

NO.1036

行政不服審査法

ADMINISTRATIVE  
APPEAL LAW

(Law No. 160, Sep. 15, 1962)

1997

EHS LAW BULLETIN SERIES

EHS Vol.I

AU

ADMINISTRATIVE COMPLAINT INVESTIGATION LAW

(Law No. 160, Sept. 15, 1962)

CONTENTS

CHAPTER I	GENERAL PROVISIONS	(Articles 1 --8 )
CHAPTER II	PROCEDURE	
Section 1	General Rules	(Articles 9 --13)
Section 2	Investigation Demand on Disposition	(Articles 14--44)
Section 3	Motion for Objection on Disposition	(Articles 45--46)
Section 4	Motion for Complaint on Forbearance	(Articles 49--52)
Section 5	Re-investigation Demand	(Articles 53--56)
CHAPTER III	ADDITIONAL PROVISIONS	(Articles 57, 58)
SUPPLEMENTARY PROVISIONS		

CHAPTER I GENERAL PROVISIONS

(Purport of this Law)

Article 1. With respect to an illegal or unwarrantable disposition of administrative agencies and such actions as falling under the exercise of public power, the purpose of this Law is to provide relief of rights and interest of people through a simple and prompt procedure by publicly opening the way of motion for complaint against administrative agencies to people and, at the same time, to secure proper operation of the administration.

2. A motion for complaint relating to a disposition administrative agencies and such actions as falling under the exercise of public power shall, in addition to excepting such cases as specifically provided for by other laws, be governed by this Law.

(Definition)

Article 2. A "disposition" in this Law shall, in addition to excepting such cases as specifically prescribed in each Article, including such factual acts as falling under the exercise of public power, which mean intern of person, retention of things or any other act of continuous nature in its substance (hereinafter referred to as "real acts").

2. "Forbearance" in this Law shall mean that despite administrative agencies have to take some disposition and to do such actions as falling under the exercise of public power within a considerable period of time to an application based on laws or orders, they shall not do so.

(Kind of motion for complaint)

Article 3. A motion for complaint under this Law shall be made by an investigation demand or a motion for objection in the case of appeal to a disposition or forbearance of administrative agencies and by a re-investigation demand in the case of further appeal to the decision on an investigation demand.

2. An investigation demand shall be made to an administrative agency other than the administrative agency that has rendered the disposition (hereinafter referred to as "disposed agency") or the administrative agency under forbearance (hereinafter referred to as "forbearance agency"), and a motion for objection shall be made to the disposed agency or the forbearance agency.

(General principle relating to motion for complaint on disposition)

Article 4. Any person aggrieved by a disposition (excluding a disposition under this Law) of administrative agencies may make an investigation demand or a motion for objection in accordance with the following Article and Article 6: Provided, That this

shall not apply to such disposition as mentioned in the following each item and to the disposition against which there is a provision in other laws that an investigation demand or a motion for objection shall not be allowed.

- (1) A disposition to be made by the resolution of both Houses or a House of the Diet or of an assembly;
- (2) A disposition to be made under the decision of the court or a judge or as the execution of the decision;
- (3) A disposition to be considered as to be made upon resorting to the resolution of both Houses or a House of the Diet or an assembly or upon obtaining the consent or approval therefrom;
- (4) A disposition to be considered as to be decided at the Council of Auditors;
- (5) A disposition to affirm or form a legal relation between parties, which prescribes to make the other party to the parties of the legal relation as a defendant in a suit relating to said disposition in accordance with the provisions of laws or orders;
- (6) A disposition to be taken by a public procurator, a secretary of the Public Procurator's Office or a judicial police official in accordance with laws or orders relating to criminal cases;
- (7) A disposition to be taken by the Director-General of the Tax Administration Agency, the Director of the Tax Administration Bureau, the superintendent of a revenue office, a revenue officer, the superintendent of the customs, a custom-house officer or a tax collector (in-

cluding those who conduct a duty of these officials pursuant to the provisions of other laws or orders) in accordance with laws or orders (including such cases as applied mutatis mutandis in other laws or orders) relating to violative cases of national tax or local tax;

- (8) A disposition to be made to students, pupils, children or infants or their guardians or trainees in order to attain the purpose of education, training or study in a school or various training institutes;
- (9) A disposition to be made to internees for the sake of attaining the purpose of intern in a prison, juvenile prison, detention house, reformatory, juvenile classification office or women guidance office;
- (10) A disposition relating to entrance and departure or naturalization of foreigners;
- (11) A disposition for the result of examination or certification relating to knowledge and skill of persons chiefly.

