

# Courts Act (Act No. 44 of 2019 Not in force)

(Act No. 59 of April 16, 1947)

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## **Part I General Provisions**

(Purport of this Act)

Article 1 This Act applies to the Supreme Court and lower courts provided for in the Constitution of Japan.

(Lower Courts)

Article 2 (1) The lower courts are: the high courts, district courts, family courts, and summary courts.

(2) The establishment, abolition, and jurisdictional districts of the lower courts are provided for separately by law.

(Jurisdiction of the Courts)

Article 3 (1) The courts decide on all legal disputes, except as specifically provided for in the Constitution of Japan, and have other powers that are specifically provided for by law.

(2) The provisions of the preceding paragraph do not prevent an administrative

organ from reaching decisions as the adjudicative body of prior instance.

- (3) The provisions of this Act do not prevent a jury system for criminal cases from being established separately by law.

(Binding Power of Superior Judicial Decisions)

Article 4 A conclusion in a judgment by a higher court binds the lower courts with respect to the relevant case.

(Judges)

Article 5 (1) The judges of the Supreme Court are: a chief judge, called the Chief Justice of the Supreme Court, and other judges, called Supreme Court Justices.

- (2) The judges of the lower courts are: the high courts' chief judges, each called the president of the high court; and other judges, called judges, assistant judges, and summary court judges.

- (3) There are fourteen Supreme Court Justices; the numbers of judges on the lower courts are provided for separately by law.

## **Part II The Supreme Court**

(Location)

Article 6 The Supreme Court is located in the Tokyo Metropolis.

(Jurisdiction)

Article 7 The Supreme Court has jurisdiction over the following matters:

- (i) final appeals; and
- (ii) appeals against rulings specially provided for by procedural law.

(Other Powers)

Article 8 Beyond what is provided for in this Act, the Supreme Court has powers specially provided for by other laws.

(Grand Bench and Petty Benches)

Article 9 (1) The Supreme Court conducts proceedings and reaches judicial decisions through the grand bench or a petty bench.

- (2) The grand bench is a panel made up of all of the judges, and a petty bench is a panel made up of the number of judges established by the Supreme Court; provided, however, that a petty bench must be made up of three or more judges.

(3) One of the judges on each panel is the presiding judge.

- (4) Each panel may conduct proceedings and reach a judicial decision if the number of judges established by the Supreme Court are present.

(Examinations by the Grand Bench and Petty Benches)

Article 10 Regulations of the Supreme Court determine which cases are to be handled by the grand bench and which by a petty bench; provided, however, that in the following instances, the Supreme Court may not reach a judicial decision through a petty bench:

- (i) when it reaches a determination on the constitutionality of a law, order, rule, or disposition based on the arguments of the parties (unless its opinion is the same as that of a judicial decision previously reached by the grand bench that the law, order, rule, or disposition is constitutional);
- (ii) if it finds a law, order, rule, or disposition to be unconstitutional in instances other than as referred to in the preceding item;
- (iii) if its opinion concerning the interpretation and application of the Constitution or of any other law or regulation goes against a judicial decision previously reached by the Supreme Court.

(Expression of Judges' Opinions)

Article 11 The opinions of each of the judges must be expressed in a written judgment.

(Functions Involved in Judicial Administration)

Article 12 (1) The Supreme Court is to carry out the functions involved in judicial administration through deliberations of the judicial assembly; the Chief Justice of the Supreme Court coordinates this.

(2) The judicial assembly is comprised of all of the judges, and the Chief Justice of the Supreme Court is its chairperson.

(General Secretariat)

Article 13 A General Secretariat is hereby established in the Supreme Court to handle its administrative affairs.

(Legal Training and Research Institute)

Article 14 The Legal Training and Research Institute is hereby established in the Supreme Court to handle functions related to research and training for judges and to training for legal apprentices.

(Training and Research Institute for Court Officials)

Article 14-2 The Training and Research Institute for Court Officials is hereby established in the Supreme Court to handle functions related to research and training for court officials other than judges, including for court clerks and family court investigating officers.

(Supreme Court Library)

Article 14-3 The Supreme Court Library is hereby established in the Supreme Court as a branch library of the National Diet Library.

### **Part III Lower Courts**

#### **Chapter I High Courts**

(Composition)

Article 15 Each high court is composed of a president and the appropriate number of judges.

(Jurisdiction)

Article 16 A high court has jurisdiction over the following matters:

- (i) appeals against a district court's judgment in the first instance, a family court's judgment, or a summary court's judgment in a criminal case;
- (ii) appeals against a district or family court's ruling or order or against a summary court's ruling or order in a criminal case, other than as referred to in Article 7, item (ii);
- (iii) final appeals against a district court's judgment in the second instance or against a summary court's judgment, other than those concerning criminal cases; and
- (iv) criminal proceedings in the first instance in connection with any of the crimes referred to in Articles 77 through 79 of the Criminal Code.

(Other Powers)

Article 17 Beyond what is provided for in this Act, a high court has powers that are specially provided for by other laws.

(Panel Court System)

Article 18 (1) A high court handles cases through a panel of judges; provided, however, that with the exception of proceedings and judgments that are required to take place through the courts, if any other law makes special provisions regarding another matter, those provisions apply.

(2) There are three judges on a panel as referred to in the preceding paragraph, one of whom is the presiding judge; provided, however, that there are five judges on such a panel in the criminal proceedings referred to in Article 16, item (iv).

(Substitution of Judges)

Article 19 (1) A high court may have a judge of a district or family court within its jurisdictional district serve as a judge of the high court if this is urgently

necessary for handling the functions of the court.

- (2) If there are special circumstances due to which the urgent need of the high court cannot be met pursuant to the provisions of the preceding paragraph, the Supreme Court may have a judge of another high court, or a judge of a district court or family court within the district over which another high court has jurisdiction, serve as a judge of the first-mentioned high court.

(Functions Involved in Judicial Administration)

Article 20 (1) A high court is to carry out the functions involved in judicial administration, through deliberations of the judicial assembly; the president of the high court coordinates this.

- (2) The judicial assembly of a high court is comprised of all of the judges belonging to the high court, and the president of the high court is its chairperson.

(Secretariat)

Article 21 A secretariat is hereby established in each high court to handle its administrative affairs.

(Branches)

Article 22 (1) The Supreme Court may establish branches of a high court within the jurisdictional district of the high court, to handle a part of the functions of the high court.

- (2) The Supreme Court designates judges to serve at the branches of a high court.

## **Chapter II District Courts**

(Composition)

Article 23 Each district court is composed of an appropriate number of judges and assistant judges.

(Jurisdiction)

Article 24 A district court has jurisdiction over the following matters:

- (i) litigation in the first instance for claims other than those referred to in Article 33, paragraph (1), item (i) (except for personal status litigation referred to in Article 31-3, paragraph (1), item (ii)) and litigation involving real property in the first instance for claims referred to in Article 33, paragraph (1), item (i);
- (ii) criminal proceedings in the first instance for crimes other than those referred to in Article 16, item (iv) and those consistent with a fine or lighter sentence;

- (iii) appeals to the court of second instance against a summary court's judgment, except for those referred to in Article 16, item (i); and
- (iv) appeals against a summary court's ruling or order, except for those referred to in Article 7, item (ii) and Article 16, item (ii).

(Other Powers)

Article 25 Beyond what is provided for in this Act, a district court has powers specially provided for by other laws, and also has powers over any matter that is provided for by other laws as falling under the jurisdiction of the courts, but that does not fall under the jurisdiction of another court.

(Single-Judge and Panel Systems)

Article 26 (1) A district court handles cases through a single judge, except for the cases prescribed in paragraph (2).

