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Revised Code of Civil Procedure was promulgated on June 26, 1996, and will come into effect within two years. Here is the translation of the amended Code of Civil Procedure.

THE CODE OF CIVIL PROCEDURE

BOOK 1 GENERAL PROVISIONS

CHAPTER 1 GENERAL RULES

Article 1 (Purpose)

Unless otherwise provided in other laws, the procedures with respect to the civil actions shall follow this Code.

Article 2 (Duties of courts and parties)

The court shall try to proceed the civil procedures fair and speedy, while the parties shall pursue the civil procedures with faith and sincerity.

Article 3 (Rules of Supreme Court)

Unless otherwise provided in this Code, the Rules of Supreme Court will provide the matters necessary for the civil procedures.

CHAPTER 2 COURT

Section 1 Jurisdiction

Article 4 (General forum)

1 A suit is under the jurisdiction of the court having the venue where the general forum of the defendant locates.

2 A general forum of a person is determined by his address, in case he does not have address in Japan or his address is not detected, by his residence, and in case he does not have residence in Japan or his residence is not detected, by his last address.

3 In case a general forum of an ambassador, a minister or other Japanese nationals who stay in a foreign country and are exempted from its jurisdiction, cannot be determined by the preceding paragraph, his general forum shall be determined by the Rules of Supreme Court.

4 A general forum of a legal person or other association or foundation is determined by its principal office or place of business, and in case it has no office or place of business, by the address of the representative in Japan or a leading person in charge of the business in question.

5 Notwithstanding the preceding paragraph, a general forum of foreign association or foundation

is determined by the principal office or place of business in Japan, and if there is no such office or place of business in Japan, by the address of the representative or a leading person in charge of the matter in question.

6 A general forum of Japanese government is determined by the location of the governmental office representing Japanese government for the suit in question.

Article 5 (Forum for proprietary claim and others)

The following suit may be brought before the court having a venue of the following respective place.

- 1) suit for proprietary claim: place of performance
- 2) suit for payment of promissory note or cheque: place of payment indicated on promissory note or cheque
- 3) suit for proprietary claim against seaman: place of ship's registry
- 4) suit for proprietary claim against a person who does not have address (in case of a legal person, office or place of business; hereinafter the same in this paragraph) in Japan or whose address is not known: place where is a subject of claim or its security or an asset of defendant which may be attached
- 5) suit against a person who has an office or place of business and involving business at such an office or place of business: place of such an office or place of business
- 6) suit against a shipowner a person utilizing a ship in connection with her or her voyage: place of ship's registry
- 7) suit for claim with ship as a security: place where ship exists
- 8) the following suit in connection with corporation, association or foundation: place of general forum of association or foundation
 - (i) a suit by a corporation or other association against an employee or ex-employee, a suit by an employee against another employee or an ex-employee or a suit by an ex-employee against an employee, based on a party's position as such.
 - (ii) a suit by an association or foundation against an officer or ex-officer, based on a party's position as such.
 - (iii) a suit by a corporation against an incorporator, ex-incorporator, inspector or ex-inspector, based on a party's position as such.
 - (iv) a suit by a creditor of a corporation or other association against an employee or ex-employee, based on a party's position as such.
- 9) suit for claim in tort: place where tort occurred
- 10) suit for claim arising out of maritime accident such as a collision of ships: place where a ship first reached to
- 11) suit with respect to marine salvage: place where marine salvage was made or where a salvaged ship first reached to
- 12) suit with respect to real property: place where real property locates
- 13) suit with respect to registration or recordation: place where such registration or recordation shall be made
- 14) suit with respect to succession, legal portion or testation or other conduct having effect due to death: place of general forum of the ancestor at the time of commencement of succession
- 15) suit with respect to inheritance or its incumbrance, which does not fall into the preceding paragraph, provided that any part or all of inheritance locates in a place where the court has the jurisdiction pursuant to the preceding paragraph: place as provided in the preceding paragraph

Article 6 (Forum for suit relating to patent, etc.)

In case the following court has a jurisdiction pursuant to the preceding two Articles over a suit with respect to patent, utility model, right to utilize circuit arrangement or copyright on computer program, the following respective court has the jurisdiction over the same suit: -

- 1) any district court which locates venue of Tokyo High Court, Nagoya High Court, Sendai High Court or Sapporo High Court, but excluding Tokyo District Court: Tokyo District Court
- 2) any district court which locates venue of Osaka High Court, Hiroshima High Court, Fukuoka High Court or Takamatsu High Court, but excluding Osaka District Court: Osaka District Court

Article 7 (Forum for joint claim)

In case of a suit for more than one claims, one may bring the suit before a court having a jurisdiction over any one of those claims in accordance with the preceding three Articles, provided however that the former part of Article 38 shall be followed for a suit by more than one plaintiffs or against more than one defendants.

Article 8 (Calculating value of object of suit)

1. In case the value of the subject of suit determines a court having the jurisdiction over the case in accordance with the Court Organization Law, the value shall be calculated as based on the interests the plaintiff asserts.
2. In case the calculation under the preceding paragraph cannot be made or is extremely difficult, the value shall be regarded as more than Yen 900,000.