2. The provision of the proviso to the preceding paragraph shall not preclude from providing for a system under which a motion for complaint is made according to the nature of said disposition by a separate law or order with regard to the disposition, an investigation demand or a motion for objection against which shall not be allowed in accordance with the provision of the proviso to said paragraph.

(Investigation demand on disposition)  
Article 5. An investigation demand on disposition of administrative agencies may be made in the following cases:

- (1) In case there is the superior administrative agency in the disposed agency: Provided, That it is excluded in case where the disposed agency has the minister in charge or the head of an external organ or of the agency to be attached thereto;
- (2) In case there is a provision in a law (including an ordinance with respect to a disposition taken under an ordinance) to the effect that an investigation demand may be made in such case as not falling under the preceding item.

2. The investigation demand under the preceding paragraph shall be made to the immediately superior administrative agency in the case of item (1) of said paragraph in addition to excepting such cases as specifically provided for in a law (including an ordinance with regard to a disposition taken under an ordinance) and to such an administrative agency as prescribed by said law or ordinance in the case of item (1) of said paragraph.

(Motion for objection on disposition)  
Article 6. A motion for objection on disposition of administrative agencies may be made in the following cases: Provided, That in case an investigation demand with respect to said disposition may be made in the case of item (1) or item (2), it shall, in addition to excepting such cases as specifically provided for in a law, not be made.

- (1) In case there is no superior administrative agency in the disposed agency;
- (2) In case the disposed agency has the minister in charge or the head of an external organ or of the agency to be attached thereto;

- (3) In case there is a provision in a law to the effect that a motion for objection may be made in such case as not falling under the preceding two items.

(Motion for complaint on forbearance)

Article 7. Concerning forbearance of administrative agencies, the person who has applied for a disposition under said forbearance or any other act may either make a motion for objection or an investigation demand to the immediately superior administrative agency: Provided, That in case the forbearance agency has the minister in charge or the head of an external organ or of the agency to be attached thereto, the only motion for objection may be made.

(Re-investigation demand)

Article 8. In the following cases any person aggrieved by a decision of an investigation demand on disposition may make a re-investigation demand:

- (1) In case there is a provision in a law (including an ordinance with respect to a disposition taken under an ordinance) to the effect that a re-investigation demand may be made;
- (2) In case with regard to a disposition, an investigation demand against which may be made, the administrative agency having a power to do such disposition (hereinafter referred to as "original competent agency") has entrusted such power to the other agency, and the original competent agency has rendered a decision as investigation agency in regard to an investigation demand relating to the disposition made pursuant to the entrustment by the administrative agency so entrusted.

2. A re-investigation demand shall be made to such administrative agency as provided for by said law or ordinance in the case of item (1) of the preceding paragraph and to the investigation agency as for an investigation demand relating to such disposition in the event that it was considered that said original competent agency has done said disposition for itself in the case of item (2) of said paragraph.

3. In the event that with respect to a disposition, a re-investigation demand against which may be made, the original competent agency has entrusted the power to the other agency, any person aggrieved by a decision rendered by an investigation agency as a re-investigation agency for an investigation demand relating to such disposition in the event that it was considered that the original competent agency had taken said disposition for itself, may further make a re-investigation demand in regard to a re-investigation demand relating to a disposition done pursuant to the entrustment by the administrative agency so entrusted. In this case such demand shall be made to a re-investigation agency for a re-investigation demand relating to such disposition in the event that it was considered that said original competent agency had given said disposition for itself.

## CHAPTER II PROCEDURE

### Section 1 General Rules

(For of motion for complaint)

Article 9. A motion for complaint under this Law shall, except for such cases where there is a provision in other laws (including ordinances as to a disposition taken under an ordinance) to the effect that it may be made orally, be submitted in writing.

2. Excepting cases of a motion for objection a written motion for complaint shall be submitted in duplicate.

(Motion for complaint of Shadan or Zaidan not being juridical person)  
Article 10. A Shadan or Zaidan not being a juridical person but providing for a representative or an administrator may make a motion for complaint by his name.

(Representatives)  
Article 11. In case several persons are jointly intending to make a motion for complaint, they may mutually choose a number of representatives not exceeding three.

2. In case if joint complainants do not mutually choose representatives, an investigation agency (the disposed agency or the forbearance agency in the case of a motion for objection, or a re-investigation agency in the case of a re-investigation demand) deems necessary, it may order to mutually choose representatives.

3. Each of representatives may, except for a withdrawal of a motion for complaint, do all acts relating to said motion for complaint for other joint complainants.