(2) The following cases are handled by a panel of judges; provided, however, that with the exception of proceedings and judgments that are required to take place through the courts, if any other law makes special provisions regarding another matter, those provisions apply:

(i) cases in which a panel has ruled that it will conduct proceedings and reach a judicial decision;

(ii) cases involving crimes consistent with the death penalty, or with imprisonment with or without work for a term of life or a minimum term of not less than one year (except for the crimes provided for in Article 236, Article 238, or Article 239 of the Criminal Code and attempts at those crimes, and crimes referred to in Article 1-2, paragraph (1) or (2) or Article 1-3, paragraph (1) of the Act on Punishment of Physical Violence and Others (Act No. 60, 1926), as well as the crimes provided for in Article 2 or Article 3 of the Act on Prevention and Punishment for Robbery and Theft (Act No. 9, 1930));

(iii) cases on appeal to the court of second instance against a summary court's judgment or cases on appeal to the court of second instance against a summary court's ruling or order; and

(iv) other cases in which it has been prescribed by other laws that proceedings are to be conducted and judicial decisions are to be reached by a panel.

(3) There are three judges on a panel as referred to in the preceding paragraph, one of whom is the presiding judge.

(Limitations on the Authority of Assistant Judges)

Article 27 (1) An assistant judge may not reach a judicial decision alone unless otherwise specially provided for by other laws.

(2) Two or more assistant judges may not participate in a single panel at the

same time; an assistant judge may not serve as the presiding judge.

(Substitution of Judges)

Article 28 (1) If it is urgently necessary to do so for handling the functions of a district court, the high court with jurisdiction over the locality of that district court may have a judge of another district court or family court within the high court's jurisdictional district, or a judge of the high court, perform the duties of a judge of that district court.

(2) If there are special circumstances due to which the urgent need of a district court cannot be met pursuant to the provisions of the preceding paragraph, the Supreme Court may have a judge of a district or family court from within the jurisdictional district of a high court other than the high court that has jurisdiction over the locality of the first-mentioned district court, or a judge of such a high court, perform the duties of a judge of the district court in question.

(Functions Involved in Judicial Administration)

Article 29 (1) The Supreme Court appoints one judge from a district court as the president of the district court.

(2) A district court is to carry out the functions involved in judicial administration through deliberations of the judicial assembly; the president of the district court coordinates this.

(3) The judicial assembly of a district court is comprised of all of the judges of the district court, and the president of the district court is its chairperson.

(Secretariat)

Article 30 A secretariat is hereby established in each district court to handle its administrative affairs.

(Branches and Local Offices)

Article 31 (1) The Supreme Court may establish branches and local offices of a district court within the jurisdiction of the district court, to handle a part of the functions of the district court.

(2) The Supreme Court designates judges to serve at the branches of a district court.

### **Chapter III Family Courts**

(Composition)

Article 31-2 Each family court is composed of an appropriate number of judges and assistant judges.

(Power of Judicial Decision and Other Powers)

Article 31-3 (1) A family court has power over the following matters:

- (i) adjudication and conciliation of cases involving family matters provided for in the Domestic Relations Case Procedure Act (Act No. 52 of 2011);
- (ii) first-instance judicial decisions in the personal status litigation provided for by the Personal Status Litigation Act (Act No. 109 of 2003);
- (iii) trials and decisions in juvenile protection cases provided for by the Juveniles Act (Act No. 168 of 1948).

(2) Beyond what is provided for in this Act, a family court has powers specially provided for by other laws.

(Single-Judge and Panel Systems)

Article 31-4 (1) When conducting a trial or reaching a judicial decision, a family court handles cases through a single judge, except for the cases prescribed in the following paragraph.

(2) The cases set forth in the following items are handled by a panel of judges; provided, however, that with the exception of rulings that close a trial and of proceedings and judgments that are required to take place through the courts, if any other law makes special provisions regarding another matter, those provisions apply:

- (i) cases that a panel has ruled it will try, and cases in which a panel has ruled that it will conduct proceedings and reach a judicial decision; and
- (ii) cases that it has been prescribed by other laws are to be tried by a panel, and cases in which it has been prescribed by other laws that proceedings are to be conducted and judicial decisions are to be reached by a panel.

(3) There are three judges on a panel as referred to in the preceding paragraph, one of whom is the presiding judge.

(Application, Mutatis Mutandis, of Provisions Concerning District Courts)

Article 31-5 The provisions of Articles 27 through 31 apply mutatis mutandis to family courts.

## **Chapter IV Summary Courts**

(Judges)

Article 32 An appropriate number of summary court judges are assigned to each summary court.

(Jurisdiction)

Article 33 (1) A summary court has first instance jurisdiction over the following matters:



- (i) claims in which the value of the subject matter of the litigation does not exceed 1,400,000 yen (except for claims connected with administrative case litigation);
  - (ii) criminal proceedings in connection with crimes consistent with a fine or lighter sentence, crimes for which a fine is prescribed as an optional penalty, crimes referred to in Article 186 of the Criminal Code, and crimes referred to in Article 252 or Article 256 of that Code.
- (2) A summary court may not impose imprisonment or a heavier sentence; provided, however, that a summary court may impose imprisonment for a period of not more than three years in cases involving the crimes set forth in Article 130 of the Criminal Code or attempts at those crimes, crimes set forth in Article 186 of that Code, crimes set forth in Article 235 of that Code or attempts at those crimes, crimes set forth in Article 252, Article 254, and Article 256 of that Code, crimes set forth in Articles 31 through 33 of the Secondhand Articles Dealer Act (Act No. 108 of 1949), and crimes set forth in Articles 30 through 32 of the Pawnbroker Business Act (Act No. 158 of 1950), and in cases in which, pursuant to the provisions of Article 54, paragraph (1) of the Criminal Code, the sentences for these crimes are to be imposed for those crimes and other crimes together.
- (3) If a summary court finds that it is appropriate to impose a sentence that is more severe than the limits referred to in the preceding paragraph, it must transfer the case to a district court pursuant to the provisions of procedural laws.

(Other Powers)

Article 34 Beyond what is provided for in this Act, a summary court has powers specially provided for by other laws.

(Single-Judge System)

Article 35 A summary court handles cases through a single judge.

(Substitution of Judges)

- Article 36 (1) If it is urgently necessary to do so for handling the functions of a summary court, the district court with jurisdiction over the locality of the summary court may have a judge of another summary court within the district court's jurisdictional district, or a judge of that district court, perform the duties of a judge of that summary court.
- (2) If there are special circumstances due to which the urgent need of the summary court cannot be met pursuant to the provisions of the preceding paragraph, the high court with jurisdiction over the locality of the summary court may have a judge other than as provided for in that paragraph who

belongs to a summary or district court within the high court's jurisdictional district perform the duties of a judge of the summary court in question.

(Functions Involved in Judicial Administration)

Article 37 If a summary court consists of one judge, that judge is responsible for handling the functions involved in judicial administration; if there are two or more judges, the one judge designated by the Supreme Court is responsible for handling them.

(Transfer of Functions)

Article 38 If there are special circumstances due to which the functions of a summary court cannot be handled at that summary court, the district court with jurisdiction over its locality may have another summary court within its jurisdictional district handle all or part of those functions.

## **Part IV Court Officials and Legal Apprentices**

### **Chapter I Judges**

(Appointment and Dismissal of Judges of the Supreme Court)

Article 39 (1) The Emperor appoints the Chief Justice of the Supreme Court as designated by the Cabinet.

(2) Supreme Court Justices are appointed by the Cabinet.

(3) The Emperor approves the appointment and dismissal of Supreme Court Justices.

(4) The appointment of the Chief Justice of the Supreme Court and of Supreme Court Justices is reviewed by the people pursuant to laws concerning national referendums.

(Appointment and Dismissal of Judges of Lower Courts)

Article 40 (1) The Cabinet appoints presidents of high courts, judges, assistant judges, and summary court judges from a list of persons nominated by the Supreme Court.

(2) The Emperor approves the appointment and dismissal of presidents of high courts.

(3) For the judges referred to in paragraph (1), the term of office is to end once 10 years have passed following their appointment; such a judge may be reappointed.

