

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（令和二年八月二十九日施行）
**Regulations 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 August 29, 2020)**

（昭和六十二年三月六日法務省令第七号）
（Ministry of Justice Order 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。

Based on 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 Regulations for Enforcement of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers are 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 specified by 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.

（法第二条第十一号イに規定する法務省令で定める者）

（Persons Specified by Ministry of Justice Order as Defined in Article 2, Item (xi), (a) of the Act）

第一条の二 法第二条第十一号イに規定する法務省令で定める者は、次に掲げる者とする。

Article 1-2 (1) The persons specified by Ministry of Justice Order as defined in Article 2, item (xi), (a) of the Act are as follows:

一 ある者及びその完全子法人（ある者がその株式又は持分の全部を有する法人をい

う。以下同じ。)又は当該ある者の完全子法人が当事者の全部又は一部の発行済株式(議決権のあるものに限る。)又は出資の総数又は総額の百分の五十を超える数又は額の株式(議決権のあるものに限る。)又は持分を有する場合(当該当事者の全部又は一部が次号に定める法人である場合を除く。)における当該ある者

(i) a person, when either the person and their wholly-owned subsidiary (meaning a corporation in which that person holds all of the shares or equity; the same applies hereinafter) hold, or their wholly-owned subsidiary holds, more than fifty percent of the number of issued shares (limited to voting shares) in some or all of the parties, or more than fifty percent of the equity in some or all of the parties (excluding cases in which some or all of the parties concerned are corporations specified in the following item); or

二 当事者の全部又は一部が法律又は定款の定めによりその業務を社員(当該法人が業務を執行する社員を定めた場合にあっては、その社員。以下同じ。)の過半数をもつて決定することとされている法人であつて、ある者及びその完全子法人が当該法人の社員の過半数を占める場合における当該ある者

(ii) the relevant person, if some or all of the parties are corporations in which members (or if the relevant corporation has appointed specific members to execute its business affairs, those members; the same applies hereinafter) determine the course of business through majority decisions pursuant to the provisions of the Act or articles of incorporation, and that person and their wholly-owned subsidiary comprise the majority of members of that corporation.

2 前項各号の規定の適用については、これらの規定のある者及びその完全子法人又は当該ある者の完全子法人が他の法人の株式又は持分の全部を有する場合における当該他の法人は、完全子法人と見なす。

(2) When applying the provisions of each item of the preceding paragraph, if either a person and their wholly-owned subsidiary, or their wholly-owned subsidiary, provided for in those provisions, owns all of the shares or equity of another corporation, that other corporation is deemed to be a wholly-owned subsidiary.

(法第二条第十一号の二イに規定する法務省令で定める者)

(Persons Specified by Ministry of Justice Order as Defined in Article 2, Item (xi)-2, (a) of the Act)

第一条の三 法第二条第十一号の二イに規定する法務省令で定める者は、次に掲げる者とする。

Article 1-3 (1) The persons specified by Ministry of Justice Order as defined in Article 2, item (xi)-2, (a) of the Act are as follows:

一 ある者及びその完全子法人又は当該ある者の完全子法人が当事者の全部又は一部の発行済株式(議決権のあるものに限る。)又は出資の総数又は総額の百分の五十を超える数又は額の株式(議決権のあるものに限る。)又は持分を有する場合(当

該当事者の全部又は一部が次号に定める法人である場合を除く。)における当該ある者

(i) a person, when either the person and their wholly-owned subsidiary hold, or their wholly-owned subsidiary holds, more than fifty percent of the number of issued shares (limited to voting shares) in some or all of the parties, or more than fifty percent of the equity in some or all of the parties (excluding cases in which some or all of the parties concerned are corporations specified in the following item); or

二 当事者の全部又は一部が法律又は定款の定めによりその業務を社員の過半数をもって決定することとされている法人であつて、ある者及びその完全子法人が当該法人の社員の過半数を占める場合における当該ある者

(ii) the relevant person, if some or all of the parties are corporations in which members determine the course of business through majority decisions pursuant to the provisions of the Act or articles of incorporation, and that person and their wholly-owned subsidiary comprise the majority of members of that corporation.

