

裁判外紛争解決手続の利用の促進に関する法律 Act on Promotion of Use of Alternative Dispute Resolution

(平成十六年十二月一日法律第百五十一号)

(Act No. 151 of December 1, 2004)

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、内外の社会経済情勢の変化に伴い、裁判外紛争解決手続（訴訟手続によらずに民事上の紛争の解決をしようとする紛争の当事者のため、公正な第三者が関与して、その解決を図る手続をいう。以下同じ。）が、第三者の専門的な知見を反映して紛争の実情に即した迅速な解決を図る手続として重要なものとなっていることにかんがみ、裁判外紛争解決手続についての基本理念及び国等の責務を定めるとともに、民間紛争解決手続の業務に関し、認証の制度を設け、併せて時効の中断等に係る特例を定めてその利便の向上を図ること等により、紛争の当事者がその解決を図るのにふさわしい手続を選択することを容易にし、もって国民の権利利益の適切な実現に資することを目的とする。

Article 1 Owing to the changes in the social and economic climate at home and abroad, alternative dispute resolution (procedures for resolution of a civil dispute between parties who seek, with the involvement of a fair third party, a resolution without using litigation; the same applies hereinafter) has become an important means of achieving prompt dispute resolution based on the specialized expertise of a third party and in accordance with the actual facts of the dispute. Bearing such in mind, the purpose of the Act on Promotion of Use of Alternative Dispute Resolution is to provide for the basic concepts of the Act and for the responsibilities of the government and other entities; and to establish a certification system and set special rules on nullification of prescription and other matters so as to make alternative dispute resolution procedures easier to utilize, thereby enabling parties to a dispute to choose the most suitable method for resolving a dispute with the aim of appropriate realization of the rights and interests of the people.

(定義)

(Definitions)

第二条 この法律において、次の各号に掲げる用語の意義は、それぞれ当該各号に定めるところによる。

Article 2 In this Act, the terms set forth in the following items have the meanings as defined in the respective items:

一 民間紛争解決手続 民間事業者が、紛争の当事者が和解をすることができる民事上の紛争について、紛争の当事者双方からの依頼を受け、当該紛争の当事者との間の契約に基づき、和解の仲介を行う裁判外紛争解決手続をいう。ただし、法律の規定により指定を受けた者が当該法律の規定による紛争の解決の業務として行う裁判外紛争解決手続で政令で定めるものを除く。

(i) private dispute resolution procedures refer to alternative dispute resolution procedures by which a private business, at the request of both parties to a civil dispute for which settlement is sought, arranges settlement under a contract with the parties to the dispute, excluding alternative dispute resolution carried out by persons designated by law as dispute resolution services under the law, in accordance with a Cabinet Order;

二 手続実施者 民間紛争解決手続において和解の仲介を実施する者をいう。

(ii) dispute resolution providers refer to persons who arrange settlement through private dispute resolution procedures;

三 認証紛争解決手続 第五条の認証を受けた業務として行う民間紛争解決手続をいう。

(iii) certified dispute resolution procedures refer to private dispute resolution procedures to be carried out as the services certified under Article 5; and

四 認証紛争解決事業者 第五条の認証を受け、認証紛争解決手続の業務を行う者をいう。

(iv) certified dispute resolution business operators refer to persons who carry out the services of certified dispute resolution under Article 5.

(基本理念等)

(Basic Principles)

第三条 裁判外紛争解決手続は、法による紛争の解決のための手続として、紛争の当事者の自主的な紛争解決の努力を尊重しつつ、公正かつ適正に実施され、かつ、専門的な知見を反映して紛争の実情に即した迅速な解決を図るものでなければならない。

Article 3 (1) Alternative dispute resolution procedures must, as legal procedures for settling disputes, be executed in a fair and appropriate manner while respecting the voluntary efforts of the parties to the dispute for dispute resolution, and be aimed at achieving prompt dispute resolution based on specialized expertise and in accordance with the actual facts of the dispute.

2 裁判外紛争解決手続を行う者は、前項の基本理念にのっとり、相互に連携を図りながら協力するように努めなければならない。

(2) Persons involved in the alternative dispute resolution procedures must, in compliance with the basic concepts set forth in the preceding paragraph, strive to cooperate and collaborate with one another.

(国等の責務)

(Responsibilities of the Government)

第四条 国は、裁判外紛争解決手続の利用の促進を図るため、裁判外紛争解決手続に関する内外の動向、その利用の状況その他の事項についての調査及び分析並びに情報の提供その他の必要な措置を講じ、裁判外紛争解決手続についての国民の理解を増進させるように努めなければならない。

Article 4 (1) The government must, with the objective of promoting the use of alternative dispute resolution, research and analyze the trends, use, and other matters of alternative dispute resolution procedures at home and abroad, provide relevant information, and take other necessary measures, thereby endeavoring to familiarize the public with alternative dispute resolution.

2 地方公共団体は、裁判外紛争解決手続の普及が住民福祉の向上に寄与することにかんがみ、国との適切な役割分担を踏まえつつ、裁判外紛争解決手続に関する情報の提供その他の必要な措置を講ずるよう努めなければならない。

(2) Local public entities must, bearing in mind that the widespread use of alternative dispute resolution will contribute to improvement in social well-being, endeavor to provide information on alternative dispute resolution procedures and take other necessary measures while sharing appropriate roles with the government.

第二章 認証紛争解決手続の業務

Chapter II Certified Dispute Resolution Services

第一節 民間紛争解決手続の業務の認証

Section 1 Certification of Private Dispute Resolution Services

(民間紛争解決手続の業務の認証)

(Certification of Private Dispute Resolution Services)

第五条 民間紛争解決手続を業として行う者（法人でない団体で代表者又は管理人の定めのあるものを含む。）は、その業務について、法務大臣の認証を受けることができる。

Article 5 Persons who carry out private dispute resolution services on regular basis (including organization that is not juridical person and for which a representative or an administrator is appointed) may obtain certification by the Minister of Justice for their services.

(認証の基準)

(Certification Standards)

第六条 法務大臣は、前条の認証の申請をした者（以下「申請者」という。）が行う当該申請に係る民間紛争解決手続の業務が次に掲げる基準に適合し、かつ、申請者が当該業務を行うのに必要な知識及び能力並びに経理的基礎を有するものであると認めるときは、当該業務について認証をするものとする。

Article 6 The Minister of Justice is to grant certification for private dispute resolution services that are carried out by a person who has applied for certification under the preceding paragraph (hereinafter referred to as the "applicant"), if the Minister recognizes the services referred to in the application as satisfying the certification standards and the applicant as having necessary knowledge and skills as well as a financial base for carrying out the services. The certification standards are that the applicant:

一 その専門的な知見を活用して和解の仲介を行う紛争の範囲を定めていること。

(i) defines with his or her specialized expertise the scope of disputes for which settlement will be arranged;

二 前号の紛争の範囲に対応して、個々の民間紛争解決手続において和解の仲介を行うのにふさわしい者を手続実施者として選任することができること。

(ii) is capable of selecting the appropriate person as dispute resolution provider to arrange settlement for each individual private dispute resolution procedure with respect to the scope of disputes given under the preceding item;

三 手続実施者の選任の方法及び手続実施者が紛争の当事者と利害関係を有することその他の民間紛争解決手続の公正な実施を妨げるおそれがある事由がある場合において、当該手続実施者を排除するための方法を定めていること。

(iii) establishes a method for selecting dispute resolution providers and a method for excluding dispute resolution providers who are interested parties of a party to a dispute or have any other causes which may harm the fair execution of private dispute resolution procedures;