(Qualifications for Appointment as a Judge of the Supreme Court)

Article 41 (1) Judges of the Supreme Court are appointed from among persons with deep insight and extensive knowledge of the law, who are not less than 40

years of age; at least ten of them must be persons who have held either one or both of the positions set forth in item (i) or (ii) for 10 years or more, or who have held one or more of any of the positions set forth in the following items for a total period of 20 years or more:

(i) president of a high court;

(ii) judge;

(iii) summary court judge;

(iv) public prosecutor;

(v) attorney-at-law; or

(vi) professor or associate professor of law at a university provided for separately by law.

(2) To apply the provisions of the preceding paragraph, if a person has held one or both of the positions referred to in item (i) or (ii) of the preceding paragraph for not less than five years, or one or more of the positions referred to in items (i) through (vi) of the preceding paragraph for not less than 10 years, and has also held the position of assistant judge, judicial research official, Secretary General of the Supreme Court, court administrative official, Legal Training and Research Institute Professor, professor at the Training and Research Institute for Court Officials (hereinafter referred to as "TRICO Professor"), Administrative Vice-Minister of the Ministry of Justice, administrative official of the Ministry of Justice, or instructor at a correctional facility, that position also held is deemed to be one of those referred to in items (iii) through (vi) of the preceding paragraph.

(3) To apply the provisions of the preceding two paragraphs, the period of service in the positions listed in paragraph (1), items (iii) through (v) and in the preceding paragraph is counted only from the completion of training as a legal apprentice.

(4) If a person has held a position as a professor of law or associate professor of law at a university referred to in paragraph (1), item (vi) for three years or more, and also has held a position as a summary court judge, public prosecutor (excluding an assistant prosecutor), or attorney-at-law, the provisions of the preceding paragraph do not apply with respect to the period of service in the latter position.

(Qualifications for Appointment as the President of a High Court or as a Judge)

Article 42 (1) The presidents of high courts and judges are appointed from among persons who have held one or more of the following positions for a total period of 10 years or longer:

(i) assistant judge;

(ii) summary court judge;

(iii) public prosecutor;

- (iv) attorney-at-law;
  - (v) judicial research official, Legal Training and Research Institute Professor, or TRICO Professor; or
  - (vi) professor of law or associate professor of law at a university referred to in paragraph (1), item (vi) of the preceding Article.
- (2) To apply the provisions of the preceding paragraph, if a person has held one or more of the positions referred to in the items of the paragraph for more than three years, and has also held a position as a court administrative official, administrative official of the Ministry of Justice, or instructor at a correctional facility, the position also held is deemed to be a position as set forth in the items of that paragraph.
- (3) To apply the provisions of the preceding two paragraphs, the period of service in the positions set forth in paragraph (1), items (ii) through (v) and in the preceding paragraph is counted only from the completion of training as a legal apprentice.
- (4) If a person held a position as a professor of law or associate professor of law at a university referred to in paragraph (1), item (vi) of the preceding Article for three years or more, and then served as a summary court judge, public prosecutor (excluding an assistant prosecutor), or attorney-at-law, the provisions of the preceding paragraph do not apply to the period of the service in the latter profession; if a person has been appointed as a summary court judge or a public prosecutor without having completed the training as a legal apprentice, the same applies to the person's period of service as summary court judge, public prosecutor (excluding an assistant prosecutor), or attorney-at-law after the person passed the examination referred to in Article 66.

(Qualifications for Appointment as an Assistant Judge)

Article 43 Assistant judges are appointed from those who have completed the training as legal apprentices.

(Qualifications for Appointment as a Summary Court Judge)

Article 44 (1) Summary court judges are appointed from among persons who have been the president of a high court or a judge, or who have held one or more of the positions referred to in the following items for a total period of three years or more:

- (i) assistant judge;
- (ii) public prosecutor;
- (iii) attorney-at-law;
- (iv) judicial research official, court administrative official, Legal Training and Research Institute Professor, TRICO Professor, administrative official of the Ministry of Justice, or instructor at a correctional facility; or

- (v) professor of law or associate professor of law at a university referred to in Article 41, paragraph (1), item (vi).
- (2) To apply the provisions of the preceding paragraph, the period of service in the positions listed in items (ii) through (iv) of the paragraph is counted only from the completion of the training as a legal apprentice.
- (3) If a person has been appointed as a public prosecutor without having completed the training as a legal apprentice, the provisions of the preceding paragraph do not apply to the person's period of service as a public prosecutor (excluding an assistant prosecutor) or attorney-at-law after the person passed the examination referred to in Article 66.

(Appointment of Summary Court Judges)

- Article 45 (1) A person who has been engaged in judicial affairs for many years, or who otherwise possesses the knowledge and experience necessary for performing the duties of a summary court judge may be appointed as a summary court judge by the selection committee for summary court judges through the selection process even if they do not fall within the categories prescribed in paragraph (1) of the preceding Article.
- (2) Rules and regulations relating to the selection committee for summary court judges are prescribed by the Supreme Court.

(Grounds for Ineligibility for Appointment)

- Article 46 In addition to those persons who are ineligible for appointment as ordinary government officials pursuant to the provisions of other laws, a person who falls under any of the following items may not be appointed as a judge:
- (i) the person has been subject to imprisonment or a heavier sentence;
  - (ii) the person has been dismissed from office as decreed by an impeachment court.

(Official Appointment)

- Article 47 Judges of lower courts are appointed to positions by the Supreme Court.

(Guarantee of Status)

- Article 48 A judge is not to be dismissed, transferred, or suspended from duty, and the salary of the judge is not to be reduced against their will, unless this is done in accordance with the provisions of laws concerning public impeachment or national referendums, or unless the judge is declared mentally or physically incompetent to perform their duties by judicial decision as separately provided by law.

(Disciplinary Action)

Article 49 If a judge breaches a professional obligation, neglects their duties, or behaves disgracefully, the judge is subject to disciplinary action by judicial decision, as separately provided by law.

(Age of Retirement)

Article 50 Judges of the Supreme Court retire upon reaching 70 years of age; judges of a high court, district court, or family court retire upon reaching 65 years of age; summary court judges retire upon reaching 70 years of age.

(Compensation)

Article 51 The compensation received by judges is provided for separately by law.

(Prohibition of Political Activities)

Article 52 Judges may not engage in any of the following acts while in office:

- (i) becoming a member of the Diet or of an assembly of local public entities, or actively engaging in political movements;
- (ii) holding another remunerated position without obtaining permission from the Supreme Court; and
- (iii) engaging in commerce or conducting any other business for monetary profit.

## **Chapter II Court Officials Other Than Judges**

(Secretary General of the Supreme Court)

Article 53 (1) One Secretary General of the Supreme Court is assigned to the Supreme Court.

(2) The Secretary General of the Supreme Court, under the supervision of the Chief Justice of the Supreme Court, is responsible for handling the functions of the General Secretariat of the Supreme Court, and directs and supervises secretariat officials.

(Secretaries to Judges of the Supreme Court)

Article 54 (1) One secretary to the Chief Judge of the Supreme Court and fourteen secretaries to the Supreme Court Judges are assigned to the Supreme Court.

(2) The secretary to the Chief Justice of the Supreme Court and secretaries to Justices of the Supreme Court handle confidential functions, as ordered by the Chief Justice of the Supreme Court and the justices of the Supreme Court, respectively.

(Legal Training and Research Institute Professors)

Article 55 (1) Legal Training and Research Institute Professors are assigned to the Supreme Court.

(2) Legal Training and Research Institute Professors, under the direction of their supervisors, take charge of guiding research and training for judges in the Legal Training and Research Institute and education for legal apprentices.

(President of the Legal Training and Research Institute)

Article 56 (1) A President of the Legal Training and Research Institute, who is appointed to the position by the Supreme Court from among Legal Training and Research Institute Professors, is assigned to the Supreme Court.

(2) The President of the Legal Training and Research Institute, under the supervision of the Chief Justice of the Supreme Court, is responsible for handling the functions of the institute, and directs and supervises the institute officials.

(TRICO Professors)

Article 56-2 (1) TRICO Professors are assigned to the Supreme Court.