4. In case representatives have been chosen, joint complainants may do the acts under the preceding paragraph only through the representatives.

5. It shall suffice to say that a notification or any other action of administrative agencies to joint complainants is made to one of the representatives even when more than two representatives are chosen.

6. Joint complainants may, in case they deem necessary, relieve representatives of their post.

(Motion for complaint by attorney)  
Article 12. A motion for complaint may be made by an

attorney.

2. An attorney may individually do all acts relating to said motion for complaint for a complainant: Provided, That the withdrawal of a motion for complaint may be made only when a special entrustment has been given.

(Certification, etc. of qualification for representative)  
Article 13. The qualification of a representative or an administrator, representatives or an attorney shall be certified in writing. The same shall apply also to such a special entrustment as prescribed in the proviso to paragraph 2 of the preceding Article.

2. In case a representative or an administrator, representatives or an attorney has lost his qualification, a complainant shall file that effect in writing with an investigation agency (the disposed agency or the forbearance agency in the case of a motion for objection or a re-investigation agency in the case of a re-investigation demand).

#### Section 2 Investigation Demand on Disposition

(Period for investigation demand)  
Article 14. An investigation demand shall be made within sixty days (in case a motion for objection has been made with respect to said disposition, within thirty days starting from the following day of the day on which it became known that a ruling on said motion for objection has been rendered) reckoning from the following day of the day on which it became known that a disposition has been made: Provided, That this shall not apply in case there is a force majeure or any other inevitable reason for not submitting an investigation demand.

2. An investigation demand in the case of the proviso to the

preceding paragraph shall be made within a week computing from the following day of the day on which such reason has ceased to exist.

3. In case a year has elapsed starting from the following day of the day on which a disposition (in case a motion for objection has been made on said disposition, a ruling on said motion for objection) has been rendered, an investigation demand shall not be made: Provided, That this shall not apply in case there exist a justifiable reason.

4. With respect to the computation of the period for investigation demand in the event that a written investigation demand has been submitted by mail, a number of days required for mailing shall not be included therein.

(Matters stated in written investigation demand)

Article 15. Such matters as mentioned in the following each item shall be stated in a written investigation demand:

- (1) Name and age or trade name as well as address of a person demanding investigation;
- (2) Disposition under an investigation demand;
- (3) Date, month and year in which a disposition under an investigation demand has been rendered;
- (4) Purport and reason for an investigation demand;
- (5) Whether or not the instruction of the disposed agency is made and the contents thereof;
- (6) Date, month and year of an investigation demand.

2. In case a person demanding investigation is a juridical person or a Shadan or Zaidan, has chosen representatives or is making an investigation demand by an attorney, a name and an address of such a representative or an administrator, representatives or an attorney shall, in addition to such matters as indicated in

each item of the preceding paragraph, be stated in a written investigation demand.

3. In addition to such matters as prescribed in the preceding two paragraphs, the date, month and year in which a motion for objection has been made in case an investigation demand is made without resorting to a ruling on a motion for objection in accordance with the provision of item (2) of Article 20 and a justifiable reason for not resorting to such ruling in case an investigation demand is made without resorting to a ruling on a motion for objection in accordance with the provision of item (3) of said Article shall be stated in a written investigation demand.

4. A person demanding investigation (a representative or an administrator in case a person demanding investigation is a juridical person, a Shadan or Zaidan, or representatives in case representatives have been chosen, or an attorney in case an investigation demand is made by an attorney) shall affix his seal to a written investigation demand.

(Investigation demand made orally)

Article 16. In case an investigation demand is made orally, such matters as provided for in paragraphs 1 to 3 inclusive of the preceding Article shall be stated. In this case the administrative agency so heard shall record the substance of such statement, affirm whether or not there are errors to the stater by way of reading it and cause him to affix his seal thereto.

(Investigation demand through disposed agency)

Article 17. An investigation demand may also be made through the disposed agency. In this case a written investigation demand shall be submitted to the disposed agency, or such matters as prescribed in paragraphs 1 to 3 inclusive of Article 15 shall be

stated to the disposed agency.

2. In the case of the preceding paragraph the disposed agency shall forthwith send an exemplification of a written investigation demand or a record of investigation demand (meaning a paper in which the substance of statement has been recorded in accordance with the provision of the latter part of the preceding Article ; hereinafter the same) to an investigation agency.

3. With regard to the computation of the period for investigation demand in the case of paragraph 1, an investigation demand shall be deemed to have been made at the time when a written investigation demand was submitted to the disposed agency, or said matters were stated to the disposed agency.