2 前項各号の規定の適用については、これらの規定のある者及びその完全子法人又は当該ある者の完全子法人が他の法人の株式又は持分の全部を有する場合における当該他の法人は、完全子法人と見なす。

(2) When applying the provisions of each item of the preceding paragraph, if either a person and their wholly-owned subsidiary, or their wholly-owned subsidiary, provided for in those provisions, owns all of the shares or equity of another corporation, that other corporation is deemed to be a wholly-owned subsidiary.

(承認の申請)

(Applications 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 applications for approval prescribed in Article 7 of the Act (hereinafter referred to as "approval"), the person who wishes to obtain approval must appear in person.

(承認申請書の記載事項等)

(Particulars to be given in Written Applications 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 specified 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) the person's 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 date on which the person obtained their qualification as a foreign lawyer, the name of the foreign jurisdiction in which they obtained their qualification (in the next Article referred to as "jurisdiction where the qualification was obtained") and the title as a 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) Written applications for approval prescribed in Article 9, paragraph (1) of the Act (hereinafter referred to as "written applications for approval") must be written in the format of Appended Form 1.

（承認申請書の添付書類）

(Documents Accompanying Written Applications 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 specified 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) a written statement on the following particulars, prepared by a person who wishes 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っては、外国弁護士となる資格を取得した後に国内において弁護士、弁護士法人、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) particulars of experience performing professional duties as a foreign lawyer in the jurisdiction where the qualification was obtained (including experience as a foreign lawyer in the jurisdiction where the qualification was obtained, of having engaged in the practice of providing legal services, in a foreign jurisdiction other than the jurisdiction where the qualification was obtained, concerning the laws of the jurisdiction where the qualification was obtained; the same applies hereinafter in this Article) and, when Article 10, paragraph (2) of the Act is applicable, particulars concerning the practice of providing legal services in Japan to an attorney at law, a legal professional corporation, a registered foreign lawyer or a registered foreign lawyer corporation based on their knowledge of the law of the jurisdiction where the qualification was obtained, after obtaining a 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) particulars concerning the disqualification of registered foreign lawyers
- ハ 法第十条第一項第二号に掲げる基準に関する事項
- (c) particulars 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) particulars concerning the applicant's willingness to perform professional duties faithfully, and the plan, residence and financial base that will facilitate proper and reliable performance of professional duties
- ホ 依頼者に与えた損害を賠償する能力に関する事項
- (e) particulars concerning the ability to compensate for damage which they may cause to clients
- ヘ その他参考となるべき事項
- (f) other particulars for reference
- 二 履歴書
- (ii) a resume;
- 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) a copy of a passport, residence card, special permanent resident certificate or other document certifying 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) a document certifying that they have obtained a qualification as a foreign lawyer and that they actually have the 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っては、外国弁護士となる資格を取得した後に国内において弁護士、弁護士法人、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) a document proving their experience in performing professional duties as a foreign lawyer in the jurisdiction where the qualification was obtained, and, when Article 10, paragraph (2) of the Act is applicable, a document proving their provision of legal services in Japan to an attorney at law, a legal professional corporation, a registered foreign lawyer or a registered foreign lawyer corporation based on their knowledge concerning the laws of the jurisdiction where the qualification was obtained after obtaining 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 items 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 provisions of Article 10, paragraph (1), item (ii), (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 proving that they have the plan, residence and financial base that will facilitate proper and reliable performance of professional duties;

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 proving that they have the ability to compensate for damage which they may cause to clients; and

十一 その他参考となるべき書類

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

(承認申請手数料の納付方法)

(Means of Payment of Application Fees 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 prescribed in Article 9, paragraph (3) of the Act must be paid by affixing a revenue stamp equivalent to the amount of the fee to a written application for approval.

(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 wishes to obtain approval must read aloud the content of the documents provided for in Article 4, paragraph (1), items (vi) through (viii), and must confirm the content of their pledge, in front of an officer designated by the Minister of Justice.

(承認をしないこととした場合の通知)

(Notification of Decisions of Non-Approval)

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 If the Minister of Justice has made a decision not to grant approval, the Minister must notify the applicant and the Japan Federation of Bar Associations in writing of that decision and the reasons for the decision.