(2) TRICO Professors, under the direction of their supervisors, take charge of guiding the institute's research and training for court officials other than judges, including for court clerks and family court investigating officers.

(President of the Training and Research Institute for Court Officials)

Article 56-3 (1) A President of the Training and Research Institute for Court Officials, who is appointed to the position by the Supreme Court from among TRICO Professors, is assigned to the Supreme Court.

(2) The President of the Training and Research Institute for Court Officials, under the supervision of the Chief Justice of the Supreme Court, is responsible for handling the functions of the Training and Research Institute for Court Officials, and directs and supervises the institute officials.

(Director of the Supreme Court Library)

Article 56-4 (1) A Director of the Supreme Court Library, who is appointed from among court officials, is assigned to the Supreme Court.

(2) The Director of the Supreme Court Library, under the supervision of the Chief Justice of the Supreme Court, is responsible for handling the functions of the Supreme Court Library, and directs and supervises the library officials.

(3) The provisions referred to in the preceding two paragraphs do not preclude the application of the provisions of the National Diet Library Act.

(Secretaries to Presidents of High Courts)

Article 56-5 (1) One secretary to the president of the high court is assigned to each high court.

(2) The secretary to a president of a high court takes charge of confidential functions, as ordered by the presidents of the high court.

(Judicial Research Officials)

Article 57 (1) Judicial research officials are assigned to the Supreme Court, each high court, and each district court.

(2) Judicial research officials take charge of the research necessary for proceedings and for deciding cases (limited to cases concerning intellectual property or tax in a district court), and other duties provided for by other laws, as ordered by judges.

(Court Administrative Officials)

Article 58 (1) Court administrative officials are assigned to each court.

(2) Court administrative officials handle the functions of the court, as ordered by their superiors.

(Director-General of Secretariat)

Article 59 (1) A director-general of the secretariat, who is appointed to the position by the Supreme Court from among court administrative officials, is assigned to each high court, district court, and family court.

(2) The director-general of secretariat of a high court, district court, or family court is responsible for handling the functions of the secretariat, and directs and supervises its officials, under the supervision of the president of the respective high court, district court, or family court.

(Court Clerks)

Article 60 (1) Court clerks are assigned to each court.

(2) A court clerk prepares and keeps records and other documents concerning cases of the court, and carrying out other functions as provided for by other laws.

(3) In addition to carrying out the functions referred to in the preceding paragraph, a court clerk assists the judges in researching laws, regulations and judicial precedents, as well as other necessary matters, as ordered by the judges, in relation to the cases of the court.

(4) In performing duties, a court clerk complies with judges' orders.

(5) If a court clerk receives an order from a judge with respect to the transcript of an oral statement or the preparation or alteration of other documents, and the court clerk finds that the preparation or alteration is not justifiable, the clerk



may attach their own opinion in writing.

(Court Stenographers)

Article 60-2 (1) Court stenographers are assigned to each court.

(2) A court stenographer takes shorthand notes concerning the cases of the court, and carries out functions related thereto.

(3) In performing duties, a court stenographer complies with judges' orders.

(Technical Officials of Courts)

Article 61 (1) Technical officials are assigned to each court.

(2) A technical official of a court handles technical matters, as ordered by the official's superior.

(Family Court Investigating Officers)

Article 61-2 (1) Family court investigating officers are assigned to each family court and high court.

(2) At the family court, a family court investigating officer conducts the necessary investigations for the adjudication and conciliation referred to in Article 31-3, paragraph (1), item (i), for the judicial decisions referred to in item (ii) of the same paragraph (limited to judicial decisions related to the incidental dispositions referred to in Article 32, paragraph (1) of the Personal Status Litigation Act and judicial decisions on designation of persons with parental authority referred to in paragraph (3) of the same Article (hereinafter referred to as "judicial decision on incidental dispositions" in this paragraph)), and for the trials and decisions referred to in Article 31-3, paragraph (1), item (iii), and handles any other functions prescribed by other laws; and at the high court, a family court investigator conducts the necessary investigations for the proceedings for appeals against the decisions referred to in item (i) of the same paragraph, and for the proceedings of an appeal trial at the court of second instance on a judicial decision on incidental dispositions, and handles any other functions prescribed by other laws.

(3) The Supreme Court may appoint from among family court investigating officers a Chief Family Court Investigating Officer, who is assigned the duty of supervising investigation functions and functions such as liaison and coordination with the relevant administrative organs and other organizations.

(4) In performing duties, a family court investigating officer complies with judges' orders.

(Assistant Family Court Investigating Officers)

Article 61-3 (1) Assistant family court investigating officers are assigned to each family court.

- (2) An assistant family court investigating officer helps family court investigating officers perform their functions, as ordered by their superiors.

(Court Execution Officers)

- Article 62 (1) Court execution officers are assigned to each district court.
- (2) Qualifications necessary for appointment as a court execution officer are prescribed by the Supreme Court.
- (3) A court execution officer enforces judicial decisions, serves documents issued by the court, and carries out other functions as provided for by other laws.
- (4) A court execution officer receives a commission. If the commission does not amount to a certain sum, the officer receives a subsidy from the national treasury.

(Bailiffs)

- Article 63 (1) Bailiffs are assigned to each court.
- (2) A bailiff conducts court duties as ordered by judges and other functions as determined by the Supreme Court.
- (3) If a court is unable to use a court execution officer, it may use a bailiff for the service of documents in the locality of the court.

(Appointment and Dismissal)

- Article 64 The appointment and dismissal of court officials other than judges are done by the Supreme Court, a high court, a district court, or a family court as prescribed by the Supreme Court.

(Designation of Courts Where Officials Are to Work)

- Article 65 The courts where judicial research officials, court administrative officials(except director-general of secretariats), court clerks, court stenographers, family court investigating officers, assistant family court investigating officers, court execution officers, and technical officials of the court are to work are designated by the Supreme Court, a high court, a district court, or a family court as prescribed by the Supreme Court.

(Matters Concerning Court Officials Other than Judges)

- Article 65-2 Beyond what is provided for by this Act, matters concerning court officials other than judges are provided for separately by law.

### **Chapter III Legal Apprentices**

(Appointment)

- Article 66 (1) Legal apprentices are appointed by the Supreme Court from

among persons who have passed the bar examination (for persons who have passed the bar examination after having taken it pursuant to the provisions of Article 4, paragraph (2) of the Bar Examination Act (Act No. 140 of 1949), this is limited to those who have completed a course of study at a graduate school of law (meaning a professional graduate school as prescribed in Article 99, paragraph (2) of the School Education Act (Act No. 26 of 1947), the purpose of which is to cultivate the learning and abilities necessary for the legal profession) on or after April 1 of the year in which it is announced that they have passed the bar examination).

- (2) Matters concerning the examination referred to in the preceding paragraph are provided for separately by law.

(Training and Examination)

Article 67 (1) Legal apprentices complete their courses upon passing an examination at the end of at least one year of training.

- (2) During their term of training, legal apprentices must devote themselves to their training as prescribed by the Supreme Court.
- (3) Beyond what is provided for in the preceding paragraph, matters concerning the training and examination referred to in paragraph (1) are prescribed by the Supreme Court.

(Payment of a Training Benefit)

Article 67-2 (1) Legal apprentices receive a training benefit for the period prescribed by the Supreme Court as the period normally required for training.

- (2) The types of training benefit are a basic benefit, housing benefit, and transfer benefit.
- (3) The amount of the basic benefit comprises the expenses necessary for legal apprentices' cost of living during the training period, and is prescribed by the Supreme Court, taking into account their current situation and the fact that the legal apprentices must devote themselves to their training.
- (4) A housing benefit is paid if a legal apprentice is personally paying rent (including usage fees; hereinafter the same applies in this paragraph) for rented housing (including a rented room; hereinafter the same applies in this paragraph) for the legal apprentice to live in (unless the apprentice's spouse owns the housing, or in other cases prescribed by the Supreme Court), and that amount is an amount prescribed by the Supreme Court within the scope of the expenses normally required for rent.
- (5) If it is found necessary for a legal apprentice to change addresses or residences for the training, a transfer benefit is paid for the transfer, and the amount is an amount prescribed by the Supreme Court based on the distance of the transfer.