四 申請者の実質的支配者等（申請者の株式の所有、申請者に対する融資その他の事由を通じて申請者の事業を実質的に支配し、又はその事業に重要な影響を与える関係にあるものとして法務省令で定める者をいう。以下この号において同じ。）又は申請者の子会社等（申請者が株式の所有その他の事由を通じてその事業を実質的に支配する関係にあるものとして法務省令で定める者をいう。）を紛争の当事者とする紛争について民間紛争解決手続の業務を行うこととしている申請者にあつては、当該実質的支配者等又は申請者が手続実施者に対して不当な影響を及ぼすことを排除するための措置が講じられていること。

(iv) in cases where the applicant intends to carry out the services of private dispute resolution for disputes in which the applicant's substantial controllers (persons who substantially have control over the applicant's business or have a major impact on the applicant's business through ownership of shares in the applicant, financing to the applicant or any other causes, as provided for by Order of the Ministry of Justice; the same applies hereinafter in this item) or the applicant's subsidiaries (persons whose business is substantially controlled by the applicant through the ownership of shares or any other causes, as provided for by Order of the Ministry of Justice; the same applies hereinafter in this item) are involved as the parties

concerned, has adopted measures to prevent the substantial controllers or the applicant from exercising undue influence on the dispute resolution providers;

五 手続実施者が弁護士でない場合（司法書士法（昭和二十五年法律第百九十七号）第三条第一項第七号に規定する紛争について行う民間紛争解決手続において、手続実施者が同条第二項に規定する司法書士である場合を除く。）において、民間紛争解決手続の実施に当たり法令の解釈適用に関し専門的知識を必要とするときに、弁護士の助言を受けることができるようにするための措置を定めていること。

(v) in cases where the dispute resolution provider is not qualified as an attorney (excluding cases where the dispute resolution provider who provides the dispute resolution prescribed in Article 3, paragraph (1), item (vii) of the Judicial Scriveners Act (Act No. 197 of 1950) is qualified as the judicial scrivener prescribed in paragraph (2) of the that Article), has taken measures to ensure an attorney is available for consultation when expert knowledge on the interpretation and application of laws and regulations is required in the process of providing private dispute resolution;

六 民間紛争解決手続の実施に際して行う通知について相当な方法を定めていること。

(vi) establishes an appropriate method for giving notification when executing private dispute resolution procedures;

七 民間紛争解決手続の開始から終了に至るまでの標準的な手続の進行について定めていること。

(vii) establishes a standard operation process from the commencement to the termination of executing private dispute resolution procedures;

八 紛争の当事者が申請者に対し民間紛争解決手続の実施の依頼をする場合の要件及び方式を定めていること。

(viii) establishes requirements and methods of operation to be satisfied or observed by the party to a dispute making a request for execution of private dispute resolution procedures regarding the applicant;

九 申請者が紛争の一方の当事者から前号の依頼を受けた場合において、紛争の他方の当事者に対し、速やかにその旨を通知するとともに、当該紛争の他方の当事者がこれに応じて民間紛争解決手続の実施を依頼するか否かを確認するための手続を定めていること。

(ix) establishes procedures to promptly notify, upon receiving a request made by one party to a dispute under the preceding item, the other party to the dispute of the request and to confirm whether the other party, in response, also wishes to request use of private dispute resolution;

十 民間紛争解決手続において提出された資料の保管、返還その他の取扱いの方法を定めていること。

(x) establishes methods for storing, returning or otherwise handling materials submitted through private dispute resolution;

十一 民間紛争解決手続において陳述される意見又は提出され、若しくは提示される

資料に含まれる紛争の当事者又は第三者の秘密について、当該秘密の性質に応じてこれを適切に保持するための取扱いの方法を定めていること。第十六条に規定する手続実施記録に記載されているこれらの秘密についても、同様とする。

(xi) establishes a method for preserving in an appropriate manner suited to the nature of the information, the communications of the parties to a dispute or other third parties that are contained in opinions stated or materials submitted or presented through private dispute resolution procedures; the same applies to such communications as prescribed in the dispute resolution procedure records prescribed in Article 16;

十二 紛争の当事者が民間紛争解決手続を終了させるための要件及び方式を定めていること。

(xii) establishes requirements and modes of operation for the parties to a dispute to terminate the private dispute resolution procedures;

十三 手続実施者が民間紛争解決手続によっては紛争の当事者間に和解が成立する見込みがないと判断したときは、速やかに当該民間紛争解決手続を終了し、その旨を紛争の当事者に通知することを定めていること。

(xiii) stipulates that when the dispute resolution provider considers it impossible to arrange settlement between the parties to a dispute through private dispute resolution, the dispute resolution provider promptly terminates the private dispute resolution procedures and notify the parties to the dispute to that effect;

十四 申請者（法人にあってはその役員、法人でない団体に代表者又は管理人の定めのあるものにあつてはその代表者又は管理人）、その代理人、使用人その他の従業者及び手続実施者について、これらの者が民間紛争解決手続の業務に関し知り得た秘密を確実に保持するための措置を定めていること。

(xiv) establishes measures to assure the confidentiality of communications that the applicant (the officers of the applicant if it is a juridical person, or the representative or manager appointed for the applicant if it is an organization that is not a juridical person and for which a representative or an administrator is appointed), and the applicant's representatives, employees, and other staff as well as dispute resolution providers come to have knowledge of in connection with the services of private dispute resolution;

十五 申請者（手続実施者を含む。）が支払を受ける報酬又は費用がある場合には、その額又は算定方法、支払方法その他必要な事項を定めており、これが著しく不当なものでないこと。

(xv) establishes the amount of any rewards or expenses payable to the applicant (including the dispute resolution providers), such methods of calculation and payment, and other necessary matters that are not extremely unreasonable;

十六 申請者が行う民間紛争解決手続の業務に関する苦情の取扱いについて定めていること。

(xvi) establishes a system for the handling of complaints on the applicant's private dispute resolution services.

(欠格事由)

(Reasons for Disqualification)

第七条 前条の規定にかかわらず、次の各号のいずれかに該当する者は、第五条の認証を受けることができない。

Article 7 Notwithstanding the provisions of the preceding Article, a person who falls under any of the following items is not eligible to obtain the certification under Article 5:

一 成年被後見人又は被保佐人

(i) an adult ward or a person under curatorship;

二 民間紛争解決手続の業務に関し成年者と同一の行為能力を有しない未成年者

(ii) a minor who does not have legal capacity equivalent to a major in connection with the services of private dispute resolution;

三 破産者で復権を得ないもの

(iii) a person who was declared bankrupt and has yet to have his rights restored;

四 禁錮以上の刑に処せられ、その刑の執行を終わり、又は刑の執行を受けることがなくなった日から五年を経過しない者

(iv) a person who was sentenced to imprisonment without work or a severer punishment and 5 years have not yet elapsed from the date of the completion of execution of the sentence or the date when the sentence becomes no more executable;

五 この法律又は弁護士法（昭和二十四年法律第二百五号）の規定に違反し、罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から五年を経過しない者

(v) a person who was sentenced to a fine for violating the provisions of this Act or the Attorney Act (Act No. 205 of 1949) and 5 years have not yet elapsed from the date of having paid the fine or having ceased to be liable to pay the fine;

六 第二十三条第一項又は第二項の規定により認証を取り消され、その取消の日から五年を経過しない者

(vi) a person whose certification was rescinded in accordance with Article 23, paragraph (1) or (2) but (5) years have not yet elapsed from the date of rescission;

