

**外国弁護士による法律事務の取扱いに関する特別措置  
法施行規則（平成二十八年三月一日施行）**  
**Regulation for Enforcement of the Act on Special  
Measures concerning the Handling of Legal Services  
by Foreign Lawyers (The amended order comes into  
effect as of March 1, 2016)**

（昭和六十二年三月六日法務省令第七号）

（Ordinance of the Ministry of Justice No. 7 of March 6, 1987）

外国弁護士による法律事務の取扱いに関する特別措置法（昭和六十一年法律第六十六号）第二条第二号、第九条第一項及び第二項、第十七条第二項並びに第六十二条の規定に基づき、外国弁護士による法律事務の取扱いに関する特別措置法施行規則を次のように定める。

Pursuant to the provisions of Article 2, item (ii), Article 9, paragraphs (1) and (2), Article 17, paragraph (2) and Article 62 of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), the Regulation for Enforcement of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers is enacted as follows.

（連邦国家及びその構成単位）

（Federal States and Their Constituent Units）

第一条 外国弁護士による法律事務の取扱いに関する特別措置法（以下「法」という。）第二条第二号の法務省令で定める連邦国家は別表上欄記載のとおり、同欄記載の連邦国家の構成単位で法務省令で定めるものは同表下欄記載のとおりとする。

Article 1 The federal states as stipulated by the Ministry of Justice Order pursuant to Article 2, item (ii) of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (hereinafter referred to as the "Act") are as described in the left column of the Appended Table and their constituent units are as described in the right column of that Appended Table.

（承認の申請）

（Application for Approval）

第二条 法第七条の規定による承認（以下「承認」という。）の申請は、承認を受けようとする者が自ら出頭してしなければならない。

Article 2 In applying for approval provided for in Article 7 of the Act (hereinafter referred to as "Approval"), a person who intends to obtain such Approval must appear in person.

(承認申請書の記載事項等)

**(Particulars to be Entered in a Written Application for Approval)**

第三条 法第九条第一項の法務省令で定める事項は、次に掲げる事項とする。

Article 3 (1) The particulars stipulated by Ministry of Justice Order pursuant to Article 9, paragraph (1) of the Act are as follows:

一 氏名、性別、生年月日、出生地、国籍及び住所

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

二 外国弁護士となる資格を取得した年月日、その資格を取得した外国（次条において「資格取得国」という。）の国名及び当該外国弁護士の名称

(ii) the year, month, and date of acquiring of a qualification to become a foreign lawyer, the name of the foreign jurisdiction in which they acquired such qualification (in the next Article referred to as the "jurisdiction of acquisition of the qualification") and their title as such foreign lawyer.

2 法第九条第一項の承認申請書（以下「承認申請書」という。）の様式は、別記様式第一号によるものとする。

(2) A written application for Approval as provided for in Article 9, paragraph (1) of the Act (hereinafter referred to as the "Written Application for Approval") must be in Appended Form 1.

(承認申請書の添付書類)

**(Documents Accompanying Written Application for Approval)**

第四条 法第九条第二項の法務省令で定める書類は、次に掲げる書類とする。

Article 4 (1) The documents as stipulated by Ministry of Justice Order pursuant to Article 9, paragraph (2) of the Act are as follows:

一 次に掲げる事項について、承認を受けようとする者が法務大臣の交付する用紙を用いて作成した申述書

(i) written statements on the following matters prepared by a person who intends to obtain Approval in the form provided by the Minister of Justice:

イ 資格取得国における外国弁護士としての職務経験（資格取得国における外国弁護士が資格取得国以外の外国において外国弁護士となる資格を基礎として資格取得国の法に関する法律事務を行う業務に従事した経験を含む。以下この条において同じ。）に関する事項及び法第十条第二項の規定の適用を受ける場合にあつては、外国弁護士となる資格を取得した後に国内において弁護士、弁護士法人、外国法事務弁護士又は外国法事務弁護士法人に対して資格取得国の法に関する知識に基づいて行つた労務の提供に関する事項