(6) Beyond what is provided for in the preceding paragraphs, the necessary matters relating to the payment of the training benefit are prescribed by the Supreme Court.

(Lending of Funds to Enable Legal Apprentices to Concentrate on Their Training)

Article 67-3 (1) At the application of a legal apprentice, the Supreme Court is to lend the legal apprentice funds to enable them to concentrate on their training (meaning funds to ensure that a legal apprentice will be able to concentrate on their training, and which are still necessary even after payment of the training benefit; hereinafter the same applies in this Article), interest free, for a period prescribed by the Supreme Court as the period normally required for the training of legal apprentices.

(2) The amount of funds to enable apprentices to concentrate on their training and the due date for repayment are prescribed by the Supreme Court.

(3) If it becomes difficult for a person who has been lent funds to enable them to concentrate on their training to repay the funds due to a disaster, injury, illness or other unavoidable reasons, or if there are grounds as prescribed by the Supreme Court as those that make it financially difficult for such a person to repay the funds, the due date for repayment may be extended. In this case, the provisions of Article 26 of the Act on Management of the Claims Held by the State (Act No. 114 of 1956) do not apply.

(4) If a person who has been lent funds to enable them to concentrate on their training is no longer able to return the funds due to death or a mental or physical disability, the Supreme Court may waive the repayment of all or part of the funds.

(5) Beyond what is provided for in each of the preceding paragraphs, the Supreme Court prescribes the necessary matters connected with the lending and repayment of funds to enable legal apprentices to concentrate on their training.

(Dismissal)

Article 68 (1) If the Supreme Court finds there to be grounds involving a legal apprentice which the Supreme Court prescribes as grounds that make it difficult for a person to continue with their apprenticeship, such as poor grades or a mental or physical disorder, the Supreme Court may dismiss the legal apprentice as prescribed by the Supreme Court.

(2) If the Supreme Court finds there to be grounds involving a legal apprentice which the Supreme Court prescribes as grounds constituting misconduct that renders a person inappropriate as a legal apprentice, such as disgraceful behavior, the Supreme Court may dismiss the legal apprentice, order the

suspension of the training, or issue an admonition as prescribed by the Supreme Court.

## **Part V Handling of the Functions of the Court**

### **Chapter I Courts**

#### (Place of Court Session)

Article 69 (1) Court sessions are held at courts or branches.

(2) Notwithstanding the provisions of the preceding paragraph, if the Supreme Court finds it necessary, it may hold sessions of court at another place, and may have a lower court hold sessions at another place that it designates.

#### (Procedures for Suspension of a Public Trial)

Article 70 In order to conduct a trial privately pursuant to the provisions of Article 82, paragraph (2) of the Constitution of Japan, a court must make a statement to that effect and also give the reason therefore, before ordering the public to leave the court. Before delivering a judgment, the court must allow the public to be admitted entry into the court again.

#### (Maintenance of Order in Court)

Article 71 (1) The presiding judge or a single judge who opens a session maintains order in the court.

(2) The presiding judge or a single judge who opens a session may order any person who interferes with the exercise of the duties of the court or who behaves improperly, to leave the court, or may issue other orders or take measures as necessary for the maintenance of order in the court.

#### (Request to Dispatch Police Officers)

Article 71-2 (1) On finding it to be necessary to do so to maintain order in the court, the presiding judge or a single judge who opens a session may request the Tokyo Metropolitan Police Commissioner or the chief of the relevant prefectural police to dispatch police officers. On finding it to be especially necessary to do so to maintain order in the court, that judge may make the request prior to the opening of the session.

(2) The police officers who are dispatched at the request referred to in the preceding paragraph are directed by the presiding judge or a single judge in order to maintain order during the judicial procedure.

#### (Dispositions Outside Court)

Article 72 (1) When the court exercises its duties outside the court room in accordance with the provisions of other laws, the presiding judge or a single

judge may order any person who interferes with the exercise of the duties of the court to leave the place where the court is exercising its duties, and may issue other necessary orders and take other necessary measures.

- (2) The provisions of the preceding Article apply mutatis mutandis to the case referred to in the preceding paragraph.
- (3) The authority of the presiding judge set forth in the preceding two paragraphs is conferred upon a judge when the judge exercises duties outside the court room in accordance with the provisions of other laws.

(Crime of Interference with a Trial)

Article 73 A person who, in violation of an order referred to in Article 71 or the preceding Article, interferes with the exercise of the duties of a court or of a judge is subject to imprisonment with or without work for a term of not more than one year or to a fine of not more than 1000 yen.

## **Chapter II Language of the Courts**

(Language of the Courts)

Article 74 Japanese is the language used in court.

## **Chapter III Deliberations Towards a Decision**

(Secrecy of Deliberations)

- Article 75 (1) Deliberations of decisions in a panel are not open to the public; provided, however, that the presence of legal apprentices may be permitted.
- (2) Deliberations are opened and coordinated by the presiding judge. Except as otherwise provided for in this Act, strict secrecy must be observed with respect to the deliberation process, the opinions of each judge, and the number of opinions constituting the majority and the minority.

(Duty to State an Opinion)

Article 76 A judge must express an opinion in deliberations.

(Decisions)

- Article 77 (1) Unless the Supreme Court decides otherwise concerning Supreme Court decisions, its decisions are based on the majority opinion.
- (2) If a decision is to be based on the majority opinion, but there are three or more different opinions with respect to the following matters and none of them is in the majority, the decision is based on the opinions set forth below:
    - (i) for a monetary amount, the opinion in favor of the smallest monetary amount from within the majority that is formed when the number of opinions

- in favor of the largest amount is added to the number of opinions in favor of the next largest amount, and so on until there is a majority;
- (ii) in criminal cases, the opinion most favorable to the accused from within the majority that is formed when the number of opinions most unfavorable to the accused is added to the number of opinions next most unfavorable, and so on until there is a majority.

(Supplementary Judges)

Article 78 If a trial by a panel is expected to continue for a long time, one or more supplementary judges may attend the proceedings; and if one or more judges of the panel become unable to take part in the proceedings, the supplementary judge or judges may join the panel to conduct proceedings and reach judicial decisions in the place of the absent judge or judges, in the order determined in advance; provided, however, that the number of supplementary judges may not exceed the number of judges on the panel.

#### **Chapter IV Mutual Assistance by the Courts**

(Mutual Assistance by the Courts)

Article 79 The courts provide one another with the necessary assistance in the handling of court functions.

#### **Part VI Judicial Administration**

(Supervision of Judicial Administration)

Article 80 The power of supervision over judicial administration is exercised as follows:

- (i) the Supreme Court supervises its officials, as well as the lower courts and their officials;
- (ii) each high court supervises its officials, as well as the lower courts within its jurisdiction and their officials;
- (iii) each district court supervises its officials, as well as the summary courts within its jurisdiction and their officials;
- (iv) each family court supervises its officials; and
- (v) judges of a summary court as prescribed in Article 37 supervise officials of the summary court other than the judges of that summary court.

(Relationship between the Power of Supervision and Power of Judicial Decision)

Article 81 The power of supervision referred to in the preceding Article does not affect or restrict the power of judicial decision of judges.

(Objections to Ways of Handling Court Functions)

Article 82 Objections to ways of handling the functions of courts are dealt with by means of the power of supervision referred to in Article 80.

### **Part VII Court Expenses**

(Court Expenses)

Article 83 (1) Expenses of courts must be independently budgeted for in the national budget.

(2) A reserve fund is to be provided among the expenses referred to in the preceding paragraph.

### **Supplementary Provisions [Extract]**

(1) This Act comes into effect as of the day on which the Constitution of Japan comes into effect.

