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ADMINISTRATIVE CASE
LITIGATION LAW

(Law No. 139, May 16, 1962)

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Amendments:

- (1) Law No. 91, Dec. 22, 1989
- (2) Law No. 110, Jun. 26, 1996

ADMINISTRATIVE CASE LITIGATION LAW

(Law No. 139, May 16, 1962)

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SUPPLEMENTARY PROVISIONS

CHAPTER I GENERAL PROVISIONS

(Purport of this Law)

Article 1. Administrative case litigation shall be governed by this Law, unless otherwise specially provided for in other laws.

(Administrative case litigation)

Article 2. "Administrative case litigation" in this Law shall mean Kokoku-appeal litigation, party litigation, public litigation, and agency litigation.

(Kokoku-appeal litigation)

Article 3. "Kokoku-appeal litigation" in this Law shall mean a litigation of dissatisfaction relating to the exercise of public power by an administrative agency.

2. "A suit for revocation of disposition" in this Law shall mean a litigation seeking the revocation of a disposition of an administrative agency and any other act (excluding such decision, ruling or any other act as prescribed in the following paragraph; hereinafter simply referred to as "disposition") coming under the exercise of public power by an administrative agency.

3. "A suit for revocation of a decision" in this Law shall mean a litigation seeking the revocation of a decision, ruling or any other act (hereinafter simply referred to as "decision") of the administrative agency against a demand for reinvestigation, objection or any other appeal (hereinafter simply referred to as "demand for reinvestigation").

4. "A suit for affirmation of nullity, etc." in this Law shall mean a litigation seeking the affirmation of the existence or non-

existence of a disposition or decision, or of the effectiveness or ineffectiveness thereof.

5. "A suit for affirmation of illegality of forbearance" in this Law shall mean a litigation seeking the affirmation of illegality of the fact that an administrative agency which is liable to make any disposition or decision on an application under a law or order within a reasonable period fails to do so.

(Party litigation)

Article 4. "Party litigation" in this Law shall mean a litigation relating to a disposition or decision to affirm or constitute legal relations between parties, which makes one of the parties in the legal relations to be a defendant in accordance with the provisions of laws or orders and a litigation relating to the legal relations of public laws.

(Public litigation)

Article 5. "Public litigation" in this Law shall mean a litigation seeking the correction of acts not conformable to laws and ordinances of the agencies of the State or public entity, which is instituted in the capacity of a person as an elector or a person who is not concerned in his own legal interest.

(Agency litigation)

Article 6. "Agency litigation" in this Law shall mean a litigation for disputes on the existence or non-existence of power between inter-agencies of the State or public entity or on the exercise thereof.

(Matters not provided by this Law)

Article 7. With respect to the matters not provided by this Law in relation to the administrative case litigation, the instance in the civil procedure shall be applicable.

CHAPTER II KOKOKU-APPEAL LITIGATION

Section 1 Revocation Litigation

(Relations between suit for revocation of disposition and demand for reinvestigation)

Article 8. A suit for revocation of a disposition may be filed immediately even if a demand for reinvestigation of the said disposition may be made in accordance with the provisions of laws or orders. Provided that, this shall not apply when the law provides that a suit for revocation of a disposition may not be filed unless a decision on the demand for reinvestigation is rendered for the said disposition.

2. In the case of the proviso of the preceding paragraph, a suit for revocation of a disposition may, if it comes under any of the following items, be filed without obtaining a decision:

- (1) When a decision is not rendered even after the expiration of three months from the date when a demand for reinvestigation was made;
- (2) When there is urgent necessity of avoiding serious damage caused by disposition, execution of disposition, or continuance of procedure;
- (3) When there is a justifiable reason for not obtaining a decision.

3. In the case of the main part of paragraph 1, when a demand for reinvestigation as to the said disposition has been or is made, the court may suspend the proceedings until a decision on the demand for reinvestigation will be made (if a decision is

not made even after the expiration of three months from the date on which a demand for reinvestigation was made, until such period expires).

