

弁護士となる資格に係る認定の手續等に関する規則 Regulations on Procedures for Certification of Qualifications to Become an Attorney

(平成十六年三月八日法務省令第十三号)
(Ministry of Justice Order No. 13 of March 8, 2004)

弁護士法（昭和二十四年法律第二百五号）第五条の二第一項、第五条の三第一項及び第二項、第五条の四第二項並びに第五条の七の規定に基づき、弁護士となる資格に係る認定の手續等に関する規則を次のように定める。

Pursuant to the provisions of Article 5-2, paragraph (1), Article 5-3, paragraphs (1) and (2), Article 5-4, paragraph (2), and Article 5-7 of the Attorneys Act (Act No. 205 of 1949), the Regulations on Procedures for Certification of Qualifications to Become an Attorney are established as follows.

(研修を実施する法人)

(Corporation Implementing the Training Course)

第一条 弁護士法（以下「法」という。）第五条の法務省令で定める法人は、日本弁護士連合会とする。

Article 1 The corporation specified by Ministry of Justice Order as referred to in Article 5 of the Attorneys Act (referred to as "the Act" below) is the Japan Federation of Bar Associations.

(研修の指定)

(Designation of Training Courses)

第二条 法第五条の規定による研修の指定は、前条に規定する法人の申請により行う。

Article 2 (1) The designation of training courses under the provisions of Article 5 of the Act is made upon application by a corporation prescribed in the preceding Article.

2 前項の申請を行おうとする者は、法第五条の四第一項に規定する基準に適合する研修の日程及び内容その他研修の実施に関する計画を記載した書類を添えて、申請書を法務大臣に提出しなければならない。

(2) A person who intends to file the application referred to in the preceding paragraph must submit a written application to the Minister of Justice by attaching a document stating the time schedule and content of the training course which satisfy the standards prescribed in Article 5-4, paragraph (1) of the Act, and other plans for conducting the training course.

(裁判手續に類する手續等)

(Procedures Similar to Court Proceedings)

第三条 法第五条第二号イ（２）の法務省令で定める手続は、次の各号に掲げる手続とする。

Article 3 (1) The procedures specified by Ministry of Justice Order as referred to in Article 5, item (ii), sub-item (a), 2. of the Act are the procedures stated in the following items:

一 海難審判法（昭和二十二年法律第百三十五号）に定める海難審判所の審判の手続
(i) proceedings of inquiries by the Japan Marine Accident Tribunal provided for in the Act on Marine Accident Inquiries (Act No. 135 of 1947);

二 労働組合法（昭和二十四年法律第百七十四号）に定める中央労働委員会又は都道府県労働委員会の審問の手続

(ii) procedures of hearings by the Central Labour Relations Commission or Prefectural Labour Relations Commission provided for in the Labor Union Act (Act No. 174 of 1949);

三 土地収用法（昭和二十六年法律第二百十九号）に定める収用委員会の裁決手続
(iii) determination proceedings of the expropriation committee provided for in the Expropriation of Land Act (Act No. 219 of 1951);

四 公害紛争処理法（昭和四十五年法律第百八号）に定める公害等調整委員会の裁定委員会の裁定の手続

(iv) adjudication proceedings of the adjudication committee of the Environmental Dispute Coordination Commission provided for in the Act on the Settlement of Environmental Pollution Disputes (Act No. 108 of 1970);

五 行政庁の処分（行政手続法（平成五年法律第八十八号）第二条第一項の「処分」をいう。）その他公権力の行使に対する審査請求、再調査の請求及び再審査請求その他の不服の申立てに対する行政庁の手続（不服の申立てを受けた行政庁から付議され又は諮問された審議会等における審議等の手続を含む。）

(v) dispositions rendered by administrative agencies (meaning dispositions referred to in Article 2, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993)), procedures of administrative agencies against appeals filed, such as requests for review, requests for re-investigation, and requests for re-examination, against the exercise of public authority (including procedures for deliberations, etc. in councils or other meetings submitted or referred to by administrative agencies that have received appeals);

六 外国における裁判手続又は前各号に掲げる手続に相当する手続

(vi) court proceedings in foreign countries or proceedings equivalent to those stated in the preceding items; and

七 仲裁手続

(vii) arbitration procedures.