Article 9 (Calculating value of object of joint suit)

1. In case a suit is brought for more than one claims, the value of the object of suit shall be accumulated by each claim.
2. In case a suit includes claim for any fruit, damages, penalty or cost, its amount shall not be included in calculation of the value of the object of the suit.

Article 10 (Designation of court)

1. In case a court having jurisdiction cannot pursue the case by reason of laws or situations, its appellate court will designate by its order a court to handle the case upon motion.
2. In case the court having the jurisdiction over a case cannot be determined by the reason that the courts' venue is unclear, their common appellate court will designate by its order a court to handle the case upon motion.
3. The order mentioned in the preceding two paragraph cannot be appealed.

Article 11 (Jurisdiction agreement)

1. Parties concerned may agree to a court of first instance having the jurisdiction over the matters concerned.
2. The jurisdiction agreement in the preceding paragraph shall become valid only if it is made in writing with respect to a suit for certain legal relationship.

Article 12 (Jurisdiction by defendant's answer)

1. In case a defendant pleads at the court of first instance or at its preliminary hearing without making any defence for wrong jurisdiction, the court has the valid jurisdiction over the case.

Article 13 (Exception of exclusive jurisdiction)

In case of there is a provision for exclusive jurisdiction in laws or regulations, Article 4-1, Articles 5 to 7 and the preceding two Articles shall not be applied.

Article 14 (Discretionary review)

The court may examine the evidences with respect to the matters for its jurisdiction.

Article 15 (Time to determine jurisdiction)

The jurisdiction of a court shall be determined based on the situations at the time of bringing a suit.

Article 16 (Treatment in case of wrong jurisdiction)

1. In case a court find that a whole or part of the subject of a suit is not belonged to its jurisdiction, the court will transfer the case to a court having a jurisdiction, upon having an application or by its discretion.
2. Notwithstanding the preceding paragraph, a district court may determine not to transfer a whole or part of the case to the summary court of its venue if it deems appropriate and upon having an application or by its discretion, provided however that it may not in case the case shall be under a sole jurisdiction of the summary court (except in case where the parties agree as provided in Article 11).

Article 17 (Transfer to avoid delay)

Even in case a court of the first instance has a jurisdiction over the case, it may, if it deems appropriate in order to avoid significant delay of the procedures or to balance the positions of the parties, transfer a whole or part of the case to another court having a jurisdiction over the case, upon having an application or by its discretion, taking into account addresses of the parties and the witnesses to be testified, the location of the subject to be examined and the other situations.

Article 18 (Discretionary transfer by summary court)

Even in case a summary court has a jurisdiction over the case, it may transfer the case to a district court having a venue over a whole or part of the case, if it deems appropriate, upon an application or by its discretion.

Article 19 (Compulsory transfer)

1. Even if a court of the first instance has a jurisdiction, it shall transfer a whole or part of the case to a district court or a summary court for which the party has applied, when a party make an application with the approval of the other parties, provided that it shall not need to in case the transfer would delay the procedures significantly or the application is made after the defendant submitted its answer or plead in the preparation hearing when the transfer is not the one to transfer the case from the summary court to the district court in the same venue.
2. The summary court shall transfer a whole or part of the case to the district court having the venue on the location of the real estate, upon having an application with respect to the suit for the real estate located in its venue, provided that it does not need to in case the defendant submitted its answer before such an application.

Article 20 (Restriction to transfer in case of the sole distriction)

The preceding three paragraphes will not be applied in case the case shall be under a sole jurisdiction of the court over the case (except in case where the parties agree as provided in Article 11).

Article 21 (Immediate complaint)

A party may submit an immediate complaint against an order to transfer or not to transfer.

Article 22 (Force of the order to transfer, etc.)

1. A final and conclusive order to transfer shall bind a court to which the case is transferred.
2. A court to which the case is transferred may not transfer the case to another court.
3. In case the order to transfer become final and conclusive, the suit shall be deemed as brought at the court to which the case is transferred at the outset.

Article 23 (Dismissal of judge)

1. A judge shall be dismissed in the following situations, provided however that in case of the following paragraph 6 the judge may pursue its work upon having the instruction from another court: -
 - (1) the judge or its spouse or ex-spouse is a party to the suit, or has common rights or duties with a party to the suit;
 - (2) the judge is or was a relative within the fourth degree of relationship by blood or within the three degree of relationship by marriage or a relative living in the same place;
 - (3) the judge is a guardian, a supervisor of guardianship or a curator;
 - (4) the judge becomes a witness or expert witness for the case;
 - (5) the judge is or was an attorney or counsel for a party with respect to the case; or
 - (6) the judge is involved in an arbitration or the procedure of the lower instance against which an appeal is made.
2. In case there is a situation to dismiss the judge as provided in the preceding paragraph, the court will issue an order to dismiss upon having an application or by its discretion.

