

○東京都知事等の損害賠償責任の一部免責に関する条例

○ Ordinance on Partial Exemption from Liability for Damages of the Governor of Tokyo

令和二年三月三十一日

March 31, 2020

条例第一〇号

Ordinance No. 10

東京都知事等の損害賠償責任の一部免責に関する条例を公布する。

The Ordinance on Partial Exemption from Liability for Damages of the Governor of Tokyo is hereby promulgated.

東京都知事等の損害賠償責任の一部免責に関する条例

Ordinance on Partial Exemption from Liability for Damages of the Governor of Tokyo

(目的)

(Purpose)

第一条 この条例は、地方自治法(昭和二十二年法律第六十七号。以下「法」という。)第二百四十三条の二の七第一項の規定に基づき、東京都知事、委員会の委員若しくは委員又は職員(警察法(昭和二十九年法律第百六十二号)第五十六条第一項に規定する地方警務官(以下「地方警務官」という。))を含み、法第二百四十三条の二の八第三項の規定による賠償の命令の対象となる者を除く。以下「東京都知事等」という。)の東京都に対する損害を賠償する責任(以下「損害賠償責任」という。)の一部免責に関し必要な事項を定めることを目的とする。

(令六条例九一・一部改正)

(Partially amended by Ordinance No. 91 of 2024)

Article 1 Based on the provisions of Article 243-2-7, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947, hereinafter referred to as the "Act"), the purpose of this ordinance is to prescribe the necessary matters related to the partial exemption from liability of the governor of Tokyo, committee members, members, and personnel (including local police officers as prescribed in Article 56, paragraph (1) of the Police Act (Act No. 162 of 1954) (hereinafter referred to as "Local Police Officers"), and excluding persons who are subject to an order for compensation pursuant to the provisions of Article 243-2-8, paragraph (3) of the Act; hereinafter referred to as the "TMG Personnel") to compensate the Tokyo Metropolitan Government for damages (hereinafter referred to as "Liability for Damages").

(損害賠償責任の一部免責)

(Partial Exemption from Liability for Damages)

第二条 東京都知事等は、当該東京都知事等の損害賠償責任のうち当該損害賠償責任を負う額から次条に規定する額を控除して得た額については、当該東京都知事等が職務を行うにつき善意でかつ重大な過失がないときは、これを賠償する責任を免れるものとする。

Article 2 When TMG Personnel perform their duties in good faith and without gross negligence, they shall be exempted from liability to compensate for their Liability for Damages with respect to the amount obtained by deducting the amount prescribed in the following Article from the amount for which the TMG Personnel is liable.

(法第二百四十三条の二の七第一項の条例で定める額)

(Amount Specified by Ordinance Referred to in Article 243-2-7, Paragraph (1) of the Act)

第三条 法第二百四十三条の二の七第一項の規定に基づき条例で定める額は、次の各号に掲げる東京都知事等の区分に応じ、それぞれ当該各号に定める額とする。

Article 3 The amount specified by ordinance based on the provisions of Article 243-2-7, paragraph (1) of the Act shall be the amount specified in each of the following items, in accordance with the category of the TMG Personnel.

一 地方警務官以外の東京都知事等 法第二百四十三条の二の七第一項の損害を賠償する責任の原因となった行為を行った日を含む会計年度において在職中に支給され、又は支給されるべき法第二百三条の二第一項若しくは第四項又は第二百四条第一項若しくは第二項の規定による給与(扶養手当、住居手当、通勤手当、単身赴任手当又は寒冷地手当が支給されている場合には、これらの手当を除く。)の一会計年度当たりの額に相当する額として総務省令で定める方法により算定される額に、次の区分に応じ、それぞれ当該区分に定める数を乗じて得た額

(i) TMG Personnel other than Local Police Officers The amount obtained by multiplying the amount which is equivalent to the salary that is paid during employment in the fiscal year that includes the date on which the act that caused the liability to compensate for damages under Article 243-2-7, paragraph (1) of the Act was performed, or which should be paid according to the provisions of Article 203-2, paragraph (1) or (4) or Article 204, paragraph (1) or (2) of the Act (if a dependent allowance, housing allowance, commuting allowance, unaccompanied transfer allowance, or cold region allowance is paid, these allowances are excluded), as calculated via the method specified in the Ministry of Internal Affairs and Communications ordinance, by the number specified for each of the following categories

