

Act on the Authority of the Minister of Justice over Suits Relating to the Interests of the State

(Act No. 194 of December 17, 1947)

Article 1 The Minister of Justice represents the State in suits in which the State is a party or an intervenor.

Article 2 (1) The Minister of Justice may designate an official of the Ministry of Justice to conduct a suit referred to in the preceding Article.

(2) If the Minister of Justice finds it necessary with respect to the suit referred to in the preceding Article that relates to the affairs under the jurisdiction or supervision of an administrative authority (limited to those belonging to the State; the same applies in Articles 5, 6, and 8), after hearing the opinion of the administrative authority, the Minister may have an official of that administrative authority designated by the Minister of Justice conduct the suit. In this case, the designated official is to be subject to the direction of the Minister of Justice with respect to the suit.

(3) If the issue in the suit referred to in the preceding Article relates to the administration of an item (i) statutory entrusted function prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947; referred to below as an "item (i) statutory entrusted function"), and the Minister of Justice finds it particularly necessary, after hearing the opinion of the local public entity that administers the item (i) statutory entrusted function, the Minister may designate an official from among the officials nominated by the local public entity to conduct the suit. In this case, the designated official is to be subject to the instructions of the Minister of Justice with respect to the suit.

(4) If the issue in the suit referred to in the preceding Article relates to the affairs of an incorporated administrative agency prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999; referred to below as an "incorporated administrative agency"), and the Minister of Justice finds it particularly necessary, the Minister may, after hearing the opinion of the incorporated administrative agency, designate an official from among the officials nominated by the incorporated administrative agency to conduct the suit. In this case, the designated official is to be subject to the instructions of the Minister of Justice with respect to the suit.

Article 3 The provisions of the preceding Article do not preclude the Minister of Justice from appointing an attorney as counsel and having the attorney conduct the suit referred to in Article 1.

Article 4 In a suit involving significant interests of the State or public welfare, with the permission of the court, the Minister of Justice may state an opinion to the court or have an official of the Ministry of Justice designated by the Minister state an opinion to the court.

Article 5 (1) An administrative authority may designate one of its officials to conduct a suit in which the State is the defendant and which relates to the administrative authority's original administrative disposition (meaning the original administrative disposition prescribed in Article 3, paragraph (2) of the Administrative Case Litigation Act (Act No. 139 of 1962)) or administrative determination (meaning the administrative determination prescribed in Article 3, paragraph (3) of that Act) and that is filed pursuant to the provisions of Article 11, paragraph (1) of that Act (including cases where that paragraph applies *mutatis mutandis* pursuant to Article 38, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 43, paragraph (2)) or Article 43, paragraph (1) of that Act), or a suit in which the administrative authority is a party or an intervenor.

(2) For the purposes of applying the provisions of the preceding paragraph, an official of a higher administrative authority of the administrative authority involved in the suit referred to in that paragraph is deemed to be an official of that administrative authority.

(3) The provisions of paragraph (1) do not preclude an administrative authority from appointing an attorney as counsel and having the attorney conduct the suit referred to in paragraph (1).

Article 6 (1) With respect to the suit referred to in paragraph (1) of the preceding Article, an administrative authority is to be subject to the direction of the Minister of Justice.

(2) If the Minister of Justice finds it necessary with respect to the suit referred to in paragraph (1) of the preceding Article, the Minister may have an official of the Ministry of Justice designated by the Minister or an attorney appointed by the Minister as counsel conduct the suit, or may remove a person designated by the administrative authority pursuant to paragraph (1) or appointed by the administrative authority pursuant to paragraph (3) of the preceding Article.

Article 6-2 (1) If a suit relating to an item (i) statutory entrusted function in which a local public entity is the defendant is filed pursuant to the provisions of Article 11, paragraph (1) of the Administrative Case Litigation Act (including as applied *mutatis mutandis* pursuant to Article 38, paragraph (1) of the Act (including as applied *mutatis mutandis* pursuant to Article 43, paragraph (2) of the Act) or

Article 43, paragraph (1) of the Act), or a suit relating to an item (i) statutory entrusted function to which an administrative authority of a local public entity is a party is filed, the local public entity must immediately report that fact to the Minister of Justice.

