

# Translation of Japan's Private International Law: Act on the General Rules of Application of Laws

Translation by

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Introduction to Translation	
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## INTRODUCTION TO TRANSLATION

Japan's conflict of laws or private international law rules are, generally speaking, codified in a single act: the Act on the General Rules of Application of Laws (Application of Laws Act).<sup>i</sup> This law, originally enacted in 1898, was comprehensively revised in 2006, effective as of 1 January 2007.<sup>ii</sup> This single act provides Japanese courts with the basic rules for identifying the applicable law in contract, property, tort,

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\* This translation is a reprint from Asian-Pacific Law and Policy Journal 8 (2006) 138, available at <http://www.hawaii.edu/aplpj/>. A translation consistent with this one but using European style and citation form is published simultaneously at: K. ANDERSON / Y. OKUDA, Translation of Japan's Private International Law: Act on the General Rules of Application of Laws, in: Yearbook of Private International Law 8 (forthcoming 2007).

\*\* A German translation of the Act on the General Rules of Application of Laws can be found in: ZJapanR / J.Japan.L. 22 (2006) 265 ff. (*the editors*).

i *Hô no tekiyô ni kansuru tsûsoku-hô* [Act on the General Rules of Application of Laws], Law No. 10 of 1898 [hereinafter Application of Laws Act] (amended by Law No. 78 of 2006), <http://law.e-gov.go.jp/announce/H18HO078.html>. See Y. OKUDA, Reform of Japan's Private International Law: Act on the General Rules of the Application of Laws, in: Yearbook of Private International Law 8 (forthcoming 2007); K. TAKAHASHI, A Major Reform of Japanese Private International Law, in: Journal of Private International Law. 2 (2006) 311.

ii Application of Laws Act, *Fusoku* [Supplementary Provisions], art. 1; *Seirei* [Cabinet Order], No. 289 of 2006 (Sept. 8, 2006).

as well as special rules for product liability, consumer contracts, and labor agreements. The law also covers such topics as the effective date of statutes, when custom should be treated as law, and the law applicable in family and succession conflicts. Given this coverage, the practical significance of this law – and the importance of its translation – should be obvious to foreign lawyers.

In 2002 we provided a new, nuanced translation of the old conflicts statute.<sup>iii</sup> We outlined there our translation approach and particularly our attempt to provide a translation informed by a solid understanding of private international law. Our translation of the new wholly reformed law is consistent with that earlier translation, but also differs in two important ways. First, the 2006 reformed law uses modern Japanese rather than the formal 19<sup>th</sup> Century Japanese found in the early version. Thus, while still erring on the side of a strict translation, we have tried to use a less formal style. Second, in 2006 the Japanese government completed the *Standard Bilingual Dictionary*<sup>iv</sup> to promote consistency in the translation of Japanese laws into English. In this translation, we strived to be consistent with that dictionary and the principles outlined in its introduction.<sup>v</sup> Consistent with that we provide the standard disclaimer regarding the authority of the translation.<sup>vi</sup> Finally, translations are subtle and organic things. Therefore, we encourage colleagues to contact us regarding any suggested improvements, revisions, or corrections that we might incorporate into future versions.

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iii K. ANDERSON / Y. OKUDA, Horei, Act on the Application of Laws, Law No. 10 of 1898, in: *Asian-Pacific Law and Policy Journal* 3 (2002) 230. Please note that the LexisNexis and Westlaw online legal research services both list this translation as starting from page 8 and not page 230.

iv WORKING GROUP, CABINET SECRETARIAT, *Hôrei yôgo nichi-ei hyôjun taiyaku jisho* [Japanese-English Legal Terms Standard Bilingual Dictionary] (March 2006), <<http://www.cas.go.jp/jp/seisaku/hourei/dictionary.pdf>>.

v *Id.* at 1-16.

vi The English translation of this law (through the revisions of Act No. 78 of 2006) has been translated in compliance with the Standard Bilingual Dictionary (March 2006 edition). This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and the translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations. For all purposes of interpreting and applying law to any legal issue or dispute, users should consult the original Japanese texts published in the Official Gazette.