十条第一項の規定により同法第十九条第一項に規定する介護給付費等の支給を受けて障害者支援施設、のぞみの園若しくは同法第五条第一項の厚生労働省令で定める施設に入所している者に対する保護については、その者がこれらの施設に引き続き入所している間、その者は、第三十条第一項ただし書の規定により入所しているものとみなして、第十九条第三項の規定を適用する。

Article 84-3 With regard to public assistance for a person admitted into a facility to support persons with disabilities prescribed in Article 5, paragraph (12) of the Act for Assisting in the Self-Support for Persons with Disabilities (Act No. 123 of 1942) pursuant to the provisions of Article 18, paragraph (2) of the Act on Welfare of Persons with Physical Disabilities (Act No. 283 of 1949) (hereinafter referred to as a "facility to support persons with disabilities" in this Article), a person admitted into a facility to support persons with disabilities pursuant to the provisions of Article 16, paragraph (1), item (ii) of the Act on Welfare of Persons with Mental Disabilities (Act No. 37 of 1960) or a facility established by the National Center for Persons with Severe Intellectual Disabilities, Nozominosono, pursuant to the provisions of Article 11, item (i) of the Act on the National Center for Persons with Severe Intellectual Disabilities, Nozominosono (Act No. 167 of 2002) (hereinafter referred to as "Nozominosono" in this Article), a person admitted into a nursing home for the elderly prescribed in Article 11, paragraph (1), item (i) of the Old-Age Welfare Act or admitted into a special nursing home for the elderly prescribed in item (ii) of

the same paragraph, a person admitted into a facility to support persons with disabilities, a Nozominosono, or a facility specified by an Ordinance of the Ministry of Health, Labour and Welfare under Article 5, paragraph (1) of the Act for Assisting in the Self-Support for Persons with Disabilities by receiving the provision of long-term care assistance expenses, etc. prescribed in Article 19, paragraph (1) of the same Act, pursuant to the provisions of Article 29, paragraph (1) or Article 30, paragraph (1) of the same Act, the provisions of Article 19, paragraph (3) shall apply while said person continues to be admitted in said facility, by deemed said person to be admitted pursuant to the provisions of the proviso to Article 30, paragraph (1).

(事務の区分)

(Classification of Affairs)

第八十四条の四 別表の上欄に掲げる地方公共団体がそれぞれ同表の下欄に掲げる規定により処理することとされている事務は、地方自治法第二条第九項第一号に規定する第一号法定受託事務とする。

Article 84-4 The affairs that are to be processed by the local public entities listed in the left hand column of the appended table pursuant to the provisions listed respectively in the right hand column of the same table shall be the Item (i) Statutory Entrusted Affairs prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

(権限の委任)

(Delegation of Authority)

第八十四条の五 この法律に規定する厚生労働大臣の権限は、厚生労働省令で定めるところにより、地方厚生局長に委任することができる。

Article 84-5 (1) The authority of the Minister of Health, Labour and Welfare prescribed in this Act may be delegated to the Director-General of a Regional Bureau of Health and Welfare pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

2 前項の規定により地方厚生局長に委任された権限は、厚生労働省令で定めるところにより、地方厚生支局長に委任することができる。

(2) The authority delegated to the Director-General of a Regional Bureau of Health and Welfare pursuant to the provisions of the preceding paragraph may be delegated to the Director-General of a Regional Branch Bureau of Health and Welfare pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(罰則)

(Penal Provisions)

第八十五条 不実の申請その他不正な手段により保護を受け、又は他人をして受けさせ

た者は、三年以下の懲役又は三十万円以下の罰金に処する。ただし、刑法（明治四十年法律第四十五号）に正条があるときは、刑法による。

**Article 85** A person who has received public assistance by filing a false application or by any other wrongful means or has had another person receive public assistance shall be punished by imprisonment with work for not more than three years or a fine of not more than 300,000 yen; provided, however, that the Penal Code shall apply when there are applicable provisions in the Penal Code (Act No. 45 of 1907).