(Standing to sue)

Article 9. Suits for revocation of a disposition and decision (hereinafter referred to as "revocation litigation") may be filed only by persons having legal interests for seeking the revocation of the said disposition or decision (including persons having legal interests to be recovered by the revocation of a disposition or decision even after the effect of the disposition or decision no longer exists due to the expiration of the period or any other reason).

(Limitation of reason for revocation)

Article 10. In a revocation litigation, no person shall seek a revocation on the grounds of illegality not concerned with his legal interest.

2. Where a suit for revocation of a disposition and suit for revocation of a decision that has dismissed a demand for reinvestigation in regard to the disposition may be instituted, no person shall seek a revocation on the grounds of illegality of disposition in the suit for revocation of a disposition.

(Standing to be sued)

Article 11. A suit for revocation of a disposition shall be instituted against an administrative agency which has made the disposition as a defendant, and a suit for revocation of a decision shall be instituted against an administrative agency which has made the decision as a defendant. Provided that, if the power of

the said administrative agency has been succeeded to another administrative agency after a disposition or decision was made, the suit shall be instituted against another administrative agency as a defendant.

2. Where there exists no administrative agency which is to become a defendant in accordance with the provision of the preceding paragraph, a revocation litigation shall be instituted against the State or public entity to which the affairs related to the said disposition or decision belong, as a defendant.

(Jurisdiction)

Article 12. A revocation litigation against an administrative agency as a defendant shall come under the jurisdiction of the court where the administrative agency is located.

2. A revocation litigation on the disposition or decision relating to expropriation of land, establishment of a mining right, and an immovable or specific place may be filed also with the court of the place where the immovable or specific place is situated.

3. A revocation litigation may be filed also with the court of the location of the lower administrative agency which has conducted the case in relation to the said disposition or decision.

(Transfer of litigation pertaining to related demand)

Article 13. If a revocation litigation and a litigation for the demand coming under any one of the following items (hereinafter referred to as "related demand") are pending in different courts, and they are deemed proper, the court where the litigation

pertaining to the related demand is pending may, upon application or ex-officio, transfer such litigation to the court where the revocation litigation is pending. Provided that, this shall not apply if the court where the revocation litigation or litigation pertaining to the related demand is pending in a high court:

- (1) Demand for restoration of original condition or for compensation for damage in relation to the disposition or decision;
- (2) Demand for revocation of other disposition constituting one procedure together with a disposition;
- (3) Demand for revocation of a decision relating to the disposition;
- (4) Demand for revocation of a disposition relating to the decision;
- (5) Other demand seeking a revocation of the disposition or decision;
- (6) Any other demand concerned in the demand for revocation of the disposition or decision.

(Limitation of actions)

Article 14. A revocation litigation shall be filed within three months as from the date on which it became known that the disposition or decision was made.

2. The limitation of actions under the preceding paragraph shall be a peremptory term.

3. A revocation litigation may not be instituted when one year has elapsed as from the date on which the disposition or

decision was made. Provided that, this shall not apply if there are justifiable reasons.

4. Where a demand for reinvestigation may be made for the disposition or decision or where an administrative agency has by mistake instructed that a demand for reinvestigation may be made and the demand for reinvestigation has been made, the limitation of actions under paragraph 1 and the preceding paragraph for a person having made such demand for reinvestigation shall be computed from the date on which he has come to know that a decision thereon was made or from the date of the decision.

(Relief of defendant in mistaken suits)

Article 15. When a plaintiff has mistaken a person who is to be a defendant without willfulness or gross negligence in a revocation litigation, the court may, upon application of the plaintiff, permit him to change a defendant by ruling.

2. The ruling under the preceding paragraph shall be in writing, and its exemplification shall be served upon the new defendant.

3. When the ruling under paragraph 1 has been rendered, a suit against the new defendant shall, with respect to the observance of the limitation of actions, be deemed to have been filed when the initial suit was filed.

4. When the ruling under paragraph 1 has been rendered, the suit against the former defendant shall be deemed to have been withdrawn.