七 認証紛争解決事業者で法人（法人でない団体で代表者又は管理人の定めのあるものを含む。第九号、次条第二項第一号、第十三条第一項第三号及び第十七条第三項において同じ。）であるものが第二十三条第一項又は第二項の規定により認証を取り消された場合において、その取消の日前六十日以内にその役員（法人でない団体で代表者又は管理人の定めのあるものにあつては、その代表者又は管理人。第九

号において同じ。)であった者でその取消しの日から五年を経過しないもの
(vii) in cases where certification of a certified dispute resolution business operator that is a juridical person (or an organization that is not juridical person and for which a representative or administrator is appointed; the same applies hereinafter in item (ix); Article 8, paragraph (2), item (i); Article 13, paragraph (1), item (iii); and Article 17, paragraph (3)) was rescinded in accordance with Article 23, paragraph (1) or (2), and the person was the officer of a certified dispute resolution business (or the representative or manager appointed for an organization that is not juridical person and for which a representative or an administrator is appointed; the same applies hereinafter in item (ix)) at a date within 60 days before the date of the rescission and 5 years have not yet elapsed since the date of rescission;

八 暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）第二条第六号に規定する暴力団員（以下この号において「暴力団員」という。）又は暴力団員でなくなった日から五年を経過しない者（以下「暴力団員等」という。）

(viii) a person who is an organized crime group member prescribed in Article 2, item (vi) of the Act to Prevent of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) or a person for whom 5 years have not yet elapsed from the date the person ceased to be an organized crime group member (hereinafter collectively referred to as "organized crime group member");

九 法人でその役員又は政令で定める使用人のうちに前各号のいずれかに該当する者のあるもの

(ix) a juridical person that has as an officer or as an employee provided for by a Cabinet Order a person who falls under any of the preceding items;

十 個人でその政令で定める使用人のうちに第一号から第八号までのいずれかに該当する者のあるもの

(x) an individual who has as an employee provided for by a Cabinet Order a person who falls under any of items (i) through (viii);

十一 暴力団員等とその民間紛争解決手続の業務に従事させ、又は当該業務の補助者として使用するおそれのある者

(xi) a person who is likely to have a member of an organized crime group engage in the services of private dispute resolution or act as an assistant for the services;

十二 暴力団員等がその事業活動を支配する者

(xii) a person whose business activities are controlled by a member of an organized crime group.

(認証の申請)

(Application for Certification)

第八条 第五条の認証の申請は、法務省令で定めるところにより、次に掲げる事項を記載した申請書を法務大臣に提出してしなければならない。

Article 8 (1) An application for the certification under Article 5 must be made, as provided for by Order of the Ministry of Justice, by submitting an application form that states the following matters to the Minister of Justice:

一 氏名又は名称及び住所並びに法人にあってはその代表者（法人でない団体が代表者又は管理人の定めのあるものにあつては、その代表者又は管理人）の氏名

(i) the name and address of the applicant, the name of the representative of the applicant that is a juridical person (or the representative or administrator appointed for the applicant that is an organization that is not juridical person and for which a representative or an administrator is appointed);

二 民間紛争解決手続の業務を行う事務所の所在地

(ii) the location of the office where the services of private dispute resolution are to be carried out;

三 前二号に掲げるもののほか、法務省令で定める事項

(iii) other matters as provided for by Order of the Ministry of Justice.

2 前項の申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents must be attached to the application form under the preceding paragraph;

一 法人にあっては、定款その他の基本約款を記載した書類

(i) documents that state the articles of incorporation and other basic conditions of the applicant that is a juridical person;

二 その申請に係る民間紛争解決手続の業務の内容及びその実施方法を記載した書類
(ii) documents that state the contents and the method of provision of the services of private dispute resolution relating to the application;

三 その申請に係る民間紛争解決手続の業務に関する事業報告書又は事業計画書
(iii) business reports or business plans on the services of private dispute resolution relating to the application;

四 申請者の財産目録、貸借対照表、収支計算書又は損益計算書その他の当該申請に係る民間紛争解決手続の業務を行うのに必要な経理的基礎を有することを明らかにする書類であつて法務省令で定めるもの

(iv) the applicant's inventory list, balance sheets, income and expenditure statements or profit and loss statements, and other documents to verify that the applicant has the necessary financial base for carrying out the services of private dispute resolution relating to the application, as provided for by Order of the Ministry of Justice;

五 前各号に掲げるもののほか、法務省令で定める書類

(v) other documents as provided for by Order of the Ministry of Justice.

3 第五条の認証の申請をする者は、実費を勘案して政令で定める額の手数料を納付しなければならない。

(3) The applicant applying for the certification under Article 5 must pay fees to

the amount calculated with due consideration to actual costs as provided for by a Cabinet Order.

(認証に関する意見聴取)

(Hearing of Opinions on Certification)

第九条 法務大臣は、第五条の認証の申請に対する処分をしようとする場合又は当該申請に対する処分についての異議申立てに対する決定をしようとする場合には、あらかじめ、申請者が法律により直接に設立された法人又は特別の法律により特別の設立行為をもって設立された法人であるときはこれらの法人を所管する大臣に、申請者が設立に関し許可又は認可を受けている法人であるときはその許可又は認可をした大臣又は国家公安委員会に、それぞれ協議しなければならない。

Article 9 (1) The Minister of Justice must, when disposing an application for the certification under Article 5 or making a decision on an objection to the outcome of the application, consult in advance, where the applicant is a juridical person established directly under laws or a juridical person established by a special act of establishment under special laws, with the minister who has jurisdiction over the applicant, or where the applicant was established with permission or approval, with the minister who granted the permission or approval or with the National Public Safety Commission.

2 法務大臣は、第五条の認証をしようとするときは、第七条第八号から第十二号までに該当する事由（同条第九号及び第十号に該当する事由にあつては、同条第八号に係るものに限る。）の有無について、警察庁長官の意見を聴かなければならない。

(2) The Minister of Justice must, before granting the certification under Article 5, hear the opinions of the Director-General of the National Police Agency as to whether or not the applicant falls under items (viii) through (xii) of Article 7 (limited to item (viii) where the applicant falls under item (ix) or (x)).

3 法務大臣は、第一項に規定する処分又は決定をしようとする場合には、法務省令で定めるところにより、次条第一項に規定する認証審査参与員の意見を聴かなければならない。

(3) The Minister of Justice must, when disposing an application under paragraph (1) or making a decision on certification, hear the opinions of the certification examiners prescribed in paragraph (1) of the following Article, as provided for by Order of Ministry of Justice.

(認証審査参与員)

(Certification Examiners)

第十条 法務省に、第五条の認証の申請及び当該申請に対する処分についての異議申立て、第十二条第一項の変更の認証の申請及び当該申請に対する処分についての異議申立て並びに第二十三条第二項の規定による認証の取消し及び当該取消しについての異議申立てに関し、法務大臣に対し、専門的な知識経験に基づく意見を述べさせるため、認証審査参与員若干人を置く。

Article 10 (1) Based on their specialized knowledge and experience, around 1000 certification examiners are appointed in the Ministry of Justice to offer their opinions to the Minister of Justice on applications for the certification under Article 5 and on objections to the disposition for the applications, applications for certification of the changes under Article 12, paragraph (1) and objections to the disposition for the applications, and rescission of certifications in accordance with Article 23, paragraph (2) and objections to the rescissions.

2 認証審査参与員は、行政不服審査法（昭和三十七年法律第百六十号）第四十八条において準用する同法第二十五条第一項ただし書の規定による異議申立人又は参加人の意見の陳述に係る手続に立ち会い、及びこれらの者に直接問いを發することができる。

(2) Certification examiners may attend the proceedings in which a petitioner or intervener states his opinions in accordance with the proviso of Article 25, paragraph (1) of the Administrative Complaint Review Act (Act No. 160 of 1962), as applied mutatis mutandis under Article 48 of the that Act, and may directly ask this person questions.