第八十六条 第四十四条第一項、第五十四条第一項（第五十四条の二第四項において準用する場合を含む。以下この項において同じ。）若しくは第七十四条第二項第一号の規定による報告を怠り、若しくは虚偽の報告をし、又は第二十八条第一項（要保護者が違反した場合を除く。）、第四十四条第一項若しくは第五十四条第一項の規定による当該職員の調査若しくは検査を拒み、妨げ、若しくは忌避した者は、三十万円以下の罰金に処する。

**Article 86** (1) A person who has failed to make a report under the provisions of Article 44, paragraph (1), Article 54, paragraph (1) (including the cases where it is applied *mutatis mutandis* pursuant to Article 54-2, paragraph (4); hereinafter the same shall apply in this paragraph) or Article 74, paragraph (2), item (i) or has made a false report, or who has refused, obstructed or avoided an investigation or inspection by a relevant official under the provisions of Article 28, paragraph (1) (excluding the case of violation by the person requiring public assistance), Article 44, paragraph (2) or Article 54, paragraph (1) shall be punished by a fine of not more than 300,000 yen.

2 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関し、前項の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても前項の刑を科する。

(2) When the representative person of a juridical person, or an agent, employee or any other worker of a juridical person or individual has committed an act in violation of the provisions of the preceding paragraph with regard to the operations of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be sentenced to the punishment under the preceding paragraph.

#### 附 則 [抄]

#### Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

1 この法律は、公布の日から施行し、昭和二十五年五月一日以降の給付について適用する。

(1) This Act shall come into force as from the day of promulgation and shall apply to assistance furnished on or after May 1, 1950.

(生活保護法の廃止)

(Repeal of the Public Assistance Act)

2 生活保護法（昭和二十一年法律第十七号。以下「旧法」という。）は、廃止する。

(2) The Public Assistance Act (Act No. 17 of 1946; hereinafter referred to as the "old Act") shall be repealed.

(経過規定)

(Provisions on Transitional Measures)

3 この法律の施行前においてされた保護の決定は、この法律に基いてされたものとみなす。

(3) Any decision on public assistance made prior to the enforcement of this Act shall be deemed to have been made based on this Act.

4 この法律の施行前において、都道府県の設置した保護施設及び旧法第七条の規定により認可された市町村又は公益法人の設置した保護施設は、この法律に基いて設置され、又は認可された保護施設とみなす。

(4) Any public assistance facility established by a prefecture or any public assistance facility established by a municipality or non-profit corporation that has been approved pursuant to the provisions of Article 7 of the old Act, prior to the enforcement of this Act, shall be deemed to be a public assistance facility that has been established or approved based on this Act.

6 この法律の施行前において、生活保護法施行令（昭和二十一年勅令第四百三十八号）第六条又は第七条の規定により厚生大臣の指定した医療施設並びに市町村長の指定した医師、歯科医師、薬剤師及び助産婦は、この法律に基いて厚生大臣又は都道府県知事の指定した医療機関及び助産機関とみなす。

(6) Any medical facility designated by the Minister of Health and Welfare or any doctor, dentist, pharmacist, or midwife who has been designated by a municipal mayor pursuant to the provisions of Article 6 or Article 7 of the Ordinance for Enforcement of the Public Assistance Act (Imperial Ordinance No. 4.8 of 1946), prior to the enforcement of this Act, shall be deemed to be a medical care provider or midwife care provider designated by the Minister of Health and Welfare or a prefectural governor based on this Act.

7 この法律の施行前にした違反行為に対する罰則の適用については、なお従前の例による。

(7) With regard to the application of penal provisions to acts in violation committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(読替規定)

**(Provisions on Replacement of Terms)**

8 他の法令中に旧法の規定を掲げている場合において、この法律中にこれらの規定に相当する規定があるときは、政令で特別な規定をする場合を除く外、各々この法律中のこれらの規定に相当する規定を指しているものとみなす。

(8) In the case where provisions of the old Act are cited in other laws or ordinances, if any of the provisions of this Act correspond to said provisions, they shall be deemed to be indicating the provisions of this Act that correspond to said provisions, except as otherwise provided by a Cabinet Order.

(国の無利子貸付け等)

**(Loan Without Interest from the State, etc.)**

9 国は、当分の間、都道府県（第八十四条の二第一項の規定により、都道府県が処理することとされている第七十四条第一項の事務を指定都市等が処理する場合にあつては、当該指定都市等を含む。以下この項及び附則第十二項から第十四項までにおいて同じ。）に対し、第七十五条第二項の規定により国がその費用について補助することができる保護施設の修理、改造又は拡張で日本電信電話株式会社の株式の売払収入の活用による社会資本の整備の促進に関する特別措置法（昭和六十二年法律第八十六号）第二条第一項第二号に該当するものにつき、都道府県以外の保護施設の設置者に対し当該都道府県が補助する費用に充てる資金について、予算の範囲内において、第七十五条第二項の規定（この規定による国の補助の割合について、この規定と異なる定めをした法令の規定がある場合には、当該異なる定めをした法令の規定を含む。以下同じ。）により国が補助することができる金額に相当する金額を無利子で貸し付けることができる。