5. No objection may be raised against the ruling under

paragraph 1.

6. An immediate Kokoku-appeal may be made against the ruling dismissing the application under paragraph 1.

7. When the ruling under paragraph 1 has been rendered in the appeal instance, the court may transfer such litigation to the competent court.

(Objective consolidation of demand) (2)

Article 16. A suit pertaining to a related demand may be consolidated in a revocation litigation.

2. If, where a suit is consolidated in accordance with the provision of the preceding paragraph, the first instance court of a revocation litigation is a high court, the consent of the defendant in the suit pertaining to a related demand shall be obtained. When the defendant has proceeded orally on the merits in the suit or has made statements in the oral preliminary proceedings without raising objections, he shall be deemed to have consented.

(Joint litigation)

Article 17. Several persons may sue or be sued as co-litigants only when a demand of such several persons or demand against such persons is a demand for a revocation of disposition or decision and a related demand.

2. The provision of paragraph 2 of the preceding Article shall apply mutatis mutandis to the case under the preceding paragraph.

(Additional consolidation of demand by third person)

Article 18. A third person may, by the closing of oral

proceedings of a revocation litigation, file a suit pertaining to a related demand by consolidating therewith, making one side of the parties to such litigation to be a defendant. In this case, when the said revocation litigation is pending in a high court, the provision of Article 16 paragraph 2 shall apply mutatis mutandis.

(Additional consolidation of demand by plaintiff) (2)

Article 19. By the closing of oral proceedings of a revocation litigation, the plaintiff may file a suit to a related demand by consolidating therewith. In this case, when the said revocation litigation is pending in a high court, the provision of Article 16 paragraph 2 shall apply mutatis mutandis.

2. It shall not be precluded that the provision under the preceding paragraph follows to the instance of the provision under Article 143 of the Code of Civil Procedure (Law No. 109 of 1996) with regard to a revocation litigation.

(Ditto)

Article 20. Where a suit for revocation of a disposition is consolidated into a suit for revocation of a decision dismissing a demand for reinvestigation on the disposition and filed in accordance with the provision of the former part of paragraph 1 of the preceding Article, no consent of the defendant in the suit for revocation of a disposition is required to be obtained notwithstanding the provision of Article 16 paragraph 2 as applied mutatis mutandis in the latter part of the said paragraph or when such filing has been made, a suit for revocation of a disposition shall, with respect to the observance

of the limitation of actions, be deemed to have been filed when a suit for revocation of a decision has been filed.

(Change of suit to State or public entity)

Article 21. When the court deems it suitable to change a demand which is the subject of a revocation litigation to any other demand such as a demand for compensation for damage against the State or public entity to which the affairs concerning the said disposition or decision belong, it may, upon application of a plaintiff, permit by means of a ruling the change of a suit until the closing of oral proceedings as far as there is no change in the basis of the demand.

2. The provision of Article 15 paragraph 2 shall apply mutatis mutandis to the ruling under the preceding paragraph.

3. Prior to giving a ruling permitting the change of a suit in accordance with the provision of paragraph 1, the court shall hear the opinions of the party and the defendant in a suit relating to compensation for damage or any other demand.

4. An immediate Kokoku-appeal may be filed to the ruling permitting the change of a suit.

5. No appeal shall be made to the ruling not permitting the change of a suit.

(Intervention of third person in litigation) (2)

Article 22. When there is a third person whose right is infringed by the outcome of a litigation, the court may, upon application of the party or such third person or ex-officio, cause such third person to intervene in the litigation by means of a ruling.

2. Prior to giving the ruling under the preceding paragraph, the court shall hear the opinions of the party and the third person.

3. The third person who has made the application under paragraph 1 may file an immediate Kokoku-appeal to a ruling dismissing such application.

4. With respect to the third person who intervened in a litigation in accordance with the provision of paragraph 1, the provisions of Article 40 paragraphs 1 through 4 of the Code of Civil Procedure shall apply mutatis mutandis.