(a) matters concerning experience of having performed professional duties as a foreign lawyer in the jurisdiction of acquisition of qualification (including the experience of a foreign lawyer in the jurisdiction of acquisition of qualification, of having engaged in the practice of providing legal services, in a foreign jurisdiction other than the jurisdiction of acquisition of qualification, concerning the laws of the jurisdiction of acquisition of

qualification on the basis of the qualification to become a foreign lawyer. Hereinafter the same apply in this Article) and where Article 10, paragraph (2) of the Act is applicable, matters concerning the practice of providing legal services in Japan to attorneys at law, legal professional corporation, registered foreign lawyers or registered foreign lawyer corporations on their knowledge concerning the laws of the jurisdiction of acquisition of qualification after they acquired such qualification to become a foreign lawyer

ロ 外国法事務弁護士の欠格事由に関する事項

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

ハ 法第十条第一項第二号に掲げる基準に関する事項

(c) matters concerning the standards listed in Article 10, paragraph (1), item (ii) of the Act

ニ 誠実に職務を遂行する意思並びに適正かつ確実に職務を遂行するための計画、住居及び財産的基礎に関する事項

(d) matters concerning the willingness to perform professional duties faithfully, and a plan, residence and financial basis for performing professional duties properly and reliably

ホ 依頼者に与えた損害を賠償する能力に関する事項

(e) matters concerning the ability to compensate for any damages which they may cause to clients

ヘ その他参考となるべき事項

(f) other matters for reference

二 履歴書

(ii) curriculum vitae;

三 旅券、在留カード、特別永住者証明書その他の身分を証する書類の写し

(iii) copies of their passport, residence card, special permanent resident certificate or any other document verifying their identity;

四 外国弁護士となる資格を取得したこと及びその資格を現に保有していることを証する書類

(iv) any document verifying that they have acquired a qualification to become a foreign lawyer and that they actually still retain such qualification;

五 資格取得国における外国弁護士としての職務経験を証する書類及び法第十条第二項の規定の適用を受ける場合にあつては、外国弁護士となる資格を取得した後に国内において弁護士、弁護士法人、外国法事務弁護士又は外国法事務弁護士法人に対して資格取得国の法に関する知識に基づいて行つた労務の提供を証する書類

(v) any document verifying that they have experience in performing professional duties as a foreign lawyer in the jurisdiction of acquisition of qualification, and, in cases where Article 10, paragraph (2) of the Act is applicable, that they have provided legal services in Japan to an attorney at

law, legal professional corporation, registered foreign lawyer or registered foreign lawyer corporation based on their knowledge concerning the laws of the jurisdiction of acquisition of qualification after they acquired a qualification to become a foreign lawyer;

六 法第八条において準用する弁護士法第七条各号に掲げる者でないことを誓約する書面

(vi) a document in which they pledge that they do not fall under any of the categories listed in each item of Article 7 of the Attorney Act as applied mutatis mutandis pursuant to Article 8 of the Act;

七 法第十条第一項第二号イからニまでに掲げる者でないことを誓約する書面

(vii) a document in which they pledge that they do not fall under any of the categories of persons listed in Article 10, paragraph (1), item (ii) sub-item(a) through (d) of the Act;

八 誠実に職務を遂行することを誓約する書面

(viii) a document in which they pledge that they will perform professional duties faithfully;

九 適正かつ確実に職務を遂行するための計画、住居及び財産的基礎を有することを証する書類

(ix) a document verifying that they have a plan, residence and financial basis for performing professional duties properly and reliably;

十 依頼者に与えた損害を賠償する能力を有することを証する書類

(x) a document certifying that they have the ability to compensate for any damages which they may cause to clients; and

十一 その他参考となるべき書類

(xi) any other document for reference.