(2) The Act of the Constitution of Courts, Order for Enforcement of the Act on the Constitution of Courts, the Act on Disciplinary Actions against Judges, and the Act on Administrative Courts are hereby repealed.

(3) Until otherwise provided for by law, the Supreme Court may assign judges or public prosecutors as Legal Training and Research Institute Professor or TRICO Professor, and judges as judicial research officials when especially necessary.

### **Supplementary Provisions [Act No. 126 of October 29, 1947]**

This Act comes into effect as of the date of promulgation.

### **Supplementary Provisions [Act No. 195 of December 17, 1947]**

Article 17 This Act comes into effect as of the date when 60 days have elapsed from the date of promulgation.

Article 18 To apply the provisions of Article 41, Article 42, and Article 44 of the Courts Act and Article 19 of the Public Prosecutor's Office Act, the tenures of office of the secretary of civil affairs, an administrative official of the Civil Affairs Bureau of the Ministry of Justice, and an educational official of the Civil Affairs Bureau of the Ministry of Justice before this Act comes into effect are regarded as the tenures of a chief of the Attorney-General's Office, an administrative official of the Attorney General's Office, and an educational



official of the Attorney General's Office, respectively.

**Supplementary Provisions [Act No. 1 of January 1, 1948]**

This Act comes into effect as of the date of promulgation.

**Supplementary Provisions [Act No. 146 of July 12, 1948] [Extract]**

Article 4 This Act comes into effect as of the date of promulgation.

**Supplementary Provisions [Act No. 260 of December 21, 1948]**

Article 10 This Act comes into effect as of January 1, 1949; provided, however, that the provisions of Article 14-2 and Article 56-2 of the Courts Act, Article 2-2 of the Act Concerning Exceptions to the Authority of Assistant Judges, Article 6 of the Act Concerning the Limit on the Number of Court Officials, and the provisions amending Article 10 and Article 63, paragraph (1) of the Courts Act and Article 4 of the Act Concerning the Limit on the Number of Court Officials come into effect as of the date of promulgation of this Act.

Article 11 (1) The provisions in Article 1 amending Article 16, Article 24, and Article 33 of the Courts Act do not apply to prosecution instituted before this Act comes into effect.

(2) In the case referred to in the preceding paragraph, the provisions before the amendment remain in force after this Act comes into effect.

Article 12 To apply the provisions of Article 41, Article 42, and Article 44 of the Courts Act amended by this Act, the tenure of the office of a juvenile court judge before this Act comes into effect is deemed to be the tenure of a judicial research official.

Article 13 The family court referred to in Article 63, paragraph (2) of the Juveniles Act (Act No. 168, 1948) is the family court with jurisdiction over the locality of the juvenile court in which the case is pending at the time that Act comes into effect.

Article 14 (1) Cases pending in a domestic relations court and cases pending in a district court in accordance with the provisions of Article 4 of the Act on Domestic Relations Trial before amendment by this Act (hereinafter referred to as the "former Domestic Relations Trial Act") at the time this Act comes into effect are deemed to have been pending in the family court with jurisdiction

over the locality of the domestic relations court or district court, as of the day on which this Act comes into effect.

(2) Cases of appeal against a decision of a domestic relations court and cases of appeal under Article 4 of the former Domestic Relations Trial Act that are pending in a court of appeal at the time this Act comes into effect are deemed to be appeal cases against a decision of a family court.

(3) To apply the amended Domestic Relations Trial Act (hereinafter referred to as the "new Domestic Relations Trial Act"), unless otherwise provided for, in the cases referred to in the preceding two paragraphs, actions performed by a domestic relations court or other persons pursuant to the former Domestic Relations Trial Act before this Act comes into effect are deemed to have been performed in accordance with the provisions of the former Domestic Relations Trial Act.

Article 15 A decision rendered by a domestic relations court that has become final and binding before this Act comes into effect, or an agreement reached in conciliation conducted by the court before that date is deemed to be a decision rendered by the family court with jurisdiction over the locality of the domestic relations court or an agreement reached in conciliation conducted by that family court.

Article 16 (1) Even after this Act comes into effect, the former Domestic Relations Trial Act remains in force as it concerns the applicability of provisions on civil fines for an action in which a person engages before this Act comes into effect. In this case, the decision on the civil fine is rendered by the family court with jurisdiction over the locality of the domestic relations court that would have jurisdiction pursuant to the former Domestic Relations Trial Act.

(2) Even after this Act comes into effect, the former Domestic Relations Trial Act remains force as it concerns the applicability of penal provisions to the actions of a person who served as a counselor or conciliator before this Act came into effect.

Article 17 Judicial decisions that are deemed to be decisions rendered by a domestic relations court pursuant to the Act for Enforcement of the Domestic Relations Trial Act (Act No. 153 of 1947) are deemed to be decisions rendered by a family court after this Act comes into effect.

Article 18 (1) A matter that is to be remanded to the domestic relations court with jurisdiction pursuant to the provisions of Article 24, paragraph (2) of the Act for Enforcement of the Domestic Relations Trial Act must be remanded to

the family court with jurisdiction after this Act comes into effect.

- (2) To apply the new Domestic Relations Trial Act, if a case has been remanded in accordance with the provisions of the preceding paragraph, to actions performed by the court or other persons for the case pursuant to the provisions of the Non-Contentious Case Procedures Act before amendment by the Act for Enforcement of the Domestic Relations Trial Act, those actions are deemed to be actions performed pursuant to the provisions of the new Domestic Relations Trial Act.

Article 19 Decisions to be rendered by a domestic relations court pursuant to the provisions of Article 14, paragraph (2) or Article 27, paragraph (3) of the Supplementary Provisions of the Act Partially Amending the Civil Code (Act No. 222 of 1947) (including as applied mutatis mutandis pursuant to the proviso to Article 25, paragraph (2), pursuant to Article 26, paragraph (2), and pursuant to Article 28 of the Supplementary Provisions of that Act) are rendered by a family court after this Act comes into effect.

#### **Supplementary Provisions [Act No. 136 of May 31, 1949] [Extract]**

- (1) The provisions in this Act concerning Article 13-7 of the Act to Establish the Attorney-General's Office come into effect as of the day on which the Offenders Prevention and Rehabilitation Act comes into effect, and other provisions of this Act come into effect as of June 1, 1949.
- (4) To apply the provisions of Article 41, Article 42 (including as applied mutatis mutandis pursuant to Article 1, paragraph (2) of the Act Concerning Exceptions to the Authority of Assistant Judges), and Article 44 of the Courts Act, the tenures of office of a chief of the Attorney-General's Office, an administrative official of the Attorney-General's Office, and an educational official of the Attorney-General's Office before this Act comes into effect are respectively deemed as the tenure of office of a chief of the Attorney-General's Office [called "houmuchou" in Japanese before that Act came into effect; the name was changed to "houmufu", but the English name remained the same], an administrative official of the Attorney-General's Office, and an educational official of the Attorney-General's Office.

#### **Supplementary Provisions [Act No. 177 of June 1, 1949]**

- (1) The provisions in this Act amending Article 60, Article 60-2, and Article 65 of the Courts Act come into effect after 30 days have elapsed from the date of promulgation of this Act, and other provisions of this Act come into effect as of the date of promulgation.

- (2) A court official who is serving as a clerk of the court but who has not been appointed as a court clerk as of the day on which 30 days have elapsed from the date of promulgation of this Act is deemed to have been concurrently appointed as an assistant court clerk, and to have been ordered to serve the court in which the court administrative official holds office on the effective date of this Act, unless a writ of appointment stating otherwise is issued.
- (3) The term "court cleric" in any other laws and regulations is deemed to be replaced with "court clerk".

