

1 外国裁判所ノ嘱託ニ因ル共助法  
(明治三十八年三月十三日法律第六十三号)

改正：明治四十五年三月二十九日法律第七号  
昭和十三年三月二二日法律第一七号

第一条 裁判所ハ外国裁判所ノ嘱託ニ因リ民事及刑事ノ訴訟事件ニ関スル書類ノ送達及証拠調ニ付法律上ノ補助ヲ為ス

② 法律上ノ補助ハ所要ノ事務ヲ取扱フヘキ地ヲ管轄スル区裁判所[地方裁判所]ニ於テ之ヲ為ス

(注 本項の「区裁判所」の変更適用＝裁判所法施行令[昭和二十二年五月政令第二十四号]第十九条)

第一条ノ二 法律上ノ補助ハ左ノ条件ヲ具備スル場合ニ於テ之ヲ為ス

一 嘱託カ外交機関ヲ經由シタルモノナルコト

二 書類送達ノ嘱託ハ送達ヲ受クヘキ者並其ノ国籍及住所又ハ居所ヲ記載シタル書面ヲ以テ為シタルモノナルコト

三 証拠調ノ嘱託ハ訴訟事件ノ当事者、証拠方法ノ種類、取調ヲ受クヘキ者ノ氏名国籍及住所又ハ居所並取調ヲ要スル事項ヲ記載シタル書面ヲ以テ為シ仍刑事ニ付テハ其ノ事件ノ要旨ヲ記載シタル書面ヲ添附シタルモノナルコト

四 日本語ヲ以テ作成セサル嘱託書及其ノ関係書類ニハ日本語ノ翻訳文ヲ添付スルコト

五 嘱託裁判所所属国カ受託事項施行ノ為要スル費用ノ弁償ヲ保証シタルコト

六 嘱託裁判所所属国カ同一又ハ類似ノ事項ニ付日本ノ裁判所ノ嘱託ニ因リ法律上ノ補助ヲ為シ得ヘキ旨ノ保証ヲ為シタルコト

② 条約又ハ之ニ準スヘキモノニ前項ノ規定ト異ル規定アルトキハ其ノ規定ニ従フ

第二条 受託事項カ他ノ裁判所ノ管轄ニ属スルトキハ受託裁判所ハ嘱託ヲ管轄裁判所ニ移送スヘシ

第三条 受託事項ハ日本ノ法律ニ依リ之ヲ施行スヘシ

## LAW RELATING TO THE RECIPROCAL JUDICIAL AID TO BE GIVEN AT THE REQUEST OF FOREIGN COURTS

Law No. 63 of the 38th year of Meiji (13th March, 1905), as amended by Law No. 7 of the 45th year of Meiji(29th March, 1912) and by Law No. 17 of the 13th year of Showa(22nd March, 1938)

### Article 1.

A Court shall, at the request of a Foreign Court, render judicial aid in serving papers or taking evidence in connection with cases on civil or criminal matters.

The said judicial aid shall be given by the District Court which has jurisdiction over the place where the required proceedings are to take place.

### Article 1.-(2)

The said judicial aid shall be rendered under the following conditions:

1. The request shall be made through the diplomatic channel.
2. The request for the service of papers shall be made in writing stating the name, nationality, and domicile or residence of the person on whom the papers are to be served.
3. The request to take evidence shall be made in writing stating the names of the parties to the litigation, the manner in which the evidence is to be taken, the name, nationality, and domicile or residence of the person to be examined, and the matters to be investigated. In regard to criminal matters, the request shall be accompanied by a statement of the essential facts of the case.
4. In case the letter of request and documents annexed thereto are not written in the Japanese language, translation thereof into Japanese shall be appended to the original.
5. The State to which the Court making the request belongs shall guarantee the payment of the expenses incurred in the execution of the letter of request.
6. The State to which the Court making the request belongs shall assure that it could render judicial aid in the same or similar matters if so requested by the Japanese Courts.

In case where treaties or other documents of similar nature provides otherwise than as mentioned in the preceding paragraph, such provisions shall prevail.

### Article 2.

In case the execution of the letter of request falls within the jurisdiction of a Court other than that to which the request has been made, the latter shall transfer the same to the proper Court.

### Article 3.

The letter of request shall be executed in accordance with the laws of Japan.