2 前項第六号の書面の様式は別記様式第二号に、同項第七号の書面の様式は別記様式第三号に、同項第八号の書面の様式は別記様式第四号によるものとする。

(2) The document set forth in item (vi) of the preceding paragraph must be in Appended Form 2, the document set forth in item (vii) of the paragraph must be in Appended Form 3, and the document set forth in item (viii) of the paragraph must be in Appended Form 4.

(承認申請手数料の納付方法)

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

第五条 法第九条第三項の手数料は、承認申請書に手数料の額に相当する額の収入印紙をはつて納めなければならない。

Article 5 The fee provided for in Article 9, paragraph (3) of the Act must be paid by affixing to a Written Application for Approval a revenue stamp in an amount equivalent to the amount of the fee.

(誓約内容の確認)

(Verification of the Content of Pledges)

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

Article 6 In applying for Approval, a person who intends to obtain Approval must read aloud in front of the officer designated by the Minister of Justice the content of the documents provided for in Article 4, paragraph (1), items (vi) through (viii), and must confirm the content of their pledge.

(承認をしないこととした場合の通知)

(Notification of Decision to not Approve)

第七条 法務大臣は、承認をしないこととしたときは、その旨及びその理由を承認の申請をした者及び日本弁護士連合会に書面で通知するものとする。

Article 7 In cases where the Minister of Justice has made a decision not to give Approval, the Minister must notify in writing the person concerned who has applied for Approval and the Japan Federation of Bar Associations of such decision and the reason therefor.

(承認の申請前の予備審査)

(Preliminary Examination Prior to Applying for Approval)

第八条 承認の申請をしようとする者は、その申請の前に、承認申請書及びその添付書類に準じた書類を法務大臣に提出して、予備審査を求めることができる。

Article 8 A person applying for Approval may, prior to applying for the Approval, submit to the Minister of Justice, documents equivalent to a Written Application for Approval and its accompanying documents and may request a preliminary examination.

(承認を受けた者の届出義務等)

(Obligation of Approved Persons to Report)

第九条 承認を受けた者は、次の各号のいずれかに該当する場合には、遅滞なく、書面により、法務大臣にその旨を届け出なければならない。

Article 9 (1) A person who has obtained Approval must, if they fall under any of the following items, notify the Minister of Justice in writing and without delay to that effect:

一 氏名、国籍又は住所に変更が生じたとき。

(i) if there has been any change in such person's name, nationality or address;

二 事務所を設け、又は移転したとき。

(ii) if such person's office has been established or moved;

三 事務所の名称を定め、又は変更したとき。

(iii) if the name of such person's office has been fixed or changed;

四 依頼者に与えた損害を賠償する能力について重要な変更が生じたとき。

(iv) if an important change in such person's ability to compensate for damages which such person may cause to clients arises;

五 法第十条第一項第二号イからニまでに掲げる者のいずれかに該当するに至ったとき。

(v) if such person has come to fall under any of the persons listed in Article 10, paragraph(1), item(ii), (a) to (d) of the Act;

六 原資格国の外国弁護士となる資格を失ったとき。

(vi) if such person has lost the qualification to become a foreign lawyer in the jurisdiction of primary qualification; or

七 法第八条において準用する弁護士法第七条各号（第二号を除く。）のいずれかに該当するに至ったとき。

(vii) if such person has come to fall under any of the items of Article 7 of the Attorney Act (except item (ii)) applied mutatis mutandis pursuant to Article 8 of the Act.

2 承認を受けた者は、前項第六号又は第七号に該当する場合を除き、当該承認を受けた日から起算して二年ごとに、その期間の満了後二箇月以内に、次に掲げる書類を法務大臣に提出しなければならない。

(2) A person who has been approved must submit, except if they fall under item (vi) or item (vii) of the preceding paragraph, the following documents to the Minister of Justice within two months after the expiration of every two years from the date when they were approved:

一 原資格国の外国弁護士となる資格を現に保有していることを証する書類

(i) a document verifying that they actually retain their qualification to become a foreign lawyer in the jurisdiction of primary qualification;

二 業務及び財産の状況に関する申告書

(ii) a written statement on the status of their practice and assets;

三 法第十条第一項第二号イからニまでに掲げる者でないことを誓約する書面

(iii) a document in which they pledge that they fall under none of the categories of persons listed in Article 10, paragraph (1), item (iii), (a) through (d) of the Act; and

四 法第八条において準用する弁護士法第七条各号（第二号を除く。）に掲げる者でないことを誓約する書面

(iv) a document in which they pledge that they fall under none of the categories of persons listed in each item of Article 7 of the Attorney Act (except item (ii)) applied mutatis mutandis pursuant to Article 8 of the Act.