#### **Supplementary Provisions [Act No. 96 of April 14, 1950]**

- (1) In this Act, the provisions amending Article 61-2, Article 61-3, and Article 65 of the Courts Act, the part of the amending provisions in Article 6, item (vi) of the Act on Committee for Inquest of Prosecution that concerns juvenile case investigators and assistant juvenile case investigators, and the provisions amending the Juveniles Act come into effect after 30 days have elapsed from the date of promulgation, and the other provisions come into effect as of the date of promulgation.
- (2) A court administrative official who is performing duties as a juvenile probation officer as of the time when 30 days have elapsed from the date of promulgation of this Act, but who has not yet been appointed as a juvenile case investigator is deemed to have been appointed as an assistant juvenile case investigator concurrently as a court administrative official, and is deemed to have been ordered to be in the service of the court where the person is in service at the time in question, unless a writ of appointment stating otherwise is issued.

#### **Supplementary Provisions [Act No. 287 of December 20, 1950]**

- (1) The provisions in this Act amending Article 33 come into effect as of the day on which 30 days have elapsed from the date of promulgation of this Act, and other provisions of this Act come into effect as of the date of promulgation.
- (2) Notwithstanding the provisions amending Article 33, prior laws continue to govern a case for which a lawsuit or prosecution has been instituted with a district court before the provisions amending Article 33 come into effect.

#### **Supplementary Provisions [Act No. 59 of March 30, 1951]**

- (1) The provisions in this Act amending Article 65-2 of the Courts Act and Article 2 of the National Public Service Act come into effect as of January 1, 1952, and other provisions of this Act come into effect as of April 1, 1951.

- (2) Notwithstanding the provisions amending Article 31-3, paragraph (2) of the Courts Act, prior laws continue to govern cases for which prosecution has been instituted in a family court before the provisions amending that paragraph come into effect.

**Supplementary Provisions [Act No. 298 of December 6, 1951] [Extract]**

- (1) This Act comes into effect as of January 1, 1952.

**Supplementary Provisions [Act No. 268 of July 31, 1952] [Extract]**

- (1) This Act comes into effect as of August 1, 1952.
- (3) Former organs and personnel become organs and personnel equivalent to those based on this Act and continue in the same capacity.
- (4) To apply the provisions of Article 41, Article 42 (including as applied mutatis mutandis pursuant to Article 1, paragraph (2) of the Act Concerning Exceptions to the Authority of Assistant Judges), and Article 44 of the Courts Act, and Article 19 of the Public Prosecutor's Office Act, Article 5 of the Attorneys Act, and Article 3 of the Judicial Scriveners Act, the tenures of office of a chief of the Attorney-General's Office, Secretary General of the Attorney-General's Office, administrative official of the Attorney-General's Office, and an educational official of the Attorney-General's Office before this Act comes into effect are respectively regarded as the tenures of office as the Administrative Vice-Minister of the Ministry of Justice, an administrative official of the Ministry of Justice, and an instructor at a correctional facility.

**Supplementary Provisions [Act No. 126 of May 27, 1954] [Extract]**

- (1) This Act comes into effect as of June 1, 1954.
- (2) Notwithstanding the provisions amending Article 33, prior laws continue to govern cases for which a lawsuit has been filed in a district court before this Act comes into effect.
- (3) Until otherwise provided by law, functions related to civil cases of a summary court designated by the Rules of the Supreme Court are carried out by the district court with jurisdiction over the locality of the summary court, or by another summary court established in the locality of the branches of that district court and designated by the Rules of the Supreme Court.
- (4) Notwithstanding the provisions of the preceding paragraph, if a summary court is designated pursuant to the provisions of that paragraph, the cases received by the summary court with jurisdiction before the designation are completed by the same summary court. The same applies mutatis mutandis if a

designation under the preceding paragraph is revoked.

- (5) Until otherwise provided for by law, a family court may have assistant family court investigating officers perform the duties of family court investigating officers, as prescribed by the Supreme Court.
- (6) Unless a writ of appointment stating otherwise is issued, a person assigned as a domestic matters investigator or a juvenile case investigator at the time this Act comes into effect is deemed to have been appointed as a family court investigating officer, and a person assigned as an assistant domestic matters investigator or an assistant juvenile case investigator at the time this Act comes into effect is deemed to have been appointed as an assistant family court investigating officer, and they are deemed to have been ordered to be in the service of the courts where they are in service at the time in question.

#### **Supplementary Provisions [Act No. 163 of June 8, 1954] [Extract]**

(Effective Date)

- (1) The provisions of Article 53 of this Act come into effect as of the effective date of the Act for Summary Proceedings in Traffic Cases, and other provisions of this Act come into effect as of the effective date of the Police Act (Act No. 162 of 1954; except for provisions concerning the proviso to paragraph (1) of the Supplementary Provisions of the same Act).

#### **Supplementary Provisions [Act No. 91 of May 1, 1957]**

This Act comes into effect as of the date of promulgation.

#### **Supplementary Provisions [Act No. 104 of June 25, 1960]**

This Act comes into effect as of the date of promulgation.

#### **Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]**

- (1) This Act comes into effect as of October 1, 1962.

#### **Supplementary Provisions [Act No. 114 of June 24, 1964] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

#### **Supplementary Provisions [Act No. 27 of March 31, 1965] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of April 1, 1965; provided, however, that the provisions amending the Supplementary Provisions of the Courts Act come into effect as of September 1, 1965.

**Supplementary Provisions [Act No. 23 of March 31, 1966]**

This Act comes into effect as of April 1, 1966.

**Supplementary Provisions [Act No. 111 of July 1, 1966] [Extract]**

(Effective Date)

- Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

**Supplementary Provisions [Act No. 67 of May 18, 1970] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of July 1, 1970.

(Transitional Measures)

- (2) Notwithstanding the provisions of Article 33, paragraph (1), item (i) of the Courts Act after their amendment by this Act, prior laws continue to govern cases for which a lawsuit has been filed in a district court before this Act comes into effect.

**Supplementary Provisions [Act No. 82 of June 23, 1978] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of January 1, 1979.

**Supplementary Provisions [Act No. 82 of August 24, 1982] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of September 1, 1982.

(Transitional Measures)

- (2) Prior laws continue to govern cases for which a lawsuit has been filed in a district court before this Act comes into effect.

**Supplementary Provisions [Act No. 66 of April 19, 1995] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

**Supplementary Provisions [Act No. 50 of May 6, 1998]**

(Effective Date)

(1) This Act comes into effect as of April 1, 1999.

(Transitional Measures)

(2) Prior laws continue to govern the term of apprenticeship and period for receiving salary from the national treasury for a legal apprentice who has been appointed before this Act enters into effect and who continues in the apprenticeship even after this Act comes into effect.

**Supplementary Provisions [Act No. 142 of December 6, 2000] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2001.

(Reviews)

Article 3 Once five years have passed after this Act enters into effect, the government is to report to the Diet on the effective status of the provisions amended by this Act and also conduct a review of this status, and if it finds it to be necessary to do so, it is to make improvements to the legal system and take other required measures based on the results of its review.

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

(Effective Date)

Article 1 This Act comes into effect as of January 1, 2004; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in each item:

(i) omitted; and

(ii) the provisions of Article 3 and the provisions of Article 11 of the Supplementary Provisions: April 1, 2006.

(Transitional Measures for the Period of Apprenticeship of Legal Apprentices)

Article 11 (1) Prior laws continue to govern the period of training for a legal



apprentice who has been appointed before the provisions of Article 3 come into effect and who continues in the apprenticeship even after those provisions come into effect.

- (2) It is permissible to extend the necessary period of apprenticeship and take other such measures for legal apprentices who are deemed to have passed the new bar examination pursuant to the provisions of paragraph (2) of the Supplementary Provisions of the new Act or the provisions of the preceding Article and who are appointed after the provisions of Article 3 come into effect, in order to have them obtain sufficient abilities to serve as judge, prosecutor, or attorney-at-law in the apprenticeship referred to in Article 67, paragraph (1) of the Courts Act after amendment by Article 3, as prescribed by the Supreme Court.

#### **Supplementary Provisions [Act No. 109 of July 16, 2003] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures for the Functions of Family Court Investigating Officers in Connection with Partial Amendment of the Courts Act)

Article 15 Notwithstanding the provisions of Article 61-2, paragraphs (1) and (2) of the Courts Act after its amendment by the preceding Article, prior laws continue to govern legal proceedings involving the rescission of a marriage or a divorce that are pending at the time the provisions of the preceding Article come into effect.