5. Where the third person has made an application for intervention in accordance with the provision of paragraph 1, the provisions of Article 45 paragraphs 3 and 4 of the Code of Civil Procedure shall apply mutatis mutandis.

(Intervention of administrative agency in litigation) (2)

Article 23. Where the court deems it necessary to cause other administrative agency to intervene in a litigation, it may, upon application of the party or administrative agency or ex-officio, cause such administrative agency to intervene in the litigation by a ruling.

2. Prior to giving the ruling under the preceding paragraph, the court shall hear the opinions of the party and the said administrative agency.

3. With respect to the administrative agency which has intervened in a litigation in accordance with the provision of paragraph 1, the provisions of Article 45 paragraphs 1 and 2 of the Code of Civil Procedure shall apply mutatis mutandis.

(Taking evidence by ex-officio)

Article 24. The court may, if it deems necessary, examine evidence by ex-officio. Provided that, it shall hear the opinion of the party on the result of the taking of evidence.

(Suspension of execution)

Article 25. The institution of a suit for revocation of a disposition shall not preclude the effect of disposition, the execution of disposition, or the continuance of procedure.

2. Where a suit for revocation of a disposition was filed, it is urgently necessary to avoid an irreparable damage caused by the disposition, the execution of disposition or the continuance of procedure, the court may, upon application, suspend, in whole or in part, the effect of disposition, the execution of disposition, or the continuance of procedure (hereinafter referred to as "suspension of execution") by means of a ruling. Provided that, the suspension of the effect of disposition shall not be made where the purpose is attained by the suspension of execution of disposition or of continuance of procedure.

3. The suspension of execution shall not be made if it may seriously affect public welfare or there seems no reason in respect of the merits.

4. The ruling under paragraph 2 shall be made on the basis of presumptive proof.

5. The ruling under paragraph 2 may be made without oral proceedings. Provided that, the opinion of the party shall be heard in advance.

6. An immediate Kokoku-appeal may be made against a

ruling on the application under paragraph 2.

7. An immediate Kokoku-appeal against the ruling under paragraph 2 shall not have the effect of suspending the execution of the ruling.

(Cancellation of suspension of execution due to circumstantial change)

Article 26. When, after a ruling of the suspension of execution became final and conclusive, the reason has become extinct or circumstances have changed, the court may, upon application of the other party, cancel by means of a ruling the ruling of the suspension of execution.

2. With respect to the ruling on the application under the preceding paragraph and the objection against the ruling, the provisions of paragraphs 4 through 7 of the preceding Article shall apply mutatis mutandis.

(Objection of Prime Minister)

Article 27. Where an application under Article 25 paragraph 2 has been made, the Prime Minister may state an objection to the court. The same shall apply even after a ruling of the suspension of execution was made.

2. The objection under the preceding paragraph shall contain a statement of the reason.

3. In the reason for objection under the preceding paragraph, the Prime Minister shall point out the circumstances that unless the effect of disposition is maintained, the disposition is executed, or the procedure is continued, it may seriously affect public welfare.

4. Where the objection under paragraph 1 has been raised, the court shall, if it is unable to effect the suspension of execution or a ruling of the suspension of execution has already been rendered, cancel it.

5. The objection mentioned in the latter part of paragraph 1 shall be stated to the court which has rendered a ruling of the suspension of execution. Provided that, it shall be stated to the Kokoku-appeal court if Kokoku-appeal against the ruling is pending in the Kokoku-appeal court.

6. The Prime Minister shall not state the objection under paragraph 1 except in an unavoidable case or he shall, if he has stated the objection, report it to the Diet in the following ordinary session.

(Court having jurisdiction over suspension of execution, etc.)

Article 28. The court having jurisdiction over the suspension of execution or an application for cancellation of a ruling thereof shall be the court where the suit is pending.

(Mutatis mutandis application of provisions relating to suspension of execution)

Article 29. The provisions of the preceding four Articles shall apply mutatis mutandis in respect of the matters relating to the suspension of execution in the case where a suit for revocation of decision has been filed.