3 認証審査参与員は、民間紛争解決手続に関する専門的な知識経験を有する者のうちから、法務大臣が任命する。

(3) Certification examiners are appointed by the Minister of Justice from persons with specialized knowledge and experience in the area of private dispute resolution.

4 認証審査参与員の任期は、二年とする。ただし、再任を妨げない。

(4) Certification examiners are to hold their office for two years and may be reappointed.

5 認証審査参与員は、非常勤とする。

(5) Certification examiners are to work on a part-time basis.

(認証の公示等)

(Public Notice of Certification)

第十一条 法務大臣は、第五条の認証をしたときは、認証紛争解決事業者の氏名又は名称及び住所を官報で公示しなければならない。

Article 11 (1) When the Minister of Justice has granted the certification under Article 5, the Minister must publish the name and address of the certified dispute resolution business operator in an official gazette.

2 認証紛争解決事業者は、認証紛争解決手続を利用し、又は利用しようとする者に適正な情報を提供するため、法務省令で定めるところにより、認証紛争解決事業者である旨並びにその認証紛争解決手続の業務の内容及びその実施方法に係る事項であつて法務省令で定めるものを、認証紛争解決手続の業務を行う事務所において見やすいように掲示しなければならない。

(2) The certified dispute resolution business operator must, in order to provide correct information for those who are using or intend to use certified dispute resolution procedures, as provided for by Order of Ministry of Justice, post a

clearly viewable notice of the fact that it is a certified dispute resolution business operator and matters relating to the contents of the services of certified dispute resolution and the provision method thereof as provided for by Order of Ministry of Justice, in the office where the certified dispute resolution procedures are to be carried out.

3 認証紛争解決事業者でない者は、その名称中に認証紛争解決事業者であると誤認されるおそれのある文字を用い、又はその業務に関し、認証紛争解決事業者であると誤認されるおそれのある表示をしてはならない。

(3) Those other than certified dispute resolution business operators must not use, in their name, letters that would induce a false belief that they are a certified dispute resolution business operator, or present an indication in connection with their services that would induce a false belief that they are a certified dispute resolution business operator.

(変更の認証)

(Certification of Changes)

第十二条 認証紛争解決事業者は、その認証紛争解決手続の業務の内容又はその実施方法を変更しようとするときは、法務大臣の変更の認証を受けなければならない。ただし、法務省令で定める軽微な変更については、この限りでない。

Article 12 (1) Certified dispute resolution business operators must obtain certification of changes from the Minister of Justice for any changes in the contents of the services of certified dispute resolution or the method of provision of services thereof; provided, however, that this does not apply to minor changes as provided for by Order of the Ministry of Justice.

2 前項の変更の認証を受けようとする者は、法務省令で定めるところにより、変更に係る事項を記載した申請書を法務大臣に提出しなければならない。

(2) Those who seek to obtain certification of the changes under the preceding paragraph must, as provided for by Order of the Ministry of Justice, submit an application form that states the matters to be changed to the Minister of Justice.

3 前項の申請書には、変更後の業務の内容及びその実施方法を記載した書類その他法務省令で定める書類を添付しなければならない。

(3) The application form under the preceding paragraph must be submitted with documents attached that state the contents of the services after the change and the provision method thereof and other documents as provided for by Order of the Ministry of Justice.

4 第六条、第八条第三項及び前条第一項の規定は第一項の変更の認証について、第九条第一項及び第三項の規定は第一項の変更の認証の申請に対する処分をしようとする場合及び当該処分についての異議申立てに対する決定をしようとする場合について、それぞれ準用する。

(4) The provisions of Article 6, Article 8, paragraph (3), and paragraph (1) of the

preceding Article apply mutatis mutandis to the certification of changes under paragraph (1), and the provisions of Article 9, paragraphs (1) and (3) apply mutatis mutandis to cases where a disposition for the application for certification of the changes under paragraph (1) is being considered and where a decision is to be made on an objection to that disposition.

(変更の届出)

(Notification of Changes)

第十三条 認証紛争解決事業者は、次に掲げる変更があったときは、法務省令で定めるところにより、遅滞なく、その旨を法務大臣に届け出なければならない。

Article 13 (1) Certified dispute resolution business operators must, as provided for by Order of the Ministry of Justice, notify without delay the Minister of Justice of any of the following changes:

一 氏名若しくは名称又は住所の変更

(i) changes in the name or address;

二 認証紛争解決手続の業務の内容又はその実施方法についての前条第一項ただし書の法務省令で定める軽微な変更

(ii) minor changes as provided for by Order of the Ministry of Justice in the contents of the services of certified dispute resolution or the provision method thereof, as prescribed for in the proviso of paragraph (1) of the preceding Article;

三 法人にあっては、定款その他の基本約款（前二号に掲げる変更に係るものを除く。）の変更

(iii) changes in the articles of incorporation, or other basic conditions (except for the changes set forth in the preceding two items) where the certified dispute resolution business operator is a juridical person;

四 前三号に掲げるもののほか、法務省令で定める事項の変更

(iv) changes in other matters as provided for by Order of the Ministry of Justice.

2 法務大臣は、前項第一号に掲げる変更について同項の規定による届出があったときは、その旨を官報で公示しなければならない。

(2) Upon receiving notification of any changes set forth in item (i) of the preceding paragraph in accordance with the that paragraph, the Minister of Justice must publish the change in an official gazette.

第二節 認証紛争解決事業者の業務

Section 2 Services of Certified Dispute Resolution Business Operators

(説明義務)

(Obligation of Explanation)

第十四条 認証紛争解決事業者は、認証紛争解決手続を実施する契約の締結に先立ち、

紛争の当事者に対し、法務省令で定めるところにより、次に掲げる事項について、これを記載した書面を交付し、又はこれを記録した電磁的記録（電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。）を提供して説明をしなければならない。

Article 14 Certified dispute resolution business operators must, prior to conclusion of a contract for execution of certified dispute resolution procedures, give the parties to a dispute an explanation of the following matters, as provided for by Order of the Ministry of Justice, by providing them with documents that state these matters or electronic or magnetic records (any record which is produced by electronic, magnetic or any other means unrecognizable by natural perceptive senses and is used for information processing by a computer) that contain these matters:

一 手続実施者の選任に関する事項

(i) matters concerning the selection of a dispute resolution provider;

二 紛争の当事者が支払う報酬又は費用に関する事項

(ii) matters concerning any rewards or expenses payable by the parties to a dispute;

三 第六条第七号に規定する認証紛争解決手続の開始から終了に至るまでの標準的な手続の進行

(iii) standard operation process from the commencement to the termination of executing the certified dispute resolution procedures as prescribed in Article 6, item (vii);

四 前三号に掲げるもののほか、法務省令で定める事項

(iv) other matters as provided for by Order of the Ministry of Justice.

(暴力団員等の使用の禁止)

(Prohibition of the Use of Member of an Organized Crime Group)

第十五条 認証紛争解決事業者は、暴力団員等を業務に従事させ、又は業務の補助者として使用してはならない。

Article 15 Certified dispute resolution business operators must not have a member of an organized crime group engage in services or act as an assistant for the services.