(9) For the time being, the State may, within the scope of the budget, provide a loan without interest of an amount equivalent to the amount that the State may subsidize pursuant to the provisions of Article 75, paragraph (2) (in the case where any law or ordinance stipulates otherwise with regard to the proportion of subsidy by the State under these provisions, they shall include the provisions of said law or ordinance that stipulates otherwise; the same shall apply hereinafter) to a prefecture (in the case where the affairs under Article 74, paragraph (1), which are to be processed by a prefecture, are to be processed by a designated city, etc., pursuant to the provisions of Article 84-2, paragraph (1), this shall include said designated city, etc.; hereinafter the same shall apply in this paragraph and paragraphs (12) to (14) of the Supplementary Provisions) for the funds to be allocated to the expenses subsidized by said prefecture for the establisher of a public assistance facility other than said prefecture, with regard to a repair, renovation or expansion of a public assistance facility of which expenses may be subsidized by the State pursuant to the provisions of Article 75, paragraph (2) and which falls under Article 2, paragraph (1), item (ii) of the Act on Special Measures Concerning Promotion of Social Infrastructure Development Through Use of Proceeds from

Sale of the Stock of Nippon Telegraph and Telephone Corporation (Act No. 86 of 1987).

10 前項の国の貸付金の償還期間は、五年（二年以内の据置期間を含む。）以内で政令で定める期間とする。

(10) The period for reimbursement of the loan from the State under the preceding paragraph shall be a period specified by a Cabinet Order not exceeding five years (including a grace period not exceeding two years).

11 前項に定めるもののほか、附則第九項の規定による貸付金の償還方法、償還期限の繰上げその他償還に関し必要な事項は、政令で定める。

(11) In addition to what is provided for in the preceding paragraph, the method of reimbursement, advance reimbursement, and any other necessary matters concerning the reimbursement of the loan under the provisions of paragraph (9) of the Supplementary Provisions shall be specified by a Cabinet Order.

12 国は、附則第九項の規定により都道府県に対し貸付けを行つた場合には、当該貸付けの対象である事業について、第七十五条第二項の規定による当該貸付金に相当する金額の補助を行うものとし、当該補助については、当該貸付金の償還時において、当該貸付金の償還金に相当する金額を交付することにより行うものとする。

(12) When the State has provided a loan to a prefecture pursuant to the provisions of paragraph (9) of the Supplementary Provisions, it shall subsidize an amount equivalent to said loan under the provisions of Article 75, paragraph (2) with regard to the operations subject to said loan, and said subsidy shall be provided by way of delivering an amount equivalent to the reimbursement money for said loan at the time of the reimbursement of said loan.

13 都道府県が、附則第九項の規定による貸付けを受けた無利子貸付金について、附則第十項及び第十一項の規定に基づき定められる償還期限を繰り上げて償還を行つた場合（政令で定める場合を除く。）における前項の規定の適用については、当該償還は、当該償還期限の到来時に行われたものとみなす。

(13) In the case where a prefecture has reimbursed the loan without interest which it has received pursuant to the provisions of paragraph (9) of the Supplementary Provisions ahead of the due date for reimbursement specified based on the provisions of paragraphs (10) and (11) of the Supplementary Provisions (excluding the cases specified by a Cabinet Order), said reimbursement shall be deemed to have been made on the arrival of the due date for reimbursement with regard to the application of the provisions of the preceding paragraph.

14 第七十九条の規定は、附則第九項の規定により国が都道府県に対し貸し付ける無利子貸付金について準用する。この場合において、同条中「補助金又は負担金の交付を受けた保護施設」とあるのは「貸付金の貸付けを受けた保護施設」と、「交付した補助金又は負担金」とあるのは「貸し付けた貸付金」と、同条第一号中「補助金又は負担金の交付条件」とあるのは「貸付金の貸付条件」と、同条第二号中「補助金又は

負担金の交付」とあるのは「貸付金の貸付け」と読み替えるものとする。

(14) The provisions of Article 79 shall apply mutatis mutandis to a loan without interest that is provided by the State to a prefecture pursuant to the provisions of paragraph (9) of the Supplementary Provisions. In this case, the phrase "a public assistance facility to which a subsidy or contribution has been delivered" in the same Article shall be deemed to be replaced with "a public assistance facility to which a loan has been provided," the phrase "delivered subsidy or contribution" in the same Article shall be deemed to be replaced with "provided loan," the phrase "conditions for the delivery of a subsidy or contribution" in item (i) of the same Article shall be deemed to be replaced with "conditions for the provision of a loan," and the phrase "delivery of a subsidy or contribution" in item (ii) of the same Article shall be deemed to be replaced with "provision of a loan."