2 法第五条第二号ロ（３）の法務省令で定める手続は、次の各号に掲げる手続とする。

(2) The procedures specified by Ministry of Justice Order as referred to in Article 5, item (ii), sub-item (b), 3. of the Act are as follows:

一 地方自治法（昭和二十二年法律第六十七号）に定める国地方係争処理委員会又は

自治紛争処理委員の審査の手続

(i) procedures for examination by the Central and Local Government Dispute Management Council provided for in the Local Autonomy Act (Act No. 67 of 1947) or Commissioner for Local Dispute Management;

二 地方自治法に定める選挙管理委員会の署名簿の署名に関する異議又は審査の手続

(ii) procedures for objections or examinations concerning signatures in the signature book by election administration commissions provided for in the Local Autonomy Act;

三 公職選挙法（昭和二十五年法律第百号）に定める選挙管理委員会の選挙の効力に関する異議又は審査の手続

(iii) procedures for objection or examination concerning validity of elections by election administration commissions provided for in the Public Offices Election Act (Act No. 100 of 1950);

四 破壊活動防止法（昭和二十七年法律第二百四十号）に定める公安審査委員会の破壊的団体の規制の手続

(iv) procedures for controlling subversive organizations by the Public Security Examination Commission provided for in the Subversive Activities Prevention Act (Act No. 240 of 1952);

五 無差別大量殺人行為を行った団体の規制に関する法律（平成十一年法律第四百四十七号）に定める公安審査委員会の規制措置の手続

(v) procedures for regulatory measures by the Public Security Examination Commission provided for in the Act on the Control of Organizations Which Committed Indiscriminate Mass Murder (Act No. 147 of 1999); and

六 前項第一号から第五号まで及び第七号の手続

(vi) procedures referred to in items (i) through (v) and item (vii) of the preceding paragraph.

3 法第五条第二号ロ（3）の法務省令で定める者は、次の各号に掲げる手続における、次の各号に掲げる者をいう。

(3) The person specified by Ministry of Justice Order as referred to in Article 5, item (ii), sub-item (b), 3. of the Act is a person stated in the following items for the procedures stated in each of those items:

一 前項第一号の手続 国地方係争処理委員会の委員又は自治紛争処理委員

(i) procedures referred to in item (i) of the preceding paragraph: the members of the Central and Local Government Dispute Management Council or Commissioners for Local Dispute Management;

二 前項第二号及び第三号の手続 選挙管理委員会の委員

(ii) procedures referred to in items (ii) and (iii) of the preceding paragraph: the members of the election administration commissions;

三 前項第四号及び第五号の手続 公安審査委員会の委員長又は委員

(iii) procedures referred to in items (iv) and (v) of the preceding paragraph: the chairperson or members of the Public Security Examination Commission;

四 第一項第一号の手續 海難審判所の審判官

(iv) procedures referred to in paragraph (1), item (i): the judges of the Japan Marine Accident Tribunal;

五 第一項第二号の手續 中央労働委員会又は都道府県労働委員会の委員

(v) procedures referred to in paragraph (1), item (ii): the members of the Central Labour Relations Commission or the Prefectural Labour Relations Commission;

六 第一項第三号の手續 収用委員会の委員

(vi) procedures referred to in paragraph (1), item (iii): the members of the expropriation committee ;

七 第一項第四号の手續 裁定委員会の裁定委員

(vii) procedures referred to in paragraph (1), item (iv): the adjudication committee members;

八 第一項第五号の手續 審査請求、再調査の請求及び再審査請求その他の不服の申立てについて、裁決及び決定その他の処分に係る事務を行う者（不服の申立てを受けた行政庁から付議され又は諮問された審議会等の委員長及び委員を含む。）

(viii) procedures referred to in paragraph (1), item (v): a person who conducts affairs relating to administrative determinations, decisions or other dispositions concerning requests for review, requests for re-investigation, and requests for re-examination or other appeals filed (including the chairperson and members of the council, etc. submitted or consulted on by the administrative agency that has received the appeal); and

九 第一項第七号の手續 仲裁人

(ix) procedures referred to in paragraph (1), item (vii): the arbitrator.