(手続実施記録の作成及び保存)

(Preparation and Preservation of Procedure Operation Records)

第十六条 認証紛争解決事業者は、法務省令で定めるところにより、その実施した認証紛争解決手続に関し、次に掲げる事項を記載した手続実施記録を作成し、保存しなければならない。

Article 16 Certified dispute resolution business operators must, as provided for by Order of the Ministry of Justice, prepare and preserve procedure operation

records that describe the following matters regarding the certified dispute resolution procedure provided:

- 一 紛争の当事者との間で認証紛争解決手続を実施する契約を締結した年月日
(i) the date of conclusion of the contract with the parties to the dispute for the execution of certified dispute resolution procedures;
- 二 紛争の当事者及びその代理人の氏名又は名称
(ii) the names of the parties to the dispute or their representatives;
- 三 手続実施者の氏名
(iii) the name of the dispute resolution provider;
- 四 認証紛争解決手続の実施の経緯
(iv) the particulars of the certified dispute resolution procedure followed;
- 五 認証紛争解決手続の結果（認証紛争解決手続の終了の理由及びその年月日を含む。）
(v) the results of the certified dispute resolution procedure (including reasons for the termination of the certified dispute resolution procedure and the date of termination);
- 六 前各号に掲げるもののほか、実施した認証紛争解決手続の内容を明らかにするため必要な事項であつて法務省令で定めるもの
(vi) other matters as provided for by Order of the Ministry of Justice that are necessary for clarifying the contents of the certified dispute resolution procedure carried out.

(合併の届出等)

(Notification of Merger)

第十七条 認証紛争解決事業者は、次に掲げる行為をしようとするときは、法務省令で定めるところにより、あらかじめ、その旨を法務大臣に届け出なければならない。

Article 17 (1) Certified dispute resolution business operators must, as provided for by Order of the Ministry of Justice, notify the Minister of Justice prior to conducting any of the following acts:

- 一 当該認証紛争解決事業者が消滅することとなる合併（法人でない団体で代表者又は管理人の定めのあるものにあつては、合併に相当する行為。第三項において同じ。）
(i) merger by which the certified dispute resolution business operator will be extinguished (or any acts equivalent to an administrator in the case of a certified dispute resolution business operator that is an organization that is not juridical person and for which a representative or an administrator is appointed; the same applies hereinafter in paragraph (3));
- 二 認証紛争解決手続の業務に係る営業又は事業の全部又は一部の譲渡
(ii) transfer of all or part of the business or operation of the certified dispute resolution services;
- 三 当該認証紛争解決事業者を分割をする法人とする分割でその認証紛争解決手続の

業務に係る営業又は事業の全部又は一部を承継させるもの

(iii) division of the certified dispute resolution business operator to share it with a juridical person and to succeed all or part of its management or work of certified dispute resolution services to the organization that is not juridical person;

四 認証紛争解決手続の業務の廃止

(iv) abolition of the services of certified dispute resolution.

2 法務大臣は、前項の規定による届出があったときは、その旨を官報で公示しなければならない。

(2) The Minister of Justice must publish any of the notifications under the preceding paragraph in an official gazette.

3 第一項各号に掲げる行為をした者（同項第一号に掲げる行為にあつては、合併後存続する法人又は合併により設立される法人）は、その行為をした日に認証紛争解決手続が実施されていたときは、当該行為をした日から二週間以内に、当該認証紛争解決手続の当事者に対し、当該行為をした旨及び第十九条の規定により認証がその効力を失った旨を通知しなければならない。

(3) Those who have conducted any of the acts set forth in the items of paragraph (1) (the organization that is not juridical person that continues to exist after a merger or the juridical person that is established by a merger in relation to the act set forth in item (i) of the that paragraph) must, if that act was conducted during the period of provision of the certified dispute resolution procedure, notify within two weeks from the date on which the act was conducted the parties to the dispute of the fact that the act was conducted and that the certification has become invalid in accordance with Article 19.

(解散の届出等)

(Notification of Dissolution)

第十八条 認証紛争解決事業者が破産及び合併以外の理由により解散（法人でない団体で代表者又は管理人の定めのあるものにあつては、解散に相当する行為。以下同じ。）をした場合には、その清算人（法人でない団体で代表者又は管理人の定めのあるものにあつては、その代表者又は管理人であつた者。次項において同じ。）は、当該解散の日から一月以内に、その旨を法務大臣に届け出なければならない。

Article 18 (1) Where certified dispute resolution business operators are dissolved due to causes other than bankruptcy or merger (or any acts equivalent to a merger in the case of a certified dispute resolution business operator that is an organization that is not juridical person and for which a representative or administrator is appointed; the same applies hereinafter), the liquidator (or the representative or administrator appointed for the certified dispute resolution business operator that is an organization that is not juridical person and for which a representative or administrator is appointed ; the same applies hereinafter in the next paragraph) must notify the Minister of Justice of the

dissolution within a month from the date of the dissolution.

2 前項の清算人は、当該解散の日に認証紛争解決手続が実施されていたときは、その日から二週間以内に、当該認証紛争解決手続の当事者に対し、当該解散をした旨及び次条の規定により認証がその効力を失った旨を通知しなければならない。

(2) The liquidator under the preceding paragraph must, if the certified dispute resolution business operator was dissolved during the period of provision of the certified dispute resolution procedure, notify within two weeks from the date of the dissolution the parties to the dispute of the fact that the certified resolution business was dissolved and that the certification has become invalid in accordance with the next Article.

3 前条第二項の規定は、第一項の規定による届出があつた場合について準用する。

(3) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the notification under paragraph (1).

(認証の失効)

(Invalidation of Certification)

第十九条 次に掲げる場合においては、第五条の認証は、その効力を失う。

Article 19 The certification under Article 5 becomes invalid in the following cases:

一 認証紛争解決事業者が第十七条第一項各号に掲げる行為をしたとき。

(i) where the certified dispute resolution business operator conducts any of the acts set forth in the items of Article 17, paragraph (1);

二 認証紛争解決事業者が前条第一項の解散をしたとき。

(ii) where the certified dispute resolution business operator is dissolved as prescribed in paragraph (1) of the preceding Article;

三 認証紛争解決事業者が死亡したとき。

(iii) in the event of the death of the certified dispute resolution business operator.

第三節 報告等

Section 3 Reports

(事業報告書等の提出)

(Submission of Business Reports)

第二十条 認証紛争解決事業者は、その認証紛争解決手続の業務に関し、毎事業年度の経過後三月以内に、法務省令で定めるところにより、その事業年度の事業報告書、財産目録、貸借対照表及び収支計算書又は損益計算書を作成し、これを法務大臣に提出しなければならない。

Article 20 Certified dispute resolution business operators must, as provided for by Order of the Ministry of Justice, prepare and submit to the Minister of Justice a business report, inventory of assets, balance sheet, and income and

expenditure statements or profit and loss statements for each business year within three months after the end of the business year.

(報告及び検査)

(Report and Inspection)

第二十一条 法務大臣は、認証紛争解決事業者について、第二十三条第一項各号又は第二項各号のいずれかに該当する事由があると疑うに足りる相当な理由がある場合には、その認証紛争解決手続の業務の適正な運営を確保するために必要な限度において、法務省令で定めるところにより、認証紛争解決事業者に対し、当該業務の実施の状況に関し必要な報告を求め、又はその職員に、当該認証紛争解決事業者の事務所に立ち入り、当該業務の実施の状況若しくは帳簿、書類その他の物件を検査させ、若しくは関係者に質問させることができる。

Article 21 (1) Where there are reasonable grounds to suspect that a certified dispute resolution business operator falls under any of the items of Article 23, paragraph (1) or (2), the Minister of Justice may, to the extent necessary to ensure appropriate operation of the services of certified dispute resolution and as provided for by Order of the Ministry of Justice, request the certified dispute resolution business operator to report necessary information on the state of operation of the services, or direct ministry officials to visit the office of the certified dispute resolution business operator, inspect the state of operation of the services or books, documents and other articles, or ask questions of the persons concerned.

