

行政不服審査法施行規則（暫定版）

Regulation for Enforcement of the Administrative Complaint Review Act (Tentative translation)

（平成二十八年一月二十九日総務省令第五号）

(Order of the Ministry of Internal Affairs and Communications No. 5 of January 29, 2016)

行政不服審査法施行令（平成二十七年政令第三百九十一号）第八条（同令第十八条、第十九条第一項及び第二十二條において準用する場合を含む。）、第十二条第二項第三号及び第十四条第一項（これらの規定を同令第十九条第一項及び第二十三條において準用する場合を含む。）並びに第十六条（同令第十九条第一項において準用する場合を含む。）の規定に基づき、行政不服審査法施行規則を次のように定める。

Based on the provisions of Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (Cabinet Order No. 391 of 2015) (including the cases as applied mutatis mutandis in Article 18, Article 19, paragraph (1), and Article 22 of the relevant Order), the provisions of Article 12, paragraph (2), item (iii), and Article 14, paragraph (1) of the relevant Order (including the cases where these provisions are applied mutatis mutandis in Article 19, paragraph (1) and Article 23 of the relevant Order), and the provisions of Article 16 of the relevant Order (including the cases as applied mutatis mutandis in Article 19, paragraph (1) of the relevant Order), the Regulation for Enforcement of the Administrative Complaint Review Act is hereby enacted.

（映像等の送受信による通話の方法による口頭意見陳述等）

(Stating an Opinion Orally through Communication by Audio and Visual Transmissions)

第一条 行政不服審査法施行令（以下「令」という。）第八条（令第十八条及び第十九条第一項において読み替えて準用する場合を含む。）に規定する方法によって口頭意見陳述の期日における審理を行う場合には、審理関係人（行政不服審査法（平成二十六年法律第六十八号。以下「法」という。）第九条第三項に規定する場合において処分庁等が審査庁であるときにあっては審査請求人及び参加人、再調査の請求にあっては再調査の請求人及び参加人。以下この条において同じ。）の意見を聴いて、当該審理に必要な装置が設置された場所であって審理員（法第九条第三項に規定する場合にあっては審査庁、再調査の請求にあっては処分庁、再審査庁が法第六十六条第一項において準用する法第九条第一項各号に掲げる機関である場合にあっては再審査庁）が相当と認める場所を、審理関係人ごとに指定して行う。

Article 1 When undertaking proceedings on the date of stating an opinion orally by the method prescribed in Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (hereinafter referred to as the "Order")

(including the cases as applied mutatis mutandis by replacing the terms in Article 18 and Article 19, paragraph (1) of the Order), a review officer (or the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014; hereinafter referred to as the "Act"); the agency reaching the disposition in the case of a request for re-investigation; or the re-examining agency when the re-examining agency falls under any of the agencies set forth in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act) should hear the opinions of the persons concerned with proceedings (when the agency, etc. reaching the disposition falls under the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Act, meaning the requestor for review and intervenors, and in the case of a request for re-investigation, meaning the requestor for re-investigation and intervenors; hereinafter, the same applies in this Article) and designate a place where equipment necessary for undertaking proceedings is installed and that the review officer finds appropriate for each of the persons concerned with proceedings.

(手数料の納付)

(Payment of Fees)

第二条 削除

Article 2 Deleted

(送付に要する費用の納付方法)

(Method of Paying Expenses Required for Sending)

第三条 令第十四条第一項（令第十九条第一項において読み替えて準用する場合を含む。）に規定する総務省令で定める方法は、次に掲げる方法とする。

Article 3 The method specified by Order of the Ministry of Internal Affairs and Communications set forth in Article 14, paragraph (1) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order) is to be either of the following:

一 郵便切手又は総務大臣が定めるこれに類する証票で納付する方法

(i) the method of making a payment with postal stamps or other voucher equivalent thereto as specified by the Minister of Internal Affairs and Communications; and

二 情報通信技術を活用した行政の推進等に関する法律（平成十四年法律第百五十一号）第六条第一項の規定により同項に規定する電子情報処理組織を使用する方法により法第三十八条第一項（法第六十六条第一項において読み替えて準用する場合を含む。）の規定による交付の求めをした場合において、当該求めにより得られた納付情報により納付する方法

(ii) when having requested the delivery pursuant to the provisions of Article 38, paragraph (1) of the Act (including the cases as applied mutatis mutandis by

replacing the terms in Article 66, paragraph (1) of the Act) by the method of using an electronic data processing system prescribed in Article 6, paragraph (1) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology (Act No. 151 of 2002) pursuant to the provisions of the relevant paragraph, the method of making a payment based on the payment information obtained through the request.

