

# **Act on Leave of Absence for Judges to Accompany Their Spouses**

(Act No. 91 of December 4, 2013)

## **(Purpose)**

Article 1 The purpose of this Act is to promote the continuous employment of judges by establishing a system that allows them to take leave of absence to accompany their spouses, which will contribute to the smooth administration of judicial affairs and other matters.

## **(Definitions)**

Article 2 (1) The term "spouse" as used in this Act is to include a person who has not made a notification of marriage but is in a de facto marital relationship with the judge.

(2) The term "leave of absence to accompany spouses" as used in this Act means the leave of absence of a judge in order to live together with the judge's spouse who has established a domicile or residence in a foreign country on the grounds of work in the foreign country or on other grounds specified by the Rules of the Supreme Court, at the domicile or residence of their spouse.

## **(Approval of Leave of Absence to Accompany Spouses)**

Article 3 (1) If a judge requests a leave of absence to accompany their spouse and the Supreme Court finds that it will not hinder the administration of judicial affairs and other matters, the Supreme Court may approve the judge's leave of absence to accompany their spouse for a period not exceeding three years.

(2) The request specified in the preceding paragraph must be made by clarifying the first and last day of the period during which the leave of absence to accompany their spouse is to be taken and the grounds for the spouse of the judge to establish their domicile or residence in a foreign country and reside there during that period.

## **(Extension of the Period of Leave of Absence to Accompany Spouses)**

Article 4 (1) A judge who is taking a leave of absence to accompany their spouse may request the Supreme Court to extend the period of the leave within a scope not exceeding three years from the day on which the leave of absence to accompany their spouses commenced by specifying the last day of the extension period.

(2) The period of leave of absence to accompany spouses can be extended only once, except when there are special circumstances specified by the Rules of the

Supreme Court.

- (3) The provisions of paragraph (1) of the preceding Article apply *mutatis mutandis* to approval of an extension of the period of leave of absence to accompany spouses.

(Effect of Leave of Absence to Accompany Spouses)

Article 5 A judge who is taking a leave of absence to accompany their spouse retains their status as a judge, but does not receive compensation or any other remuneration during the period of leave from work to accompany their spouse.

(Lapse of Approval of Leave of Absence to Accompany Spouses)

Article 6 (1) Approval of leave of absence to accompany spouses ceases to be effective in the following cases:

- (i) if a judge who is taking a leave of absence to accompany their spouse is suspended from duty pursuant to the provisions of Article 39 of the Act on Impeachment of Judges (Act No. 137 of 1947); and
  - (ii) if the spouse of the judge who is taking the leave of absence to accompany their spouse dies or ceases to be the spouse of the judge.
- (2) The Supreme Court is to revoke approval of leave of absence to accompany spouses in the following cases:
- (i) if the judge who is taking a leave of absence to accompany their spouse files a request for revocation of the approval of leave of absence to accompany spouses;
  - (ii) if the judge who is taking a leave of absence to accompany their spouse ceases to live together with their spouse; and
  - (iii) other cases specified by the Rules of the Supreme Court.

(Special Provisions of the Act on National Public Employees' Retirement Allowance Concerning Judges Who Have Taken Leave of Absence to Accompany Their Spouses)

Article 7 (1) With regard to the application of the provisions of Article 6-4, paragraph (1) and Article 7, paragraph (4) of the Act on National Public Employees' Retirement Allowance (Act No. 182 of 1953) (including as applied *mutatis mutandis* pursuant to Article 3, paragraph (2) of the Act on Special Measures for Justice of the Supreme Court Retirement Allowance (Act No. 52 of 1966); the same applies in the following paragraph), the period of leave of absence to accompany spouses is to fall under the period during which the official is not required to actually perform official duties as prescribed in Article 6-4, paragraph (1) of the Act on National Public Employees' Retirement Allowance.

- (2) With regard to the application of the provisions of Article 7, paragraph (4) of

the Act on National Public Employees' Retirement Allowance to the period of leave of absence to accompany spouses, the term "the number of months equivalent to a half of that number of months (with regard to the period during which the person was not required to perform their duties on the grounds prescribed in the proviso to Article 108-6, paragraph (1) of the National Public Service Act or the proviso to Article 7, paragraph (1) of the Act on Labor Relations of Agencies Engaged in Administrative Execution (Act No. 257 of 1948) or any other equivalent grounds, that number of months)" in the same paragraph is deemed to be replaced with "that number of months".

(Rules of the Supreme Court)

Article 8 Necessary matters for the implementation of this Act are specified by the Rules of the Supreme Court.

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

(Effective Date)

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

### **Supplementary Provisions [Act No. 67 of June 13, 2014 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Act Partially Amending the Act on General Rules for Incorporated Administrative Agencies (Act No. 66 of 2014; hereinafter referred to as the "Act Amending the Act on General Rules") comes into effect; provided, however, that the provisions stated in the following items come into effect as of the dates prescribed respectively in those items:

(i) the provisions of Article 14, paragraph (2), Article 18, and Article 30 of the Supplementary Provisions: the date of promulgation.