2 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者の請求があったときは、これを提示しなければならない。

(2) Officials who conduct on-site inspection in accordance with the preceding paragraph must carry identification on their person and present it when requested by relevant person.

3 第一項の規定による立入検査の権限は、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 to conduct on-site inspection in accordance with paragraph (1) must not be interpreted as being granted for the purpose of criminal investigation.

(勧告等)

(Recommendation)

第二十二条 法務大臣は、認証紛争解決事業者について、次条第二項各号のいずれかに該当する事由があると疑うに足りる相当な理由がある場合において、その認証紛争解決手続の業務の適正な運営を確保するために必要があると認めるときは、当該認証紛争解決事業者に対し、期限を定めて、当該業務に関し必要な措置をとるべき旨の勧告をすることができる。

Article 22 (1) Where there are reasonable grounds to suspect that a certified

dispute resolution business operator falls under any of the items of paragraph (2) of the next Article, the Minister of Justice may issue a recommendation that the certified dispute resolution business operator should take necessary measures for the services of certified dispute resolution within a designated period, if the Minister considers that recommendation necessary for ensuring appropriate operation of the services.

2 法務大臣は、前項の勧告を受けた認証紛争解決事業者が、正当な理由がなく、その勧告に係る措置をとらなかったときは、当該認証紛争解決事業者に対し、その勧告に係る措置をとるべきことを命ずることができる。

(2) If the certified dispute resolution business operator to which a recommendation was issued in accordance with the preceding paragraph fails to take the measures as required in the recommendation without justifiable reason, the Minister of Justice may order the certified dispute resolution business operator to take the measures as required in the recommendation.

(認証の取消し)

(Rescission of Certification)

第二十三条 法務大臣は、認証紛争解決事業者が次の各号のいずれかに該当するときは、その認証を取り消さなければならない。

Article 23 (1) The Minister of Justice must rescind certification in the following cases:

一 第七条各号（第六号を除く。）のいずれかに該当するに至ったとき。

(i) the certified dispute resolution business operator has come to fall under any of the items of Article 7 (except for item (vi));

二 偽りその他不正の手段により第五条の認証又は第十二条第一項の変更の認証を受けたとき。

(ii) the certified dispute resolution business operator has obtained the certification under Article 5 or the certification of change under Article 12, paragraph (1), by deception or other wrongful means; or

三 正当な理由がなく、前条第二項の規定による命令に従わないとき。

(iii) the certified dispute resolution business operator has failed to comply with the order under paragraph (2) of the preceding Article without justifiable reason.

2 法務大臣は、認証紛争解決事業者が次の各号のいずれかに該当するときは、その認証を取り消すことができる。

(2) The Minister of Justice may rescind certification in any of the following cases:

一 その行う認証紛争解決手続の業務の内容及びその実施方法が第六条各号に掲げる基準のいずれかに適合しなくなったとき。

(i) the contents of the services of certified dispute resolution and the operation method thereof no longer satisfy the standards set forth in any of the items of Article 6;

二 認証紛争解決手続の業務を行うのに必要な知識若しくは能力又は経理的基礎を有するものでなくなったとき。

(ii) the certified dispute resolution business operator no longer has the necessary knowledge or skills or financial base for carrying out the services of certified dispute resolution; or

三 この法律の規定に違反したとき。

(iii) the certified dispute resolution business operator is in violation of any of the provisions of this Act.

3 法務大臣は、前二項の規定による認証の取消しをしようとするときは、第七条第八号から第十二号までに該当する事由（同条第九号及び第十号に該当する事由にあつては、同条第八号に係るものに限る。）又は第十五条の規定に違反する事実の有無について、警察庁長官の意見を聴くことができる。

(3) When rescinding certification in accordance with the preceding two paragraphs, the Minister of Justice may hear the opinions of the Director-General of the National Police Agency regarding whether or not the certified dispute resolution business operator falls under items (viii) through (xii) of Article 7 (limited to item (viii) where the applicant falls under item (ix) or (x)) or whether or not the certified dispute resolution business operator is in violation of Article 15.

4 法務大臣は、第一項又は第二項の規定により認証を取り消したときは、その旨を官報で公示しなければならない。

(4) Upon rescinding certification in accordance with paragraph (1) or (2), the Minister of Justice must publish the rescission in an official gazette.

5 第一項又は第二項の規定により認証の取消しの処分を受けた者は、当該処分の日から二週間以内に、当該処分の日に関し認証紛争解決手続が実施されていた紛争の当事者に対し、当該処分があつた旨を通知しなければならない。

(5) Those whose certification was rescinded in accordance with paragraph (1) or (2) must, if the certification was rescinded during the period of execution of the certified dispute resolution procedure, notify within two weeks of the date of rescission the parties to the dispute of the rescission.

6 第九条第一項及び第三項の規定は、第二項の規定により認証の取消しの処分をしようとする場合及び当該処分についての異議申立てに対する決定をしようとする場合について準用する。

(6) The provisions of Article 9, paragraphs (1) and (3) apply mutatis mutandis to cases where certification has been rescinded in accordance with paragraph (2) and where a decision is made on an objection to the rescission.

（民間紛争解決手続の業務の特性への配慮）

(Due Consideration to the Nature of Private Dispute Resolution Services)

第二十四条 法務大臣は、第二十一条第一項の規定により報告を求め、若しくはその職員に検査若しくは質問をさせ、又は第二十二条の規定により勧告をし、若しくは命令

をするに当たっては、民間紛争解決手続が紛争の当事者と民間紛争解決手続の業務を行う者との間の信頼関係に基づいて成り立つものであり、かつ、紛争の当事者の自主的な紛争解決の努力が尊重されるべきものであることその他の民間紛争解決手続の業務の特性に配慮しなければならない。

Article 24 The Minister of Justice must, when requesting a report or directing ministry officials to conduct an inspection or ask questions in accordance with Article 21, paragraph (1), or when making a recommendation or giving an order in accordance with Article 22, give due consideration to the fact that private dispute resolution procedures are based on a relationship of mutual trust between the parties to a dispute and the party carrying out the services of private dispute resolution, that the voluntary efforts of the parties to a dispute for dispute resolution should be respected, and to other elements of the nature of private dispute resolution services.

第三章 認証紛争解決手続の利用に係る特例

Chapter III Special Rules on the Use of Certified Dispute Resolution Procedures

(時効の中断)

(Renewal of Prescription)

第二十五条 認証紛争解決手続によっては紛争の当事者間に和解が成立する見込みがないことを理由に手続実施者が当該認証紛争解決手続を終了した場合において、当該認証紛争解決手続の実施の依頼をした当該紛争の当事者がその旨の通知を受けた日から一月以内に当該認証紛争解決手続の目的となった請求について訴えを提起したときは、時効の中断に関しては、当該認証紛争解決手続における請求の時に、訴えの提起があったものとみなす。

Article 25 (1) Where the dispute resolution provider has terminated the certified dispute resolution procedure on the grounds that it is impossible to arrange settlement between the parties to a dispute through certified dispute resolution, if the party to the dispute that made the request for certified dispute resolution brings a suit, within one month from the date of being notified of the termination, for the demand disputed in the certified dispute resolution procedure, prescription is to be deemed renewed as if the suit had been filled on the date on which the demand was made through the certified dispute resolution procedure.