イ 東京都知事 六

(a) Governor of Tokyo (vi)

ロ 副知事、教育委員会の教育長若しくは委員、公安委員会の委員、選挙管理委員会

の委員又は監査委員 四

(b) Vice governor, superintendent or member of a board of education, member of a public safety commission, member or audit committee member of an electoral administrative commission (iv)

ハ 人事委員会の委員、労働委員会の委員、収用委員会の委員、海区漁業調整委員会の委員、内水面漁場管理委員会の委員、固定資産評価審査委員会の委員、消防総監又は公営企業管理者 二

(c) Member of a personnel affairs committee, member of a labor relations commission, member of a expropriation committee, member of a sea-area fisheries adjustment commission, member of a inland waters fishing ground management commission, member of a fixed assets evaluation and review committee, a fire commissioner or a manager of a municipal enterprise (ii)

ニ 職員(ロ及びハに掲げる職員を除く。) 一

(d) Personnel (excluding personnel listed in (b) and (c)) (i)

二 地方警務官 国から法第二百四十三条の二の七第一項の損害を賠償する責任の原因となった行為を行った日を含む会計年度において在職中に支給され、又は支給されるべき一般職の職員の給与に関する法律(昭和二十五年法律第九十五号)その他の法律による給与(扶養手当、住居手当、通勤手当、単身赴任手当、在宅勤務等手当又は寒冷地手当が支給されている場合には、これらの手当を除く。)の一会計年度当たりの額に相当する額として総務省令で定める方法により算定される額に、次の区分に応じ、それぞれ当該区分に定める数を乗じて得た額

(ii) Local Police Officers The amount obtained by multiplying the amount which is equivalent to the salary that is paid by the national government during employment in the fiscal year that includes the date on which the act that caused the liability to compensate for damages under Article 243-2-7, paragraph (1) of the Act was performed, or which should be paid according to the Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950) or other law (if a dependent allowance, housing allowance, commuting allowance, unaccompanied transfer allowance, home-based work allowance or cold region allowance is paid, these allowances are excluded), as calculated via the method specified in the Ministry of Internal Affairs and Communications ordinance, by the number specified for each of the following categories

イ 警視総監 二

(a) Superintendent General (ii)

ロ 警視総監以外の地方警務官 一

(b) Local Police Officers other than the Superintendent General (i)

(令二条例六一・令六条例九一・一部改正)

(Partially amended by Ordinance No. 61 of 2020 and Ordinance No.91 of 2024)

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

1 この条例は、令和二年四月一日(以下「施行日」という。)から施行する。

(1) This ordinance comes into effect as of April 1, 2020 (hereinafter referred to as the "Effective Date").

(経過措置)

(Transitional Measures)

2 この条例の規定は、東京都知事等の施行日以後の行為に基づく損害賠償責任について適用する。

(2) The provisions of this ordinance shall apply to Liability for Damages based on the actions of TMG Personnel performed after the Effective Date.

3 施行日から漁業法等の一部を改正する等の法律(平成三十年法律第九十五号)附則第一条に規定する政令で定める日の前日までの間における第三条の規定の適用については、同条第一号ロ中「又は監査委員」とあるのは「、監査委員又は海区漁業調整委員会の委員」と、同号ハ中「海区漁業調整委員会の委員、内水面漁場管理委員会の委員」とあるのは「内水面漁場管理委員会の委員」とする。

(3) Regarding the application of the provisions of Article 3 during the period from the Effective Date to the day before the date specified by Cabinet Order as prescribed in Article 1 of the Supplementary Provisions of the Act for Partial Revision of the Fishery Act (Act No. 95 of 2018), “or audit committee member” in item (i)(b) of the same Article shall mean “audit committee member or member of a sea-area fisheries adjustment commission”, and “member of a sea-area fisheries adjustment commission, member of a inland waters fishing ground management commission” in (c) of the same item shall mean “member of a inland waters fishing ground management commission”.

附 則(令和二年条例第六一号)

Supplementary Provisions (Ordinance No. 61 of 2020)

この条例は、公布の日から施行する。

This ordinance comes in effect as of the date of promulgation.

附 則(令和六年条例第九一号)

Supplementary Provisions (Ordinance No. 91 of 2024)

この条例は、令和六年四月一日から施行する。

This Ordinance comes into effect as of April 1, 2024.