(認定申請書の記載事項等)

(Matters to Be Stated in Written Applications for Certification)

第四条 法第五条の二第一項の法務省令で定める事項は、次に掲げる事項とする。

Article 4 (1) The matters specified by Ministry of Justice Order as referred to in Article 5-2, paragraph (1) of the Act are as follows:

一 氏名、性別、生年月日、本籍（外国人にあつては、国籍）及び住所

(i) the person's name, sex, date of birth, registered domicile (for a foreign national, nationality), and address;

二 司法修習生となる資格を取得した年月日又は検察庁法（和二十二年法律第六十一号）第十八条第三項の考試を経た年月日

(ii) the date on which the person acquired the qualification to become a legal apprentice, or the date the person passed the examination referred to in Article 18, paragraph (3) of the Public Prosecutor's Office Act (Act No. 61 of 1947);

三 法第五条第一号若しくは第三号の職に在った期間又は同条第二号の職務に従事した期間及び同号の職務の内容。ただし、弁護士法の一部を改正する法律（平成十六

年法律第九号。以下「弁護士法一部改正法」という。) 附則第三条第二項の規定により法第五条から第五条の六までの規定の例によるものとして申請する場合には平成二十年三月三十一日までに弁護士法一部改正法による改正前の弁護士法第六条第一項第二号に規定する職に在った期間、弁護士法一部改正法附則第三条第三項の規定の適用を受けるものとして申請する場合には平成十六年四月一日前に同法による改正前の弁護士法第六条第一項第二号に規定する職に在った期間及び同日から平成二十年三月三十一日までの間にこれに相当する職に在った期間

(iii) the period the person was employed in the position referred to in Article 5, item (i) or (iii) of the Act or was engaged in the duties referred to in item (ii) of that Article, and the content of the duties referred to in that item; provided, however, that when an application for certification is filed in accordance with the provisions of Articles 5 through 5-6 of the Act pursuant to Article 3, paragraph (2) of the Supplementary Provisions of the Act Partially Amending the Attorneys Act (Act No. 9 of 2004), the period the person was employed in the position prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act before being amended by the Act Partially Amending the Attorneys Act by March 31, 2008, or when an application for certification is filed by deeming that the provisions of Article 3, paragraph (3) of the Supplementary Provisions of the Act Partially Amending the Attorneys Act apply, the period the person was employed in the position prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act before being amended by that Act before April 1, 2004 and the period the person was employed in a position equivalent to that position during the period from that date to March 31, 2008.

2 法第五条の二第一項の認定申請書(以下「認定申請書」という。)の様式は、別記様式によるものとする。

(2) The format of the written application for certification referred to in Article 5-2, paragraph (1) of the Act (referred to as "written application for certification" below) is to follow that of the Appended Form.

(認定申請書の添付書類)

(Documents to be Attached to Written Applications for Certification)

第五条 法第五条の二第二項の法務省令で定める書類は、次に掲げる書類とする。

Article 5 The documents specified by Ministry of Justice Order as referred to in Article 5-2, paragraph (2) of the Act are the following documents:

一 司法修習生となる資格を取得したことを証する書類又は検察庁法第十八条第三項の考試を経たことを証する書類

(i) a document certifying that the person has acquired the qualification to become a legal apprentice, or a document certifying that they have passed the examination referred to in Article 18, paragraph (3) of the Public Prosecutor's Office Act;

二 履歴書

(ii) a resume;

三 戸籍抄本若しくは戸籍記載事項証明書又は本籍の記載された住民票の写し（外国人にあっては、旅券、在留カード、特別永住者証明書その他の身分を証する書類の写し）

(iii) a copy of the abstract of the person's family register or a certificate of matters entered in the family register, or the resident record that states their registered domicile (for a foreign national, a copy of their passport, residence card, special permanent resident certificate, or other documents certifying their identity);