#### **Supplementary Provisions [Act No. 128 of July 25, 2003] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2004.

(Transitional Measures for Expansion of Jurisdiction of Summary Courts)

- Article 2 (1) Notwithstanding the provisions of Article 33, paragraph (1), item (i) of the Courts Act after amendment by Article 1, prior laws continue to govern cases for which a lawsuit has been filed in a district court before the effective date of this Act (hereinafter referred to as the "effective date").
- (2) Prior laws continue to govern the applicability of penal provisions to actions that exceed the scope of the summary court legal representation business prescribed by Article 3, paragraph (2) of the Judicial Scrivener Act (Act No. 197 of 1950), and that a judicial scrivener or a judicial scrivener corporation has

taken before the effective date.

**Supplementary Provisions [Act No. 8 of March 31, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2004.

(Transitional Measures for Qualifications Related to the Courts Act)

Article 2 To apply the provisions of Article 41, Article 42 (including as applied mutatis mutandis pursuant to Article 1, paragraph (2) of the Act Concerning Exceptions to the Authority of Assistant Judges (Act No. 146 of 1948)), and Article 44 of the Courts Act, Article 19 of the Public Prosecutor's Office Act (Act No. 61 of 1947), and Article 5 of the Attorneys Act (Act No. 205 of 1949), the tenure of office of a professor at the Court Clerk Research and Training Institute before this Act comes into effect is deemed to be the tenure of office of a TRICO Professor .

**Supplementary Provisions [Act No. 120 of June 18, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2005.

(Principles of Transitional Measures)

Article 2 The provisions of the Courts Act, the Code of Civil Procedure, the Act on Costs of Civil Proceedings, the Patent Act, the Utility Model Act, the Design Act, the Trademark Act, the Unfair Competition Prevention Act, and the Copyright Act (except for penal provisions) after amendment by this Act apply to matters arising before this Act comes into effect, unless specially provided for in these Supplementary Provisions; provided, however, that this does not preclude the effect of these laws before amendment by this Act.

**Supplementary Provisions [Act No. 163 of December 10, 2004] [Extract]**

(Effective Date)

(1) This Act comes into effect as of November 1, 2010.

(Transitional Measures)

(2) Prior laws continue to govern the salary for a legal apprentice who has been appointed before this Act enters into effect and who continues in the apprenticeship even after this Act enters into effect.

**Supplementary Provisions [Act No. 83 of July 15, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2007.

(Transitional Measures for Time Worked as an Assistant Professor)

Article 2 To apply the provisions of the following laws, time worked as an assistant professor before this Act enters into effect is deemed to be time worked as an associate professor:

(i) omitted; and

(ii) Article 41, Article 42 (including as applied mutatis mutandis pursuant to Article 1, paragraph (2) of the Act Concerning Exceptions to the Authority of Assistant Judges (Act No. 146 of 1948)), and Article 44 of the Courts Act (Act No. 59 of 1947).

**Supplementary Provisions [Act No. 36 of May 8, 2006] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

**Supplementary Provisions [Act No. 18 of March 31, 2007] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2007 (hereinafter referred to as the "effective date").

**Supplementary Provisions [Act No. 71 of June 18, 2008] [Extract]**

(Effective Date)

(1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

**Supplementary Provisions [Act No. 64 of December 3, 2010]**

(Effective Date)

(1) This Act comes into effect as of the date of promulgation.

(Transitional Measures)

(2) The provisions of paragraph (4) of the Supplementary Provisions of the Courts Act as amended by this Act (hereinafter referred to as the "new Courts Act")

also apply to legal apprentices appointed from November 1, 2010 to the day preceding the effective date of this Act.

- (3) Prior laws continue to govern the salary for a legal apprentice who has been appointed by the day provided for in paragraph (4) of the Supplementary Provisions of the new Courts Act, and who continues in the apprenticeship even after that day.
- (4) The salaries provided for in the proviso to Article 14 of the Act on Remuneration of Judges (Act No. 75 of 1948) before amendment by paragraph (3) of the Supplementary Provisions of the Act Partially Amending the Courts Act (Act No. 163 of 2004) apply to salaries under Article 67, paragraph (2) of the Courts Act as applied pursuant to the provisions of the second sentence of paragraph (4) of the Supplementary Provisions of the new Courts Act following the deemed replacement of terms.
- (5) A legal apprentice who has applied for a loan of funds for training provided for in Article 67-2, paragraph (1) of the Courts Act as of the time this Act comes into effect, is deemed to have withdrawn the application set forth in that paragraph on the effective date of this Act.
- (6) Beyond what is provided for in paragraph (2) through the preceding paragraph of the Supplementary Provisions, the Rules of the Supreme Court prescribe the necessary matters connected with this Act's entry into effect.

#### **Supplementary Provisions [Act No. 53 of May 25, 2011]**

This Act comes into effect as of the effective date of the new Non-Contentious Case Procedures Act.

#### **Supplementary Provisions [Act No. 54 of August 3, 2012]**

This Act comes into effect as of the date of promulgation; provided, however, that the provisions in Article 1 amending Article 67-2, paragraph (3) of the Courts Act come into effect as of the day on which three months have elapsed from the date of promulgation.

#### **Supplementary Provisions [Act No. 48 of June 19, 2013] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which the Convention comes into effect in Japan.

#### **Supplementary Provisions [Act No. 23 of April 26, 2017]**

(Effective Date)

- (1) This Act comes into effect as of November 1, 2017.

(Transitional Measures)

- (2) The provisions of Article 67-2 of the Courts Act as amended by this Act (hereinafter referred to as the "new Act") do not apply to a legal apprentice who has been appointed before this Act comes into effect and continues the apprenticeship even after its entry into effect.
- (3) The provisions of Article 67-3 of the new Act apply to a legal apprentice appointed after this Act comes into effect; prior laws continue to govern the funds for the training of a legal apprentice appointed before this Act comes into effect.
- (4) The provisions of Article 68 of the new Act apply to a legal apprentice appointed after this Act comes into effect; prior laws continue to govern things such as the dismissal of a legal apprentice appointed before this Act comes into effect.
- (5) Beyond what is provided for in the preceding three paragraphs, the Rules of the Supreme Court prescribe other necessary transitional measures connected with this Act's entry into effect.

#### **Supplementary Provisions [Act No. 67 of June 21, 2017] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

#### **Supplementary Provisions [Act No. 33 of May 30, 2018] [Extract]**

(Effective Date)

Article 1 (1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date provided for in each item:

(i) through (iii): omitted

(iv) the provisions in Article 3 amending Article 107, paragraph (3) of the Patent Act; amending provisions in Article 3 that delete the heading of Article 109, add a heading before that Article, and add an Article following Article 109; provisions in Article 3 amending Article 112, paragraphs (1) and (6); the provisions in Article 3 amending Article 195, paragraph (6); amending provisions in Article 3 that delete the heading of Article 195-2, add a heading before that Article, and add an Article following Article 195-2; the

provisions of Article 6 and Article 7; and the provisions of Article 11, Article 15, Article 23, and Articles 25 through 32 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

**Supplementary Provisions [Act No. 44 of June 26, 2019] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2020; provided, however, that the provisions set forth in the following items come into effect as of the date provided for in each item:

- (i) the provisions in Article 1 amending Article 6, paragraph (4) of the Act on Coordination between Education at Graduate Schools of Law and the Bar Examination, and the provisions of the following Article through Article 4 of the Supplementary Provisions: the date of promulgation;
- (ii) omitted;
- (iii) the provisions of Article 2, Article 4 (other than the amending provisions set forth in the preceding item), and Article 5; and of Articles 5 through 8 of the Supplementary Provisions: October 1, 2022.

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the preceding two Articles, Cabinet Order prescribes the necessary transitional measures connected with this Act's entry into effect.