2 第十九条の規定により第五条の認証がその効力を失い、かつ、当該認証がその効力を失った日に認証紛争解決手続が実施されていた紛争がある場合において、当該認証紛争解決手続の実施の依頼をした当該紛争の当事者が第十七条第三項若しくは第十八条第二項の規定による通知を受けた日又は第十九条各号に規定する事由があったことを知った日のいずれか早い日（認証紛争解決事業者の死亡により第五条の認証がその効力を失った場合にあつては、その死亡の事実を知った日）から一月以内に当該認証

紛争解決手続の目的となった請求について訴えを提起したときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply in cases where the certification under Article 5 becomes invalid in accordance with Article 19 during the period when the certified dispute resolution procedure was being carried out for a dispute, and the party to the dispute that made the request for certified dispute resolution brings a suit for the demand disputed through the certified dispute resolution procedure, within one month from the date on which the party received the notification under Article 17, paragraph (3), or Article 18, paragraph (2), or became aware of a fact that falls under any of the items of Article 19, whichever comes earlier (or the date on which the party became aware of the death of the certified dispute resolution business operator in cases where the cause of invalidation of the certification under Article 5 is the death of the certified dispute resolution business operator).

3 第五条の認証が第二十三条第一項又は第二項の規定により取り消され、かつ、その取消しの処分の日には認証紛争解決手続が実施されていた紛争がある場合において、当該認証紛争解決手続の実施の依頼をした当該紛争の当事者が同条第五項の規定による通知を受けた日又は当該処分を知った日のいずれか早い日から一月以内に当該認証紛争解決手続の目的となった請求について訴えを提起したときも、第一項と同様とする。

(3) The provisions of paragraph (1) also apply in cases where the certification under Article 5 was rescinded in accordance with Article 23, paragraph (1) or (2), during the period when the certified dispute resolution procedure was being carried out for a dispute, and the party to the dispute that made the request for certified dispute resolution brings a suit for the demand disputed through the certified dispute resolution procedure, within one month from the date on which the party received the notification under paragraph (5) of the that Article or became aware of the rescission, whichever comes earlier.

(訴訟手続の中止)

(Suspension of Litigation Proceedings)

第二十六条 紛争の当事者が和解をすることができる民事上の紛争について当該紛争の当事者間に訴訟が係属する場合において、次の各号のいずれかに掲げる事由があり、かつ、当該紛争の当事者の共同の申立てがあるときは、受訴裁判所は、四月以内の期間を定めて訴訟手続を中止する旨の決定をすることができる。

Article 26 (1) Where a lawsuit is pending between the parties to a civil dispute which may be settled, the court in charge of the case may, upon the joint request of the parties to the dispute, make a decision that the litigation proceedings may be suspended for a period of not more than four months, in any of the following cases:

一 当該紛争について、当該紛争の当事者間において認証紛争解決手続が実施されていること。

(i) a certified dispute resolution procedure is being carried out for the dispute

between the parties to the dispute; or

二 前号に規定する場合のほか、当該紛争の当事者間に認証紛争解決手続によって当該紛争の解決を図る旨の合意があること。

(ii) in addition to the case prescribed in the preceding item, the parties to the dispute have reached an agreement to achieve a resolution of the dispute through certified dispute resolution.

2 受訴裁判所は、いつでも前項の決定を取り消すことができる。

(2) The court in charge of the case may at any time rescind the decision under the preceding paragraph.

3 第一項の申立てを却下する決定及び前項の規定により第一項の決定を取り消す決定に対しては、不服を申し立てることができない。

(3) An appeal may not be made against a decision to dismiss the request under paragraph (1) and a decision to rescind the suspension decision under paragraph (1) in accordance with the preceding paragraph.

(調停の前置に関する特則)

(Special Provisions on Use of Certified Dispute Resolution Procedures Before Conciliation)

第二十七条 民事調停法（昭和二十六年法律第二百二十二号）第二十四条の二第一項の事件又は家事審判法（昭和二十二年法律第百五十二号）第十八条第一項の事件（同法第二十三条の事件を除く。）について訴えを提起した当事者が当該訴えの提起前に当該事件について認証紛争解決手続の実施の依頼をし、かつ、当該依頼に基づいて実施された認証紛争解決手続によっては当事者間に和解が成立する見込みがないことを理由に当該認証紛争解決手続が終了した場合においては、民事調停法第二十四条の二又は家事審判法第十八条の規定は、適用しない。この場合において、受訴裁判所は、適当であると認めるときは、職権で、事件を調停に付することができる。

Article 27 Where a party to a dispute has brought a suit in respect of a case prescribed in Article 24-2, paragraph (1) of the Civil Conciliation Act (Act No. 222 of 1951) or a case prescribed in Article 18, paragraph (1), of the Domestic Relations Trial Act (Act No. 152 of 1947) (except for a case prescribed in Article 23 of the that Act), if the party, prior to bringing the suit, made a request for certified dispute resolution for the dispute and the certified dispute resolution procedure was terminated on the grounds that it was impossible to arrange settlement between the parties to the dispute through certified dispute resolution, the provisions of Article 24-2 of the Civil Conciliation Act or Article 18 of the Domestic Relations Trial Act do not apply. In such case, the court in charge of the case may refer the case to conciliation ex officio if the court considers it appropriate to do so.

第四章 雑則

Chapter IV Miscellaneous Provisions

(報酬)

(Rewards)

第二十八条 認証紛争解決事業者（認証紛争解決手続における手続実施者を含む。）は、紛争の当事者又は紛争の当事者以外の者との契約で定めるところにより、認証紛争解決手続の業務を行うことに関し、報酬を受けることができる。

Article 28 Certified dispute resolution business operators (including dispute resolution providers engaged in certified dispute resolution) may receive rewards for carrying out the services of certified dispute resolution as provided under a contract concluded with the parties to the dispute or with other parties.

(協力依頼)

(Request for Cooperation)

第二十九条 法務大臣は、この法律の施行のため必要があると認めるときは、官庁、公共団体その他の者に照会し、又は協力を求めることができる。

Article 29 The Minister of Justice may make inquiries to or request cooperation from government agencies, public entities, and other parties, if the Minister considers it necessary for the enforcement of this Act.

(法務大臣への意見)

(Opinions to the Minister of Justice)

第三十条 警察庁長官は、認証紛争解決事業者について、第七条第八号から第十二号までに該当する事由（同条第九号及び第十号に該当する事由にあつては、同条第八号に係るものに限る。）又は第十五条の規定に違反する事実があると疑うに足りる相当な理由があるため、法務大臣が当該認証紛争解決事業者に対して適当な措置をとることが必要であると認める場合には、法務大臣に対し、その旨の意見を述べることができる。

Article 30 The Director-General of the National Police Agency may offer his opinions to the Minister of Justice when he considers it necessary to take appropriate measures against a certified dispute resolution business operator on the grounds that there is reason to suspect that the certified dispute resolution business operator falls under any of items (viii) through (xii) of Article 7 (limited to item (viii) where the applicant falls under item (ix) or (x)) or is in violation of Article 15.

(認証紛争解決手続の業務に関する情報の公表)

(Disclosure of Information on the Services of Certified Dispute Resolution)

第三十一条 法務大臣は、認証紛争解決手続の業務に関する情報を広く国民に提供するため、法務省令で定めるところにより、認証紛争解決事業者の氏名又は名称及び住所、当該業務を行う事務所の所在地並びに当該業務の内容及びその実施方法に係る事項であつて法務省令で定めるものについて、インターネットの利用その他の方法により公

表することができる。

Article 31 In order to provide the public with information on the services of certified dispute resolution, the Minister of Justice may, as provided for by Order of the Ministry of Justice, disclose through the Internet or other means the name and address of certified dispute resolution business operators, the location of the office where the services are being carried out, and the contents of the services and the operation method thereof, as provided for by a Order of the Ministry of Justice.