- (2) If an administrative authority of a local public entity intends to intervene in a suit and the issue in the suit relates to the administration of an item (i) statutory entrusted function, the local public entity must report in advance to the Minister of Justice that it will intervene in the suit.
- (3) With respect to the affairs of the local public entity concerning the suits prescribed in the preceding two paragraphs in which the local public entity is a party or an administrative authority of the local public entity is a party or an intervener (including the affairs concerning the intervention referred to in the preceding paragraph), the Minister of Justice may provide advice, make recommendations, request the submission of materials, and give instructions to the local public entity; provided, however, that the Minister of Justice may give instructions only when the Minister finds it necessary in consideration of the interests of the State.
- (4) If the Minister of Justice finds it necessary, in consideration of the interests of the State, with respect to the suit referred to in the preceding paragraph, the Minister may, in consultation with the head of the local public entity referred to in that paragraph, have an official of the Ministry of Justice designated by the Minister or an attorney appointed by the Minister as counsel conduct the suit.
- (5) If the Minister of Justice finds it necessary in the case referred to in the preceding paragraph, the Minister may consult with the head of the local public entity referred to in that paragraph and each minister responsible for the item (i) statutory entrusted function administered by the local public entity (meaning the Prime Minister who is the minister who takes charge of and manages the affairs prescribed in Article 4, paragraph (3) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999), Article 4, paragraph (2) of the Act for Establishment of the Digital Agency (Act No. 36 of 2021), or Article 4, paragraph (2) of the Act for Establishment of the National Disaster Management Agency (Act No. 61 of 2026), or each minister prescribed in Article 5, paragraph (1) of the National Government Organization Act (Act No. 120 of 1948)), and have an official of the ministry of each of those ministers designated by the Minister of Justice conduct the suit. In this case, the designated person is to be subject to the direction of the Minister of Justice with respect to the suit.

Article 6-3 (1) If a suit in which an incorporated administrative agency or its administrative authority is a party has been filed, the incorporated administrative agency must immediately report this to the Minister of Justice.

- (2) If an incorporated administrative agency intends to file a suit or the

incorporated administrative agency or its administrative authority intends to intervene in a suit, the incorporated administrative agency must report in advance to the Minister of Justice that it intends to do so.

- (3) With respect to the affairs of the incorporated administrative agency concerning the suits prescribed in the preceding two paragraphs in which the incorporated administrative agency or its administrative authority is a party or an intervener (including the affairs concerning the filing of the suit referred to in the preceding paragraph and intervention in that suit), the Minister of Justice may give instructions to the incorporated administrative agency if the Minister finds it necessary in consideration of the interests of the State.
- (4) If the Minister of Justice finds it necessary, in consideration of the interests of the State, with respect to the suit referred to in the preceding paragraph, the Minister may, in consultation with the head of the incorporated administrative agency referred to in that paragraph, have an official of the Ministry of Justice designated by the Minister or an attorney appointed by the Minister as counsel conduct the suit.
- (5) If the Minister of Justice finds it necessary in the case referred to in the preceding paragraph, after hearing the opinion of the minister who has jurisdiction over the incorporated administrative agency referred to in that paragraph, the Minister may have an official of that minister's ministry designated by the Minister of Justice conduct the suit. In this case, the designated official is to be subject to the direction of the Minister of Justice with respect to the suit.

Article 7 (1) With respect to a suit relating to the affairs of a local public entity, an incorporated administrative agency, or any other public corporation specified by Cabinet Order, such entity may request the Minister of Justice to have an official of the Ministry of Justice designated by the Minister conduct the suit.

- (2) If a local public entity makes the request referred to in the preceding paragraph with respect to a suit relating to its affairs, it must also notify the Minister for Internal Affairs and Communications of that fact.
- (3) If the request referred to in paragraph (1) has been made and the Minister of Justice finds it necessary in consideration of the interests of the State, the Minister may have an official of the Ministry of Justice designated by the Minister conduct the suit. In this case, with respect to a suit relating to the affairs of a local public entity, the Minister of Justice is to seek an opinion from the Minister for Internal Affairs and Communications.
- (4) The provisions of the preceding paragraph do not preclude a local public entity, an incorporated administrative agency, or any other public corporation from appointing an attorney as its counsel and having the attorney conduct the suit referred to in paragraph (1).

Article 8 Persons designated by the Minister of Justice or an administrative authority pursuant to the provisions of Article 2, Article 5, paragraph (1), Article 6, paragraph (2), Article 6-2, paragraph (4) or (5), Article 6-3, paragraph (4) or (5), or paragraph (3) of the preceding Article have the authority to perform any and all acts in court with respect to the relevant suit, except for the appointment of a counsel; provided, however, that the provisions of Article 55, paragraph (2) (excluding item (v)) of the Code of Civil Procedure (Act No. 109 of 1996) apply *mutatis mutandis* to persons designated by the Minister of Justice pursuant to the provisions of paragraph (3) of the preceding Article with respect to a suit relating to the affairs of a local public entity.

Article 9 The provisions of the preceding Articles apply *mutatis mutandis* to a conciliation case and other non-contentious cases. In this case, the phrase "intervene in a suit" in Article 6-2, paragraph (2) is deemed to be replaced with "file a petition in a case", and the phrase "issue in the suit" with "case relating to the petition".

Article 10 Among the affairs that a local public entity is to administer pursuant to the provisions of this Act, those concerning the officials prescribed in Article 2, paragraph (3) (including as applied *mutatis mutandis* pursuant to the preceding Article) and those administered pursuant to Article 6-2, paragraphs (1) and (2) (including as applied *mutatis mutandis* pursuant to the preceding Article) are item (i) statutory entrusted functions.

Supplementary Provisions [Extract]

(1) This Act comes into effect on the date on which the Act for Establishment of the Attorney-General's Office comes into effect.