(審理員意見書の提出)

(Submission of Review Officer's Written Opinions)

第四条 令第十六条（令第十九条第一項において読み替えて準用する場合を含む。）に規定する総務省令で定める書類は、次に掲げるもの（電磁的記録を含み、事件記録に該当するものを除く。）とする。

Article 4 The documents specified by Order of the Ministry of Internal Affairs and Communications prescribed in Article 16 of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order) are to be as follows (including electronic or magnetic records and excluding those falling under the case record):

一 審理関係人その他の関係人から審理員に対して行われた法第十三条第一項（法第六十六条第一項において読み替えて準用する場合を含む。次号において同じ。）の許可の申請その他の通知

(i) an application for permission set forth in Article 13, paragraph (1) of the Act (including the cases as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act; the same applies in the following item), or other notices that has been filed with the review officer by the person concerned with proceedings or other persons concerned;

二 審理員が審理関係人その他の関係人に対して行った法第十三条第一項の許可その他の通知

(ii) permission set forth in Article 13, paragraph (1) of the Act, or other notices that the review officer has granted to the person concerned with proceedings or other persons concerned; and

三 その他審理員が必要と認める書類

(iii) other documents that the review officer finds necessary.

(行政不服審査会の調査審議の手續についての準用)

(Mutatis Mutandis Application to Study and Deliberation Procedures of the Administrative Complaint Review Board)

第五条 第一条の規定は法第七十五条第一項の規定による意見の陳述について、第三条の規定は法第七十八条第一項の規定による交付について、それぞれ準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

Article 5 The provisions of Article 1 apply mutatis mutandis to the statement of

opinions under Article 75, paragraph (1) of the Act, and the provisions of Article 3 apply mutatis mutandis to the delivery under Article 78, paragraph (1) of the Act. In this case, in the provisions set forth in the left-hand column of the following Table, the terms set forth in the middle column of the relevant table are deemed to be replaced with the terms set forth respectively in the right-hand column of the relevant table.

<p>第一条 Article 1</p>	<p>第八条（令第十八条及び第十九条第一項において読み替えて準用する場合を含む。） Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (hereinafter referred to as the "Order") (including the cases as applied mutatis mutandis by replacing the terms in Article 18 and Article 19, paragraph (1) of the Order)</p>	<p>第二十二条において読み替えて準用する令第八条 Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (hereinafter referred to as the "Order") as applied mutatis mutandis by replacing the terms in Article 22</p>
	<p>審理を undertaking proceedings</p>	<p>調査審議を undertaking study and deliberation procedures</p>

<p>審理関係人（行政不服審査法（平成二十六年法律第六十八号。以下「法」という。）第九条第三項に規定する場合において処分庁等が審査庁であるときにあっては審査請求人及び参加人、再調査の請求にあっては再調査の請求人及び参加人。以下この条において同じ。）</p> <p>the persons concerned with proceedings (when the agency reaching the disposition, etc. falls under the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Act, meaning the requestor for review and intervenors, and in the case of a request for re-investigation, meaning the requestor for re-investigation and intervenors; hereinafter, the same applies in this Article)</p>	<p>審査関係人</p> <p>the persons concerned with the review</p>
<p>審理に</p> <p>undertaking proceedings</p>	<p>調査審議に</p> <p>undertaking study and deliberation procedures</p>

	<p>審理員（法第九条第三項に規定する場合にあつては審査庁、再調査の請求にあつては処分庁、再審査庁が法第六十六条第一項において準用する法第九条第一項各号に掲げる機関である場合にあつては再審査庁）</p> <p>a review officer (or the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014; hereinafter referred to as the "Act"); the agency reaching the disposition in the case of a request for re-investigation ; or the re-examination agency when the re-examination agency falls under any of the agencies set forth in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act)</p>	<p>行政不服審査会</p> <p>the administrative complaint review board</p>
	<p>審理関係人ごとに</p> <p>each of the persons concerned with proceedings</p>	<p>審査関係人ごとに</p> <p>each of the persons concerned with the review</p>
<p>第三条</p> <p>Article 3</p>	<p>第十四条第一項（令第十九条第一項において読み替えて準用する場合を含む。）</p> <p>Article 14, paragraph (1) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order)</p>	<p>第二十三条において読み替えて準用する令第十四条第一項</p> <p>Article 14, paragraph (1) of the Order as applied mutatis mutandis by replacing the terms in Article 23 of the Order</p>

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

第一条 この省令は、法の施行の日（平成二十八年四月一日）から施行する。

Article 1 This Ministerial Order comes into effect as of the effective date of the Act (April 1, 2016).