四 法第五条第一号若しくは第三号の職に在った期間又は同条第二号の職務に従事した期間及び同号の職務の内容を証する書類。ただし、弁護士法一部改正法附則第三条第二項の規定により法第五条から第五条の六までの規定の例によるものとして申請する場合には平成二十年三月三十一日までに弁護士法一部改正法による改正前の弁護士法第六条第一項第二号に規定する職に在った期間を証する書類、弁護士法一部改正法附則第三条第三項の規定の適用を受けるものとして申請する場合には平成十六年四月一日前に同法による改正前の弁護士法第六条第一項第二号に規定する職に在った期間及び同日から平成二十年三月三十一日までの間にこれに相当する職に在った期間を証する書類

(iv) a document certifying the period the person was employed in the position referred to in Article 5, items (i) or (iii) of the Act or was engaged in the duties referred to in item (ii) of that Article and the content of the duties referred to in that item; provided, however, that when an application for certification is filed in accordance with the provisions of Article 5 through Article 5-6 of the Act pursuant to Article 3, paragraph (2) of the Supplementary Provisions of the Act Partially Amending the Attorneys Act, a document certifying the period the person was employed in the position prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act before being amended by the Act Partially Amending the Attorneys Act by March 31, 2008, or when an application for certification is filed by deeming that the provisions of Article 3, paragraph (3) of the Supplementary Provisions of the Act Partially Amending the Attorneys Act apply, a document certifying the period the person was employed in the position prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act before being amended by that Act before April 1, 2004 and the period the person was employed in a position equivalent to that position during the period from that date to March 31, 2008; and

五 その他参考となるべき書類

(v) other documents that should serve as reference.

(手数料の納付方法)

(Payment Method of Fees)

第六条 法第五条の二第三項の手数料は、認定申請書に手数料の額に相当する額の収入印紙を貼って納めなければならない。

Article 6 The fee referred to in Article 5-2, paragraph (3) of the Act must be paid by affixing a revenue stamp in an amount equivalent to the amount of the fee to a written application for certification.

(研修の履修の状況についての報告の方法)

(Reporting Method of the Participation Situation of Training Courses)

第七条 法第五条の三第二項の規定による報告は、次に掲げる事項を記載した書面で行なければならない。

Article 7 The report under the provisions of Article 5-3, paragraph (2) of the Act must be made by a document stating the following matters:

一 法第五条の研修（以下「研修」という。）を受けた申請者（以下この条において「申請者」という。）の氏名及び生年月日

(i) the name and date of birth of the applicant (referred to as "applicant" below in this Article) who has taken the training course referred to in Article 5 of the Act (referred to as "training course" below);

二 申請者が受けた研修の日程及び内容

(ii) time schedule and content of the training course the applicant has taken;

三 申請者の研修における出席状況及び受講態度

(iii) the applicant's attendance and attitude toward the training;

四 申請者が研修の課程を修了したと法務大臣が認めてよいかどうかについての意見

(iv) opinion on whether or not the Minister of Justice may certify that the applicant has completed the training course; and

五 その他参考となる事項

(v) other matters that serve as reference.

(認定を受けた者の公告)

(Public Notice of Certified Persons)

第八条 法務大臣は、法第五条の認定（以下「認定」という。）をしたときは、認定を受けた者の氏名を官報で公告する。

Article 8 When the Minister of Justice makes the certification referred to in Article 5 of the Act (referred to as the "certification" below), the Minister is to give public notice of the name of the person who has been certified in an Official Gazette.

(認定の申請前の予備審査)

(Preliminary Examinations Before Applying for Certification)

第九条 認定の申請をしようとする者は、その申請の前に、認定申請書及びその添付書類に準じた書類を法務大臣に提出して、予備審査を求めることができる。

Article 9 A person who intends to apply for certification may request preliminary examination by submitting documents equivalent to a written application for certification and its attached documents to the Minister of Justice before filing an application for certification.

附 則

Supplementary Provisions

この省令は、平成十六年四月一日から施行する。

This Ministerial Order comes into effect on April 1, 2004.