(Relief in case of wrongful instruction)  
Article 18. In case if with respect to a disposition, an investigation demand against which may be made (excluding a disposition, a motion for objection against which may be made), the disposed agency has by mistake instructed an administrative agency not being the investigation agency as an investigation agency, an investigation demand has been made in writing to the administrative agency so instructed, said administrative agency shall forthwith send an exemplification and a copy of a written investigation demand to the disposed agency or an investigation agency and shall inform the person demanding investigation of that effect.

2. The disposed agency shall, in case an exemplification and a copy of a written investigation demand has been sent to the disposed agency in accordance with the provision of the preceding paragraph, immediately send the exemplification to an investigation agency and shall notify the person demanding investigation of that

effect.

3. In case if with respect to the disposition under paragraph 1 the disposed agency has by mistake instructed that a motion for objection may be made, a motion for objection has been made to said disposed agency, the disposed agency shall immediately send a written motion for objection or a record of motion for objection (meaning a paper in which the substance of statement has been recorded in accordance with the provision of the latter part of Article 16 as applied mutatis mutandis in Article 48; hereinafter the same) to an investigation agency and shall notify the movent of objection of that effect.

4. In case an exemplification of a written investigation demand or a written motion for objection or a record of motion for objection has been sent to an investigation agency in accordance with the provisions of the preceding three paragraphs, an investigation demand shall be deemed to have been made to an investigation agency from the beginning.

(Ditto)

Article 19. In case if the disposed agency has by mistake instructed a longer period than the legal period to be the period for investigation demand, an investigation demand has been made within the period so instructed, said investigation demand shall be deemed to have been made within such legal period for investigation demand.

(Motion for objection first)

Article 20. An investigation demand shall, in case a motion for objection may be made with respect to said disposition, not be made unless after a ruling on the motion for objection has been obtained: Provided, That this shall not apply in case it falls



under any one of the following items:

- (1) In case the disposed agency has not instructed that a motion for objection may be made with regard to said disposition;
- (2) In case even if three months have elapsed computing from the following day of the day on which a motion for objection has been made with respect to said disposition, the disposed agency has not rendered a ruling on said motion for objection;
- (3) In case there is any other justifiable reason without resorting to a ruling on a motion for objection.

(Revision)

Article 21. In case an investigation demand is inconsistent with a law but it can be revised, an investigation agency shall order the revision thereof by specifying a considerable period of time.

(Submission of written explanation)

Article 22. An investigation agency may, in case it has received an investigation demand, send a copy of a written investigation demand or a record of investigation demand to the disposed agency and may request it the submission of a written explanation by specifying a considerable period of time.

2. A written explanation shall be submitted in duplicate.

3. In case a written explanation has been submitted from the disposed agency, an investigation agency shall send the copy thereof to a person demanding investigation: Provided, That this shall not apply in case the whole of an investigation demand should be granted.

(Submission of written rebuttal)

Article 23. A person demanding investigation may, in case he

has received a copy of a written explanation, submit a written rebuttal thereto. In this case when an investigation agency has specified a considerable period of time in which a written rebuttal should be submitted, it shall be submitted within such period.

(Intervener)

Article 24. Any interested person may, upon obtaining permission from an investigation agency, intervene in said investigation demand as an intervener.

2. An investigation agency may, when it deems necessary, request any interested person to intervene in said investigation demand as an intervener.

(Form of proceeding)

Article 25. The proceeding of an investigation demand shall be conducted by papers: Provided, That in case a motion from a person demanding investigation or an intervener has been made, an investigation agency shall give an opportunity to the movent to orally state his opinion.

2. In the case of the proviso to the preceding paragraph a person demanding investigation or an intervener may upon obtaining permission from an investigation agency, appear with an assistant.

(Production of evidential document, etc.)

Article 26. A person demanding investigation or an intervener may produce evidential documents or things: Provided, That in case an investigation agency has set a considerable period of time in which evidential documents or things should be produced, they shall be produced within such period.

(Request for statement of witness and expert opinion)

Article 27. A investigation agency may upon motion of a person demanding investigation or an intervener or ex-officio, cause a

person to be deemed appropriate to state the fact known by him as a witness or request an expert opinion.

(Request for production of things)

Article 28. An investigation agency may upon motion of a person demanding investigation or an intervener or ex-officio, request the holder of a document or any other thing the production of such things and may retain the things produced.

(Inspection)

Article 29. An investigation agency may upon motion of a person demanding investigation or an intervener or ex-officio, conduct an inspection with respect to the necessary place.