第五章 罰則

Chapter V Penal Provisions

第三十二条 偽りその他不正の手段により第五条の認証又は第十二条第一項の変更の認証を受けた者は、二年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 32 (1) A person who has obtained the certification under Article 5 or the certification of change under Article 12, paragraph (1), by deception or other wrongful means is punished with imprisonment with work for not more than 2 years or a fine of not more than 1 million yen, or both.

2 第十五条の規定に違反して暴力団員等とその認証紛争解決手続の業務に従事させ、又は当該業務の補助者として使用した者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

(2) A person who has, in violation of Article 15, had member of an organized crime group engage in the services of certified dispute resolution or act as an assistant for the services is punished with imprisonment with work for not more than 1 year or a fine of not more than 1 million yen, or both (cumulative imposition).

3 次の各号のいずれかに該当する者は、百万円以下の罰金に処する。

(3) A person who falls under any of the following items is punished with a fine of not more than 1 million yen:

一 第八条第一項の申請書若しくは同条第二項各号に掲げる書類又は第十二条第二項の申請書若しくは同条第三項の書類に虚偽の記載をして提出した者

(i) a person who has submitted the application form under Article 8, paragraph (1), or the documents set forth in the items of paragraph (2) of the Article or the application form under Article 12, paragraph (2), or the documents set forth in the items of paragraph (3) of the Article, containing false statements;

二 第十一条第三項の規定に違反した者

(ii) a person who has violated Article 11, paragraph (3).

第三十三条 法人（法人でない団体で代表者又は管理人の定めのあるものを含む。以下この項において同じ。）の代表者若しくは管理人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て、前条各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、当該各項の罰金刑を科する。

Article 33 (1) Where the representative or administrator of a juridical person (or an organization that is not juridical person and for which a representative or an administrator is appointed; the same applies hereinafter in this paragraph), or an agent or employee³ of a juridical person or an individual has committed, in connection with the services of the juridical person or the individual, any of the acts of violation set forth in the paragraphs of the preceding Article, the person who has committed the act is punished and the juridical person or the individual also is punished with a fine prescribed in the relevant paragraphs.

2 法人でない団体について前項の規定の適用がある場合には、その代表者又は管理人が、その訴訟行為につき法人でない団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(2) Where the provisions of the preceding paragraphs apply to an organization that is not juridical person, the representative or administrator of the organization that is not juridical person represents the organization with respect to the procedural act, and provisions relating to criminal proceedings where a juridical person stands as a defendant or suspect apply *mutatis mutandis*.

第三十四条 次の各号のいずれかに該当する者は、五十万円以下の過料に処する。

Article 34 (1) A person who falls under any of the following items is punished with a civil fine of not more than 500,000 yen:

一 第十一条第二項の規定による掲示をせず、又は虚偽の掲示をした者

(i) a person who has failed to post the notice under Article 11, paragraph (2), or has posted a false notice;

二 第十三条第一項、第十七条第一項又は第十八条第一項の規定による届出をせず、又は虚偽の届出をした者

(ii) a person who has failed to make the notification under Article 13, paragraph (1), Article 17, paragraph (1), or Article 18, paragraph (1), or has made a false notification;

三 第十六条の規定に違反して手続実施記録を作成せず、若しくは虚偽の手続実施記録を作成し、又は手続実施記録を保存しなかった者

(iii) a person who has, in violation of Article 16, failed to prepare procedure operation records, prepared false procedure operation records, or failed to preserve procedure operation records;

四 第十七条第三項、第十八条第二項又は第二十三条第五項の規定による通知をせず、又は虚偽の通知をした者

(iv) a person who has failed to make the notification under Article 17, paragraph (3), Article 18, paragraph (2), or Article 23, paragraph (5), or has made a false notification;

五 第二十条の規定に違反して事業報告書、財産目録、貸借対照表若しくは収支計算書若しくは損益計算書を提出せず、又はこれらの書類に虚偽の記載をして提出した者

(v) a person who has, in violation of Article 20, failed to submit a business report, inventory of assets, balance sheet, or income and expenditure statements or profit and loss statements, or has submitted any of these documents containing false statements;

六 第二十一条第一項の規定による報告をせず、又は虚偽の報告をした者

(vi) a person who has failed to report the information under Article 21, paragraph (1), or has reported false information; or

七 第二十二条第二項の規定による命令に違反した者

(vii) a person who has violated an order under Article 22, paragraph (2).

2 認証紛争解決事業者（法人にあつてはその代表者、法人でない団体で代表者又は管理人の定めのあるものにあつてはその代表者又は管理人）、その代理人、使用人その他の従業者が第二十一条第一項の規定による検査を拒み、妨げ、又は忌避したときは、五十万円以下の過料に処する。

(2) A certified dispute resolution business operator (the representative or administrator of the certified dispute resolution business operator that is a juridical person or the representative or administrator appointed for the certified dispute resolution business operator that is an organization that is not juridical person and for which a representative or an administrator is appointed), or representative or employee of the certified dispute resolution business operator who has refused, prevented, or avoided the inspection prescribed in Article 21, paragraph (1), is punished with a civil fine of not more than 500,000 yen.

附 則

Supplementary Provisions

(施行期日)

(Date of Enforcement)

第一条 この法律は、公布の日から起算して二年六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as from the date specified by a Cabinet Order within 30 months from the date of promulgation.

(検討)

(Review)

第二条 政府は、この法律の施行後五年を経過した場合において、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 2 The government is to review the status of the enforcement of this Act when five years have passed after it has entered into force, and take necessary measures based on the results as required.

(総合法律支援法の一部改正)

(Partial Amendment of the Comprehensive Legal Support Act)

第三条 総合法律支援法（平成十六年法律第七十四号）の一部を次のように改正する。

Article 3 The Comprehensive Legal Support Act (Act No. 74 of 2004) is partially amended as follows:

第七条中「裁判外における法による紛争の解決」を「裁判外紛争解決手続（裁判外紛争解決手続の利用の促進に関する法律（平成十六年法律第百五十一号）第一条に規定する裁判外紛争解決手続をいう。第三十条第一項第六号及び第三十二条第三項において同じ。）」に改める。

In Article 7, The term "alternative dispute resolution under law" is revised as "alternative dispute resolution procedures (alternative dispute resolution procedures prescribed in Article 1 of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004); the same applies hereinafter in Article 30, paragraph (1), item (vi) and Article 32, paragraph (3));"

第三十条第一項第六号及び第三十二条第三項中「裁判外における法による紛争の解決」を「裁判外紛争解決手続」に改める。

In Article 30, paragraph (1), item (vi) and Article 32, paragraph (3), the term "alternative dispute resolution under law" is revised as "alternative dispute resolution procedures."

(法務省設置法の一部改正)

(Partial Revision of the Act for Establishment of the Ministry of Justice)

第四条 法務省設置法（平成十一年法律第九十三号）の一部を次のように改正する。

Article 4 Act for Establishment of The Ministry of Justice (Act No. 93 of 1999) is partially revised as follows.

第四条第二十五号の次に次の一号を加える。

The following item is added following item (xxv) of Article 4:

二十五の二 裁判外紛争解決手続の利用の促進に関する法律（平成十六年法律第百五十一号）の規定による民間紛争解決手続の業務の認証に関すること。

(xxv)-2 Affairs relating to certification of private dispute resolution services under the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004).