(Revocation of discretionary disposition)

Article 30. With respect to a discretionary disposition of an administrative agency as far as it has been done beyond the

purview of its discretion right or its discretion right has been abused, the court may revoke the disposition.

(Dismissal of demand due to special conditions)

Article 31. With respect to a revocation litigation, in case where a disposition or decision is illegal but the revocation thereof seriously impedes public interest and in consideration of the degree of damage suffered by a plaintiff, the degree and method of compensation for or prevention of damage, and all other conditions, the revocation of disposition or decision is deemed not to conform to the public welfare, the court may dismiss a demand. In this case, it shall declare in the text of the said judgment that the disposition or decision is illegal.

2. Prior to the final judgment, the court may declare by way of judgment that the disposition or decision is illegal, if it deems it fit to do so.

3. In stating facts and reasons in the final judgment, the judgment under the preceding paragraph may be quoted.

(Effect of cancellation judgment, etc.)

Article 32. The judgment revoking a disposition or decision shall take effect against third persons also.

2. The provision of the preceding paragraph shall apply mutatis mutandis to the ruling of the suspension of execution or the ruling canceling it.

(Ditto)

Article 33. The judgment revoking a disposition or decision shall bind the administrative agency being the party to the case, or any other relative administrative agency.

2. When the disposition which refused or dismissed an application or the decision which refused or dismissed a demand for reinvestigation has been revoked by a judgment, the administrative agency which made such disposition or decision shall make a disposition or decision anew against the application or the demand for reinvestigation in compliance with the purport of the judgment.

3. The provision of the preceding paragraph shall apply mutatis mutandis where the disposition made on the basis of the application or the decision having accepted the demand for reinvestigation has been revoked by a judgment on the ground that illegality is found in the proceedings.

4. The provision of paragraph 1 shall apply mutatis mutandis to a ruling of the suspension of execution.

(Suit for reopening of proceedings by third person)

Article 34. A third person whose right has been infringed by the judgment revoking a disposition or decision and who has failed to produce means of attack or defense material to the judgment because he was unable to intervene in litigation by a cause not imputable to himself, may, for this reason, file an appeal by a suit for reopening of the proceedings against a final judgment that has become irrevocable.

2. The suit under the preceding paragraph shall be filed within thirty days as from the date when he knew such final judgment.

3. The period of the preceding paragraph shall be a peremptory term.

4. The suit under paragraph 1 shall not be filed when one year has elapsed from the date when the judgment became final and conclusive.

(Effect of judgment on costs of suit)

Article 35. The final judgment on the costs of suit in litigation of which an administrative agency belonging to the State or public entity is a litigant or an intervener shall take effect to the State or public entity to which the said administrative agency belongs or in its behalf.

Section 2 Other Kokoku-Appeal

(Standing to sue for affirmation of nullity, etc.)

Article 36. A suit for affirmation of nullity, etc. may be filed only by a person who is in danger of suffering damage due to the said disposition or a disposition following the said decision or a person having legal interest with respect to seeking an affirmation of nullity, etc. of the said disposition or decision, who cannot attain the purpose by a suit relating to the present legal relations, assuming the existence or non-existence, or effectiveness or ineffectiveness of the said disposition or decision.

(Standing to sue for affirmation of illegality of non-feasance)

Article 37. A suit for affirmation of illegality of nonfeasance may be filed only by a person who has made an

application for a disposition or decision.

(Mutatis mutandis application of provisions relating to revocation litigation)

Article 38. The provisions of Articles 11 through 13, Articles 16 through 19, Articles 21 through 24, Articles 33 and 35 shall apply mutatis mutandis to a Kokoku-appeal litigation other than a revocation litigation.

2. The provision of Article 10 paragraph 2 shall apply mutatis mutandis in cases where a suit for affirmation of nullity, etc. of disposition and a Kokoku-appeal litigation relating to the decision that has dismissed a demand for investigation of the disposition may be filed, and the provision of Article 20 shall apply mutatis mutandis in cases where a suit for affirmation of nullity, etc. of disposition may, being consolidated in Kokoku-appeal relating to the decision that has dismissed a demand for reinvestigation of the disposition, be filed.