Article 24 (Challenge against judge)

1. In case there is any situation as to the judge which would obstruct fair procedures, a party may challenge against the judge.
2. A party cannot challenge against the judge after it pleaded before the judge or pleaded in a preparation hearing, provided that this paragraph shall not be applied in case a party did not know such a situation or such a situation arose after such pleadings.

Article 25 (Order of dismissal or challenge)

1. A judge as a member of the panel or a judge of the district court shall be ordered by a court to which the judge belongs to dismiss or challenge, and a judge of the summary court by the district court having the same venue.
2. The order provided in the preceding paragraph by the district court shall be made by a panel.
3. Any judge cannot join the determination with respect to the dismissal or challenge which the judge is involved in.
4. The order to accept the application for dismissal or challenge shall not be complained.
5. Any party may submit an immediate complaint against the order to reject the application for dismissal or challenge.

Article 26 (Suspension of procedure)

In case of application for dismissal or challenge, the procedure shall be suspended until the order regarding dismissal or challenge become final and conclusive, except in case of emergency.

Article 27 (Application to court clerk)

Provisions in this Section shall be applied mutatis mutandis to court clerks, and in such cases the court to which the court clerk belongs shall make an order.

CHAPTER 3 PARTIES

Section 1 Capacity to be a party and capacity for suit

Article 28 (Principle)

Civil Code (Law No. 89 of Meiji 29th) and the other laws and regulations shall be applied with respect to the capacity to be a party, capacity for a suit and legal representation for a person incapable for a suit, except in case there is any provision to contrary. It is the same with respect to the authorization necessary for the procedures.

Article 29 (Capacity of association to be a party)

An association or foundation which is not a legal entity but has rules for its representative or administrator can be sued or can bring a suit in its name.

Article 30 (Representing party)

1. A number of persons having mutual interests but not falling into the preceding Article may chose from themselves one or several persons to be a plaintiff or defendant for all those persons.
2. In case a person to be a plaintiff or defendant is chosen after the suit become pending before the court pursuant to the preceding paragraph, the other persons will be automatically withdrawn from the suit.
3. A person who is not a party to the pending suit but has mutual interest with a party to the pending suit may appoint such a party to the suit as a party to be a plaintiff or defendant for its interests.
4. A person who appointed a representative party (hereinafter, 'representative party') as a plaintiff or defendant pursuant to the first or preceding paragraph hereof (hereinafter 'represented party') may cancel or change the appointment.
5. In case one of the representative party lost its capacity due to its death or the other reasons, the other representative party may act in the procedures for such other represented party.

Article 31 (Capacity of infant and interdict to pursue the procedure)

Infant or interdict can act in the procedure only through its legal representative, provided that infant can do so itself when permitted under laws.

Article 32 (Special rule of Quasi-incompetent or legal representative for procedural action)

1. Quasi-incompetent or legal representative may act in the procedure to counter the suit or appeal commenced by the other party without the approval or other authorization of its curator or guardianship supervisor.
2. Quasi-incompetent or legal representative shall obtain special authorization to do the following procedural action: -
 - (1) Withdrawal of suit, settlement, waiver or acceptance of complaint or withdrawal as provided in Article 48 (including cases provided in Articles 50(3) and 51);
 - (2) Withdrawal of appeal, final appeal or application under Article 318(1); or
 - (3) Withdrawal of the objection or acceptance to such withdrawal under Article 360 (including cases provided in Articles 367(2) and 378(2)).

Article 33 (Special rule for capacity of foreigner to be a party)

Even if a foreigner does not have a capacity to be a party under the laws of his country, he shall be deemed having such a capacity when the laws of Japan admit it.

Article 34 (Treatment in case of incapacity to be a party)

1. In case there is a defect of litigation capacity, legal representation or authorization necessary for procedural action, the court shall order its correction with a period fixed by the court. If in such case the delay would result damage, the court may permit a party to temporarily take procedural actions.
2. Any procedural action made by a person who does not have litigation capacity, legal representation or authorization necessary for procedural action will become valid retroactively by the ratification of a person who becomes to have such capacity or legal representative.
3. The preceding two paragraphes shall apply mutatis mutandis to the cases of representative party's procedural action.

Article 35 (Special representative)

1. In case there is no legal representative or the legal representative cannot act on behalf of the principal, one shall apply to the chief judge of the court for the appointment of the special representative with a plea to show a danger of damage by the delay in order to do procedural action against an infant or interdict.
2. The court may at any time change the special representative.
3. In order for the special representative to do procedural action, he shall have the same authorization as the guardian.

Article 36 (Notice of termination of legal representation)

1. Termination of the right of legal representation shall become effective by the notice of the principal or its representative to the other party.
2. The preceding paragraph shall apply mutatis mutandis to the case of termination or change of the selection of the representing party.

Section 1 Joint Suit

Article 38 (Condition for joint suit)

1. When the rights or liabilities for a suit are common to more than one persons or are based on the same ground of facts or laws, such more than one person may sue or be sued as co-litigants. The same will be applied when the rights or liabilities for the suit are the same kind and based on the same kind of facts and laws.

Article 39 (Position of co-litigants)

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