(聴聞の方法の特例)

(Special Provisions on Hearing Procedures)

第十条 承認の取消処分に係る聴聞の主宰者は、必要があると認めるときは、参考人の意見を聴かなければならない。

Article 10 (1) An officer presiding over a hearing concerning the rescission of

Approval must hear the opinion of a witness (es), if they find it necessary.

2 主宰者は、前項の意見を聴取したときは、聴聞調書に参考人の氏名及びその陳述の要旨を記載しなければならない。

(2) If a presiding officer has heard an opinion as provided for in the preceding paragraph, they must enter the name of any witness and a summary of their statement in the record of the hearing.

3 承認の取消処分に係る聴聞の当事者は、意見の陳述、質問及び聴聞の主宰者が発した質問に対する陳述を外国語によりするときは、自己の負担で通訳人に通訳をさせなければならない。自己が意見の聴取を求めた参考人が外国語により陳述するときも、同様とする。

(3) If a party to a hearing concerning rescission of Approval makes a statement of opinion, asks a question, or makes a statement in response to a question posed by an officer presiding over the hearing in a foreign language, the party must have an interpreter interpret for them at their own expense. The same applies if a witness to be heard at the request of a party is to make a statement in a foreign language.

(承認の取消しの通知)

(Notification of a Rescission of Approval)

第十一条 法務大臣は、承認を取り消したときは、その旨及びその理由を当該取消処分を受けた者及び日本弁護士連合会に書面で通知するものとする。

Article 11 The Minister of Justice must notify in writing the person whose Approval has been rescinded and the Japan Federation of Bar Associations to that effect, and the reason thereof.

(指定の申請)

(Application for Designation)

第十二条 法第十六条第一項の規定による指定（以下「指定」という。）の申請は、指定を受けようとする者が自ら出頭してしなければならない。

Article 12 A person who wants designation has to appear in person and file an application for designation pursuant to Article 16, paragraph (1) of the Act (hereinafter referred to as "Designation").

(指定申請書の様式)

(Form of Written Application for Designation)

第十三条 法第十七条第一項の指定申請書（以下「指定申請書」という。）の様式は、別記様式第五号によるものとする。

Article 13 The written application pursuant to Article 17, paragraph (1) of the Act (hereinafter referred to as a "Written Application for Designation") must be made in Appended Form 5.

(指定申請書の添付書類)

(Documents Accompanying a Written Application for Designation)

第十四条 法第十七条第二項の法務省令で定める書類は、次に掲げる書類とする。

Article 14 The documents stipulated by Ministry of Justice Order pursuant to Article 17, paragraph (2) of the Act are as follows:

一 法第十六条第一項第一号の規定による指定の申請をする場合にあつては、当該申請に係る特定外国の外国弁護士となる資格を有することを証する書類

(i) if an application for Designation is made pursuant to the provisions of Article 16, paragraph (1), item (i) of the Act, a document verifying that the applicant has the qualification to become a foreign lawyer of the specified foreign jurisdiction;

二 法第十六条第一項第二号の規定による指定の申請をする場合にあつては、当該申請に係る特定外国の外国弁護士となる資格を有する者と同程度に当該特定外国の法に関する学識を有すること及びその法に関する法律事務の取扱いについての実務経験を証する書類

(ii) if an application for Designation is made pursuant to the provisions of Article 16, paragraph (1), item (ii) of the Act, a document verifying that the applicant has the same level of knowledge with regard to the laws of the specified foreign jurisdiction as a person who is qualified to become a foreign lawyer of that jurisdiction and has the relevant amount of practical experience under that Act in providing legal services concerning such laws;

or

三 その他参考となるべき書類

(iii) any other documents for reference.