(承認の申請前の予備審査)

(Preliminary Examinations Prior to Applications 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 Prior to application, a person who wishes to apply for approval may submit documents equivalent to a written application for approval and accompanying documents to the Minister of Justice 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 notify the Minister of Justice in writing without delay, if they fall under any of the following items:

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 the person's name, nationality or address;

二 事務所を設け、又は移転したとき。

(ii) if their 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 their office has been fixed or changed;

四 依頼者に与えた損害を賠償する能力について重要な変更が生じたとき。

(iv) if there has been an important change in their ability to compensate for damage which they may cause to clients;

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

(v) if they fall under any of the provisions of Article 10, paragraph (1), item(ii),

(a) through (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 they have 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 they fall under any of the items of Article 7 of the Attorney Act (except item (ii)) as applied mutatis mutandis pursuant to Article 8 of the Act.

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

(2) A person who has obtained approval must submit the following documents to the Minister of Justice within two months after the end of every two year period from the approval date, except if they fall under item (vi) or (vii) of the preceding paragraph:

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 certifying that they actually have a qualification as 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 do not fall under any of the provisions of 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 do not fall under any of the items of Article 7 of the Attorney Act (except item (ii)) as 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) If an officer presiding over a hearing concerning the rescission of approval finds it necessary, they must hear the opinion of witnesses.

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 opinions provided for in the preceding paragraph, they must enter the name of 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 the 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)

(Notifications of Rescissions 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 If the Minister of Justice has rescinded approval, the Minister must notify the person whose approval has been rescinded and the Japan Federation of Bar Associations in writing of that effect and the reasons for the decision.

(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 In applications for a designation prescribed in Article 16, paragraph (1) of the Act (hereinafter referred to as a "designation"), the person who wishes to receive a designation must appear in person.

(指定申請書の様式)

(Form of Written Applications 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 A written application prescribed in Article 17, paragraph (1) of the Act (hereinafter referred to as a "written application for designation") must be written in the format of Appended Form 5.

(指定申請書の添付書類)

(Documents Accompanying Written Applications 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 specified 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) in applying for a designation prescribed in Article 16, paragraph (1), item (i) of the Act, a document certifying that they are qualified as 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) in applying for a designation prescribed in Article 16, paragraph (1), item (ii) of the Act, a document proving that they have the same level of legal knowledge concerning the specified foreign jurisdiction and have the relevant amount of practical experience in providing legal services concerning relevant laws as a person who is qualified as a foreign lawyer of that jurisdiction; or

三 その他参考となるべき書類

(iii) 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った場合は、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 received a designation pursuant to Article 16, paragraph (1), item (i) of the Act, has lost the qualification as a foreign lawyer, they must notify the Minister of Justice in writing without delay.

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 received a designation pursuant to Article 16, paragraph (1), item (i) of the Act must submit a document certifying that they are actually qualified as a foreign lawyer concerning the designation to the Minister of Justice within two months after the end of every two year period from the date of designation, except in the case provided for in the preceding paragraph.

(承認又はその取消しに関する規定の準用)

(Mutatis Mutandis Application of 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 paying the fee pursuant to Article 17, paragraph (3) of the Act. The provisions of Article 7 apply mutatis mutandis to notifications when the Ministry of Justice has made a decision not to designate. The provisions of Article 8 apply

mutatis mutandis to preliminary examinations prior to applying for the designation. The provisions of Article 10 apply mutatis mutandis to a hearing concerning the disposition of rescission of the designation. The provisions of Article 11 apply mutatis mutandis to notification of rescission of the designation. In these cases "written application for approval" in Article 8 are to be read as "written application for designation".

(訳文の添付)

(Attachment of Translations)

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 If 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 Regulations on Ministry of Justice Hearings (Ministry of Justice Order No. 47 of 1994) are written in a foreign language, a Japanese translation must be attached. The translation must be signed by the translator and include the translator's name, the date of translation and a pledge that they have completed the translation in good faith.

別表（第一条関係）

Appended Table (relating 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 (omitted)