3. The provisions of Articles 25 through 29 and Article 32 paragraph 2 shall apply mutatis mutandis to a suit for affirmation of nullity, etc.

4. The provisions of Article 8 and Article 10 paragraph 2 shall apply mutatis mutandis to a suit for affirmation of illegality of nonfeasance.

CHAPTER III PARTY LITIGATION

(Notification)

Article 39. When a litigation relating to a disposition or decision to affirm or form a legal relation between parties, which makes one of the parties of the legal relation as a defendant in accordance with the provisions of laws or orders, has been filed, the court shall notify the administrative agency that has made the said disposition or decision to that effect.

(Party litigation specifying limitation of actions)

Article 40. When the limitation of actions is specified in laws or orders as to a party litigation, such limitation shall be a fixed term.

2. The provision of Article 15 shall apply mutatis mutandis to a party litigation specifying the limitation of actions.

(Mutatis mutandis application of provisions relating to Kokoku-appeal litigation)

Article 41. The provisions of Articles 23, 24, 33 paragraph 1 and Article 35 shall apply mutatis mutandis to a party litigation.

2. The provision of Article 13 shall apply mutatis mutandis to a transfer in the case where a party litigation and a litigation pertaining to a demand having relations of a demand which is the subject of a party litigation and a related demand are pending in different courts and the provisions of Articles 16 through 19 shall apply mutatis mutandis to the consolidation of

these suits.

CHAPTER IV PUBLIC LITIGATION AND AGENCY LITIGATION

(Institution of suit)

Article 42. A public litigation and an agency litigation may, in such case as specified in laws, be filed only by a person prescribed in laws.

(Mutatis mutandis application of provisions relating to Kokoku-appeal litigation and party litigation)

Article 43. With respect to a public litigation or an agency litigation which seeks a revocation of disposition or decision, the provisions relating to a revocation litigation shall, excepting the provisions of Article 9 and Article 10 paragraph 1, apply mutatis mutandis.

2. With respect to a public litigation or an agency litigation which seeks an affirmation of nullity of disposition or decision, the provisions relating to a suit for affirmation of nullity, etc. shall, excepting the provision of Article 36, apply mutatis mutandis.

3. With respect to a public litigation or an agency litigation other than the litigations as provided for in the preceding two paragraphs, the provisions relating to a party litigation shall, excepting the provisions of Article 39 and Article 40 paragraph 1, apply mutatis mutandis.

CHAPTER V ADDITIONAL PROVISIONS

(Elimination of provisional disposition) (1)

Article 44. With regard to a disposition of an administrative agency and any other act corresponding to the exercise of public power, the provisional disposition prescribed in the Law on Interlocutory Measures (Law No. 91 of 1981) shall not be made.

(Litigation making effect, etc. of disposition as issue) (2)

Article 45. Where, in a litigation pertaining to legal relations of private law, the existence or non-existence of a disposition or decision, or its effectiveness or ineffectiveness is in dispute, the provisions of Article 23 paragraphs 1 and 2 as well as Article 39 shall apply mutatis mutandis.

2. Where an administrative agency has intervened in a litigation in accordance with the provision of the preceding paragraph, the provisions of Article 45 paragraphs 1 and 2 of the Code of Civil Procedure shall apply mutatis mutandis. Provided that, means of attack or defense may be produced only if it is related to the existence or non-existence of the said disposition or decision, or the effectiveness or ineffectiveness thereof.

3. When a dispute on the existence or non-existence of a disposition or decision or on the effectiveness or ineffectiveness thereof has ceased to exist after an administrative agency intervened in a litigation in accordance with the provision of paragraph 1, the court may cancel the ruling of intervention.

4. In the case of paragraph 1, the provision of Article 24 shall apply mutatis mutandis in regard to the said issue and the provision of Article 35 shall apply mutatis mutandis in regard to the judgment on the costs of action.