2. An investigation agency shall, in case it intends to conduct the inspection under the preceding paragraph in conformity with a motion of a person demanding investigation or an intervener, beforehand notify the movent of the date and time and place and shall give an opportunity to attend it.

(Interrogation of person demanding investigation or intervener)

Article 30. Upon motion of a person demanding investigation or an intervener or ex-officio, an investigation agency may interrogate the person demanding investigation or the intervener.

(Proceeding by official)

Article 31. An investigation agency may, in case it deems necessary, cause its official to hear the statement of opinion of a person demanding investigation or an intervener under the provision of the proviso to paragraph 1 of Article 25, to hear the statement of a witness under the provision of Article 27, to conduct the inspection under the provision of Article 29 paragraph 1 or to undertake an interrogation of a person demanding investigation or an intervener under the provision of the preceding Article.

(Relation with inquiring power under other laws or orders)

Article 32. The provisions under the preceding five Articles

shall not preclude an administrative agency being an investigation agency from exercising the inquiring power vested under laws or orders.

(Perusal and production of thing from disposed agency)

Article 33. The disposed agency may produce the document certifying the fact considered to be the reason for said disposition or any other thing to an investigation agency.

2. A person demanding investigation or an intervener may ask for the perusal of the document or any other thing produced by the disposed agency to an investigation agency. In this case the investigation agency shall not refuse the perusal unless it deems that the interest of a third person is threatened to be injured or there exists any other justifiable reason.

3. The investigation agency may designate the date and time and place with respect to the perusal under the provision of the preceding paragraph.

(Suspension of execution)

Article 34. An investigation demand shall not preclude the effect of disposition, the execution of disposition or the continuance of proceeding.

2. An investigation agency being the superior administrative agency of the disposed agency may, in case it deems necessary, take the suspension of the whole or a part of the effect of disposition, the execution of disposition or the continuance of proceeding or any other measure (hereinafter referred to as "suspension of execution") upon motion of a person demanding investigation or ex-officio.

3. In case any other investigation agency than the superior administrative agency of the disposed agency deems necessary, it

may, upon hearing the opinion of the disposed agency, take the suspension of execution pursuant to a motion of a person demanding investigation: Provided, That no other measure than the suspension of the whole or a part of the effect of disposition, the execution of disposition or the continuance of proceeding shall be taken.

4. In case if a motion of a person demanding investigation has been made under the provision of the proceeding two paragraphs, an investigation agency deems urgently necessary in order to avoid irreparable damages to be created by the disposition, the execution of disposition or the continuance of proceeding, it shall take the suspension of execution: Provided, That this shall not apply in case there is a danger of having a serious influence upon public welfare, of being unable to do the execution of disposition or the continuance of proceeding, or there seems no reason with respect to the merits.

5. In the case of the preceding three paragraphs, the suspension of the effect of disposition shall, in case any other measure than the suspension of the effect of disposition may achieve the purpose, not be taken.

6. In case a motion for the suspension of execution has been made, an investigation agency shall immediately render a ruling on whether or not the suspension of execution is taken.

(Cancellation of suspension of execution)

Article 35. In case after the suspension of execution has been taken, it became apparent that the suspension of execution affects seriously upon public welfare or makes the execution of disposition or the continuance of proceeding impossible or the condition has changed, an investigation agency may cancel the

sion of execution.

(Consolidation or separation of proceeding)

Article 36. An investigation agency may, in case it deems necessary, consolidate several investigation demands or separate several investigation demands that have been consolidated.

(Succession of proceeding)

Article 37. In case a person demanding investigation died, a successor or any person who has succeeded the right relating to a disposition as the object of an investigation demand in accordance with laws or orders shall succeed the position of the person demanding investigation.

2. In case a merger has been consummated as to a person demanding investigation, a juridical person or any other Shadan or Zaidan continuously existing after the merger or a juridical person or any other Shadan or Zaidan established by the merger shall succeed the position of a person demanding investigation.

3. In the case of the preceding two paragraphs a successor or any other Shadan or Zaidan that has succeeded the position of a person demanding investigation shall file that effect with an investigation agency in writing. In this case the filing report shall accompany the paper certifying the succession of right by death or the fact of merger.

4. If in the case of paragraph 1 or paragraph 2 a notification or any other action addressed to the deceased or the juridical person or any other Shadan or Zaidan prior to the merger has reached the successor or any other person or the juridical person or any other Shadan or Zaidan after the merger that has succeeded the position of a person demanding investigation in the meantime until the report under the provision of the preceding

paragraph has been filed, it shall have the effect of a notification or any other action done to these persons.