別表（第八十四条の四関係）

Appended Table (Re: Article 84-4)

<p>都道府県、市及び福祉事務所を設置する町村 A prefecture, city, or a town or village with a welfare office</p>	<p>第十九条第一項から第五項まで、第二十四条第一項（同条第五項において準用する場合を含む。）、第二十五条第一項及び第二項、第二十六条、第二十七条第一項、第二十八条第一項及び第四項、第二十九条、第三十条から第三十七条の二まで（第三十条第二項及び第四項並びに第三十三条第三項を除く。）、第四十七条第一項、第四十八条第四項、第五十三条第四項（第五十四条の二第四項及び第五十五条において準用する場合を含む。）、第六十一条、第六十二条第三項及び第四項、第六十三条、第七十六条第一項、第七十七条第二項、第八十条並びに第八十一条 Article 19, paragraphs (1) to (5), Article 24, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to (5) of the same Article), Article 25, paragraph (1) and paragraph (2), Article 26, Article 27, paragraph (1), Article 28, paragraph (1) and paragraph (4), Article 29, Articles 30 to 37-2 (excluding Article 30, paragraph (2) and paragraph (4) and Article 33, paragraph (3)), Article 47, paragraph (1), Article 48, paragraph (4), Article 53, paragraph (4) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4) and Article 55), Article 61, Article 62, paragraph (3) and paragraph (4), Article 63, Article 76, paragraph (1), Article 77, paragraph (2), Article 80 and Article 81</p>
--	---

<p>都道府県 A prefecture</p>	<p>第二十三条第一項及び第二項、第四十条第二項、第四十一条第二項から第五項まで、第四十二条、第四十三条第一項、第四十四条第一項、第四十五条、第四十六条第二項及び第三項、第四十八条第三項、第四十九条（第五十五条において準用する場合を含む。）、第五十条第二項、第五十条の二、第五十一条第二項並びに第五十三条第一項及び第三項（第五十四条の二第四項及び第五十五条においてこれらの規定を準用する場合を含む。）、第五十四条第一項（第五十四条の二第四項において準用する場合を含む。）、第五十四条の二第一項、第五十五条の二、第六十五条第一項、第七十四条第二項第二号及び第三号、第七十七条第一項、第七十八条並びに第七十四条の二において準用する社会福祉法第五十八条第二項から第四項まで</p> <p>Article 23, paragraphs (1) and (2), Article 40, paragraph (2), Article 41, paragraphs (2) to (5), Article 42, Article 43, paragraph (1), Article 44, paragraph (1), Article 45, Article 46, paragraph (2) and paragraph (3), Article 48, paragraph (3), Article 49 (including the cases where it is applied mutatis mutandis pursuant to Article 55), Article 50, paragraph (2), Article 50-2, Article 51, paragraph (2), and Article 53, paragraph (1) and paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4) and Article 55), Article 54, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4)), Article 54-2, paragraph (1), Article 55-2, Article 65, paragraph (1), Article 74, paragraph (2), items (ii) and (iii), Article 77, paragraph (1), and Article 78 of this Act, and Article 58, paragraphs (2) to (4) of the Social Welfare Act as applied mutatis mutandis pursuant to Article 74-2 of this Act</p>
<p>市町村 A municipality</p>	<p>第四十三条第二項、第七十七条第一項及び第七十八条並びに第七十四条の二において準用する社会福祉法第五十八条第二項から第四項まで</p> <p>Article 43, paragraph (2), Article 77, paragraph (1), and Article 78 of this Act, and Article 58, paragraphs (2) to (4) of the Social Welfare Act as applied mutatis mutandis pursuant to Article 74-2 of this Act</p>
<p>福祉事務所を設置しない町村 A town or village without a welfare office</p>	<p>第十九条第六項及び第七項、第二十四条第六項並びに第二十五条第三項</p> <p>Article 19, paragraph (6) and paragraph (7), Article 24, paragraph (6), and Article 25, paragraph (3)</p>