SUPPLEMENTARY PROVISIONS:

(Enforcement date)

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

(Abolition of Law for Special Regulations concerning Procedure of Administrative Litigation)

Article 2. The Law for Special Regulations concerning Procedure of Administrative Litigation (Law No. 81 of 1948; hereinafter referred to as "old Law") shall be abolished.

(Principle relating to transitional measure)

Article 3. This Law shall, except for such cases as specifically provided for in this Supplementary Provisions, apply to the matters brought about before the enforcement of this Law: Provided, That the effect created under old Law shall not be precluded.

(Transitional measure relating to petition first principle)

Article 4. With respect to an institution of a revocation litigation of a disposition or decision for which a petition may be made in accordance with the provisions of laws or orders, but whose period for institution of petition has elapsed before the enforcement of this Law without filing it, Article 2 of old Law

shall still follow even after the enforcement of this Law.

(Transitional measure relating to limitation of reason for revocation)

Article 5. As regards a suit for revocation of a decision pending actually at the time of the enforcement of this Law, the provision of Article 10 paragraph 2 shall not apply.

(Transitional measure relating to standing of defendant)

Article 6. The standing of defendant of a revocation litigation pending actually at the time of the enforcement of this Law shall be as heretofore.

(Transitional measure relating to limitation of actions)

Article 7. The limitation of actions of a suit for revocation of a disposition or decision whose period under Article 5 paragraph 1 of old Law is actually running at the time of the enforcement of this Law and whose base day is the date when the party knew that the disposition or decision was made, shall be as heretofore: Provided, That such period shall not exceed three months as reckoning from the enforcement date of this Law.

2. The limitation of actions of a suit for revocation of a disposition or decision whose period under Article 5 paragraph 3 of old Law is actually running at the time of the enforcement of this Law and whose base day is the date when the disposition or decision was made, shall be as heretofore.

3. The provisions of the preceding two paragraphs shall not preclude the application of Article 14 paragraph 4 in the event that a demand for investigation has been made after the

enforcement of this Law.

(Transitional measure relating to Kokoku-appeal litigation other than revocation litigation)

Article 8. The standing of a plaintiff and a defendant in a Kokoku-appeal litigation other than a revocation litigation, which is actually pending at the time of the enforcement of this Law shall be as heretofore.

2. The provision of Article 5 of the Supplementary Provisions shall apply mutatis mutandis to the case where a suit for affirmation of nullity, etc. of a disposition and a Kokoku-appeal litigation relating to a decision that has turned down a demand for investigation as to such disposition may be filed.

(Transitional measure relating to party litigation)

Article 9. The provision of Article 39 shall apply only to a party litigation to be filed after the enforcement of this Law.

(Transitional measure relating to public litigation and agency litigation)

Article 10. The provision concerning a transitional measure relating to a revocation litigation shall apply mutatis mutandis with respect to a litigation seeking a revocation of a disposition or decision among public litigations and agency litigations and the provision concerning a transitional measure relating to a suit for affirmation of nullity, etc., with respect to a litigation seeking an affirmation of nullity of a disposition or decision thereamong.

(Transitional measure relating to litigation making effect,
etc. of disposition as issue)

Article 11. With respect to a litigation relating to legal relationship of private law, which is actually pending at the time of the enforcement of this Law, the provision of Article 39 shall apply mutatis mutandis only where the existence or non-existence of a disposition or decision or the effectiveness or ineffectiveness thereof is contended after the enforcement of this Law.

SUPPLEMENTARY PROVISIONS (Law No. 91, Dec. 22, 1989): (1)

(Enforcement date)

Article 1. This Law shall come into force as from the day prescribed by Cabinet Order within the period not exceeding two years counting from the day of its promulgation (enforced as from Jan. 1, 1991 by Cabinet Order No. 283 of 1990).

SUPPLEMENTARY PROVISIONS (Law No. 110, Jun. 26, 1996): (2)

This Law shall come into force as from the date of enforcement of the new Code of Civil Procedure (enforcement date - Jan. 1, 1998).

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.

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