5. If in the case of paragraph 1 a successor or any other person who has succeeded the position of a person demanding investigation is more than two, a notification or any other action done to one of them shall be deemed to have been made to all.

6. Any person who has taken over the right relating to a disposition as the object of an investigation demand may, upon obtaining permission from an investigation agency, succeed the position of a person demanding investigation.

(Measure in case investigation agency has lost power to render decision)

Article 38. In case an investigation agency has, after it received an investigation demand, lost the power to render a decision on said investigation demand by reason of the amendment or the abolition of laws or orders, said administrative agency shall transfer a written investigation demand or a record of investigation demand and a related document or any other thing to an administrative agency that has come newly to have the power to render a decision on said investigation demand. In this case the administrative agency that has taken over shall forthwith notify a person demanding investigation and an intervener of that effect.

(Withdrawal of investigation demand)

Article 39. Any person demanding investigation may, until a decision thereon is made, withdraw his investigation demand at any time.

2. The withdrawal of an investigation demand shall be made in writing.

(Decision)

Article 40. In case an investigation demand was made after

the lapse of the legal period or it is inconsistent with a law, an investigation agency shall turn down said investigation demand by a decision.

2. An investigation agency shall, in case an investigation demand is groundless, dismiss said investigation demand by a decision.

3. In case an investigation demand has reason as to a disposition (excluding real act), an investigation agency shall cancel, in whole or in part, said disposition by a decision.

4. In case an investigation demand has reason as to the real act, an investigation agency shall order the disposed agency to repeal the whole or a part of said real act and, at the same time, shall declare that effect by a decision.

5. If in the case of the preceding two paragraphs an investigation agency is the superior administrative agency to the disposed agency, it may alter said disposition by a decision, or may order the disposed agency to alter said real act and, at the same time, may also declare that effect by a decision: Provided, That it shall neither alter said disposition nor shall it order to alter said real act so as to make a person demanding investigation disadvantageous.

6. If in the event that a disposition is illegal or unwarrantable, but the cancellation or repeal thereof creates a conspicuous impediment to public interest, an investigation agency deems that the cancellation or repeal of the disposition does not comport with public welfare, taking into consideration the degree of damages incurred by a person demanding investigation, the extent and way of compensation or prevention of such damages and all other

condition, it may dismiss said investigation demand by a decision. In this case the investigation agency shall declare by a decision that said disposition is illegal or unwarrantable.

(Form of decision)

Article 41. A decision shall be reduced to writing and contain a reason as well as the name and seal of an investigation agency.

2. An investigation agency shall, in the event that it renders a decision, a re-investigation demand against which may be made, instruct such effect by stating that a re-investigation demand may be made, as well as the re-investigation agency and the period for re-investigation demand in a written decision.

(Coming into force of decision)

Article 42. A decision shall come into force by service to a person demanding investigation (in the case of a decision under the provisions of paragraphs 3 to 5 inclusive of Article 40 in the event that said investigation demand has been made by any person other than the other party of a disposition, a person demanding investigation and the other party of a disposition).

2. The service of a decision shall be made by sending a transcript of a written decision to the person who should be served: Provided, That in case the whereabouts of the person who should be served is unknown or it is impossible to send a transcript of a written decision, the service thereof may be made by means of a public notice.

3. The service by means of a public notice shall be made by keeping a transcript of a written decision in an investigation agency, posting up the bulletin of said investigation agency a notice to the effect that it will be delivered to the person who

should be served at any time and publishing at least once that effect in the Official Gazette or any other public report or in a newspaper. In this case a transcript of a written decision shall be deemed to have been sent at the time when two weeks have passed starting from the following day of the day on which the notice has begun to be posted.

4. An investigation agency shall send a transcript of a written decision to an intervener and the disposed agency.

(Binding power of decision)

Article 43. A decision shall bind the administrative agencies concerned.

2. In case a disposition rendered in accordance with an application has been cancelled by a decision by reason of illegality or impropriety of procedure or a disposition that has turned down or dismissed an application has been cancelled by a decision, the disposed agency shall again render a disposition to the application in conformity with the decision.

3. The disposed agency shall, in case the disposition that was made public in accordance with laws or orders has been cancelled or altered by a decision, make public the effect that said disposition was cancelled or altered.

4. In case the disposition having been notified to an interested person other than the other party of the disposition in accordance with laws or orders was cancelled or altered by a decision, the disposed agency shall notify the person (excluding a person demanding investigation and an intervener) who received such notification of the effect that said disposition was cancelled or altered.