(指定を受けた者の届出義務等)

(Obligation of Designated Persons to Report)

第十五条 法第十六条第一項第一号の規定による指定を受けた者は、当該指定に係る外国弁護士となる資格を失つた場合は、遅滞なく、書面により、法務大臣にその旨を届け出なければならない。

Article 15 (1) If a person who has been designated pursuant to Article 16, paragraph (1), item (i) of the Act has lost the qualification to become a foreign lawyer in respect to the Designation concerned, they must notify the Minister of Justice in writing and without delay to that effect.

2 法第十六条第一項第一号の規定による指定を受けた者は、前項に規定する場合を除き、当該指定を受けた日から起算して二年ごとに、その期間の満了後二箇月以内に、当該指定に係る外国弁護士となる資格を現に保有していることを証する書類を法務大臣に提出しなければならない。

(2) A person who has been designated pursuant to Article 16, paragraph (1), item (i) of the Act must, except in the case provided for in the preceding paragraph, submit to the Minister of Justice a document verifying that they still presently



retain the qualification to become a foreign lawyer with respect to the Designation within two months after the expiration of every two years from the date when they received such Designation.

(承認又はその取消しに関する規定の準用)

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

第十六条 第五条の規定は法第十七条第三項の手数料の納付方法について、第七条の規定は指定をしないこととした場合の通知について、第八条の規定は指定の申請前の予備審査について、第十条の規定は指定の取消処分に係る聴聞について、第十一条の規定は指定の取消しの通知について準用する。この場合において、第八条中「承認申請書」とあるのは、「指定申請書」と読み替えるものとする。

Article 16 The provisions of Article 5 apply mutatis mutandis to the means of payment of a fee pursuant to Article 17, paragraph (3) of the Act. The provisions of Article 7 apply mutatis mutandis to notifications when no Designation is made. The provisions of Article 8 apply mutatis mutandis to preliminary examinations prior to application for Designation. The provisions of Article 10 apply mutatis mutandis to hearings concerning the disposition of rescission of a Designation. The provisions of Article 11 apply mutatis mutandis to notification of rescission of a Designation. In these cases "Written Application for Approval" in Article 8 must be read as "Written Application for Designation"

(訳文の添付)

(Attachment of a Translation)

第十七条 法若しくはこの省令の規定により法務大臣に提出する書類又は行政手続法（平成五年法律第八十八号）若しくは法務省聴聞規則（平成六年法務省令第四十七号）の規定により聴聞の主宰者に提出する書類が外国語により作成されているときは、その書類に訳文を添付しなければならない。訳文は、翻訳者がその氏名及び翻訳年月日並びに誠実に翻訳をしたことを誓約する旨を記載し、かつ、署名したものでなければならない。

Article 17 When documents submitted to the Minister of Justice pursuant to the provisions of the Act or this Order, or documents submitted to a presiding officer pursuant to the provisions of Administrative Procedure Act (Act No. 88 of 1993) or the Regulation on Ministry of Justice Hearings (Ministry of Justice Order No. 47 of 1994) are prepared in a foreign language, they must be accompanied by a Japanese translation. Such translation must be signed by the translator and must include the translator's name, the date of the translation and a pledge that they have completed the translation in good faith.

別表（第一条関係）

Appended Table (In relation to Article 1)

連邦国家 Federal States	構成単位 Constituent Units
アメリカ合衆国 United States of America	州 コロンビア特別区 属地 States, District of Columbia, Territories
オーストラリア Commonwealth of Australia	州 首都特別地域 北部特別地域 States, Australian Capital Territory, Northern Territory
カナダ Canada	州 準州 Provinces, Territories

別記様式 略

Appended Forms are omitted