

裁判官の配偶者同行休業に関する法律

Act on Leave of Absence for Judges to Accompany Their Spouses

(平成二十五年十二月四日法律第九十一号)

(Act No. 91 of December 4, 2013)

(目的)

(Purpose)

第一条 この法律は、配偶者同行休業の制度を設けることにより、裁判官の継続的な勤務を促進し、もって裁判事務等の円滑な運営に資することを目的とする。

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.

(定義)

(Definitions)

第二条 この法律にいう「配偶者」には、届出をしないが事実上婚姻関係と同様の事情にある者を含むものとする。

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 この法律において「配偶者同行休業」とは、裁判官が、外国での勤務その他の最高裁判所規則で定める事由により外国に住所又は居所を定めて滞在するその配偶者と、当該住所又は居所において生活を共にするため、職務に従事しないことをいう。

(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.

(配偶者同行休業の承認)

(Approval of Leave of Absence to Accompany Spouses)

第三条 最高裁判所は、裁判官が配偶者同行休業を請求した場合において、裁判事務等の運営に支障がないと認めるときは、三年を超えない範囲内の期間に限り、当該裁判官が配偶者同行休業をすることを承認することができる。

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 前項の請求は、配偶者同行休業をしようとする期間の初日及び末日並びに当該裁判官の配偶者が当該期間中外国に住所又は居所を定めて滞在する事由を明らかにしてしなければならない。

- (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.

(配偶者同行休業の期間の延長)

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

- 第四条 配偶者同行休業をしている裁判官は、当該配偶者同行休業を開始した日から引き続き配偶者同行休業をしようとする期間が三年を超えない範囲内において、延長をしようとする期間の末日を明らかにして、最高裁判所に対し、配偶者同行休業の期間の延長を請求することができる。

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 配偶者同行休業の期間の延長は、最高裁判所規則で定める特別の事情がある場合を除き、一回に限るものとする。

- (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 前条第一項の規定は、配偶者同行休業の期間の延長の承認について準用する。

- (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.

(配偶者同行休業の効果)

(Effect of Leave of Absence to Accompany Spouses)

- 第五条 配偶者同行休業をしている裁判官は、裁判官としての身分を保有するが、その配偶者同行休業の期間中報酬その他の給与を受けない。

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.

(配偶者同行休業の承認の失効等)

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

第六条 配偶者同行休業の承認は、次に掲げる場合には、その効力を失う。

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

一 当該配偶者同行休業をしている裁判官が裁判官弾劾法（昭和二十二年法律第百三十七号）第三十九条の規定により職務を停止された場合

(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

二 当該配偶者同行休業に係る配偶者が死亡し、又は当該配偶者同行休業をしている裁判官の配偶者でなくなった場合

(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 最高裁判所は、次に掲げる場合には、配偶者同行休業の承認を取り消すものとする。

(2) The Supreme Court is to revoke approval of leave of absence to accompany spouses in the following cases:

一 当該配偶者同行休業をしている裁判官から配偶者同行休業の承認の取消しの申出があった場合

(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;

二 当該配偶者同行休業をしている裁判官が当該配偶者同行休業に係る配偶者と生活を共にしなくなった場合

(ii) if the judge who is taking a leave of absence to accompany their spouse ceases to live together with their spouse; and

三 その他最高裁判所規則で定める場合

(iii) other cases specified by the Rules of the Supreme Court.

（配偶者同行休業をした裁判官についての国家公務員退職手当法の特例）

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

第七条 国家公務員退職手当法（昭和二十八年法律第百八十二号）第六条の四第一項及び第七条第四項（最高裁判所裁判官退職手当特例法（昭和四十一年法律第五十二号）第三条第二項において準用する場合を含む。次項において同じ。）の規定の適用については、配偶者同行休業をした期間は、国家公務員退職手当法第六条の四第一項に規定する現実に職務をとることを要しない期間に該当するものとする。

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 配偶者同行休業をした期間についての国家公務員退職手当法第七条第四項の規定の適用については、同項中「その月数の二分の一に相当する月数（国家公務員法第百八条の六第一項ただし書若しくは行政執行法人の労働関係に関する法律（昭和二十三年法律第二百五十七号）第七条第一項ただし書に規定する事由又はこれらに準ずる事由により現実に職務をとることを要しなかつた期間については、その月数）」とあるのは、「その月数」とする。

- (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".

（最高裁判所規則）

(Rules of the Supreme Court)

第八条 この法律の実施に関し必要な事項は、最高裁判所規則で定める。

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

附 則 〔抄〕

Supplementary Provisions [Extract]

（施行期日）

(Effective Date)

- 1 この法律は、公布の日から起算して三月を超えない範囲内において政令で定める日から施行する。

- (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.

附 則 〔平成二十六年六月十三日法律第六十七号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、独立行政法人通則法の一部を改正する法律（平成二十六年法律第六十六号。以下「通則法改正法」という。）の施行の日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 附則第十四条第二項、第十八条及び第三十条の規定 公布の日

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