(Return of evidential document, etc.)

Article 44. An investigation agency shall, in case it has rendered a decision, immediately return evidential documents or things produced under the provision of Article 26 and documents or any other thing produced according to the request for production under the provision of Article 28 to the exhibitor.

### Section 3 Motion for Objection on Disposition

(Period for motion for objection)

Article 45. A motion for objection shall be made within sixty days computing from the following day of the day on which it became known that a disposition has been made.

(Relief in case of wrongful instruction)

Article 46. In case if with regard to a disposition, a motion for objection against which may be made, the disposed agency has by mistake instructed the effect that an investigation demand may be made (including such cases where as to a disposition, an investigation demand against which may also be made, the disposed agency has by mistake instructed the administrative agency not being an investigation agency to be an investigation agency), an investigation demand has been made in writing to the administrative agency so instructed, said administrative agency shall immediately send the written investigation demand to said disposed agency and notify a person demanding investigation of that effect.

2. In case the written investigation demand has been sent to the disposed agency in accordance with the provision of the preceding paragraph, a motion for objection shall be deemed to have been made to the disposed agency from the beginning.

(Ruling)

Article 47. In case a motion for objection has been made after the lapse of the legal period or is inconsistent with a law,

the disposed agency shall turn down said motion for objection by a ruling.

2. The disposed agency shall, in case a motion for objection is groundless, dismiss said motion for objection by a ruling.

3. In case a motion for objection on disposition (excluding real act) has reason, the disposed agency shall cancel the whole or a part of said disposition or alter it by a ruling: Provided, That said disposition shall not be so altered as to make the movent of objection disadvantageous, and in case said disposition has been made in conformity with the reply of the council or any other administrative agency of panel system based on laws or orders, the whole or a part of said disposition shall not be cancelled or altered unless the reply is obtained from said administrative organ after further referring to it.

4. In case a motion for objection on real act has reason, the disposed agency shall repeal the whole or a part of said real act or alter it and, at the same time, shall declare that effect by a ruling: Provided, That the real act shall not be so altered as to make the movent of objection disadvantageous.

5. In the event that the disposed agency renders a ruling on motion for objection relating to a disposition, an investigation demand against which may also be made, it shall, excepting such cases where the movent of objection has already made an investigation demand with respect to said disposition, instruct such effect in a written ruling by stating that an investigation demand may be made on said disposition, as well as the investigation agency and the period for investigation demand.

(Mutatis mutandis application relating to investigation demand)  
Article 48. The provisions in the preceding Section (excluding

the main part of Article 14 paragraph 1, Article 15 paragraph 3, Articles 17, 18, 20, 22, 23, 33, 34 paragraph 5, 40 paragraphs 1 to 5 inclusive, 41 paragraph 1 and 43) shall apply mutatis mutandis to a motion for objection on disposition.

#### Section 4 Motion for Complaint on Forbearance

(Matters stated in written motion for complaint)

Article 49. The following matters shall be stated in a written motion for objection or a written investigation demand on forbearance:

- (1) Name and age or trade name as well as address of a movent of objection or a person demanding investigation;
- (2) Substance and date, month and year of an application on disposition or any other action relating to said forbearance;
- (3) Date, month and year of a motion for objection or an investigation demand.

(Ruling or any other measure of forbearance agency)

Article 50. In case a motion for objection on forbearance is inconsistent with a law, the forbearance agency shall turn down said motion for objection by a ruling.

2. In addition to excepting such case under the preceding paragraph the forbearance agency shall, within twenty days reckoning the following day of the day on which a motion for objection was made, either take some action to the application or show the reason for forbearance in writing.

(Decision of investigation agency)

Article 51. An investigation agency shall, in case an investigation demand is inconsistent with a law, turn down said investigation demand by a decision.

2. In case an investigation demand on forbearance is groundless, an investigation agency shall dismiss said investigation demand by a decision.

3. An investigation agency shall, in case an investigation demand on forbearance has reason, order said forbearance agency to immediately take some action to the application and simultaneously, declare that effect in a decision.

(Mutatis mutandis application relating to investigation demand on disposition)

Article 52. The provisions of Article 15 paragraphs 2 and 4, Articles 21, 37 to 39 inclusive, Article 41 paragraph 1 as well as Article 42 paragraphs 1 to 3 inclusive shall apply mutatis mutandis to a motion for objection on forbearance.

