

行政不服審査法施行規則

Regulations for Enforcement of the Administrative Complaint Review Act

(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。

The Regulations for Enforcement of the Administrative Complaint Review Act is hereby enacted 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 as applied mutatis mutandis pursuant to Article 18, Article 19, paragraph (1), and Article 22 of that Order), the provisions of Article 12, paragraph (2), item (iii), and Article 14, paragraph (1) (including as applied mutatis mutandis pursuant to Article 19, paragraph (1) and Article 23 of that Order), and Article 16 of that Order (including as applied mutatis mutandis pursuant to Article 19, paragraph (1) of that Order).

(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)

(Oral Opinion Statement Through Communication by Transmission of Images and Sound)

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つては審査請求人及び参加人、再調査の請求にあつ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つて審理員（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）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 conducting proceedings on the date of an oral opinion statement by the means prescribed in Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (referred to as "the Order" below) (including as applied mutatis mutandis pursuant to Article 18 and Article 19,

paragraph (1) of the Order following the deemed replacement of terms), the proceedings are to be conducted by hearing the opinions of the persons concerned with proceedings (when the administrative agency, etc. reaching the disposition is the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014; referred to as "the Act" below), the requestor for review and the intervenors, and for a request for re-investigation, the requestor for re-investigation and the intervenors; the same applies below in this Article) and by designating a place where necessary equipment for the proceedings has been installed and a place that the review officer (the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Act, the administrative agency reaching the disposition in the case of a request for re-investigation, or the re-examining agency when the re-examining agency is any of the agencies stated in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act) finds appropriate for each person 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 prescribed in Article 14, paragraph (1) of the Order (including as applied mutatis mutandis pursuant to Article 19, paragraph (1) of the Order following the deemed replacement of terms) is to be either of the following methods:

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 using postal stamps or vouchers similar to them 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 under the provisions of Article 38, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to

Article 66, paragraph (1) of the Act following the deemed replacement of terms) 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 that paragraph, the method of making a payment using the payment information obtained through that 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 as prescribed in Article 16 of the Order (including as applied mutatis mutandis pursuant to Article 19, paragraph (1) of the Order following the deemed replacement of terms) are as follows (including electronic or magnetic records and excluding those falling under case records):

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 referred to in Article 13, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms; 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 relevant persons;

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) a permission referred to in Article 13, paragraph (1) of the Act or other notices which the review officer has given to the person concerned with proceedings or other relevant persons; 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続についての準用)

(Application, Mutatis Mutandis of Procedures for Investigation and Deliberation by 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 the provisions of Article 75, paragraph (1) of the Act, and the provisions of Article 3 apply mutatis mutandis to the delivery under the provisions of Article 78, paragraph (1) of the Act. In such a case, the terms stated in the middle column of the following Appended Table provided in the provisions stated in the left-hand column of that Table are deemed to be replaced with the terms stated in the right-hand column of that Table.

第一条 Article 1	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 (referred to as "the Order" below) (including as applied mutatis mutandis pursuant to Article 18 and Article 19, paragraph (1) of the Order following the deemed replacement of terms)	第二十二條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 (referred to as "the Order" below) as applied mutatis mutandis pursuant to Article 22 following the deemed replacement of terms
	審理を conducting proceedings	調査審議を conducting investigations and deliberations

<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. is the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Act, the requestor for review and the intervenors, and in the case of a request for re-investigation, the requestor for re-investigation and the intervenors; the same applies below 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>for the proceedings</p>	<p>調査審議に</p> <p>for the investigations and deliberations</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>the review officer (the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Act , the administrative agency reaching the disposition in the case of a request for re-investigation, or the re-examining agency when the re-examining agency is any of the agencies stated in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis pursuant to 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 person concerned with proceedings</p>	<p>審査関係人ごとに</p> <p>each person 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 as applied mutatis mutandis pursuant to Article 19, paragraph (1) of the Order following the deemed replacement of terms)</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 pursuant to Article 23 of the Order following the deemed replacement of terms</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 on the day the Act comes into effect (April 1, 2016).