2. The provisions in Section 2 (excluding Articles 14, 15 paragraphs 1 and 3, 16 to 20 inclusive, 24, 34, 35, 40, 41 paragraph 2 as well as 43) shall apply mutatis mutandis to an investigation demand on forbearance.

#### Section 5 Re-investigation Demand

(Period for re-investigation demand)

Article 53. A re-investigation demand shall be made within thirty days computing from the following day of the day on which it became known that a decision on investigation demand was made.

(Request to transmit written decision)

Article 54. A re-investigation agency may, in case it has received a re-investigation demand, request an investigation agency to transmit a written decision on investigation demand.

(Decision)

Article 55. In case even if the decision that has turned down or dismissed an investigation demand is illegal or unwarrantable, a disposition relating to said decision is not illegal or

unwarrantable, a re-investigation agency shall dismiss said re-investigation demand.

(Mutatis mutandis application relating to investigation demand)  
Article 56. The provisions in Section 2 (excluding the main part of Article 14 paragraph 1, Articles 15 paragraph 3, 18 to 20 inclusive, 22 and 23) shall apply mutatis mutandis to a re-investigation demand.

### CHAPTER III ADDITIONAL PROVISIONS

(Instruction of investigation agency, etc.)  
Article 57. An administrative agency shall, in case it renders a disposition, an investigation demand or a motion for objection or any other motion for complaint under other laws or orders (hereinafter referred to simply as "motion for complaint" in this Article) against which may be made, instruct such effect that a motion for complaint may be made with respect to said disposition as well as an administrative agency to which a motion for complaint should be made and the period for which a motion for complaint may be made to the other party of the disposition.

2. In case any interested person has requested the instruction as to whether or not said disposition is one, a motion for objection against which may be made as well as an administrative agency to which a motion for complaint should be made and the period during which a motion for complaint may be made in the event that said disposition is one, a motion for complaint against which may be made, an administrative agency shall instruct said matters.

3. If in the case of the preceding paragraph the person who has requested the instruction has asked for such instruction in writing, said instruction shall be reduced to writing.

4. The provisions under the preceding three paragraphs shall not apply in regard to a disposition against local public entity or any other public organization, which becomes the other party of the disposition in its proper character.

(Motion for complaint in case of not having rendered instruction)  
Article 58. In case an administrative agency has not rendered

the instruction under the provision of the preceding Article, any person who has complaint with respect to said disposition may submit a written motion for complaint to said disposed agency.

2. The provision of Article 15 (excluding paragraph 3) shall apply mutatis mutandis in respect of a written motion for complaint under the preceding paragraph.

3. In case if a written motion for complaint has been submitted in accordance with the provision of paragraph 1, said disposition is one, an investigation demand against which may be made (excluding such case where a disposition is one, a motion for objection against which may be made), the disposed agency shall send an exemplification of said written motion for complaint to an investigation agency immediately. The same shall apply also when said disposition is one, a motion for complaint against which may be made to an administrative agency other than the disposed agency in conformity with other laws or orders.

4. In case an exemplification of a written motion for complaint has been sent in accordance with the provision of the preceding paragraph, an investigation demand or a motion for complaint based on said laws or orders shall be deemed to have been made to said investigation agency or administrative agency from the beginning.



un 5. In case a written motion for complaint has been submitted  
re pursuant to the provision of paragraph 1 in addition to excepting  
such case under paragraph 3, a motion for objection or a motion  
pai for complaint based on said laws or orders shall be deemed to have  
20 been made to said disposed agency from the beginning.

re SUPPLEMENTARY PROVISIONS:

1. This Law shall come into force as from October 1, 1962.

ren  
obj  
ord  
thi  
a m  
as  
sho  
be  
  
ins  
for  
tiv  
per  
tha  
may  
  
has  
wri

If there is any ambiguous interpretation,  
the Japanese text shall prevail. Further  
amendments after the date of publication  
of this book are not included herein.

ALL RIGHTS RESERVED

Originally translated by	FUKIO NAKANE Ex-Professor of the Asia University
Published by	EIBUN-HOREISHA, INC 4-7 Hirakawacho 2-chome Chiyoda-ku, TOKYO, JAPAN. TEL. 03 (5276) 5955 FAX. 03 (5276) 5572 Post Transfer Account, No.3-63151 Tokyo Cable Address : EIBUNHOREISHA TOKYO
Printed by	HEIBUNSHA PRINTING CO. 35-7 2-chome, Minamiotuka, Toshima-ku, Tokyo, Japan TEL. 03 (3944) 0301

1963 © EIBUN-HOREI-SHA, INC.